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Northern Ireland Assembly

Tuesday 3 December 2013

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

Members observed two minutes' silence.

Ministerial Statements

North/South Ministerial Council: Environment

Mr Durkan (The Minister of the Environment): With your permission, Mr Speaker, and in compliance with section 52 of the Northern Ireland Act 1998, I wish to make the following statement on the eighteenth meeting of the North/South Ministerial Council in environment sectoral format, which was held in Armagh on Wednesday 30 October 2013. The statement has been agreed with Mr Kennedy. I would like to start by apologising to the House for the late arrival of copies of the statement. If it is any consolation, I did not get mine too far ahead of you, but I assure the House that, in future, Members will have them in a much more timely fashion.

Danny Kennedy MLA, Minister for Regional Development, and I represented the Northern Ireland Executive at the meeting. The Irish Government were represented by Phil Hogan TD, Minister for the Environment, Community and Local Government. Minister Hogan chaired the meeting.

Ministers noted that the Council approved the terms of reference for an all-island air quality research study into the issue of airborne pollution from residential smoky coal combustion at its meeting on 10 July 2013. The Council welcomed the fact that the procurement process for the study has been initiated, and the study is expected to be completed by May 2014.

The Council welcomed the publication of the revised waste management strategy, 'Delivering Resource Efficiency', in October 2013. Ministers noted publication of the 'All Island Bulky Waste Reuse Best Practice Management Feasibility Study' in July 2013. The Council noted that the North West Region Waste Management Group appointed a preferred bidder on 23 May 2013 and is working towards reaching contract close.

Ministers noted that the Northern Ireland carrier bag levy for single-use bags is to be kept at 5p, and legislation, if approved by the Assembly, will extend the cost to low-cost reusable carrier bags from April 2014.

Ministers noted that revisions are being made to the waste tyre action plan to incorporate the Environment Committee's 12 recommendations.

The Council noted that the waste repatriation programme of work for 2013-14 has been agreed, and Ministers noted that site investigation works have been carried out at the first site in County Tyrone and that the removal of waste commenced early last month. The Council noted that Dublin City Council has established a framework agreement for the disposal of repatriated waste, and public procurement for the haulage of the repatriated waste to disposal facilities is continuing. The Council noted that joint enforcement action to deal with illegal operators is a priority for both Environment Ministers, and their Departments continue to target resources on that.

The Council noted that coordination continues between both jurisdictions on preparations for the second-cycle river basin management plans under the EU water framework directive. Ministers welcomed the continued coordination on the Clean Coast and Coastcare schemes and the coordination for the symposium on 28 November 2013. The Council also welcomed the presentation of Blue Flag awards in both jurisdictions but noted that there had been a decrease since the previous year due to the stricter award criteria set out in the revised bathing water directive.

Ministers welcomed the continued success of the QUESTOR research partnership in securing European funding for environmental science and technology projects that involve partners in Ireland, Northern Ireland, Europe and globally.

The Council noted that the Environmental Protection Agency (EPA) is currently finalising

the terms of reference for a comprehensive research study of the environmental impacts of hydraulic fracturing or fracking. It also noted that the Northern Ireland Environment Agency's second state of the environment report is due for publication by the end of 2013. The Ministers noted that the EPA is in the process of developing a new research programme for the period 2014-2020. The Council noted that legislation currently before the Oireachtas that will enable Science Foundation Ireland to provide research funding on an all-island basis is due to be enacted by the year end.

The Council agreed to hold the next environment meeting on 8 May 2014.

Ms Lo (The Chairperson of the Committee for the Environment): I thank the Minister for his statement. I welcome the fact that the Minister mentioned, at the meeting, the incorporation of the Environment Committee's recommendations on the action plan for used tyres. At the meeting, the Minister also mentioned that the commencement date for the extension of the cost to reusable carrier bags will be from April 2014. I am not sure if the Minister is aware of this, but we are seeking his approval — we have been working with officials — to delay the commencement of the carrier bags levy until January 2016. Can the Minister clarify that point?

Mr Durkan: I thank the Chair of the Environment Committee for her question. I am fully aware of the thoughts of the Environment Committee on the issue. You are looking to persuade me to extend this to January 2015.

Ms Lo: Yes, 2015. Sorry.

Mr Durkan: In which case, you will not have to try too hard; in fact, I have already been persuaded. However, today, I am giving a report of the meeting that I had with my counterpart in the Republic of Ireland. I was unaware of that at that stage.

Mr Ross: The Minister referred to the carrier bag levy. Was there any discussion of the impact that it has had not on the reduction of plastic bags at the checkout but on the sales of other types of plastic bag being reported by supermarkets? Also, has there been any reported increase in shoplifting since the introduction of the carrier bag levy?

Mr Durkan: Thank you, Mr Ross. We have seen the impact of the carrier bag levy, certainly, in the reduction of single-use carrier bags. However, compared with other

jurisdictions, we have not seen a huge increase in the reuse of reusable bags. In fact, because some of the low-cost reusable bags are so cheap and are not much dearer than a single-use bag, our fear is that they are becoming the new throwaway bag, if you like, and that many people are paying the 5p or 6p for them without necessarily reusing them. That was completely counterproductive. Given the fact that they were made for multiple uses, they are actually worse for the environment than the original 5p or low-cost bags. They are much less biodegradable. That is why I have made the decision to extend the levy. Although I am keeping it at 5p, I am extending that levy to low-cost reusable bags under the value of 20p. Hopefully, when we attach more value to them, people will start to reuse them more and, therefore, there will be fewer plastic carrier bags in circulation.

Mr Boylan: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a ráiteas. I welcome the Minister's statement, but I am somewhat disappointed that road safety was not mentioned. Will he bring that forward in the next plenary session? Could he outline to date what new measures he has been working on with the other jurisdiction to reduce fatalities on the roads?

Mr Durkan: Go raibh maith agat, Mr Boylan. I am sorry that the Member is disappointed that I have not mentioned road safety in the statement. Road safety was not an issue at the meeting in environment sectoral format. However, last week, when I met Leo Varadkar in transport sectoral format, road safety was to the fore. We share our air and water, and we share our roads. Therefore, it is essential that we have cooperation and collaboration by both jurisdictions on issues of huge importance, such as road safety. That is, certainly, one that is very close to my heart and, I am sure, that of many other Members.

Work is ongoing between jurisdictions, particularly on the mutual recognition of penalty points. I hope to bring forward a road traffic safety improvements Bill early next year that will deal with other issues around graduated learning programmes and bring us into greater harmony with the Republic on drink driving limits. That issue is recognised by the Ministers with responsibility for the environment and transport in the Republic. I look forward to working with them on that.

Mr A Maginness: I thank the Minister for his comprehensive statement. This meeting and previous meetings underline the importance of

having the environment at the very heart of North/South relations. I note that, on page 1, under "Waste Management", it states:

"The Council welcomed the publication of the revised Waste Management Strategy 'Delivering Resource Efficiency' in October 2013."

Will the Minister outline the main thrust of the revised waste management strategy? Is there a common approach throughout the island of Ireland to that strategy?

10.45 am

Mr Durkan: Thank you, Mr Maginness. The revised waste management strategy takes forward policies that are aimed at moving Northern Ireland from resource management to resource efficiency. The key targets and policies include 50% household waste recycling by 2020; 70% construction and demolition waste recycling by 2020; a 60% recycling target for local authority-collected municipal waste by 2020; higher recycling targets for packaging waste; and landfill restriction on separately collected food waste from households and businesses.

As regards a commonality of approach with Ireland, the revised waste management strategy takes into consideration the new and emerging waste strategies across these islands and not just on this island. For example, as I outlined, my Department is developing proposals to ban separately collected food waste from households and businesses going to landfill, but the development of a landfill restriction on food waste will provide a degree of commonality with our neighbours.

The Department is also exploring the potential for an all-island reuse quality mark for future proposal to the NSMC.

Mr Kinahan: I thank the Minister for his statement. It has been a little while since I was on the Environment Committee, but, when we talk about the used tyre action plan and the 12 recommendations, are we close to having in place a system whereby all movement of illegal tyres on both sides of the border can be dealt with so that we know exactly who can deal with them, whether that is the PSNI, the NIEA or councils? Do we have a thorough system for stopping the movement of illegal tyres?

Mr Durkan: Thank you, Mr Kinahan. I hope that we are close to that. The all-island used tyre survey has been published, and the

findings of the report indicate that, in 2010-11, there were almost 19,000 tons of used tyres in Northern Ireland and 39,000 in the Republic of Ireland. The majority of those tyres were recycled, but other management routes were reported on in the report. The recommendations in the final report focus mainly on data collection, management and reporting, and those areas are being taken forward by the Northern Ireland Environment Agency, the used tyres working group and the Department of the Environment, Community and Local Government in Ireland.

Mr McElduff: Go raibh maith agat, a Cheann Comhairle. Ba mhaith liom buíochas a ghabháil leis an Aire. I thank the Minister for his statement and for his answers so far. I want to focus on the cross-border movements of waste North/South. The Minister threw some bait out to me with his reference to County Tyrone. Site investigation works have been carried out at the first site in County Tyrone. Where precisely is that site? What cost is associated with removing and returning that waste? What is the scale of the job and the timeline for completion?

Mr Speaker: That was four questions, Minister. *[Laughter.]*

Mr Durkan: OK. The location of the site is beside County Derry. I will happily speak to the Member later about the finer details of the site and the costs associated with its clear-up. The issue of waste crossing borders is a very serious one, and we take it very seriously. I am glad to say that we are making progress on waste repatriation.

You will be aware of the commitment in the road map agreement with our counterparts in the Republic to undertake repatriation of waste. As I said, 15 sites have been identified with an estimated total of a quarter of a million tons of waste to be recovered. Works began in 2010, and the planned commitment of completing two sites a year has continued. Although six sites have been completed since 2010, a total of almost 64,000 tons of waste has been repatriated, and three further sites are scheduled for waste clearance this year. I have identified one in Tyrone, and there is one in Fermanagh. I will speak to you later on the detail of it.

Mr P Ramsey: I welcome the Minister's statement. Although road safety did not form part of the formal statement to the House, the Minister referred to the importance of road safety. I welcome the television advertisements, which are having an increasing

impact. Our constituents, Mr Speaker, are involved in and contribute to that programme. Will the Minister support me in making a clear call to drivers across Northern Ireland not to drink and drive in any circumstances, particularly as our roads in Northern Ireland become much busier coming up to Christmas? I plea for all people to drive safely on the roads.

Mr Durkan: Thank you, Mr Ramsey, for giving me the opportunity — I was remiss not to use it when Mr Boylan gave me the opportunity earlier — to remind people of the importance of staying safe on our roads, particularly as we enter the Christmas period, a time that is all too sadly and all too often associated with death and destruction on our roads. I acknowledge Mr Ramsey's point about the television advertisement campaign run by my Department. I again underline the importance of that medium in driving down deaths and serious injuries on our roads. Through improved education, more enforcement and improved engineering, we have seen the rates of road deaths in Northern Ireland come down very well, and now we are one of the safer countries in Europe as regards deaths on our roads. However, we cannot be complacent, and we must continue to reinforce the message of keeping people safe on our roads and people taking responsibility to keep themselves and other road users safe.

Mr Allister: I note the reference to the Republic's Environmental Protection Agency conducting what is called a comprehensive research study of fracking. Are we contributing to the cost of that? Is that really just a stalling measure, given the Minister's ideological opposition to fracking, to put off the day when a decision might have to be made about that matter? What is the timescale?

Mr Durkan: Thank you, Mr Allister, for telling me what my ideological position is. I have stated in the House and outside it that, in the absence of scientific evidence that fracking is safe and sustainable, I will not permit fracking or I will look unfavourably on any application from a company to introduce or start fracking here in the North. My Department co-funds that programme of research. It is important that we find out more facts about fracking or hydraulic fracturing. I do not have a timescale, but I will endeavour to find out when we expect results to come in from the research and then be analysed further.

Ms Brown: I thank the Minister for his statement. Will the Minister assure us that a good, robust communication plan will be put in

place for the introduction of phase 2 of the carrier bag levy, especially on the back of the very successful phase 1, in order to avoid the confusion that may come to consumers on the implementation of phase 2?

Mr Durkan: Thank you, Ms Brown. I assure the Member that there will be a communication strategy in place. Communication has been key to the success of phase 1 of the levy and will be key to the success of part 2. We need buy-in from the public. They need to realise why we are asking them to pay for bags. I think that they have embraced the carrier bag levy. We also need participation and buy-in from retailers. That is why I listened to the Committee about slowing down the phasing in of phase 2 in order to give retailers time to prepare for it.

Economic Inactivity: Strategic Framework

Dr Farry (The Minister for Employment and Learning): With your permission, Mr Speaker, I will make a statement on a new strategic framework to tackle economic inactivity in Northern Ireland.

The Executive's Programme for Government includes a commitment from my Department and the Department of Enterprise, Trade and Investment (DETI) to develop and implement a strategy to reduce economic inactivity through skills, training, incentives and job creation. The statement has been agreed with my partner in that regard, the Minister of Enterprise, Trade and Investment.

To reflect the need to develop a holistic approach to tackling economic inactivity, the strategic framework has been developed in close partnership with other key stakeholders, including the Department for Social Development (DSD), Invest Northern Ireland and the Department of Health, Social Services and Public Safety (DHSSPS). I thank those Departments for their valuable contribution to date and their continued cooperation through the development and implementation phases.

Economic inactivity is a labour market classification referring to those neither in work nor unemployed. The baseline study analysed economic inactivity by charting labour market trends over recent decades and compared the situation in Northern Ireland with the Republic of Ireland and elsewhere in the United Kingdom. The current rate of economic inactivity in Northern Ireland is 27.4%. That equates to more than 315,000 people aged between 16 and 64 who are neither in work nor unemployed. I am sure that Members will agree that those figures outline the stark scale of the problem. That is the highest rate across all regions of the UK. Although some states and regions in the European Union and elsewhere in the developed world have higher rates, our situation is challenging in the international context. This level of economic inactivity has been a persistent feature of our economy over the past 30 years, falling within the range of 26% and 32%, irrespective of changes in the economic cycle. Economic inactivity represents a major structural problem in our economy, which, if unaddressed, will limit our ability to develop and transform our economic prospects.

Members may recall that I made a statement earlier this year on the outcomes of the

baseline analysis of economic inactivity in Northern Ireland. The baseline study was the first step in the development of the strategic framework and provided a detailed analysis of inactivity in Northern Ireland. It may be useful, therefore, if I spend a few moments summarising the main findings of that study.

Through a detailed analysis of the factors contributing to economic inactivity and the characteristics of those classified as inactive, the study highlighted key areas that the strategic framework should address. Those include developing policy initiatives to help those who are long-term sick and/or persons with disabilities and those with family commitments to re-engage with the labour market; helping older workers get back into work through tackling discrimination barriers, increasing opportunities, and addressing issues of self-confidence and skill level; utilising the outcomes of in-depth analysis to pinpoint policy areas for intervention; developing initiatives with key stakeholders, including health professionals, that will motivate the economically inactive to adopt a positive approach to work; and helping women and lone parents to move into employment.

The overarching strategic goal is to contribute towards a stable and competitive employment rate of over 70% by 2023, through a reduction in the proportion of the working-age population classified as economically inactive. That reflects our assessment of what constitutes a more balanced labour market that engages people more fully and utilises their skills and talents. In particular, it is worth stressing that our focus is on the overall employment rate. We are not interested in simply reducing economic inactivity through shifting people into the unemployment category or moving people from unemployment into inactivity.

11.00 am

Although our future actions will take into account the changing landscape that arises from welfare reform, they will not be part of the proposed changes to the welfare reform system nor will they be motivated by them. Rather, our response is directed at addressing what has become a long-term structural problem within our economy.

Economic inactivity can be broken down into a number of categories, including those who are in full-time education or retired. Those who are in education are in a benign form of economic inactivity as they are developing their knowledge and skills so that, shortly, they can play a full role in the economy.

The target groups of the strategic framework comprise individuals who would benefit from entry into the labour market but are unable to do so because of health conditions or disabilities that limit their ability to work or family commitments that leave them dependent on out-of-work benefits. I fully recognise that not every person who falls into those categories will be in a position to engage with the labour market or will wish to do so. It is important to stress that the framework will be about supporting people to make transitions when they opt to do so; it is not about compulsion.

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

I fully recognise that the health condition of some in the former group may prevent their progression into work. However, I also recognise that many who have work-limiting conditions or are in a work-limiting situation might, with the right level of support, be able to participate in some way in the labour market.

For both groups, disengagement from working life can restrict the development of the individuals, their families and society. The barriers that the groups face are complex, ranging from a lack of skills and qualifications to psychological issues, such as low motivation and confidence. The barriers will also vary across the two target categories: for example, people who are inactive because of family commitments often have a higher level of skills than the group comprising people with disabilities. The strategic framework seeks, therefore, to address those barriers and ensure that wider attitudes to age or ill health do not impede progress towards work. A clear analysis of the underlying issues will assist the development of the most appropriate support interventions.

The achievement of the overarching goal of a stable and healthy employment rate of over 70% by 2023 will be dependent on the fulfilment of the following strategic objectives: reducing the level of economic inactivity because of work-limiting health conditions or disabilities by helping individuals in that group to move into employment; reducing the level of economic inactivity because of family commitments by helping lone parents in receipt of out-of-work benefits to move into employment; reducing the inflows to the economically inactive groups through initiatives designed to promote flexible working, extend working lives and maintain employment for individuals who develop health conditions or take on caring responsibilities; and contributing to a reduction in the unemployment rate to pre-recession levels

through programmes designed to alleviate barriers to employment.

The achievement of these objectives will require a wide range of actions. The development process has been informed by international best practice to provide a strong foundation for its key actions. We have also, during the development of the strategic framework, undertaken a series of engagements with key stakeholders to better inform our proposals.

The initiatives can be summarised under four key themes. The first theme is increasing engagement and support by promoting the value of work and increasing access to pre-employment and in-work support through innovative new pilot projects, including an extensive mapping exercise of existing service provision to improve connectivity between services.

The second theme involves increasing job opportunities for the unemployed and the economically inactive through new support and incentives for employers to hire such individuals. We propose to facilitate that through a targeted and calibrated subsidy scheme for employers, which will include a guaranteed employment progression route for inactive individuals, through skills training and bespoke support, to promote sustained and meaningful employment.

The third theme involves addressing wider barriers by alleviating or removing wider societal issues that limit engagement with the labour market. That can be done through a series of new measures to help older workers and individuals with mental health issues to overcome disadvantages in the workplace.

The fourth theme is breaking the cycle of inactivity by reducing inflows into the economically inactive groups. That can be done by building on existing strategies and initiatives across government to improve education and employment outcomes for young people and improving advice and support for those at risk of disengaging from the labour market. Specific actions will include a detailed analysis of the options to better integrate health and work services in Northern Ireland.

It is important to recognise that, across the Executive, we are already taking action to support those in our key target groups to engage with the labour market. Indeed, an early initial action to be taken forward by the strategic framework will include new research to map the current service landscape in order to

better connect with and improve outcomes for the target groups. We also propose to undertake a series of innovative pilot projects designed to test new approaches to re-engaging and supporting inactive individuals and to build upon the good work already being undertaken to address economic inactivity.

An early key focus of the new strategic framework will be to put in place a new regime to test a limited number of small-scale initiatives for their potential to improve outcomes for the economically inactive. This approach avoids prescriptive solutions and encourages new ideas and models of best practice, and those that are ineffective can be identified. The former can then be scaled up and the latter avoided at relatively little cost. In that way, public confidence and value for money in any wider policy implementation can be ensured.

The policy areas for the pilots to address will include: factors contributing to inactivity in urban and rural settings; skills deficits and barriers that limit engagement with the labour market; mobility issues faced by inactive groups; promotion of early-level opportunities for the low-skilled to enter the labour market; and opportunities for the low-skilled to improve their skills levels and to progress into sustained employment.

Those key themes are intended to link, in a coordinated way, a range of diverse actions across the Northern Ireland Executive that can contribute to a reduction in economic inactivity in Northern Ireland and lead to greater economic participation through the creation of a more diverse, skilled and active working age population. The social and economic benefits of that are great. However, the scale of the challenge that we are setting for ourselves should not be underestimated. To put that in context, reducing the overall rate of economic inactivity by 2% would require a transition of more than 23,000 individuals currently designated as inactive into employment.

In order to achieve those key objectives, it is proposed that a new task force will be formed to coordinate and drive outcomes across Departments and to work closely with the business and community and voluntary sectors to increase wider public awareness of the major issues surrounding inactivity. The task force will provide strategic leadership throughout the life cycle of the strategy, from implementation to monitoring and evaluating progress.

Government alone does not have all the answers. The strategic framework has been informed by discussions with key stakeholders.

The next crucial stage of the development process will therefore be to publicly consult on the detail of our proposals with interested parties. We will undertake direct engagement with stakeholders early in the new year, and I take this early opportunity to urge everyone with an interest in this hugely important societal and economic issue to take the time to consider our proposals and to participate fully in the consultation exercise. The findings will then be used to inform the shape of the final strategy and the detailed outworkings of implementation. The development of a strategy to underpin those efforts is an unprecedented action by the Northern Ireland Executive, but I cannot overemphasise the fact that there is no quick-fix solution to the problem.

Efforts to address the multitude of complex factors and barriers that fuel the high rate of economic inactivity in Northern Ireland must be not only innovative but incrementally progressive to ensure that sustainable results are achieved. There are many individuals who, for a range of complex personal and health reasons, will never be able to fully engage with the labour market. However, there are also many individuals who, with the right level of support, will be able to participate in some meaningful work. We have a duty to do everything that we possibly can to help and support such individuals to meet their full potential to the benefit of the individual, given the positive factors associated with sustained employment, and to the benefit of Northern Ireland as a whole, given the economic and social advantages of having a more buoyant and competitive labour market.

Sustainable results cannot be delivered by government alone. We must coordinate the efforts of all key sectors and stakeholders to maximise the outcomes for those most in need of support. In doing so, I am confident that the final strategy will provide a long-term framework for greater economic participation in Northern Ireland.

Mr Swann (The Chairperson of the Committee for Employment and Learning): I thank the Minister for his statement. Minister, your Department has 13 strategies, with 233 recommendations, and 10 implementation plans, with 197 recommendations or actions. That is 430 recommendations or actions in total. In the statement, you say that the framework should develop policy initiatives to help those who are long-term sick and/or persons with disabilities and those with family commitments to re-engage with the labour market; to help older workers back into work; to increase opportunities and address issues of

self-confidence and skills levels; and to pinpoint specific policy areas for intervention. Are you seriously telling me that none of those 430 recommendations or actions is doing that? Given that our economic rate has been persistent for 30 years or more, do we know why previous approaches to the problem have not worked? Why are the current initiatives for tackling it not working? What is going to be different?

Dr Farry: I thank the Chair of the Committee for his comments. His party has a certain difficulty with strategies, but they are important. They encapsulate policy, the various initiatives that we are taking forward and new initiatives that need to be added to those. I would like to think that the list that the Member read out is reflective of the good work that has been undertaken by my Department, particularly in recent years. We are seeking to cover a wide range of interventions. In saying that, however, it is important to stress that we need to avoid one-size-fits-all solutions. My Department is dealing with the full spectrum of people in Northern Ireland who will be engaging with the labour market through a whole range of ways and at different levels, including the education system. We need to have in place policies that address the particular circumstances that people find themselves in and the particular challenges that need to be addressed.

A lot of the programmes in place already in my Department tend to cover the people who fall into the category of unemployed. Most of the other projects elsewhere in these islands and around Europe also focus on people who are unemployed. There is a particularly strong focus on youth unemployment. Up to now, economic inactivity has been a much neglected issue. It has, essentially, been accepted by policymakers as a given. What we are now doing through the strategic framework is a Programme for Government commitment. The First Minister and deputy First Minister were very keen to ensure that we were taking forward an initiative in that regard. It seeks to address what has been a structural problem in our economy for a number of decades. It has been persistent, irrespective of the ups and downs of the economic cycle. What I mean by that is that, when we had a situation in which times were good and there has been pressure for people coming forward into jobs, we have tended to fill those gaps through people coming into Northern Ireland. In many ways, that is a welcome addition that has added much to our economy; it has been a net benefit. However, in that context, we have not been able to make any inroads into economic inactivity, which has pointed to the fact that there are deep structural

problems that have to be addressed. We have an economic participation rate in the mid-60s per cent, which is the highest level of inactivity in the UK. That means that we have a large number of people who are not playing any active role in our economy. That is a resource that, in theory, should be available to us, but we are not fully drawing on it. As we look to transform our economy over the coming decades, we need to tap into that.

I fully recognise that there will be people who are not in a position to work. We are not talking about that. There are clear indications that tens of thousands of people who fall into that category would, with the right support, be willing to engage in the labour market. That is why the strategy provides added value. It will seek to address that. In doing that, it will draw on existing good practice across government to tie it together. After we do the mapping exercise, we will see where new interventions can follow from that.

Mr Buchanan: Minister, you mentioned in your statement key areas that the strategic framework should address. One of them is to develop initiatives with key stakeholders, including health professionals, that will motivate the economically inactive to adopt a positive approach to work and help them back into work. It is my understanding that you are reviewing whether you will continue to fund the condition management programme, which was set up for that specific purpose. Will you provide some clarity to the House on that matter?

11.15 am

Dr Farry: I thank the Member for his comments. He is right to make a very close association between what we can do around health issues, including public health and mental health, and helping people who are inactive to move into employment. As we move forward with the eventual strategy after the public consultation, I would like to see scope emerging for greater collaboration, for example between GPs and the employment service on referrals, or maybe an even more integrated service. Some interesting pilot work has been conducted on that in parts of Great Britain.

The condition management programme is a more specific matter. We are reviewing that programme. It has evolved in recent years from being an intervention that helps people into employment into largely a health issue. Therefore, there has to be a discussion between my Department and the Department of Health, Social Services and Public Safety about

how we can rebalance the intervention in that general area. Those discussions are ongoing, but the Member and others should not be under any illusion that we are not heavily committed to strong integration of employment service work and public health initiatives. On the back of this emerging strategy, we should be much better placed to link the two.

Mr Flanagan: Go raibh maith agat, a LeasCheann Comhairle. Experience in Britain has shown that increased conditionality on people who are officially accepted as too sick to work but deemed by the discredited work capability assessment as able to prepare for work has left a group of ESA claimants particularly vulnerable. What additional safeguards or flexibilities does the Minister intend to incorporate in any employment programme to ensure that those people, many of whom are suffering from mental illness, are not subject to a harsh loss of benefits through punitive sanctions as a result of their participation in any proposed scheme?

Dr Farry: I thank the Member for his question. He probably ran two or three different themes together, which I will try to work through. First, I want to stress that what we are taking forward as, today, a strategic framework and, in due course, a strategy, is not part of welfare reform. As I mentioned, this has been a structural issue in our economy for well over 30 years. There is an imperative, therefore, to address that. That said, what is happening in welfare reform is part of the landscape in which we are all working at present. I fully appreciate that decisions will be need to be taken by the Executive and the Assembly in due course about how welfare reform is taken forward in Northern Ireland. That is a very active and live debate.

On the question of how conditionality will impact on the strategy, welfare reform is approaching the issue by trying to move people from one form of conditionality to another. That, in some ways, can be something of an artificial move. This is about enabling people. I am not particularly interested in whether people fall under one welfare category or another, although that is a huge factor for them in the benefits they receive and the conditionality that they are under. This is about enabling people who are inactive to move into the world of work, and we know that more than 20,000 people are already indicating that, with the right support, they wish to take that journey.

The Member also mentioned the employment programme. He knows that I am moving from Steps to Work to Steps 2 Success. What we have in Northern Ireland is not a replication of

the GB work programme. We have our own specific employment programme, which is designed for Northern Ireland. All along, we have been very keen to avoid what is known as the black box whereby, when people are referred to the programme, they are essentially out of sight, out of mind, and left with the providers to work with. We will have very strong codes of conduct in place, and we are encouraging a strongly individual approach to be taken by the new providers in working with individuals and their particular circumstances. Quite clearly, the barriers that people have been facing, whether inactivity or unemployment, will have to be taken into account very strongly in deciding on the approach that is adopted to try to find work for them.

Mr P Ramsey: I warmly welcome the Minister's statement to the House this morning. Although the Minister of Enterprise, Trade and Investment has now left, clearly this is a joint initiative, and collaboration is needed by a number of Departments. Does the Minister acknowledge, as the Minister of Enterprise, Trade and Investment has done previously to me, that there is historical and consistent high levels of unemployment and economic inactivity in the north-west? There was a commitment to review unemployment, which has decreased across Northern Ireland but not in the north-west, where, unfortunately, levels are increasing. Will the Minister outline to the House any new initiatives for targeting those who are economically inactive and long-term unemployed in my constituency, in Derry and Strabane, who have been consistently long-term unemployed?

Dr Farry: I thank the Member for his question and for his welcome for the framework to date. Obviously, the north-west benefits from all the schemes that are in place. I have been particularly encouraged by the uptake of some of our initiatives, in which the north-west has been performing better than other parts of Northern Ireland. That said, I recognise that we have pockets of concentrated unemployment in the north-west that are higher than the Northern Ireland average. The same goes for figures on economic inactivity. It is important that we make the distinction between the two.

What I can say to the Member to give him reassurance is that we are moving towards a system of competitive piloting to take forward the emerging strategy in due course. This will be about people coming forward with ideas across the whole range of interventions we have identified, whether it is transport, childcare issues, mentoring people, dealing with other

mobility issues or trying to encourage better awareness of mental health issues in the workplace, to name a few of the different types of things that could come forward.

We also envisage that those things would come forward not necessarily on a pan-Northern Ireland basis but on a more local basis. So, it is entirely possible that proposals will come forward that are north-west specific and will seek to address some of the very particular circumstances that may have arisen in that part of our community. I would be delighted to see such proposals coming forward to see what type of solutions can be found.

On the back of that competitive piloting, we will be assessing where the biggest difference is being made and see which of the solutions can be scaled up, in the number of people being dealt with and in the geographical reach across Northern Ireland.

Mr Ross: In his statement, the Minister mentioned a number of subject areas in which he will be carrying out pilots. Will he give us more information about what those pilots will look like and whether he envisages them being rolled out across the whole of Northern Ireland or in specific areas?

Dr Farry: I thank the Member for his question. It touches similar ground to that in Mr Ramsey's question. It is worth stressing that this is very much a new initiative that is being taken forward. It is not just new for the Northern Ireland Executive in the sense that this has not been done before; I am led to understand that this is new in the context of these islands. So, we are in fairly uncharted territory. This is also recognition of the fact that we believe that this is a major structural problem and that we need to get to grips with it one way or another.

I am conscious that there are pockets of good practice already, particularly in Great Britain — in London, Glasgow and in parts of Wales — that we can draw upon, but there is an absence of overarching strategies. We are coming to this from the advantage of having a commitment to the strategy.

Given that we are in relatively new territory, rather than putting in place Northern Ireland-wide initiatives, which will involve a lot of design work and political capital to get them in place and a lot of uncertainty about what is going to be effective, I and other Ministers think it would be more productive to launch a system of competitive piloting. We will be issuing calls in a range of areas such as support with respect to transport, childcare, mentoring, promotional

activity in the workplace, and making employers aware of how to overcome various perceptions that may have built up. Through that system, we will see which pilots are most effective in delivering results and then see whether we can roll them out across Northern Ireland.

Mr McElduff: Go raibh maith agat. Maith thú, a LeasCheann Comhairle. Does the Minister agree that the participation of lone parents in any back-to-work scheme will have to be underpinned by regulations that reflect their additional responsibilities as carers? There will have to be flexible arrangements so that the interests of children are paramount at all times.

Dr Farry: I very much agree with the thrust of what the Member said. I have learnt to my cost that it is wise always to agree with Mr McElduff for the sake of a quieter life.

We have to be conscious that there are two main categories of people who we are trying to assist. The first category is those who are suffering with long-term sickness or disabilities. The other is those with family or caring commitments, who are often lone parents. It is worth spelling out that lone parents are predominantly female and that the overall economic participation figures for males and females vary considerably; I think that there is an almost 10% differential. I previously made a statement to the Assembly on that issue. It is important that we ensure that we maximise the use of resources across both genders to best effect. We are trying to address any imbalances that we find in our economy.

For people with caring responsibilities, it is not simply a case of saying, "There is a job. Off you go and access it". We have to put in place the support arrangements to ensure that they are able to do that. Obviously, the Executive are committed to bringing forward a childcare strategy, which will provide a considerable degree of support at a high level. There will also be a need for other support measures to be put in place. Flexible working goes hand in hand with that. The Member will also be aware that we will bring forward legislation in due course on parental leave and flexible working. That should also make a contribution in this area. It is also important to bear in mind that, at present, and even under future changes with the introduction of universal credit, there is an acknowledgement of the particular situation that women with caring responsibilities find themselves in.

Mrs Overend: I thank the Minister for his statement. The lack of employment

opportunities is a key issue that needs to be addressed before we can move people out of economic inactivity. The Minister proposes a subsidy scheme for employers, which will include a guaranteed employment progression route for inactive individuals through skills training and bespoke support. Can the Minister provide some detail on how that will work and what will be the cost? Who will pay for it? Can the Minister also tell us whether the proposals will feed into the review of apprenticeships?

Dr Farry: I thank the Member for her questions. To address the first point, this will not happen in a vacuum or on a stand-alone basis; it is part of the wider efforts of the Executive to create jobs. As we look to transform and grow our economy over the next number of years, it is important that we have schemes that work in tandem with each other. In particular, we could see a situation in the near future where there is pressure around employment. In the past, we have seen situations where that has been the case, but we have not been able to tap into the pool of people who are economically inactive. Instead, our economy has looked elsewhere for people to come in and fill those vacancies. It is important that we enable people to enter the labour market and that, in tandem, job creation activities proceed. Hopefully, the two will match up with each other.

Wage subsidies might be necessary as the strategy rolls out to provide an incentive to employers to reach into the market of those who are economically inactive. Some people might find themselves in situations where they are unable to compete with more experienced or work-ready people who are unemployed. Therefore, to crack that structural problem, we might need to put in place an incentive. Much more detailed work on how that will operate needs to take place over the next number of months, including addressing the level of intervention.

We need to do some cost modelling to ensure that it has been pitched at the most effective level. However, I draw the attention of the Member and others to the fact that the use of subsidies to employers around employment is not something new but something that has already been done, most recently as part of the youth employment scheme and also under the First Start strand of Steps to Work. Those interventions are designed to assist unemployed young people. There is a track record of that being a successful way of addressing what is otherwise a market failure.

11.30 am

Mr Allister: Of the 315,000 who are economically inactive, how many are just plain work-shy? Does the Minister think that welfare reform, if implemented, would do anything to shrink the work-shy constituency?

Dr Farry: I thank the Member for his questions in so far as it gives me an opportunity to stress again that I am approaching this from the basis that people in this society want to work if they have the capacity to do so or are not facing barriers. What has often happened with the economically inactive is that they have been, in a sense, forgotten by society. They have been written off, or they have written themselves off by saying that they do not have the capacity to engage with the labour market. There are very few people in this world who deliberately opt out of employment. It is not nice, it is not pleasant, and it limits opportunities for those people to interact, to support family and friends and to avail themselves of other opportunities that people who are in work are capable of accessing. Therefore, it is not a good place to be in. There are people who nonetheless find themselves trapped in that situation, and that is why it is important that we put measures in place to assist them.

Welfare reform is a separate issue from this strategy, and it is worth reinforcing that time after time. Irrespective of any decisions that have been taken or might still be taken for welfare reform at a UK-wide level or implemented in Northern Ireland under parity measures, it is something that we would wish to have done in Northern Ireland, given a structural problem has persisted for the past 30 years. Welfare reform in itself will facilitate a reassessment of people from different conditionality groups into others, and the system in Northern Ireland will respond and assist people as required. However, my motivation is not to get caught up too much in the particular categories that people find themselves in but to work with them to get them into meaningful employment, for their own sake and the sake of our economy, where that is an appropriate intervention for them to be engaged in.

Mrs Cochrane: I thank the Minister for his statement. Can any lessons be learned from international experience of delivering a strategy on economic inactivity? Why is the focus on aiming for an employment rate of at least 70%?

Dr Farry: I will answer that in the international context, and in some ways, this may also answer the Member's second question. Northern Ireland currently has an economic

participation rate of around 66% or 67%, which is the lowest of all UK regions. The UK average is over 70%, and in some regions the percentage will be pushing 75%. Some other high-performing European economies also have a participation figure of around mid-70%. Some other economies in Europe have participation figures lower than our own, including the Republic of Ireland and some of the southern European countries. In those situations, however, we are not fully utilising the people who are available to us and to the economy. There are people who wish to engage but who have, for various reasons, been excluded from engaging in the economy. Therefore, if we are to have a competitive economy, and if we are really to utilise the resources of people available to us to make our presence felt on the global stage, we need to address levels of economic inactivity.

The Member asked about the lessons available to us from other programmes. In the context of these islands, our strategy is, I believe, new and innovative. We are setting a precedent in trying to pull together existing programmes and see what scope there is for new programmes to be taken forward to build on existing practice. There are, however, a number of individual projects happening at local, and perhaps council, level in different communities across the UK. We have been exploring a number of lessons from Scotland, Wales and London. Those could form the basis of similar pilots to be taken forward in Northern Ireland under the competitive piloting process that we hope to roll out as part of the strategy in due course.

Mr McCallister: In an earlier reply, the Minister said that a targeted subsidy scheme for employers was not new. The Chair mentioned, in his opening question, that you have over 400 recommendations. So what exactly is new and different about this approach? Will any of the schemes that you are bringing in be specific to one skills sector? Will any sector be excluded?

Dr Farry: I thank the Member for his question. What is new is that, hitherto in Northern Ireland, there has not been a strategy to address economic inactivity. Although we have a well worked-out suite of strategies and interventions, they deal primarily with those who are in work or those who are unemployed. In so far as we address economic inactivity, we assist students, but we do not do so through a prism of regarding them as economically inactive. So we are moving into what is, essentially, new territory.

There is existing good practice in a number of schemes that Departments are taking forward

to help those who are inactive: for example, the work on neighbourhood renewal, the work on public health and early years intervention in education are all good strategic interventions that will address the need for a more balanced labour force as we go forward. However, there is a clear gap in the more immediate support that we can provide to people who find themselves in either of the two categories that I mentioned: the long-term sick or disabled; and those with family and caring commitments. With support, they might be able to overcome the barriers that they are experiencing and enter into work.

There is a wealth of new material coming forward on the back of this. I stress that government does not have all the answers. That is why, as part of the strategy, we will seek proposals, from different organisations and the community and voluntary sector, for programmes that can be taken forward to see which is the most effective. In that way, we can look at what we can scale up across Northern Ireland. I stress to Members that it is critical that we address this issue. This is a major structural problem in our economy that, if left unaddressed for years to come, will hamper our ability to compete in the global economy.

Mr Dickson: Thank you, Minister, for a lengthy and detailed statement that set out the complex interaction of issues that led to our current situation and which need to be unravelled and understood. Minister, you recently met the post-19 lobby group, which wants people to move into economic activity where practical. Will this strategy allow those who want to come forward with innovative ideas the opportunity to engage in the labour market? What will be the approach to delivering the strategic framework?

Dr Farry: I thank the Member for his questions. In answer to his second question, a task force will be set up across a number of Departments, and it will also work closely with the business community and the voluntary sector. It will want to map out the existing provision to see what is working and assess where there are gaps. We will then want to move to the system of competitive pilots. There will be a call for proposals, which will then need to be assessed and resourced. We want to see what has been successful and what has been less successful, and then focus resources on those that we can scale up on a successful basis across Northern Ireland.

With respect to taking forward that competitive piloting, we will be open to examining programmes that are geographically specific, as Mr Ramsey asked earlier, or programmes that

are focusing on very particular aspects of the wider economically inactive population. In terms of programmes that could fit under the evolving strategy from a learning difficulty perspective, yes, there will be scope for proposals to come forward in that regard. Already, we fund a number of programmes to assist people with learning difficulties, most notably through the European social fund, and that will continue. Also, a number of programmes are funded under the collaboration and innovation fund, under NEETs. We are also looking at the disability employment service and reviewing it to see how we can more effectively support people who wish to enter and be sustained in the labour market across a whole range of different conditions.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an ráiteas cuimsitheach. I thank the Minister for his comprehensive statement. There was much reference throughout it to welfare reform, specifically with regard to his proposal to undertake a series of innovative pilot projects designed to test new approaches to re-engage and support inactive individuals. What has been learned? What engagement has there been with the Department for Social Development to learn from the less well experiences of the work-related interviews, which seem to be, essentially, just tick-box exercises to get people in and out the door again?

Dr Farry: I thank the Member for his question. Let me reinforce that this is not part of welfare reform. It is something that we would have wished to do in any event, because economic inactivity is a structural problem within our economy. That said, welfare reform is a reality, and the particular shape of that reality is something that virtually all of us in this House are uncomfortable with in different ways. Sometimes, the artificial manner in which people have been recategorised from one area to another has caused us concerns.

The Department for Social Development is a key delivery partner in that regard. We will need to be informed of what is happening in terms of changes around welfare, so that we can shape our programmes to deal with the evolving balance of the inactive population. There will be people moved from one form of welfare to another, from no conditionality to a limited conditionality or full conditionality. Those decisions will be taken outside the context of this inactivity strategy and framework. We will simply respond to people as we find them and address their needs.

Let me reiterate my philosophy in approaching this. It is not about a situation where we artificially move people from one category to another, and, all of a sudden, people automatically move into jobs. I look at this from a different angle, whereby we try to address the barriers that people experience and see how we can empower and enable them. Most people want to work. It is not a case that people have opted out and need a degree of compulsion to move them along the journey. It is about how we can best support people who find themselves in situations where they experience barriers in their own lives or in the perception of employers.

Executive Committee Business

Tobacco Retailers Bill: Consideration Stage

Mr Deputy Speaker: I call the Minister of Health, Social Services and Public Safety to move the Tobacco Retailers Bill.

Moved. — [Mr Poots (The Minister of Health, Social Services and Public Safety).]

Mr Deputy Speaker: Members will have a copy of the Marshallled List of amendments detailing the order for consideration. The amendments had been grouped for debate in my provisional grouping of amendments selected list. There are two groups of amendments, and we will debate each group in turn. The first debate will be on the Minister's opposition to clauses 1, 5 and 6 and on amendment Nos 1 to 19, 39 and 41, which deal with the register of tobacco retailers and registration.

The second debate will be on amendment Nos 20 to 38, 40 and 42, which deal with offences, enforcement, powers and penalties, together with the Minister's opposition to clause 11. Once the debate on each group is completed, any further amendments to the group will be moved formally as we go through the Bill, and the question on each will be put without further debate. The questions on stand part will be taken at the appropriate points in the Bill. If that is clear, we shall proceed.

11.45 am

Clause 1 (Register of tobacco retailers)

Mr Deputy Speaker: We now come to the first group for debate, which is the Minister's opposition to clauses 1, 5 and 6 and amendment Nos 1 to 19, 39 and 41. Amendments in this group make provision for a register of tobacco retailers maintained by the registration authority, replace reference to "councils" with "registration authority", as well as making a number of other changes for entries in the register. Members will wish to note that if clause 1 stands part of the Bill, I will not call amendment Nos 1, 2, 3, 5 to 11, 13, 15, 17 to 19 and 39 and that amendment No 16 is consequential to amendment No 14.

I call the Minister of Health, Social Services and Public Safety to speak to his opposition to

clause 1 stand part and to address the amendments in the group.

Question proposed, That the clause stand part of the Bill.

The following amendments stood on the Marshallled List:

No 1: After clause 1 insert

"Register of tobacco retailers

1A.—(1) *The registration authority must, in accordance with the provisions of this Act, maintain a register of persons carrying on a tobacco business ('the Register').*

(2) *On the basis of information contained in the Register, the registration authority must, at all reasonable times, make available for public inspection—*

(a) a list of premises at which tobacco businesses are carried on; and

(b) such other information as may be prescribed.

(3) The registration authority must make available to each council and the Department such information contained in the Register as that council or the Department may require.

(4) Information made available under subsection (3) to a council may be used by the council only for the purpose of enabling it or assisting it to perform its functions under—

(a) this Act;

(b) Part 2 of the Health and Personal Social Services (Northern Ireland) Order 1978; and

(c) the Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991.

(5) In any proceedings for an offence under this Act a certificate issued by the registration authority which states that on any date a person was or was not registered in respect of any premises shall be evidence of the facts stated in it; and any such certificate which purports to be issued by the registration authority shall be taken to be so issued unless the contrary is proved.

(6) In this Act—

‘registered’ means entered in the Register, and ‘unregistered’ is to be construed accordingly;

‘the registration authority’ means a body which is established or constituted by or under Northern Ireland legislation and is prescribed for the purposes of this Act.”— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

No 2: In clause 2, page 1, line 11, leave out from “council” to the end of line 12 and insert “registration authority”.— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

No 3: In clause 2, page 2, line 6, leave out “council” and insert “registration authority”.— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

No 4: In clause 2, page 2, line 7, leave out “or” and insert—

“(aa) the applicant has, within the period of 5 years ending with the day on which the application is made, been convicted of an offence under section 170 or 170B of the Customs and Excise Management Act 1979 in relation to tobacco and been sentenced for that offence to a custodial sentence (whether suspended or not); or”.— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

No 5: In clause 2, page 2, line 8, leave out “council” and insert “registration authority”.— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

No 6: In clause 2, page 2, line 12, leave out “council” and insert “registration authority”.— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

No 7: In clause 2, page 2, line 14, leave out “council” and insert “registration authority”.— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

No 8: In clause 2, page 2, line 19, leave out “the council considers appropriate” and insert

“which the Department may direct the authority to include”.— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

No 9: In clause 2, page 2, line 20, leave out “council” and insert “registration authority”.—

[Mr Poots (The Minister of Health, Social Services and Public Safety).]

No 10: In clause 2, page 2, line 24, leave out “the council considers appropriate” and insert

“which the Department may direct the authority to include”.— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

No 11: In clause 3, page 2, line 30, leave out from “council” to “situated” in line 31 and insert “registration authority”.— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

No 12: In clause 3, page 2, line 35, leave out “3 months” and insert “28 days”.— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

No 13: In clause 4, page 2, line 38, leave out “A council” and insert “The registration authority”.— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

No 14: In clause 4, page 3, line 1, leave out subsection (2) and insert—

“(2) The registration authority must amend the Register so as to remove—

(a) references to registered premises in respect of which a restricted premises order has effect;

(b) a person’s entry from the Register where that person has, within a period of 5 years ending with the day on which the removal is made, been convicted of an offence under section 170 or 170B of the Customs and Excise Management Act 1979 in relation to tobacco and has been sentenced for that offence to a custodial sentence (whether suspended or not).”— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

No 15: In clause 4, page 3, line 4, leave out “A council” and insert “The registration authority”.— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

No 16: In clause 4, page 3, line 5, after “(2)” insert “(a)”.— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

No 17: In clause 4, page 3, line 8, leave out “A council” and insert “The registration authority”.— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

No 18: In clause 4, page 3, line 10, leave out “council” and insert “registration authority”.—
[Mr Poots (The Minister of Health, Social Services and Public Safety).]

No 19: In clause 4, page 3, line 13, leave out “a council” and insert “the registration authority”.—
[Mr Poots (The Minister of Health, Social Services and Public Safety).]

No 39: In clause 22, page 16, leave out lines 33 and 34 and insert—

“‘the Register’ has the meaning given in section 1A(1);

‘registered’, ‘unregistered’ and ‘the registration authority’ have the meanings given in section 1A(6);”— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

No 41: In clause 24, page 17, line 16, leave out “5(2),”.— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

Mr Poots (The Minister of Health, Social Services and Public Safety): Amendment No 1 inserts a new clause 1, the effect of which is to require a registration authority to maintain a register of tobacco retailers and to make that information available to the public at all reasonable times. The amendment was suggested by the Health Committee during its scrutiny of the Bill, as similar registers established in Scotland and the Republic of Ireland were based on a central registration system rather than a council-by-council system, and it will assist district councils in their enforcement of legislation. Therefore, I am thankful to Committee members for their input.

Amendment Nos 2, 3, 5, 6, 7, 8, 9, 10, 11, 13, 15, 17, 18 and 19 are technical in nature and are necessary following the change in legislation from registers held at local council level to a centralised registration system.

Amendment No 4 prohibits a person from registering as a tobacco retailer for a period of five years if he or she has committed an illicit tobacco offence that has resulted in a custodial sentence being applied. The amendment was suggested by the Health Committee during its scrutiny of the Bill, as was amendment No 14, which applies a similar sanction in relation to the existing retailers on the register. The amendments arose out of concern regarding the prolific availability of illicit tobacco and the fact that its reduced cost makes smoking a more affordable option for children and young people. Amendment No 16 is a technical

amendment required as a result of the inclusion of amendment No 14, and, again, I thank the Health Committee for its input.

Amendment No 12 requires that notification of any changes to the register should be given within 28 days of that change, rather than three months, which was initially proposed. The amendment was suggested by the Committee to assist councils in their enforcement of the legislation, and I thank it for its input.

Amendment No 39 is a technical amendment, which takes account of new clause 1A with regard to the meaning of “the Register”, “registered”, “unregistered” and “the registration authority”. Amendment No 41 removes the reference to clause 5(2), which was a regulation-making power, as I am proposing that clause 5 no longer stands part of the Bill.

Members will have noted on the Marshalled List my intention to oppose the questions that clauses 1, 5 and 6 stand part of the Bill. The various amendments being proposed to the Bill have resulted in the provisions in those clauses being inserted elsewhere or removed completely if they are no longer required.

Ms Maeve McLaughlin (The Chairperson of the Committee for Health, Social Services and Public Safety): Go raibh maith agat, a LeasCheann Comhairle. On behalf of the Committee, I welcome the Consideration Stage of the Tobacco Retailers Bill. The Bill is timely and welcome. Having looked closely at the Bill and what it has to offer, the Committee is confident that it will take us another step forward in tackling underage smoking, and, hence, in protecting the health of our children and young people. It will do that by introducing stricter sanctions against retailers who continue to sell tobacco to under-18s, thereby ensuring that the minimum age of sale policy is more rigorously applied by retailers.

The Bill was referred to the Committee on 23 April 2013. To ensure that there was enough time to scrutinise the legislation, the Committee sought an extension to 18 October. However, I am pleased to say that we finished a week ahead of schedule, thanks to the hard work of members and the cooperation of departmental officials.

The Committee received written submissions from 24 organisations and individuals, and took oral evidence from those representing the widest possible range of interested parties in the time available. Its report was completed on 9 October 2013.

The Committee's detailed scrutiny led to it recommending that the Department make amendments to a significant number of the 26 clauses in the Bill. I am pleased to report that all those recommendations have been accepted by the Minister and are reflected in the amendments that we are considering today. I thank the Minister for his cooperative approach and for taking on board the Committee's recommendations. I am sure that my Committee colleagues will support me in noting the good working relationship that was established between the Committee and the departmental officials at Committee Stage. That certainly helped the process along and paid dividends when it came to agreeing recommendations for amendments.

Before I talk specifically about the amendments in the first grouping, I wish to provide a brief overview of the key issues that we identified as we scrutinised the Bill. There was a major issue around whether there should be one central register or 26 separate registers maintained by the councils. Other issues included illicit tobacco offences and their relevance to the legislation; the importance of all relevant information being shared by all the organisations involved in enforcing the legislation; the severity of restricted premises and restricted sales orders; the importance of deterrents; and proxy purchasing. I will return to each of those issues later in the debate.

I will now comment on the first group of amendments. The Minister is proposing to oppose clause 1 and bring forward a new clause through amendment No 1. The Committee welcomes that. Amendment No 1 creates a registration authority that must maintain a register of persons who are running a tobacco retail business. The original clause 1 proposed that there be 26 separate registers, one for each council area. The Committee was concerned that the lack of a centralised system could result in information not being shared between councils as efficiently as it could be. In particular, members were concerned that details of people convicted of or given fixed penalty notices for tobacco offences, and people convicted of illicit tobacco offences, would not be routinely shared between the councils. The Committee, therefore, asked the Department to explore having a central register as well as or in place of the 26 council registers. We were pleased, therefore, that the Department accepted the Committee's point of view and that a registration authority is to be established.

The Committee is also content that amendment No 1 allows for the register to be made

available to the public, and we hope that it will be available online. That removes the need for clause 5, and the Committee supports the Minister's intention to oppose clause 5.

At Committee Stage, we also discussed with officials the possibility that the register would contain details of fixed penalty notices, convictions and restricted sales orders made against retailers listed on the register. The Department took the view that putting that type of information on a public register could potentially be challenged under human rights law. It also made the point that, the more complex the register became, the more it would cost to administer. Furthermore, if information were provided on fixed penalty notices, convictions and restricted sales orders, it would be imperative that it was kept continually up to date to avoid any errors that could potentially result in legal action against the registration authority. After considering the matter further and taking its own legal advice, the Committee agreed that it was content with the Department's rationale.

Amendment No 4 concerns who can apply to register as a tobacco retailer. That is a significant issue, and it was discussed at length by the Committee. We took the view that, given the responsibility that is involved in selling tobacco, somebody who has a serious conviction for selling illicit tobacco should be prevented from registering as a tobacco retailer. The Department's initial response was that this suggestion raised a number of issues that needed to be investigated further. First, there would be a need to define what a serious conviction is in the context of illicit sales. Secondly, there was an issue about the duration for which somebody could be banned from registering as a tobacco retailer if they have a previous conviction for selling illicit tobacco. Thirdly, there was an issue with regard to offender rehabilitation.

After further consideration, the Department proposed an amendment to clause 2, so that a person who has been convicted of an illicit tobacco offence resulting in a custodial sentence, whether it is suspended or not, shall not be allowed to register as a tobacco retailer for five years from the date of the conviction. The Committee welcomes that approach and Amendment No 4.

Amendment No 14 is linked to that issue. The Committee raised the issue of whether a retailer who was on the register and was later convicted of an illicit tobacco offence resulting in a custodial offence, whether it is suspended or not, would be automatically removed from

the register. The Department agreed that this was a sensible suggestion and subsequently proposed an amendment to clause 4 to that effect. The Committee is, therefore, content with amendment No 14.

Amendment No 12 relates to the duty on retailers to notify changes to their details as contained on the register. Councils felt that the time period for notifying a change of name or address or for notifying that a tobacco business is no longer being carried out at premises should be changed from three months to 28 days. In their view, that was a reasonable expectation and would ensure that the register was kept up to date. The Department agreed to make the amendment. The Committee, therefore, is content with Amendment No 12.

The Minister intends to oppose clause 6. Again, the Committee supports that. The clause, as drafted, states that councils must provide to other councils and the Department, if requested, the information that is contained in their own tobacco register. However, given that the registration authority will now maintain the register, rather than 26 councils keeping separate registers, the clause is no longer relevant. The issue of information sharing between the relevant bodies is dealt with in amendment No 36. I will address that matter later in the debate on the second group of amendments.

Amendment Nos 2, 3, 5, 6, 7, 8, 9, 10, 11, 13, 15, 16, 17, 18, 19, 39 and 41 are technical amendments that are proposed by the Minister. The Committee supports those amendments.

Mr Wells: This is an excellent example of how the Committee system in the Northern Ireland Assembly works. There was an initial Bill that the Committee largely supported in principle, but we wished to strengthen its clauses. On several occasions, we met officials from the Department. I have to say that the working relationship was excellent. In exactly the same way that we found when the sunbeds legislation was going through, there was willingness to meet the Committee halfway to explain the position very well and, where there were difficulties, to explain why the Department could not go down the line that the Committee wished to go down. As a result of that, the Bill is now a much better piece of legislation. It is much more balanced. Very importantly, it will tackle, to a large extent, the problem of underage smoking.

I welcome the legislation because it is part of a suite of measures that was introduced by— to be fair to him — the previous Minister, but,

more latterly, the present Minister to tackle the issue of tobacco. We must remember that 2,300 people a year die in Northern Ireland as a result of smoking-related diseases. A suite of measures, including the Bill, which deals with that important issue is, in my opinion, very timely.

The amendments that were put forward by the Minister and the Committee will make it more difficult for retailers to sell to those who are too young to consume tobacco products. Initially, there were meant to be 26 registers. An individual who lived in a certain district would look up the register for their area to ascertain whether a retailer was registered or otherwise. There were initial problems with that. First, not everybody in Northern Ireland knows in which district they live. There may be confusion. The retailer may be just across the boundary in another district.

Secondly, with the change in local government organisation when we move to a new council model, there will initially be even more confusion about where people live. We thought that in Northern Ireland, with a population of 1.8 million people in an area the size of Yorkshire, it should not have been beyond the realms of possibility for a central register to be maintained. The Department and the Minister readily agreed to that. With technology, we expect that people who are concerned about a particular retailer will simply log on, put in the appropriate address or postcode and will instantly know whether a person is behaving legally and is registered to sell tobacco.

12.00 noon

We heard some horror stories during Committee Stage about the cost of the system in Scotland. I got the impression that I had followed the wrong career in life and that I should be setting up IT systems to register tobacco retailers because, if that is the cost of the system, it really is extraordinary. I believe that it can be done in a very cheap and cheerful way. The information can be kept on a central website so that people can look it up, and it should not cost a huge amount of money. At the moment, we do not have a registration fee for those who wish to register to sell tobacco products, so the cost does not fall on small retailers.

This is important because the fundamental tenet of the Bill is the “three strikes and you’re out” principle. As a result of a young mystery shopper being sent by the environmental health department of a local council, if, on three

occasions within five years, a person is discovered to be selling tobacco products to young people, he or she loses their licence to sell tobacco. That is a very powerful deterrent, because tobacco retail in Northern Ireland is not so much about the profit that is made on the cigarettes or rolled tobacco sold; tobacco attracts people in to buy other, more profitable products such as newspapers, groceries or sweets. Therefore, the right to sell tobacco is absolutely crucial to the small retailer, who could never survive on selling tobacco products alone.

The real deterrent is that, after a series of misdemeanours, someone will lose the right to sell tobacco. That is absolutely right and will send out a clear signal throughout Northern Ireland that we will not tolerate young people obtaining tobacco. We have already stopped them getting cigarettes from vending machines, which has been extremely successful. We have also stopped point-of-display sales, which has already been rolled out in the big stores and will, more latterly, be introduced in small stores. Children will not have glamorous images of tobacco products in their face. I see this as the third leg of the stool, making it extremely difficult for them to go in —

Mr Allister: Will the Member give way?

Mr Wells: Certainly.

Mr Allister: Perhaps, with the Member's knowledge of the Committee's thinking, he could explain what he has just said about the principle of "three strikes and you're out" in amendment No 4. That amendment seems to require that you have been convicted and, indeed, been subject to a custodial sentence, suspended or not, to prevent you being registered. Why, then, if there is a "three strikes and you're out" approach, is that not reflected with the multiplicity of penalty notices being also a disqualifier? Why is that not also reflected in clause 4? Is there an explanation for that?

Mr Wells: Is the Member referring to amendment No 4 or clause 4?

Mr Allister: Amendment No 4.

Mr Wells: Amendment No 4, yes. For Members' interest, it says:

"the applicant has, within the period of 5 years ending with the day on which the application is made, been convicted of an offence under section 170 or 170B of the

Customs and Excise Management Act 1979".

There are two pieces of legislation here. There is the existing legislation, which covers the sale of illicit tobacco, which is the 1979 Act, and there is the new legislation, which covers those who sell tobacco to underage young people. My understanding is that that legislation is still not negated by what we propose and that, if someone is convicted of selling contraband tobacco, he or she can be excluded from selling tobacco and can be convicted. This provision is aimed at someone who has been caught on three separate occasions selling tobacco to underage purchasers. After the first and second warnings, there is, of course, provision for fines, but on the third occasion that person can lose his or her licence, which is a very powerful deterrent. The two are not mutually exclusive, and my understanding — I will stand aside for the Minister, who has a more expert view on this — is that you could be convicted for both offences.

Mr Allister: I am still a bit puzzled about why amendment No 4 sets it down that you have to have been convicted and had a custodial sentence before you are disbarred from being registered if there is an active prohibition resulting from penalty notices, through "three strikes and you're out". I would have thought that there should be a correlation between those so that an accumulation of penalty notices would equally prevent you, under what is being addressed in amendment No 4. Is there a reason why that does not?

Mr Wells: You could be convicted of dealing in illicit tobacco and not have incurred the wrath of your local council by being caught by what I have called the "mystery shopper". It is a technical issue, and I am sure that the Minister has the answer to it and will no doubt clarify it in his summation, but my reading of amendment No 4 is that it allows the authorities two ways of dealing with the issue. If you are selling illicit tobacco that has been smuggled, is contraband or is fake, you can be convicted, and there is a custodial sentence. Equally, if you are selling totally legitimate tobacco that has not been smuggled and is not counterfeit but you are caught on three occasions selling that to young people, you lose your right to sell tobacco. Of course, there is no custodial sentence attached to that particular misdemeanour. You simply lose the right to sell, which I still think is a huge deterrent. It is far and away the most important deterrent for tobacco retailers, because at the moment the sanctions are not particularly effective.

We do not realise that 82% of long-term smokers in Northern Ireland started in their teenage years. If we can prevent young people having ready access to tobacco products when they are young, the chances are that they will not take up the habit when they get into their 20s and 30s. Another statistic is that 80% of those who have taken up tobacco wish that they had not done so and are trying desperately to stop. There are very few people in Northern Ireland who are happy about the fact that they use tobacco products. Indeed, many of them regret the fact that, when they were in their teenage years, there was such ready access to tobacco. The Member has a much more detailed legal background than I have, so my interpretation could be on shaky ground, but I know that the departmental officials will readily provide an explanation that will help the Minister in his summation, and we will listen with interest.

Mr Beggs: Will the Member give way?

Mr Wells: Certainly.

Mr Beggs: I draw the Member's attention to clause 8(6), which clarifies that, if someone has been caught selling tobacco to underage people on at least two other occasions, the court may impose a ban on tobacco retailing. Therefore, there are two distinctly separate avenues. Originally, that was the proposal in the legislation, but, as a result of the Committee's intervention — I highlighted the issue myself originally — someone who has been convicted of a serious offence involving smuggling should not be entitled to be on the register in the first place. I hope that that is helpful.

Mr Wells: Remember, of course, that clause 8 will be amended by the Committee and the Minister's amendments. It refers to getting a fixed penalty notice or being convicted of a tobacco offence, so both offences are covered by that. For clarification, it is important that we get further explanation of that point.

I would have liked the register to have gone a bit further and included the details of convictions both of individuals and of premises, but I accept that, when we put that point to it, the Department explained in great detail the possible ramifications under human rights legislation of doing that. Reluctantly, I had to accept that it was right. We did not want this important legislation to be taken straight to judicial review or some form of court action and for that clause to fall or for the whole basis of the legislation to be brought into doubt, so, after

a lot of discussion, the Committee agreed that it would not go down that route. Perhaps that was the only area in which there was any active discussion or debate between us and the Department, so, at the end of the day, I reluctantly accepted that.

My basic view is that the legislation puts us ahead of the rest of the United Kingdom and the Irish Republic in dealing with the issue. Therefore, I hope that other parts of the UK will take note of what has happened. The Bill has benefited from the scrutiny of the Committee, from sympathetic consideration by the Department and from the Minister's willingness to meet the Committee on the important concerns that it had. Therefore, the Committee will not oppose any of the Minister's amendments.

A raft of amendments from the Chair of the Committee has been agreed with the Department, so there is no need for the House to divide on any of those. This is, in my opinion, the Assembly working at its best.

I pay tribute to Conall McDevitt, who had an important role in the early stages of the legislation and is not here to see it come to fruition. He was a very valuable member of the Committee. I am sure that Mr McKinney, who succeeded him, will be an equally valuable member. We respected Mr McDevitt's input into the legislation in the early stages, and I am sure that, had he still been here, he would have been quite happy with it.

Mr McKinney: I thank Mr Wells for his comments. Conall McDevitt was centrally involved in the early stages of the legislation, and I came along only recently. It is also important to reflect on what Mr Wells said about the background to the Bill. The 2,300 people dying in Northern Ireland each year as a result of smoking is too many, and many more suffer long-term illness.

The Bill is timely and welcome. With amendment, it will help to regulate smoking and curb the growing trend among young people, which is the direction of the legislation, which attempts to prevent younger people gaining access to cigarettes.

As the Chair said, the Committee received communications from many sources, and its decisions were well informed. I praise the Minister and departmental officials, who took a considered approach. The Committee took different views and was listened to. We believe that the legislation will be stronger as a result.

The SDLP is content that the Committee has rigorously interrogated aspects of the Bill, specifically the amendments. The Committee welcomed amendment No 1. The original clause, as was outlined, had 26 registers; a central register makes much more sense and avoids excessive red tape and bureaucracy. In amendment No 4, the period of five years is logical, and we are pleased that the Committee's recommendations were listened to. We are pleased with amendment No 12 and that the movement from three months to 28 days was accepted.

We are content to sit with the Committee's position on this and are pleased to see, as Mr Wells outlined, that the legislation was interrogated by the Committee and the Department. We hope that that has made it stronger legislation. I go back to the central point, however: this is about preventing young people accessing tobacco products, and we hope that it will lead to a significant reduction in the headline figures that I pointed out at the start.

Mr Beggs: I will briefly put the legislation into context. Members mentioned the 2,300 people who die in Northern Ireland each year from tobacco-related causes. On top of that, 17,000 tobacco-related admissions to hospital occur each year, and some 24% of our population still smoke. Interestingly, that percentage has remained stubbornly high and, in fact, has increased very slightly according to the most recent surveys. That means that, each year, while 2,300 people die from smoking-related diseases and many others suffer from them, at least 2,300 young people start to smoke. This is a very addictive drug —

Mr Wells: Will the Member give way?

Mr Beggs: Yes, I will.

Mr Wells: On Saturday, the public health authorities in GB calculated that half of the 521 teenagers who take up smoking every day in the United Kingdom will die from a smoking-related disease if they do not give up within a short period.

12.15 pm

Mr Beggs: I thank the Member for that information. That just reinforces the importance of protecting our young people and making them fully aware of the dangers of the disease, and also of protecting them by not enabling them to easily access something that is so

addictive and will cause them so much trouble in later life.

Recent surveys indicate that about 8% of our 11- to 16-year-olds are smoking. It is horrendous that people are becoming addicted at such a young age. One fifth of the test purchases by local councils find that retailers have been selling to underage persons. Other surveys indicate that up to half of purchases made by underage users are made directly from retailers. Clearly, something needs to be done to strengthen the legislation in that area and ensure that more of our young people will not suffer ill health in the long term as a result of acquiring an addiction to smoking. It is for that reason that I am very supportive of the legislation in principle.

I agree with others that the Committee Stage was very constructive. The Committee spotted weaknesses in the proposed legislation and suggested improvements, some of which were taken up. On other suggested improvements, having initially been told, "No, you can't do that", the Committee decided to seek further advice and come forward with amendments. Thankfully, the Department, having a clear message from the Committee, did further research, changed its mind and is seeking to strengthen the legislation in a number of areas with the amendments that have been proposed by the Minister. I agree with others that there has been constructive engagement between the Committee and the Department and the Minister to bring about much better legislation. I fully support all the amendments in the Minister's name, many of which have their origins in the Committee.

Clause 1 allows the councils to control the 26 registers. The Committee highlighted a degree of duplication there. There is the potential for a lack of sharing of information. An individual with retail shops in two council areas might be engaged in bad practice in one area, and it would be up to that council area to tip off the other area that the individual needs to be under particular scrutiny. It seems much more sensible to have a central register that is widely shared between all the councils that are required to try to enforce the legislation. So I support amendment No 1, which replaces clause 1. I note the opposition to clauses 5 and 6, which are related. Amendment No 1, with its provision for a central register and guidance around that, is a much better way of regulating the register, keeping a close eye and sharing information.

I agree with Mr Wells that it would be nice if there was a huge level of detail in the register,

but I had to accept the points made by the officials that it would be bureaucratic and might cost a significant amount of money. Ultimately, it might have to be paid for by ratepayers. On top of that, there would be risks from not having accurate information on it, which could affect someone's business incorrectly. For those reasons, I accept that it has to be kept to a reasonable level of detail, as Mr Wells said.

If it is agreed that there should be a central register, there are many more amendments that automatically flow from that, which largely replace "council" with "registration authority". Amendment Nos 2, 3, 5, 6, 7, 8, 9, 11, 13, 15, 17, 18, 19 and 39 deal with that, and I support all of them.

Amendment No 41 is a consequential amendment of removing clause 5, and I support it.

One of the issues that I raised was about those who may have been convicted under the regulations of smuggling tobacco, which the Department had previously overlooked. I was grateful for the support of the rest of the Committee on this, particularly from my SDLP colleague Conall McDevitt who, along with me, highlighted the issue in the early days. The Department, in fact, told us that you could not use the legislation — I am referring to the Customs and Excise Management Act 1979 — when considering whether someone is suitable for retailing. It strikes me that someone who is convicted of the serious offence of smuggling obviously has no regard for the law. If they are willing to profit from smuggling illegal and maybe even counterfeit cigarettes, they clearly have no regard for an individual's health. As such, I would say that there is a high risk that such individuals also have no regard for whether they sell cigarettes to young people under the legal age. Given all those risk factors, I think that it is entirely right that we should prevent them joining the register in the first place, as per amendment No 4. Not only that but if they were already on the register, it would be inappropriate for them to remain on it if they had been convicted of a serious offence involving a custodial sentence. From my reading of it, amendment No 14 therefore allows for the removal of such people from the register. That is a very significant power that will stop those who may be profiting and surviving in a very competitive market while others, who are operating legally, may be forced to close. It is important that we have a level playing field and that we stop those who are breaking the law and are profiting from illegal activity from undermining legitimate business. So, I think that it is right that we

should remove such serious offenders from the register.

I also support amendment No 12. The relevant clause originally said that a retailer would have three months to apply to join the register. Applying to join the register is a very simple process, with a minimum amount of information needed. It is not complicated and it is free. No one, therefore, should require a long time to complete it. However, originally, retailers were to be given three months to join the register. What message was that sending? It was not saying that this is important and that it is important that you join the register and act legally. Therefore, I support the Committee's idea that a much shorter period should be applied, and it is now down to 28 days.

Someone who takes over a business can obviously get caught up in all the legal aspects involving the transaction of the business and perhaps in sorting out the arrangements with their wholesaler, their bank and their solicitor. Equally, this is another arrangement that retailers will have to sort out so that they are fully aware of the law and undertake to abide by it. If they do not so, they will very quickly find that there are penalties. So, I support amendment No 12, because it provides for a much smaller window of opportunity for registration. That will hopefully mean that retailers abide by the guidance and receive, at an early stage, a visit from the local environmental health officers who normally carry out those sorts of inspections. It will make those who commence retailing tobacco fully aware of the law in that regard and ensure that new retailers get off to a positive start, by working within the law and having a positive relationship with their local council.

I support all the group 1 amendments proposed in the Minister's name, as well as the Minister's opposition to the clauses listed. I look forward to speaking in the second part of this debate.

Mr McCarthy: I will be brief; I know that it is coming up to lunchtime. I support the Bill and the comments of our Committee Chair and Deputy Chair. I would like to put on record my appreciation and thanks to the Committee officials for their excellent work during our deliberations.

The Bill is an example of good collaborative working between the Committee and the Department. It was already a good Bill, but the process that we have gone through has significantly strengthened the forthcoming legislation. As has been said, although all the amendments before us come from the

Department and are in the name of the Minister, they reflect the deliberations of the Committee. I put on record my recognition of the pragmatic manner in which the Minister and his officials responded to the views of our Committee.

There is strong support for the legislation. The underlying rationale for the Bill and my support for it were articulated at Second Stage. I particularly welcome the move to a central registration system that all councils can access, rather than a situation in which there are 11 or 26 different systems across the councils. Although I have no doubt that councils will use their best endeavours to liaise and communicate with each another, a central register makes that so much simpler, and it reduces the risks of gaps in communication.

Every attempt to deter our young people from starting such a filthy habit and to warn them of its deadly dangers must be strongly supported. As the Deputy Chair of the Committee said, the Assembly is taking a lead on this very important issue.

Mr Deputy Speaker: The Business Committee has arranged to meet immediately after 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 we return will be Question Time.

The debate stood suspended.

The sitting was suspended at 12.27 pm.

On resuming (Mr Speaker in the Chair) —

2.00 pm

Oral Answers to Questions

Health, Social Services and Public Safety

Belfast City Hospital: Ward 5 North

1. **Mr McKinney** asked the Minister of Health, Social Services and Public Safety what changes are planned for ward 5 north of the Belfast City Hospital. (AQO 5160/11-15)

Mr Poots (The Minister of Health, Social Services and Public Safety): Ward 5 north of the Belfast City Hospital provides a GP direct assessment service. There are also 19 collocated medical beds. The Belfast Health and Social Care Trust has advised that the GP direct assessment function and capacity will remain in the Belfast City Hospital but will be relocated to ward 6 north. The direct assessment service in the trust is also being enhanced, with the introduction of direct GP admission and assessment on the Royal Victoria Hospital site. The collocated medical beds in the City Hospital will transfer to the Royal Victoria Hospital, and the changes are expected to take place in early December.

Mr McKinney: I thank the Minister. Does he agree that the accessibility of community care beds is an integral part of health provision in Northern Ireland and should be maintained?

Mr Poots: I absolutely agree that that is the case, and the decision that we took to ensure that there was a differentiation between a hospital that is carrying out emergency care and a hospital that is carrying out elective care enabled us to point the hospitals in two very clear directions. It will also ensure that we will be able to best meet community needs and, at the same time, that elective care is carried out with less disturbance and interruption from the emergency sector of a hospital.

Mr Dunne: Will the Minister advise what the plans are in the Belfast Trust for bowel surgery?

Mr Poots: There is a proposal to move the service to the Belfast City Hospital site, and one of the recommendations of a public consultation on the reorganisation of the delivery of acute services in Belfast is the relocation of elective

surgery that is delivered at the Royal hospitals to the Belfast City Hospital and the Mater to enable all the emergency surgery to be based at the Royal hospitals. One of the proposed models for general surgery that was accepted is that specialist units for colorectal surgery and oesophagogastric surgery move to the Belfast City Hospital, allowing separation of the elective and emergency flows in ensuring that emergency and elective patients receive the level of care appropriate to their clinical needs and enabling the development of sustainable, compliant junior doctor and consultant rotas.

Resuscitation Strategy

2. **Mr Craig** asked the Minister of Health, Social Services and Public Safety what a community resuscitation strategy will achieve. (AQO 5161/11-15)

Mr Poots: The vision for the community resuscitation strategy is to increase survival rates for people who suffer an out-of-hospital cardiac arrest to the highest level that can be achieved across Northern Ireland. To help to achieve this, seven objectives have been identified in the strategy, which was published for consultation on 20 November. I encourage everyone to contribute any ideas that they feel could strengthen the strategy in any way.

Mr Craig: I thank the Minister for that. Does the Minister consider that the current provision for CPR training is adequate or does it need improving?

Mr Poots: The Department recognises the importance of having people who are trained in CPR skills, and that is included in standard 9 in the 'Service Framework for Cardiovascular Health and Wellbeing', which was published in 2009. A lot of resuscitation training is taking place each year in Northern Ireland, which is organised by various organisations. As resources are finite, the challenge is to achieve as much as possible with the resources that are available. As the pilot that was undertaken by my Department demonstrated, cascade training is feasible and is a viable way of increasing the pool of people who can provide CPR in an emergency. Even a modest increase in the survival rate could mean that up to 100 people across Northern Ireland would be alive who would otherwise not have survived their cardiac arrest. So, we believe that it is very important that we have further training for people in cardiac resuscitation, and we believe that that can make a massive difference to the number of people who survive out-of-hospital heart attacks.

Mrs McKeivitt: Does the Minister accept that, given the correlation between response times and cardiac arrest survival, a strong communication infrastructure is necessary to tackle out-of-hospital cardiac arrest fatalities?

Mr Poots: Communication is vital. In the first instance, the more people we have trained in cardiac resuscitation, the quicker the response will be. For every minute that a person has a cardiac arrest without having any defibrillation or life-saving work done on them, the risk rises by 10%. It is a big issue. We also need to know where the defibrillators are. There are around 1,000 defibrillators across Northern Ireland, and they are of no benefit to anybody if they are in a box somewhere that nobody knows about. We need to be very clear, whether they are in clubs, railway stations, bus stations, and places where there are lots of public movement, that people know that they are readily accessible. We need as many people as possible in the community who are trained and capable of using them. Communication, response and reaction are critical, so that the public can hold the line until the first responders, in the form of our Ambulance Service, get there.

Mr McCarthy: Will the Minister assure us that all the efforts in the strategy will reach those in sporting organisations, in particular, where young people, all too frequently, collapse suddenly in the middle of the field? If they have a defibrillator in their club, death could possibly be prevented.

Mr Poots: A regional business case application for sustainable delivery of emergency life support (ELS) training through schools, workplaces and communities in Northern Ireland has been developed by the Northern Trust on behalf of all the trusts. It was submitted to the Health and Social Care Board in December 2011. The application requested recurrent funding for community development resuscitation (CDR) posts across each of the five trusts, with each of the CDR officers being responsible for the delivery of ELS training in schools, communities and across the health service to front line staff. I understand that those posts have been funded until March 2014 and will help to enable us to get information out to the schools.

We can work very closely with the sporting clubs, who have a massive reach into the community, and we need to look at other organisations as well — the Boys' Brigade, the Girls' Brigade, the Scouts, and all those areas where we can have the skills developed in the

community that can make that fundamental difference when someone has a heart attack.

Mr Speaker: Mr Wells is not in his place for question 3.

Paediatric Congenital Cardiac Services

4. **Ms Maeve McLaughlin** asked the Minister of Health, Social Services and Public Safety for an update on the issue of paediatric cardiac surgery. (AQO 5163/11-15)

Mr Poots: I am continuing my discussions with the Republic of Ireland's Minister for Health, Dr James Reilly TD, to explore whether it will be possible to establish a two-centred paediatric and congenital cardiac services model on the island of Ireland, to be located in Belfast and Dublin. My overriding concern is the safety of those very vulnerable children and obtaining the best possible treatment and care for them. I am aiming to make my final decision on the future arrangements for this service as soon as possible.

Ms Maeve McLaughlin: Go raibh maith agat. I thank the Minister for that. Given the real public concern around the timeline on this issue, can he confirm that there will be a decision that will involve surgery being maintained in Belfast and can he confirm the timeline on that decision?

Mr Poots: I had hoped to be in a position to make my announcement this week, but discussions are ongoing. I think that people should not underestimate how difficult this process has been and the challenges involved. We need everybody to sing off the same hymn sheet, and we are working very hard to achieve that. Hopefully, we are very close to getting there. I will bring the information to the House and to the public as soon as I can. I trust that that will be very soon. As I indicated, I had hoped to do so this week. I do not believe that it should, necessarily, be much longer, and we really need to get that message out to the people who have real and genuine concerns and, obviously, real needs.

Mr Clarke: I am sure that the Minister is aware that this is a press item today in the media. Does he agree that a two-centred model would serve as a positive example of good cooperation between Belfast and Dublin and be a possible way forward for cardiac services in Northern Ireland?

Mr Poots: Clearly, it is not feasible for Northern Ireland to have a stand-alone service. I think most people recognise that we do not have the sort of numbers going through the Royal Belfast Hospital for Sick Children to make that feasible. Therefore, we need to work with others on the delivery of that service. Do we look to England, Scotland or the Republic of Ireland? Perhaps it will be a mix. Those involved in some of the most complex cases, whether they are in the Republic of Ireland or Northern Ireland, leave the island to travel to England because of the complexity of the operations required. Others would be best suited to Dublin. However, I believe that there is an opportunity for us to retain services in Belfast, which is what we have been arguing for and seeking to achieve. However, the services provided must be safe and sustainable, and it is our challenge to ensure that. There has been massive improvement in the delivery of congenital cardiac care, including surgery, which is carried out very safely. We need to ensure that whatever we offer in Northern Ireland meets the same safety standard as that offered anywhere else. We cannot fall short of that. Ensuring that standard of safety is one of the key elements that we are working to achieve.

Mr P Ramsey: The subject is causing deep worry, anxiety and distress to parents. I sense the Minister's frustration today with the process and at not being able to make a formal decision. Will he outline to the House the obstacles or concerns that mean that he is not able to do so?

Mr Poots: I need cooperation from everyone involved. If surgeons in Dublin are to take up the role, I need their cooperation. If they are not prepared to help us, I need the cooperation of surgeons from another centre. I do not underestimate our ask of the surgeons in Dublin. I am asking a lot of them, so it is not unreasonable that they do not immediately jump up and say, "We want to facilitate Minister Poots and his request". We need to recognise that, if they agree to assist us, they will be taking on a major challenge and will need our respect.

We will continue the negotiations, which are at a tentative stage. I trust that we will be able to work our way through them so that we can report to the Assembly very soon.

Mr Beggs: As of 9 December, when Professor Wood completes his work in Belfast, there will be no paediatric cardiac surgeon in Belfast. Does the Minister agree that there is a real danger of many of the specialist children's

services starting to unravel and that we have only a short, critical window in which to act?

Mr Poots: I am very well aware of the short and critical window. The service was under pressure before Professor Wood announced his intention to move on. We have advertised for a replacement, and we are very grateful for the interest that has been shown. We will make every effort to fill his position. It is a big ask to get someone of Professor Wood's standing, and we have to be realistic about that. It may be that the person will require further training, which makes it all the more essential that we liaise with a centre that has all the skills and expertise that will allow us to develop our staff in the Royal Belfast Hospital for Sick Children.

Familial Hypercholesterolaemia

5. **Ms Brown** asked the Minister of Health, Social Services and Public Safety what actions have been taken to assist families at increased risk of high levels of cholesterol. (AQO 5164/11-15)

Mr Poots: Health and Social Care (HSC) and Northern Ireland Chest, Heart and Stroke (NICHs) are working in partnership to develop a new Northern Ireland-wide service to identify people with a particular genetic disorder called familial hypercholesterolaemia (FH), which causes very high blood cholesterol. That will build on the existing service in the Belfast HSC Trust area and should result in an additional 1,000 people with FH being diagnosed and treated over the first four years of the programme.

2.15 pm

Ms Brown: I thank the Minister for his answer. Can he tell us how common countrywide FH services are in an international context?

Mr Poots: Early identification and treatment of FH will prevent cardiovascular deaths in this population. Additional cases are generally found by systematically identifying, investigating and testing family members of all people known to have FH. The service that we are funding through a partnership between Health and Social Care and the Northern Ireland Chest, Heart and Stroke Association is supporting the development of a bespoke IT system that will facilitate the appointment of specialist FH nurses and additional genetic testing. At that point, Northern Ireland will be one of only a few countries to have a countrywide FH service, including Wales and the Netherlands.

A manual baseline audit has been completed to identify the current Northern Ireland FH population. A business case for a regional FH register and specialist nurses to provide cascaded testing for FH has been approved. Recurrent funding of £107,000 per annum has been identified to fund the development of FH cascaded testing services. This was possible only because of the lobbying and work of the Chest, Heart and Stroke Association on the issue.

Mr D Bradley: Go raibh míle maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagra. What efforts are being made to trace, track and treat high levels of cholesterol in families that are genetically prone to the condition?

Mr Poots: That is, essentially, what the FH screening is about. The service framework for cardiovascular health and well-being has recently been reviewed, and a revised version will be published shortly. It sets out standards for prevention, assessment, diagnosis, treatment, care, rehabilitation and palliative care for individuals and communities who have or are at a greater risk of developing cardiovascular disease. That framework was launched in 2009 and has led to a number of improvements in the quality of care that people in Northern Ireland receive. The revised framework will build on earlier success, set new priorities for cardiovascular health in Northern Ireland and continue to improve the health and well-being of the population. The revised framework contains a specific standard relating to the identification and treatment of all people with genetically linked high cholesterol. The identification of other family members through a regional register remains a priority.

Mr Gardiner: I appreciate what the Minister has said, but can he advise what preventative action he has taken with preschool children and their parents to reduce the likelihood of high cholesterol levels later in life?

Mr Poots: The Public Health Agency has a key role in advising on how people can manage cholesterol. Some people have naturally higher cholesterol levels than others, therefore some people can get away with eating foods that may cause others major problems. Obviously, we encourage people to have less fat and sugar in their diet, and perhaps not as much carbohydrate as some might take. That will reduce their levels of cholesterol. Good advice for young people is to have a good bowl of porridge every morning. That is one of the best means of dealing with cholesterol. It is funny

that the simple things in life very often provide the best solutions.

Coronary Artery Disease

6. **Mr I McCrea** asked the Minister of Health, Social Services and Public Safety what action he has taken to increase early intervention work and reduce morbidity and mortality rates from heart and circulatory disease. (AQO 5165/11-15)

Mr Poots: Death rates from coronary artery disease have been falling steadily over a number of months. This is due to a number of factors, including early intervention, improvements in drug treatments and better awareness of symptoms. Action taken by Health and Social Care includes the expansion of cardiac catheterisation capacity, the development of a new primary percutaneous coronary intervention service, the development of a community resuscitation strategy, and the review of the service framework for cardiovascular health and well-being to set new priorities for cardiovascular health. Public information campaigns highlight the health risks caused by smoking and obesity and provide information on the signs and symptoms of conditions.

Mr I McCrea: In the past, the Minister has referred to inequalities in the health service. With circulatory disease, can the Minister outline the extent of the inequalities that exist between particular groups across Northern Ireland?

Mr Poots: The standardised death rate for circulatory disease in Northern Ireland reduced by more than two fifths between the 1997-2001 and 2006-2010 periods, which is very positive. Over the same period, the rate in the 20 most deprived areas saw a smaller reduction of one third. That means that, although the mortality rates improved across all areas, the inequality gap actually increased. That is a big issue for us.

The standardised hospital admissions rate due to circulatory disease reduced by 5% between the 2000-02 and 2008-2010 periods. Throughout that time, the inequality gap between the most deprived areas and the rest of Northern Ireland was fairly steady and stood at 13%. Clearly, there is an inequality gap. That inequality gap continues to increase, which is a matter of regret.

We must continue to get the messages out there and to develop the infrastructure that will

support people in these areas. We really need a change of lifestyle for many people. That will make the fundamental difference to outcomes in health inequalities.

Mr Kinahan: Children are more likely to receive an electronic gadget as a Christmas present than a bicycle. What is the Minister doing to reinforce to parents the importance of their children exercising and of their leading by example?

Mr Poots: In all these things, it is very important that we work across Departments. We have a cross-departmental working group. We discuss how best we can get messages through to the public, including children. Of course, schools are the best place to get messages through to children because they spend a lot of their time in school. The Department of Culture, Arts and Leisure supports us in getting messages out through sporting clubs. However, very often, people who are engaged in sporting clubs are doing the right things in any event. Schools are fundamental to us in getting the right health messages out. If public health is initiated from the earlier points in life, it will be considerably less of a challenge as people move into adulthood. We have far too many young people who are clinically obese. For many of them, it is avoidable. We need to get the messages out, particularly through education.

Blood Donations: Ban on Gay Men

7. **Mr Agnew** asked the Minister of Health, Social Services and Public Safety, in relation to his response to the 'Ban on Blood Donations from Gay Men' debate in the Assembly on 5 November 2013, to outline the rationale behind his concerns that he would not get a fair hearing in the Court of Appeal. (AQO 5166/11-15)

Mr Poots: On 8 November, I replied to the Member's priority question for written answer pointing out:

"I have not said that the Courts have failed to act impartially in cases in which I have been involved."

I also remind the Member that there is not, and never has been, a ban on blood donations from gay men. Rather, there is a ban on men who have oral or anal sex with other men. The restriction relates to behaviour as opposed to orientation. A number of other categories of individuals are also excluded from donating. The judge concluded that any change in

Northern Ireland to the donor restriction on men who have sex with men was not my responsibility.

Mr Agnew: On 5 November, you asked:

“do I believe that I would get fairness in the Court of Appeal or would there be a circling of the wagons?” — [Official Report, Vol 89, No 2, p55, col 2].

You have publicly raised a concern about the fairness of our appeal courts. Could you please outline when you believe that there has been a circling of the wagons in the past or are you simply scapegoating the courts —

Mr Speaker: Order. I am protecting the Member plus the Minister. I am being very careful that the Member does not stray into an area that could be seen as contempt of court. I just warn the Member and the Minister.

Mr Agnew: Minister, could you outline any evidence that you have on which to base your concerns or are you scapegoating the courts for your own errors?

Mr Poots: The Member asks a question. If he thinks that some sort of deity exists in courts and that they are places of absolute perfection, I have to say that I am not in a similar place. However, I am not alone in that. In this House — in the Committees of this House — His Honour Judge Marrinan, with reference to the appointments committee in the courts, which is headed up by the most senior people in the courts, said of an appointment:

“It was an illegal act, in my view... it was so irrational and so unfair that, had I felt confident about going for judicial review and not fearful that I might end up bankrupt by doing so, I would have been very hopeful, given a fair wind, that a judge would have found the decision to be irrational and have the appearance of bias against me. I would have rather hoped that that would be the decision. Unfortunately, I just did not have the confidence, given the factors that I have just mentioned and the fact that a judge would then be put in the very difficult position of having to make such findings against the highest judicial figures in the land. I just did not feel confident that I would succeed, nor did my skilled QCs.”

Those QCs were David Schofield and Nick Hanna. Those are not the words of Edwin Poots; they are the words of His Honour Judge Marrinan.

Mr Givan: Lord Sumption, in a speech made only two weeks ago, made a number of comments about the judiciary and the attempts through which judge-made law is now undermining the democratic process. He said that he believes that politics is a better way of resolving questions of social policy, rather than judge-made law. Does the Minister agree?

Mr Poots: That is a matter that I have stressed to the House over and over again. I think it is so poor that some Members of this House seem to think that it would be better if laws were made in courts, as opposed to being made in a legislature and then enacted in courts. That is how the state was originally devised: that Parliament made the laws and the courts ensured that the laws were enacted properly. Lord Sumption quite rightly pointed out:

“It is important to bear in mind that in a Parliamentary democracy the legislature can selectively enact into law whatever parts of the Convention or the case-law of the European Court of Human Rights it pleases. We do not need the Convention in order to introduce changes for which there is a democratic mandate. The Convention, and its judicial apparatus of enforcement, are only necessary in order to impose changes for which there is no democratic mandate. It is a constraint on the democratic process. I think that most people would recognise that there must be some constraints on the democratic process in the interests of protecting politically vulnerable minorities from oppression and entrenching a limited number of rights that the consensus of our societies recognises as truly fundamental. Almost all written constitutions do this. But the moment that one moves beyond cases of real oppression and beyond the truly fundamental, one leaves the realm of consensus behind and enters that of legitimate political debate where issues ought to be resolved politically.”

This House should be making those key decisions.

Mr Speaker: Mr Kelly is not in his place.

A&E: Non-emergency Attendance

9. **Mrs Hale** asked the Minister of Health, Social Services and Public Safety what action he is taking to discourage non-emergency attendances at Emergency Departments. (AQO 5168/11-15)

Mr Poots: I launched the Health and Social Care Board's Choose Well public awareness campaign, which aims to help people gain a better understanding of the choices available and allows them to get access to the right services quickly. The number of genuine urgent and emergency cases rises during winter, meaning that hospitals, GPs and community nursing teams all have their hands full. Choose Well is about helping the staff in our emergency services concentrate on the people who are the most sick and injured. It is about making it clear to the public that the emergency and 999 services are for life-threatening and serious conditions. Minor healthcare issues can be dealt with by checking advice online, at home, by a pharmacist or by a GP.

Mrs Hale: I thank the Minister for his answer. Can he inform the House what information is available within the emergency departments themselves about the appropriate use of those facilities?

Mr Poots: A range of options is used to raise awareness of appropriate health services for patients in direct contact with our hospitals and, in particular, in emergency departments (EDs). Patients can be advised on the appropriateness of attendance at the triage point. That will avoid inappropriate future attendances. Senior nurses can redirect patients to other facilities — for example, GP out-of-hours services, a local pharmacy or, indeed, their own GP. Posters in the main waiting areas can advise patients on the use of GP out-of-hours services. Advice is also offered to non-ED patients on what services are available to them locally. Patients can be advised by telephone of the use of appropriate services when queries are made regarding their condition.

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

Mr Wells: On a point of order, Mr Speaker.

Mr Speaker: I will take your point of order after Question Time. We will move on to topical questions to the Health Minister. Question 1 has been withdrawn.

2.30 pm

Cherry Tree House

2. **Mrs Cochrane** asked the Minister of Health, Social Services and Public Safety when, to ensure that the public are aware of any action that is being taken, he will make a statement about the nature of the investigation into the serious claims that have been made against Cherry Tree House Nursing and Residential Home and the RQIA. (AQT 462/11-15)

Mr Poots: I will be happy to bring that forward when the RQIA has completed its work.

Mrs Cochrane: The investigation of the actions against the regulator is being undertaken by other employees of the same body. Does the Minister think that an investigation by the RQIA of the RQIA is independent or objective?

Mr Poots: I could comment on that happening in other places, but I will refrain. Independent regulation of healthcare is a big issue, and I am happy for there to be independent regulation. It is important that there is independent regulation. We fund the RQIA, but it is responsible for its own actions and activities, so we do not give it direction about what to do. I have been looking at other areas including, for example, the Care Quality Commission, which is a non-departmental body of the United Kingdom Government that was established in 2009. While it describes itself as an independent regulator of all health and social care services in England, it is, in fact, accountable to the public through Parliament and the Secretary of State for Health, and much of its funding comes from the taxpayer. In Scotland, a public body was created in April 2011. It is part of the Scottish National Health Service, and its function is to implement the healthcare priorities of the Scottish Government, in particular the healthcare quality strategy of the NHS. In Wales, there is an independent inspectorate and regulator of all healthcare, and it carries out its functions on behalf of Welsh Ministers.

I have to admit that it is a challenge to get a body that is wholly independent of government, because the question is this: who will pay for it? People will always be of the opinion that he who pays the piper calls the tune. I genuinely want independent regulation because it is good to keep everybody aware that that can be carried out and to keep people on top of their game. However, the most important aspect is that, culturally, people should want to do their best everywhere they work for people they care

for, and, in that respect, culture is more important than regulation.

Hospitals: Staffing Levels

3. **Mrs Overend** asked the Minister of Health, Social Services and Public Safety to detail how his Department measures safe staffing levels across our hospitals and to state any shortages that there might be in Antrim Area Hospital. (AQT 463/11-15)

Mr Poots: We have a means of identifying the numbers of staff that we should have in our facilities, and we seek to uphold that. We have different numbers of people in wards at different times, and we have different challenges in our hospitals. On some occasions, the people on the ground will decide to pull people from one ward and put them another ward where there are particular pressures. That is the natural course of action.

I should say that the feedback that I have been getting on Antrim Area Hospital over the last number of months in particular has been so much more positive than was the case in the past. We all need to recognise that and give some praise to all the people who are involved in delivering the service that they are delivering. The difference has been fundamental.

Our Chief Nursing Officer has carried work out on normative staffing levels for nurses. She is responsible for ensuring that we have the appropriate number of nurses in our hospitals.

Mrs Overend: I thank the Minister for that response. I understand that England is bringing in mandatory recording of safe staffing levels in its hospitals. From discussions with hospital staff members, I can say that that is also needed here, not only to ensure optimum performance by nurses, midwives, consultants and every other member of staff in the hospital but for ideal patient care. Has the Minister any plans to do that in Northern Ireland?

Mr Poots: As indicated, the Chief Nursing Officer has carried out work on normative staffing levels for nurses. I am delighted to say that, over the past two and a half years, we have appointed many more nurses; in fact, we have appointed around 500 more nurses. That is good news for the people of Northern Ireland. I am sure that the Member will appreciate that and, perhaps, want to include it in a press release that goes out in the future.

Ulster Hospital: Accommodation

4. **Mr Craig** asked the Minister of Health, Social Services and Public Safety to outline the pressures at the Ulster Hospital site in having sufficient space to accommodate the services and departments that are required there. (AQT 464/11-15)

Mr Poots: Some people might be surprised to know that the South Eastern Trust is in discussions with Knock Golf Club regarding the acquisition of land currently leased to Knock Golf Club adjacent to the location of the proposed emergency department and phase B of the acute services block. If that land is acquired, it may be utilised to provide additional car parking. We also facilitated an acquisition of Tor Bank School, which is immediately adjacent to the hospital site.

I visited the hospital site, and the Member of Parliament for Strangford has had people lobbying me, particularly about the MacDermott unit, which is the cancer unit for people in the South Eastern Trust. Those facilities are not fit for purpose. Frankly, I am not happy that people who are receiving treatment for cancer are being treated in substandard facilities. That is a challenge for the South Eastern Trust to resolve.

The trust is making the case that it does not have the space on the Ulster Hospital site to accommodate a new facility for the MacDermott unit. I have been saying clearly to the trust that the South Eastern Trust provides services for the people across the South Eastern Trust area, and many of them will be at the main site, which is at the Ulster Hospital. There may be services that it would be better providing on some of the other sites that the Ulster Hospital has. You have the old Bangor hospital, the old Ards hospital, the hospital in Downpatrick and, indeed, Lagan Valley Hospital. All those sites offer options for further services to be carried out there to enable the key acute services to be carried out at the main hospital, which is the Ulster Hospital, and to ensure that the best possible facilities are available to people requiring those acute services. The South Eastern Trust needs to fundamentally look at how it uses its estate and makes best use of its estate. I certainly think that there are other areas in its estate on which it could do a lot more work without impacting on or damaging in any way, shape or form the service that is provided to people in the South Eastern Trust.

Mr Speaker: I remind the Minister of the two-minute rule.

Mr Poots: Sorry.

Mr Craig: I thank the Minister for that extensive answer. Obviously, as a Lagan Valley MLA, I will make the argument for the transfer of any services to Lagan Valley Hospital. Does the Minister agree that, in the past, there were plans for services to be transferred to that hospital? Has the Minister any idea where those plans lie?

Mr Poots: The Lagan Valley site is a strong site and a strong contender in that it remains a hospital with an emergency department, and other key facilities are still available at the site. So, while the Ulster Hospital is the main acute hospital in the South Eastern Trust, we certainly recognise that the Lagan Valley Hospital carries out an excellent service. Services can be expanded on that site, and, in view of the pressures on the Ulster Hospital, they almost certainly should be expanded at that site. I do not think that it is an acceptable reason or, indeed, excuse that people who currently use the Ulster Hospital may not like to travel the distance to Lagan Valley, because people who come from the Lisburn area are expected to travel the distance to the Ulster. As I recall, it is the same distance from Lisburn to Dundonald as it is from Dundonald to Lisburn.

Termination of Pregnancy: Fatal Foetal Abnormalities

5. **Mr Humphrey** asked the Minister of Health, Social Services and Public Safety what action he has taken in recent months on the issue of abortion and, in particular, lethal foetal abnormalities. (AQT 465/11-15)

Mr Poots: That is one of the vexed questions that come before us to which it is very difficult to get the perfect answer. We are committed to publishing the guidance for health professionals on the termination of pregnancy at the earliest opportunity, although it is taking longer than I had hoped. The number and complexity of the responses received mean that it will take more time before a paper can be brought to the Executive. I am mindful that previous versions of guidance since 2004 have been successfully challenged in the courts, and further legal advice requested through the Departmental Solicitor's Office (DSO) has confirmed that the revised guidelines cannot change the options available to couples who face the very difficult and emotional circumstances of lethal foetal abnormality. Any changes around lethal foetal abnormalities would require amendments to criminal law, which is a matter for the Department of Justice (DOJ). I have written to

the Minister of Justice and other Executive colleagues on the matter. Work continues on revising the guidance to take account of the responses to the consultation and to reflect existing law. A document summarising issues raised in the consultation is available on the Department's website.

Mr Humphrey: I thank the Minister for his answer. What meetings has he had with couples affected by lethal foetal abnormality?

Mr Poots: I have met both couples who came into the public domain as a result of being advised that their baby had a lethal abnormality. I also met the clinicians who were providing advice to the couples. I am writing directly to both families to provide them with an update on the situation. I have also received a vast amount of correspondence from others who have been in similar circumstances. Many of them made the decision to proceed with the pregnancy, because that is what they wished to do. They received real value from going ahead with the pregnancy. However, I understand fully that other people are in different circumstances and do not feel that that is the case for them.

We will try to deal as sensitively as possible with all the issues. It is important that sensitivity be applied in what are very personal, difficult and, indeed, heartbreaking decisions. I believe that all the couples want to have the child in the first place. They are not people who want to engage in some form of dispensing with a pregnancy because it was unplanned. We need to deal with all the cases very sensitively and give due consideration to everything that is said to us.

Antrim Area Hospital: A&E Waiting Times

6. **Mr Milne** asked the Minister of Health, Social Services and Public Safety what impact the new wing at Antrim Area Hospital has had on A&E waiting times. (AQT 466/11-15)

Mr Poots: Not only is there a new wing, but there has been a change in the management team and the management structure. Together, they have made a massive impact on Antrim Area Hospital. At the end of September, 109,000 people were waiting for outpatient appointments. That figure is down by 21,000. In September, 79 people waited longer than 12 hours in the emergency department. Although 79 is too many, that is the lowest figure over the past four years. We can see that Antrim hospital is not in the headlines. That is very

positive, because the hospital was in the headlines, very often for all the wrong reasons. The fact that it is not in the headlines is an indication that the public are much more satisfied with the service that is being provided at the site.

Mr Milne: Gabhaim buíochas leis an Aire as a fhreagraí go dtí seo. Are any other measures in place or is any new thinking being brought forward to reduce waiting times further from the figures that the Minister has stated? Go raibh míle maith agat.

Mr Poots: The measures that are being taken are that people are on the ground day and daily, working very closely with people in Antrim hospital. I should clarify that 79 is not the number for Antrim hospital but for Northern Ireland in its entirety. Some time ago, Antrim was the worst-performing hospital for 12-hour breaches: that is no longer the case.

It has been performing remarkably well, and I welcome the fact that people are on the ground talking to the staff, hearing what the problems are and addressing those problems quickly. As a consequence, the public are seeing a service that has improved vastly. We will continue to work with the Northern Trust to ensure that that improvement continues.

2.45 pm

Mr Wells: On a point of order, Mr Speaker.

Mr Speaker: Mr Wells, I will get to you after Question Time. I know that you are waiting patiently.

Finance and Personnel

Mr Speaker: Mr Kelly is not in his place to ask question 1.

Civil Service: Sick Absence

2. **Mr Weir** asked the Minister of Finance and Personnel what steps he is taking to address the rise in levels of Civil Service sickness absence. (AQO 5176/11-15)

Mr Hamilton (The Minister of Finance and Personnel): I thank the Member for his question. Managing attendance and reducing sick absence remains a key priority for the Civil Service. I have asked my officials to consider any changes or strategies that may be

necessary to ensure that our ministerial targets are met.

Mr Weir: I thank the Minister for his detailed response. What specific actions to reduce absence are being considered?

Mr Hamilton: I am very concerned about the upward trend in sickness absence figures for the Civil Service, which defies the trend of recent years when sickness absence was going progressively down. Sickness absence rose to 10.6 days on average in the past year, which is well off our target for the year. I am worried that not only have we not met this year's target, but that we are quite a way from meeting the current year's target, which is nine days of sickness absence. I am sure that Members will appreciate that getting down from 10.6 to nine is going to be exceptionally challenging.

My officials are considering a range of potential actions, including a stress survey and a follow-up action plan, which is planned for early 2014, because stress-related sicknesses account for around 30% of the working days that have been lost. I have asked for a review of best practice models for attendance management, including looking at the role of the line manager, centralising elements of the process and the support service, and robust case management for long-term sickness absence. I have also asked for a refocusing on the management of sickness absence policy and procedures to ensure that it is managed robustly by Departments.

Some people say that we need to go harder on those who are off on the sick and some would say that we need to be a bit softer. I think that we need a mixture of a bit of carrot and a bit of stick. My officials are considering a wide range of options and, although my personal preference is to improve attendance through positive measures such as the prevention of illness and the promotion of a healthier lifestyle, I have not ruled out any specific options whatsoever.

Mr Speaker: Question 3 has been withdrawn and requires a written answer.

Mr McKay: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his answers so far. Evidence shows that a healthier workforce is more productive, and case studies show a correlation between walking or cycling to work and fewer sick days. Sustrans suggests that, by focusing on that and implementing appropriate measures, we could

halve the number of sick days in the Civil Service.

Does the Minister agree that health and well-being are key to addressing this problem? Will he introduce, among other things, more shower facilities and bike parking facilities to give employees in the Civil Service that choice? Will he also raise the importance of better cycling infrastructure with the Minister for Regional Development?

Mr Hamilton: I thank the Chair for his question. I am surprised that he did not extol his own virtues as someone who is now at least attempting to cycle to work more. It is admirable that he tries to cycle all the way down from the Ballymoney area to Belfast. He will be entering the Giro d'Italia if he can keep that up.

I agree that having a healthier workforce is by far the best way to deal with this problem. I am prepared to recommend to Executive colleagues that we introduce a whole range of measures, some of which are very much focused on employee engagement, and some of which, perhaps, look at the terms and conditions on sickness absence. I would rather not have to do that if we can ensure that we promote a healthier workforce, and that includes walking and cycling to work.

My Department — indeed, the entire Civil Service — promotes a cycle to work scheme that gives financial incentives to members of staff to purchase bikes. We have seen some of the benefits of that, but there could always be more improvements. I know that the Member asked a written question recently about showering facilities in Civil Service buildings. The numbers that we have are more encouraging than I thought was the case, but, of course, where circumstances allow, there is space to do it and it is appropriate to do it, I would like to see that increased. Of course, when we move into new buildings, which is something that we are doing to rationalise our estate, it will be one of the criteria that we will be looking at to make sure that it is there so that we can encourage more people to cycle to work.

Mr Gardiner: What proportion of sickness absence in the Civil Service is due to stress or other psychiatric conditions?

Mr Hamilton: I thank the Member for his question. It is an important area of consideration. The proportion of working days lost due to psychiatric illnesses such as anxiety, stress, depression and others was 29.8%, so

nearly 30% of the total, in 2012-13. Obviously, wanting to be considered as a considerate employer, that is a very high level and a cause for concern. That will be the focus and attention of a lot of the measures that I want to see addressed by officials in their review of what we do on sickness.

It is worth remembering that, even though the Member's question and follow-up questions have focused on the amount of sickness that takes place, over half of all civil servants — 52.3% — do not take a single sick day all year. That is worth noting and remembering when we discuss the issue.

Public Sector Reform

4. **Mr Ross** asked the Minister of Finance and Personnel for an update on the work of the public sector reform division. (AQO 5178/11-15)

Mr Hamilton: As Members will be aware, public sector reform is a high priority for me. Going forward, finances will be tight and there will be greater demand from a better informed, growing and ageing population. My agenda is not to shrink public services but to make better use of the resources that we have for the public sector.

One of my first actions as Minister was to establish the new public sector reform division, to which the Member has referred. The director has been appointed, and he is currently identifying a small, multidisciplinary team to develop and progress a work programme of activity. That programme is being informed by researching best practice approaches that have merit from other parts of the world. Meanwhile, I and the senior staff within the public sector reform division have been engaging with industry, the community and voluntary sector and trade unions to listen to their views and thoughts on the opportunities for delivering reform in the Northern Ireland Civil Service, arm's-length bodies and local councils.

I will ensure that the public sector reform division is a resource that will not only concentrate on DFP activity, or those areas where I, as Finance Minister, have lead responsibility for joined-up areas, but is available to help all ministerial colleagues. By improving public services across the board, everyone will gain and we will have the best opportunity to maximise the public resources available to all of our citizens.

Mr Ross: The Minister has made no secret of his desire to see public sector reform. Indeed, I

have heard him speak passionately about it in a number of different forums. Will he highlight to the House which organisations, groups or Departments he has met and what kind of reaction he has had from them to his proposals?

Mr Hamilton: I thank the Member for his question. As I alluded to in the first answer, I have met a variety of organisations, including business organisations such as the Confederation of British Industry (CBI), the Chamber of Commerce and Industry and others. I have also met trade unions. I met the Irish Congress of Trade Unions (ICTU) and NIPSA separately. I have also met the Northern Ireland Council for Voluntary Action, which hosted a very useful session with about 40 of its member organisations just over a week ago. That is a fairly broad and eclectic bunch of people.

The response that I have had has been almost universally enthusiastic. Obviously, those different groups will come at the issue from slightly different perspectives, but what is encouraging for me in taking forward public sector reform right across Northern Ireland is that everybody agrees that they want to see a much more efficient, effective and innovative public sector. We may squabble and disagree from time to time on how that actually happens on the ground, but I am enthused by the fact that everybody is on board with the principle and a conversation has started across Northern Ireland on the issue.

We have not just focused on Northern Ireland. I have met the Organisation for Economic Co-operation and Development, and also, last week, I met the European Commission's Directorate-General for Research and Innovation, which is focusing a lot of its work and attention on the very issue of public sector innovation. I am very keen to continue and follow up that engagement to see what Northern Ireland can contribute across the whole of Europe to improving public sector innovation in all member states and all regions.

There is an opportunity for Northern Ireland to share what we do well, but also to learn from the experiences of others.

Mr Sheehan: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagraí. The Minister is right about the need to introduce innovation and risk taking into the Civil Service, albeit well thought through risk taking. However, does he now recognise that attacking the integrity of the Public Accounts

Committee (PAC) and the Audit Office was the wrong way to go about it, and will he now withdraw those remarks?

Mr Hamilton: I do not think that I have anything to withdraw. I do not think that I ever attacked the credibility or integrity of anybody in this House. During the recent debate on the Public Accounts Committee's work for the previous year, I think I did what it was my duty and responsibility to do.

In response to a question yesterday from Mr Dallat, the Deputy Chair of that Committee, I highlighted that I accept where good work is carried out by the Public Accounts Committee, particularly when it focuses not just on value for money but on where we in the public sector sometimes fail to achieve the outcomes that we desire. However, I will not cease in pointing out issues to the PAC. I cannot sit here, and Executive colleagues cannot stand here either, and just take one-way traffic from the PAC all the time. We have the right to push back, every bit as much as they have the right to come at us.

When some comments made publicly by the PAC and its members do damage to the principle of public sector innovation and cause civil servants to think twice about taking a well thought out and carefully considered risk, the work of the PAC is damaging. When the PAC goes into the public domain and says things such as there is a sense or air of corruption about a particular contract, without putting into the public domain any evidence whatsoever about that, it should reflect on whether it is right and proper to accuse people in the public arena — who have no comeback — of being corrupt, and whether that has a positive or negative impact on the principles of public sector reform, which I think that he and I agree on.

Mrs Cochrane: I thank the Minister for his answers thus far. The Minister will know that I am a big fan of his public sector reform ideas. How regularly does he meet with his Executive colleagues to discuss potential opportunities to improve service delivery, and are some Departments more willing to engage than others?

Mr Hamilton: I am glad that I have one fan. I have yet to meet regularly with ministerial colleagues on this particular issue, although I hope to meet them on a one-to-one basis over the coming months as we progress the 2015-16 Budget. I want to see that Budget as an opportunity to discuss public sector reform and innovation. As we look at a public spending

environment that is likely to see contraction, particularly on the current expenditure side, it is important that I seek to focus the minds of colleagues on trying to reform their own Departments. The Budget is an incredibly important opportunity to do that.

Whilst I may have views on which Ministers may be better at engaging than others, given that I have yet to engage with them properly, I will not be drawn into any comment about whether they are good boys, bad boys or otherwise.

Treasury: Country and Regional Analysis

5. **Mr Flanagan** asked the Minister of Finance and Personnel for an update on communication between his Department and the Treasury regarding the country and regional analysis. (AQO 5179/11-15)

Mr Hamilton: I thank the Member for his question. Officials have liaised as normal with the Treasury in providing the necessary information used for the production of the country and regional analysis that the Treasury produces on an annual basis.

Mr Flanagan: I thank the Minister for his deeply informative answer, but can he give me an assurance that he is scrutinising line by line all lines of expenditure attached to the North through that analysis, given the continuing delay in publishing, which has been attributed to quality assurance issues?

Mr Hamilton: Absolutely. It was as carefully considered an answer as it was a question, I suggest. I can confirm that I carefully considered this report, particularly since the Member raised it via his question. It would not make comfortable reading for somebody of his political persuasion, because it shows very clearly that identifiable expenditure per head for England, Scotland and Wales was £8,500, £10,100 and £9,700 respectively. Spending per head in Northern Ireland was the highest in the whole of the United Kingdom at £10,900, which represents 124% of the UK average.

3.00 pm

Mr Flanagan and many of his colleagues habitually come to this House and say how much better off we would be if we left the United Kingdom and join in a united Ireland, which is, of course, in dire financial straits. The report that Mr Flanagan's question has helpfully

highlighted only goes to show that Northern Ireland is receiving an exceptionally good deal through its membership of the United Kingdom. So, I encourage the Member to carefully consider a report that shows that, in Northern Ireland, we spend the highest levels per head of population in the UK on education, social protection, agriculture and many other areas of public expenditure. So, I encourage the Member to read the very report that he highlighted in his questions. I am sure that it will encourage him to question his political views.

Mr I McCrea: There is no doubt that the report the Minister referred to reassures our connection with the rest of the United Kingdom. The Members across the Chamber could learn from that. Will the Minister outline how we, in Northern Ireland, compare with other regions in the United Kingdom; namely, Scotland and Wales?

Mr Hamilton: I agree with the Member: I hope that the Members opposite do learn from the report, although I suspect that they will not. Even when it is presented evidentially in black and white in front of them, I suspect that they will not reach an objective conclusion.

As I pointed out in response to the Member opposite, the report makes favourable reading for Northern Ireland. In some ways, I am not proud of the fact that we are so dependent on other taxpayers in the United Kingdom for the lifestyles and the public expenditure that we have in Northern Ireland. As we grow our economy and our economy improves, I would like to see us closing that gap over time and not being as dependent on taxpayers elsewhere in the United Kingdom for public expenditure here. From this report, we see that, in Northern Ireland, we have £10,900 spent per head of the population compared with £8,500 in England, which is the lowest figure. That shows that Northern Ireland's people are getting an exceptionally good deal out of their membership of the United Kingdom.

Devolution: Commission

6. **Mr B McCrea** asked the Minister of Finance and Personnel for his assessment of the creation of a commission on devolution in Northern Ireland similar to the Silk and Calman commissions in Wales and Scotland. (AQO 5180/11-15)

Mr Hamilton: I thank the Member for his question. The 'Building a Prosperous and United Community' document commits us to

examining the potential for devolving additional fiscal powers by autumn 2014. As part of that, we are examining the Calman commission and Silk commission reports. As both produced similar findings, a full commission to consider the devolution of fiscal powers to Northern Ireland may not be justified.

The most important consideration for us is the devolution of corporation tax. Clearly, we want to draw on the findings, but I do not want to unduly delay this work. The economic pact commitment is to put recommendations to the Executive by autumn 2014, and I want to achieve that. Therefore, there are no plans at this stage to establish a commission for Northern Ireland.

Mr B McCrea: Does the Minister agree that, after the Scottish referendum, in which I am confident that Scotland will vote to remain a part of the United Kingdom, it is likely that there will be further examination of the devolution of fiscal powers to the Scottish and Welsh regions? Does he not accept that Northern Ireland will be at a disadvantage when such discussions take place because we do not have a commission that will have looked at all the possibilities?

Mr Hamilton: I do not accept that we would be at a disadvantage. I hope that the Member is right in his conclusion about the Scottish referendum, not least because the result that he and I want will hasten the devolution of corporation tax powers to Northern Ireland. That would be an exceptionally large undertaking for this Administration. We have had the devolution of air passenger duty (APD) powers for direct long-haul flights. That is an important thing to note, because it is something that Wales and Scotland are very envious of. They requested those powers from Treasury but were turned down. So, if the Member and I were sitting in a different Administration, in Edinburgh or Cardiff, we might be asking whether we were at a disadvantage to Northern Ireland because it has devolution of APD powers for direct long-haul flights.

As devolution embeds across the UK, different devolved regions will seek the devolution of different tax powers to suit their particular objectives. It is not that I am or the Executive are against pursuing the devolution of certain tax powers. As I said, we have already secured APD, and we are vigorously pursuing corporation tax powers, which, as we all know, would have a transformative effect on our economy. We do that where there is a clear economic benefit for Northern Ireland.

Some of the taxes that have been or will be devolved to Scotland and that are also being sought by Wales do not, I think, give them an economic advantage over Northern Ireland. In fact, I fail to see what huge transformative economic advantage would come from having powers over landfill tax or, indeed, stamp duty. That is not to disregard those taxes or to say that we would not consider devolving them, but, from my discussions with Ministers in those regions, I think that they are quite envious of what we have and what we are pursuing in terms of corporation tax.

Ms McCorley: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagraí go dtí seo. I thank the Minister for his answers up to now. Given that the Scottish tax forecast was published for the first time last year, does the Minister not agree that he should be arguing for more accurate tax forecasts so that we can have more informed economic decision-making?

Mr Hamilton: The HMRC also recently published its estimates of taxes and what each region is contributing via taxes. Again, much like Mr Flanagan's question, that does not make for entirely pretty reading for Northern Ireland. It shows that we are in receipt of quite a large subvention from the United Kingdom, which the Member will know. That sits at £10.5 billion, which is a huge amount of money for us to receive.

Of course it would be better if we had much more accurate figures about what we raise in tax. It certainly would help us in our ongoing discussions on corporation tax if we were able to hollow out precisely what we raise and what it will cost the Exchequer to devolve those powers to Northern Ireland. By its very nature, and given the type of state that we have, it is hard to get a precise figure for what taxes are raised in Northern Ireland versus what taxes are raised in Scotland or Wales and other regions of the United Kingdom. There are figures that do marry up. If you look at the HMRC's report versus our net fiscal balance report, you will see that there are a lot of similarities, and that shows that, by using similar methodologies, we are, more or less, getting the right answer.

Mr McKinney: I would not be as confident as Mr McCrea appears to be in reading the Scottish public's mind on devolution. What powers identified by the Silk and Calman commissions would the Minister consider for devolution to Northern Ireland?

Mr Hamilton: Rather than the Member joining the soothsayer in the far corner in reading into what the Scottish electorate might think, I think, from listening to recent reports, that it may be better if the Member and his colleagues started to think about what the nationalist electorate in Northern Ireland is thinking. That may be more beneficial for him and his party in the short term.

I have to say that I come to the taxes that we are considering with a fairly open mind. I think that there are considerable issues with many of the taxes that we may get if we were to request them from Treasury. Take, for example, income tax: the HMRC report, which I referred to in response to the previous Member who spoke, showed that Northern Ireland raises about £3.5 billion in income tax every year. If we were to devolve that, it begs this question: do you want to put that level up or do you want to take it down? Both have consequences for costs. If you put it up, people are going to have to pay for it. If you bring it down, it means less money for public services. Even if you keep it static, there would be administration costs, in the same way that there are for corporation tax. There also is the fluctuation cost, in that you are dependent on what the take is in any particular year. Over the past couple of years, we have seen the tax take on income tax go down by £200 million in Northern Ireland, according to the HMRC. That would be £200 million that we would have to meet out of our own Budget, instead of getting it back through the subvention that we get in the block grant. So, there are considerations like that. Sometimes, it looks attractive, but that is superficial.

In response to Mr McCrea, I mentioned issues about landfill tax and stamp duty. If we were to devolve those, there may be things that we would be able to do that are good for policy, but I seriously doubt whether those two or income tax would have the sort of transformative effect that corporation tax powers would have on our economy. That is why I would argue that we should be focused, first and foremost, on that number one priority to see corporation tax powers devolved to Northern Ireland. Let us ensure that we can do that and deliver on it, and then, following on from that, we can look at other options.

Mr Newton: I thank the Minister for the very articulate way in which he has dealt with the question, which is one that is arousing interest in the Assembly and elsewhere. Will he be quite specific about why we are not pressing the Government to be treated in exactly the same way as Scotland and Wales on the matter?

Mr Hamilton: I thank the Member for his question. I am more than happy to have the debate about whether we should devolve additional tax powers to the Stormont Assembly and what powers we should devolve. It is a conversation that we should have. It perhaps shows a sign of our growing maturity as an institution that we are prepared to consider additional tax devolution powers coming to the Assembly. However, we have to do so in a very open way. As I said in reply to the Member who spoke previously, we have to consider that sometimes doing so can look attractive superficially, but, when you bore into it, it is not the best idea for Northern Ireland, given the financial position that we find ourselves in.

I am very happy to have the discussion, but we have to approach discussion on what powers we would consider devolving to Northern Ireland on the basis of some principles. The foremost principle for doing so is that it is of economic benefit to Northern Ireland. We did not perhaps want to see air passenger duty in itself devolved, but it was the means of ensuring that we kept the direct flight from Belfast to New York. As I mentioned, corporation tax is something that we are pursuing because we can see the long-term economic benefit for Northern Ireland.

Some might want to see other powers being devolved for political or accountability reasons. I think that the Scottish Government in particular are pursuing a lot of those powers because it suits their political agenda. The powers do not necessarily suit the fiscal situation or the economy in Scotland, but the Government want to do it politically. We have to be very clear that we will consider any and all taxes being devolved to the Assembly if they produce an economic benefit and are, of course, affordable to the Assembly and the people whom we serve.

Desertcreat: Community Safety College

7. Mr Givan asked the Minister of Finance and Personnel for an update on the delivery of the Desertcreat project. (AQO 5181/11-15)

Mr Hamilton: I thank the Member for his question. The addendum to the business case was formally approved by my Department on 26 November this year. The tender process will now be completed and a preferred bidder appointed. It is expected that construction of the new Community Safety College at

Desertcreat will commence in the new year. The delivery of the new police, fire and prison training college is a key Programme for Government commitment. The investment will deliver a world-class training facility for those essential public services, which have suffered from underinvestment by direct rule Ministers.

Mr Givan: I thank the Minister for that announcement. Obviously, we have been pursuing the project for a long time. It has been bedevilled by delays, but, finally, the Minister has been able to announce that progress has been made. How much of Her Majesty's Treasury funding is tied up in the project and when does that need to be paid for?

Mr Hamilton: I thank the Member for his follow-up question. I am very glad to announce that we have been able to make progress on that scheme. The Member, through his chairmanship of the Justice Committee, will know that what is proposed is a world-class facility. I am absolutely certain that police forces and fire services from around the world will want to visit it and use it to train their staff.

The Member is right to raise the issue of Her Majesty's Treasury funding. Under the devolution of policing and justice settlement, Her Majesty's Treasury provided some £70.3 million in a ring-fenced fund for the Northern Ireland Community Safety College. The Department of Justice currently enjoys end-year flexibility for those funds and will continue to do so until the end of the Budget period in 2015. It is my understanding, however, that if those funds are not utilised by April 2015, there is a possibility that some of that ring-fenced element may be lost to the Treasury.

I have agreed with the Chief Secretary to the Treasury that we will continue to monitor closely the delivery of the project, but my message to the Department of Justice is that it needs to proceed post-haste. I appreciate that there have been delays and that not all of them have been of that Department's making by any means whatsoever, but it needs to proceed post-haste to access that £70.3 million of funding ring-fenced and set aside for the project.

Mr Ó hOisín: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire. Is there any provision in the contract for social clauses similar to those in the DCAL stadium development programme?

Mr Hamilton: A contract is not yet in place. The tender process was paused because of the

cost overrun. The estimated cost was at one level, and the prices that came in were substantially higher. The bill of reductions exercise reduced the construction costs by some £25 million. As the Member will know, the Executive are committed to ensuring that there are social clauses in all contracts moving forward, not just construction contracts. I fully expect that this contract, like all other contracts, will include social clauses. Given that they are construction contracts, they will, not exclusively but particularly, concentrate on long-term unemployed people and creating apprenticeships.

3.15 pm

Mr Speaker: That concludes oral questions to the Minister. We now move to topical questions. Question 2 has been withdrawn.

Ulster Bank: IT Glitches

1. **Mr McCartney** asked the Minister of Finance and Personnel whether he has had any discussions with the Ulster Bank in light of the recent glitches in its IT systems and, if so, what was the outcome of those discussions and did he receive any reassurances. (AQT 471/11-15)

Mr Hamilton: I thank the Member for his very topical question. It is probably the first topical question that I have had, even though this is my fourth go at this. Yes, I have had discussions. I did that as soon as I became aware that problems were developing last night and customers were expressing concern that they could not make payments or access their money at cash machines. That caused some embarrassment in stores when they could not pay. When they needed emergency access to cash at a hole in the wall, they could not get it. I made contact and had communication overnight and early this morning with Ulster Bank. This afternoon, I spoke on the telephone to Stephen Cruise, the head of retail banking at Ulster Bank.

The bank accepts and understands that this has been bad news for its customers. It is the third time that such an incident has happened, albeit not as bad as the one back in June 2012. I think that we can seek some solace and reassurance from the fact that, I am told, it is not the same IT issue. I am not sure whether that is something to seek solace from, but it is not the same problem, so one would not expect the recurrence and the longevity of the previous problem. I am informed that all problems have now been overcome and that the problem that arose last evening now seems to be fixed.

There are some indications that, in RBS across the water, some problems still exist.

I know that other banks have had similar issues, but this is, of course, the third time that Ulster Bank has had problems. I do not think that Ulster Bank needs me to tell it that this causes some damage to its reputation and that it causes its customers some concern. I have sought some assurances, in so far as I can, that this sort of incident will not happen again, but we are dealing with IT systems, and who knows what can happen? I take some solace from the fact that the bank has assured me that RBS continues to invest quite heavily in its IT systems because it appreciates and realises that this is causing it difficulties.

Mr McCartney: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire. I thank the Minister for his comprehensive answer. Given that, as the Minister has said, this is happening all too frequently, does he agree that part of the discussion has to be about a decoupling of the Ulster Bank IT systems from those of the Royal Bank of Scotland to protect us here?

Mr Hamilton: That is an operational matter that would have to be considered by Ulster Bank in the context of its ownership by the RBS group. I imagine that decoupling would come at a considerable cost to Ulster Bank, and I would be worried that, although, in some ways, it might seem to be the right thing to do, it might come with a huge price tag to customers here in Northern Ireland, who would, ultimately, have to pay for something like that. On the basis that I have no authority or say at all over what the banks do, I will continue to press them.

The Ulster Bank, as we have recognised previously in this House, is critical to the banking system in Northern Ireland and, ergo, critical to the economy in Northern Ireland. It is important that its customers can access their funds when they need to.

I am assured by the bank that anyone who has been out of pocket as a result of this latest problem will be reimbursed. Anyone who continues to experience problems of any kind should call into their local branch or telephone Ulster Bank's call centre.

I am worried about one other aspect, which I think is worth reiterating in the House, in case anyone is listening. Some criminals appear to be trying to capitalise on this and are issuing phishing e-mails to Ulster Bank customers saying that, because of the system crash, they should re-enter their account details. It would

be a terrible shame if people, having had the embarrassment of not being able to make a payment, were to fall foul of criminal activity. I take this opportunity to reiterate to the general public not to fall for that. The bank will not be asking anyone for their personal identification number, their bank account details or anything like that online.

Budget: Financial Transactions Capital

3. **Mr Easton** asked the Minister of Finance and Personnel what measures he can take to prevent the Executive's 2013-14 allocation of financial transactions capital being surrendered to Her Majesty's Government. (AQT 473/11-15)

Mr Hamilton: I thank the Member for his question. Over recent months, I have, along with my Scottish and Welsh counterparts, lobbied the Chief Secretary to the Treasury for end-year flexibility in respect of financial transactions capital, which, as the Member and the House will know, is a new device that the Government are bringing forward to try to increase spending on capital projects in the private sector. I am pleased to confirm that such a scheme has now been agreed between Treasury and the devolved Administrations.

The scheme will allow the Northern Ireland Executive flexibility to carry forward unspent financial transactions capital funding across each of the next two financial years. This flexibility amounts to 20% carry forward of unused financial transactions capital funding into 2014-15 and 10% into 2015-16. That will ensure that we have more time to develop suitable schemes and will significantly reduce the risk of any funding being surrendered to Her Majesty's Treasury.

Mr Easton: What is the position for Scotland and Wales?

Mr Hamilton: Scotland and Wales will receive the same flexibilities that Northern Ireland is receiving. They will receive 20% carry over in the first year and 10% in the second year. I am not sure what that represents as regards their total expenditure, but, for Northern Ireland, I can inform the House that this year we will be able to carry forward £9.4 million into next year, and next year we will be able to carry forward £5.4 million into 2015-16.

I have been encouraged by the engagement that I and my officials have had with other Departments. Departments are now starting to come forward with some exceptionally good

schemes that would use up financial transactions capital. I am optimistic that we will not have to use all of the carry forward provision. Nonetheless, it is a useful device to have in case we hit a situation where, because these schemes are very demand led, one may not move forward and we may need to have flexibility or we would possibly lose money to the Treasury, which is not something that I or anybody in the House wants to see happen.

Mr Speaker: Mr Kelly is not in his place for question 4.

Narrow Water Bridge

5. **Ms Ruane** asked the Minister of Finance and Personnel whether he agrees that the construction of the Narrow Water bridge would create badly needed jobs in the tourism and construction sectors. (AQT 475/11-15)

Mr Hamilton: I am perhaps not as disappointed as the Member, given that she represents the constituency, but I am disappointed that this scheme has not been able to go forward. Listening to representatives from the area who are in the House and to others from the area, there was a great belief that the construction of the bridge would not just improve connectivity, which is important, but would provide a boost to tourism on both sides of the border. In that respect, it is disappointing that the scheme will not be going ahead.

I am now in the position, alongside my counterpart in the Irish Republic, of having roughly £17 million worth of EU funding unspent. It is important that we get that money spent, and that is my priority. Disappointing as it will be for the Member and people in the area that the Narrow Water bridge scheme will not be going forward, Northern Ireland and the Republic of Ireland must now make sure that we spend the money that we got from Europe on a project.

Ms Ruane: Gabhaim buíochas leis an Aire as na freagraí go dtí seo. Can I urge the Minister to consider that the best way of spending the money is by liaising with his Southern counterparts to ensure that the project does go ahead? I am surprised to hear that he does not believe that it will go ahead. With the right political will, it can do so. Can the Minister let me know what he and his Department have done to ensure that the project does go ahead rather than lose the money from this important project?

Mr Hamilton: The unfortunate reality for the Member and the project is that the letter of offer issued by the Special EU Programmes Body (SEUPB) has now been withdrawn. So, the scheme is off the table in that regard. Our priority is to ensure that the EU funding available to us is spent. I was in Brussels early last week and spoke to senior officials from the Directorate-General for Regional Policy (DG Regio) who deal with INTERREG and Peace funding, and the message coming very clearly from them is that the impression it would give if Northern Ireland were unable to spend the money, when we have sought and received an extension of Peace funding into a fourth strand, would not be good.

Although Members may be disappointed that the Narrow Water bridge scheme is not going forward, my priority and that of my counterparts in the Irish Republic is to ensure that the money that is available to us is spent on a project that is equally worthwhile and improves the cross-border infrastructure.

Jobs: HMRC

6. **Mr Flanagan** asked the Minister of Finance and Personnel for an update on any discussions that he has had with HMRC, given that he will be aware of its plans to close services here and to significantly reduce the number of local jobs. (AQT 476/11-15)

Mr Hamilton: I am very concerned. I think that some of the jobs are located in Enniskillen, which is in the Member's constituency, so he will have a particular concern. None are located in my constituency, but I am pretty sure that people working in Dorchester House, Belfast, come from all parts of the Province. So it is deeply concerning that HMRC has come forward with a plan that has the potential to make quite a few hundred people redundant in Northern Ireland.

My officials have discussed and will continue to discuss the issue with our counterparts in HMRC. I am due to meet Treasury Ministers tomorrow, and I might be able to raise the issue on the margins of that meeting, which is, first and foremost, about banking.

Mr Flanagan: I thank the Minister for his response. It would be interesting to be a fly on the wall at the meeting when he discusses banking and HMRC.

Can the Minister give us an assurance that he and his Executive colleagues will do everything in their power to try to retain the jobs locally? In

particular, will he engage in discussion with HMRC to see whether any of the services that are being transferred to Britain could actually be delivered better by the first-class services that are on offer here?

Mr Hamilton: The Member can have an absolute assurance that colleagues and I will make every possible effort to retain all of those jobs, just as we fought hard to ensure that the Driver and Vehicle Agency (DVA) jobs would be retained in Coleraine. I know that my Executive colleague the Minister for Enterprise, Arlene Foster, in particular, is taking forward this issue, not least because she has the same constituency interest as the Member. I think that we can make to HMRC, as we did with DVA, a robust case. Whilst the nature of the job done by HMRC employees in Northern Ireland might change as a result of changes that HMRC is going through, they represent a good value-for-money solution to some of its problems, including the cost-cutting measures that it will have to introduce. We have done that with child maintenance and social security. Repeatedly, we have bid for and secured big contracts to provide services back into England, and I think that we can do likewise for the DVA and HMRC.

EU Funds: Additionality

7. **Mr Allister** asked the Minister of Finance and Personnel whether he is satisfied that, in the devolutionary arrangement, there is transparent additionality of EU funds, given that, under EU regulations, there is a requirement for actual additionality in regard to funding under regional and social funding. (AQT 477/11-15)

Mr Hamilton: The Member asks a good question. Perhaps we do not measure that as clearly as we might want to. I am happy to speak to officials about how precisely we measure and ensure additionality. As the Member is right to point out, it is imperative that we get from this money something that is additional and adds value to Northern Ireland, rather than a redistribution of cash that we might have got from Treasury anyway.

Mr Allister: I welcome the fact that the Minister will do that, and I suggest that he conduct a severe audit. Some years ago, long before his time, I received from his Department correspondence that left one with the very distinct impression of anything but transparency and a severe question mark over whether there was actual additionality. I think it is something

that a devolved institution could well be missing out on substantially.

Mr Hamilton: The Member and I agree in our disagreements with many things that the European Union does, but I do not have time to go through all of that. I have always been clear that we should get back as much of our money as we can to spend on projects that are beneficial to Northern Ireland. In that respect, I also agree with the Member that we need to have genuine additionality for what we spend. I have not particularly consulted on that during my term in office, but I am happy to pick up the issue and correspond with the Member on what I find.

3.30 pm

Assembly Business

Mr Wells: On a point of order, Mr Speaker. Those of you who are Church of Ireland will know the line in the catechism that states:

"We have left undone those things which we ought to have done ... miserable offenders."

I think that I fall into that category yet again. I wish to apologise to you and to the House. Again, my only feeble excuse is that the Health Minister is a very productive Minister and goes through questions at a rapid speed, and I simply cannot keep up with him.

Mr Speaker: I hear very much the Member's apology to the House. I have to say that this is the second occasion in a very short time that the Member has had to come to the House to apologise because he was not in his place at Question Time, but the Member very graciously comes to the House and apologises, which is something that I would very much want other Members to do. Other Members could take Mr Wells's example in coming to the House to apologise. I have been watching over the past number of weeks when more and more Members have been missing at Question Time. We are keeping a list, and quite a number of Members need to come to the House, like Mr Wells has done, to apologise or at least give a reason why they are not in their place during Question Time. I thank Mr Wells for coming to make the apology to the House.

Executive Committee Business

Tobacco Retailers Bill: Consideration Stage

Clause 1 (Register of tobacco retailers)

Debate resumed on Question, That the clause stand part of the Bill.

The following amendments stood on the Marshalled List:

No 1: After clause 1 insert

"Register of tobacco retailers

1A.—*(1) The registration authority must, in accordance with the provisions of this Act, maintain a register of persons carrying on a tobacco business ('the Register').*

(2) On the basis of information contained in the Register, the registration authority must, at all reasonable times, make available for public inspection—

(a) a list of premises at which tobacco businesses are carried on; and

(b) such other information as may be prescribed.

(3) The registration authority must make available to each council and the Department such information contained in the Register as that council or the Department may require.

(4) Information made available under subsection (3) to a council may be used by the council only for the purpose of enabling it or assisting it to perform its functions under—

(a) this Act;

(b) Part 2 of the Health and Personal Social Services (Northern Ireland) Order 1978; and

(c) the Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991.

(5) In any proceedings for an offence under this Act a certificate issued by the registration authority which states that on any date a person was or was not registered in respect of any premises shall be evidence of the facts stated

in it; and any such certificate which purports to be issued by the registration authority shall be taken to be so issued unless the contrary is proved.

(6) *In this Act—*

‘registered’ means entered in the Register, and ‘unregistered’ is to be construed accordingly;

‘the registration authority’ means a body which is established or constituted by or under Northern Ireland legislation and is prescribed for the purposes of this Act.”— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

No 2: In clause 2, page 1, line 1, leave out from “council” to the end of line 12 and insert “registration authority”.— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

No 3: In clause 2, page 2, line 6, leave out “council” and insert “registration authority”.— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

No 4: In clause 2, page 2, line 7, leave out “or” and insert—

“(aa) the applicant has, within the period of 5 years ending with the day on which the application is made, been convicted of an offence under section 170 or 170B of the Customs and Excise Management Act 1979 in relation to tobacco and been sentenced for that offence to a custodial sentence (whether suspended or not); or”.— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

No 5: In clause 2, page 2, line 8, leave out “council” and insert “registration authority”.— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

No 6: In clause 2, page 2, line 12, leave out “council” and insert “registration authority”.— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

No 7: In clause 2, page 2, line 14, leave out “council” and insert “registration authority”.— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

No 8: In clause 2, page 2, line 19, leave out “the council considers appropriate” and insert

“which the Department may direct the authority to include”.— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

No 9: In clause 2, page 2, line 20, leave out “council” and insert “registration authority”.— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

No 10: In clause 2, page 2, line 24, leave out “the council considers appropriate” and insert

“which the Department may direct the authority to include”.— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

No 11: In clause 3, page 2, line 30, leave out from “council” to “situated” in line 31 and insert “registration authority”.— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

No 12: In clause 3, page 2, line 35, leave out “3 months” and insert “28 days”.— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

No 13: In clause 4, page 2, line 38, leave out “A council” and insert “The registration authority”.— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

No 14: In clause 4, page 3, line 1, leave out subsection (2) and insert—

“(2) The registration authority must amend the Register so as to remove—

(a) references to registered premises in respect of which a restricted premises order has effect;

(b) a person’s entry from the Register where that person has, within a period of 5 years ending with the day on which the removal is made, been convicted of an offence under section 170 or 170B of the Customs and Excise Management Act 1979 in relation to tobacco and has been sentenced for that offence to a custodial sentence (whether suspended or not).”— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

No 15: In clause 4, page 3, line 4, leave out “A council” and insert “The registration authority”.— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

No 16: In clause 4, page 3, line 5, after “(2)” insert “(a)”.— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

No 17: In clause 4, page 3, line 8, leave out “A council” and insert “The registration authority”.— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

No 18: In clause 4, page 3, line 10, leave out “council” and insert “registration authority”.— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

No 19: In clause 4, page 3, line 13, leave out “a council” and insert “the registration authority”.— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

No 39: In clause 22, page 16, leave out lines 33 and 34 and insert—

“‘the Register’ has the meaning given in section 1A(1);

‘registered’, ‘unregistered’ and ‘the registration authority’ have the meanings given in section 1A(6);”— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

No 41: In clause 24, page 17, line 16, leave out “5(2),”.— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

Ms Brown: As a member of the Health, Social Services and Public Safety Committee, I support the amendments tabled by the Minister.

Each member can speak for themselves, but the amendments in group 1 have been brought forward with the Committee’s support as members were concerned that there was a need for a centralised registration system. Under the draft Bill, individual authorities were to be responsible for maintaining and creating a register for the respective areas of authority. However, it is felt that a system of individual registration might not prove to be effective enough, especially when it comes to enforcement on the basis of evidence being brought forward that a retailer has committed an offence. The group 1 amendments, therefore, provide for the creation of a centralised registration system, which I hope will provide the necessary benefits when it comes to enforcement, and I believe that a centralised system will simplify the process of maintaining the register.

We must do more to stop the many young people who take up smoking from doing so. It is a lethal, highly addictive habit, the effects of which are very well known to us all. Studies

have shown that those who smoke start young, and this Bill recognises that fact.

At this stage, I will take the opportunity to quote four killer facts provided by Northern Ireland Chest, Heart and Stroke. I know that they have been mentioned in the debate today, but I think that it is right and proper that they are highlighted once again. First, 83% of smokers started in their teens, with research showing that 8% of 11- to 16-year-olds are current smokers and that half of those young people who smoke regularly purchase tobacco from newsagents and other retailers in spite of legislation that makes it illegal to sell tobacco to anyone under the age of 18. Secondly, approximately 17,000 people a year are admitted to hospital for treatment for smoking-related illnesses. Thirdly, treating smoking-related diseases costs our hospitals over £150 million every year. Fourthly, and this has been mentioned quite a few times today, 2,300 people in Northern Ireland die from smoking every year. Those are very serious points that we have to consider.

Although it is the responsibility of the individual — it is the individual’s choice to smoke — we must do all that we can to stop young people, in particular, from taking up smoking in the first instance. Many young people manage to purchase tobacco over the counter. That is why the Bill focuses on the retailer by seeking to deter and regulate their behaviour. However, the Bill should not hinder retailers in their business. If they stand on the right side of the law, they have nothing to fear.

The Bill effectively enforces social responsibility. Although much work has been done on asking for proof of age, far too many young people, for whatever reason, are still choosing to take up smoking. Most retailers are responsible business owners, but the Bill seeks to deter and catch those who do not behave in a responsible manner. That will be welcomed by all of us and, indeed, by responsible retailers. I hope that the Bill will transform the sale of tobacco products by promoting responsibility and making it harder for retailers who are guilty of selling tobacco to those under the legal age of 18 to continue to act illegally and irresponsibly. I welcome the Bill and support the amendments tabled in this group.

Mr Poots (The Minister of Health, Social Services and Public Safety): I thank all those who contributed to the debate on the amendments in group 1. These amendments have been agreed with the Health Committee, and I express my gratitude to the Health Committee. This has been a demonstration of

how we can work together on issues of importance to deliver for the public.

The Chair of the Committee raised the question of registration. The merits of a centralised registration that is accessible to all via a public-facing website was discussed at Committee Stage. In addition to offering a more practical solution to members of the public, a centralised system would allow district council staff to verify easily which retailers are operating premises in other council areas. That function would be beneficial to the sharing of information on relevant offences that could lead to applications for banning orders.

An issue was also raised — I think, by Mr Beggs — relating to illicit tobacco. Following the concerns raised at Second Stage and Committee Stage, I have tabled an amendment to allow courts to include a conviction for selling illicit tobacco as one of the three offences that could lead to a banning order. The Bill will now prohibit a person from registering as a tobacco retailer for five years if he or she has been convicted of a serious illicit tobacco offence; that is one that has resulted in a custodial sentence being applied. Similarly, a person can be removed from the register if it is discovered that they have committed such an offence.

That takes me to the query that Mr Allister raised during Mr Wells's contribution. A little confusion seemed to prevail at that moment. At the outset, I should say that individuals who commit minor offences were already dealt with in the Bill. This amendment simply adds to it. As set out in clauses 7 and 8, three minor offences can lead to a retailer being banned from supplying tobacco. That is described as three relevant tobacco offences. Those are non-custodial offences. Many of them may just be public warnings from an environmental health officer from a council. That is very significant.

The issue that Mr Allister raised related to individuals who may not be in the business currently — or, indeed, who may be in the business — but have carried out a serious offence. The Committee believed that one serious offence should be significant enough to ban people from selling tobacco. For example, in the case of an individual who was selling large quantities of illicit tobacco, that single offence could lead to a custodial sentence. The Committee felt that such individuals were not suitable to sell tobacco. We happily agreed with the Committee to add that amendment. However, that does not deviate from the fact that three minor offences can also stop you from selling tobacco for five years.

I trust that that deals with the issues that have been raised during the process. I urge the House to support the amendments as proposed and reject the original clause 1 as proposed.

Mr Speaker: The Minister's opposition to clause 1 has already been debated. I remind Members that, if clause 1 stands part of the Bill, I will not call amendment Nos 1, 2, 3, 5 to 11, 13, 15, 17 to 19 and 39.

Question put and negatived.

Clause 1 disagreed to.

New Clause

Amendment No 1 made: After clause 1 insert

"Register of tobacco retailers

1A.—*(1) The registration authority must, in accordance with the provisions of this Act, maintain a register of persons carrying on a tobacco business ('the Register').*

(2) On the basis of information contained in the Register, the registration authority must, at all reasonable times, make available for public inspection—

(a) a list of premises at which tobacco businesses are carried on; and

(b) such other information as may be prescribed.

(3) The registration authority must make available to each council and the Department such information contained in the Register as that council or the Department may require.

(4) Information made available under subsection (3) to a council may be used by the council only for the purpose of enabling it or assisting it to perform its functions under—

(a) this Act;

(b) Part 2 of the Health and Personal Social Services (Northern Ireland) Order 1978; and

(c) the Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991.

(5) In any proceedings for an offence under this Act a certificate issued by the registration authority which states that on any date a person was or was not registered in respect of any

premises shall be evidence of the facts stated in it; and any such certificate which purports to be issued by the registration authority shall be taken to be so issued unless the contrary is proved.

(6) In this Act—

‘registered’ means entered in the Register, and ‘unregistered’ is to be construed accordingly;

‘the registration authority’ means a body which is established or constituted by or under Northern Ireland legislation and is prescribed for the purposes of this Act.”— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

New clause ordered to stand part of the Bill.

Clause 2 (Application for registration)

Amendment No 2 made: In page 1, line 11, leave out from “council” to the end of line 12 and insert “registration authority”— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

Amendment No 3 made: In page 2, line 6, leave out “council” and insert “registration authority”— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

Amendment No 4 made: In page 2, line 7, leave out “or” and insert—

“(aa) the applicant has, within the period of 5 years ending with the day on which the application is made, been convicted of an offence under section 170 or 170B of the Customs and Excise Management Act 1979 in relation to tobacco and been sentenced for that offence to a custodial sentence (whether suspended or not); or”— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

Mr Speaker: Amendment Nos 5 to 7 have already been debated and are technical amendments to clause 2. I propose, by leave of the Assembly, to group the amendments for the Question.

Amendment No 5 made: In page 2, line 8, leave out “council” and insert “registration authority”— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

Amendment No 6 made: In page 2, line 12, leave out “council” and insert “registration

authority”— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

Amendment No 7 made: In page 2, line 14, leave out “council” and insert “registration authority”— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

Amendment No 8 made: In page 2, line 19, leave out “the council considers appropriate” and insert

“which the Department may direct the authority to include”.— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

Amendment No 9 made: In page 2, line 20, leave out “council” and insert “registration authority”— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

Amendment No 10 made: In page 2, line 24, leave out “the council considers appropriate” and insert

“which the Department may direct the authority to include”.— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

Clause 2, as amended, ordered to stand part of the Bill.

Clause 3 (Duty to notify certain changes)

Amendment No 11 made: In page 2, line 30, leave out from “council” to “situated” in line 31 and insert “registration authority”— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

Amendment No 12 made: In page 2, line 35, leave out “3 months” and insert “28 days”— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

Clause 3, as amended, ordered to stand part of the Bill.

Clause 4 (Changes to and removal from the Register)

Amendment No 13 made: In page 2, line 38, leave out “A council” and insert “The registration authority”— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

Amendment No 14 made: In page 3, line 1, leave out subsection (2) and insert—

“(2) The registration authority must amend the Register so as to remove—

(a) references to registered premises in respect of which a restricted premises order has effect;

(b) a person’s entry from the Register where that person has, within a period of 5 years ending with the day on which the removal is made, been convicted of an offence under section 170 or 170B of the Customs and Excise Management Act 1979 in relation to tobacco and has been sentenced for that offence to a custodial sentence (whether suspended or not).”— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

Amendment No 15 made: In page 3, line 4, leave out “A council” and insert “The registration authority”.— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

Amendment No 16 made: In page 3, line 5, after “(2)” insert “(a)”.— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

Amendment No 17 made: In page 3, line 8, leave out “A council” and insert “The registration authority”.— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

Amendment No 18 made: In page 3, line 10, leave out “council” and insert “registration authority”.— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

Amendment No 19 made: In page 3, line 13, leave out “a council” and insert “the registration authority”.— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

Clause 4, as amended, ordered to stand part of the Bill.

Clause 5 disagreed to.

Clause 6 disagreed to.

Mr Speaker: Before we move on to the second group of amendments, can I confirm that amendment No 15 was made? I think that the answer to that is yes.

Clause 7 (Restricted premises orders)

Mr Speaker: We now come to the second group of amendments for debate. With amendment No 20, it will be convenient to debate the Minister’s opposition to clause 11, as well as amendment Nos 21 to 38, 40 and 42. Members will note that amendment Nos 27 and 29 are consequential to amendment No 25, amendment Nos 28 and 30 are consequential to amendment No 26, and amendment Nos 32 and 33 are consequential to amendment No 31. I call the Minister of Health, Social Services and Public Safety to move amendment No 20, speak to his opposition to clause 11 stand part and to address the other amendments in the group.

Mr G Kelly: On a point of order, Mr Speaker. I have come to the House to apologise to the Speaker, the two Ministers involved and their officials, because I missed two questions for oral answer and a topical question. I apologise to the House for not being here.

Mr Speaker: I thank the Member for coming to the House and apologising to the House. Once again, like Mr Wells, who came to the House to apologise, it sets an example of what Members should do: they should come to the House to apologise and give a reason why they were not in their place during Question Time.

Mr Poots: I beg to move amendment No 20: In page 4, line 8, leave out “may not exceed one year” and insert

“must not be less than 28 days or more than 3 years”.

The following amendments stood on the Marshalled List:

No 21: In page 4, line 14, leave out “3” and insert “5”.— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

No 22: In page 5, line 10, at end insert—

“(ba) an offence relating to tobacco committed under section 170 or 170B of the Customs and Excise Management Act 1979 on any premises in Northern Ireland (which are accordingly ‘the premises in relation to which the offence is committed’);

(bb) an offence committed under section 8F, 8G or 8H of the Tobacco Products Duty Act 1979 on any premises in Northern Ireland (which are accordingly ‘the premises in relation to which

the offence is committed’);”.— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

No 23: In clause 8, page 5, line 40, leave out “may not exceed one year” and insert

“must not be less than 28 days or more than 3 years”.— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

No 24: In clause 8, page 5, line 42, leave out “3” and insert “5”.— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

No 25: After clause 9 insert—

“Restricted premises orders: display of notices

9A. (1) *This section applies where—*

(a) a restricted premises order has effect in respect of premises (‘the relevant premises’); and

(b) a person (‘P’) carries on a retail business at the relevant premises.

(2) P must display a notice in the relevant premises in accordance with subsection (3).

(3) The notice must—

(a) state that a restricted premises order has been made in respect of the relevant premises and the period for which the order has effect;

(b) be displayed in a prominent position in the relevant premises where it is readily visible to persons at every relevant point of sale; and

(c) be displayed no later than 5 days after the date on which the restricted premises order has effect.

(4) A relevant point of sale is one that was used for the sale of tobacco or cigarette papers at any time during the period of 2 months ending with the date on which the restricted premises order was made.

(5) Regulations may specify—

(a) the dimensions of the notice to be displayed in accordance with this section;

(b) the wording of the statement to be displayed on the notice; and

(c) the size of the statement.”.— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

No 26: After clause 9 insert—

“Restricted premises orders: no tobacco in retail area

9B. (1) *This section applies where—*

(a) a restricted premises order has effect in respect of premises (‘the relevant premises’); and

(b) a person (‘P’) carries on a retail business at the relevant premises.

(2) P must, no later than the day after the date on which the restricted premises order has effect, ensure that no tobacco or cigarette papers are in the retail area of the relevant premises.

(3) Subsection (2) does not apply to tobacco and cigarette papers in the retail area of the relevant premises which an individual may have for his or her own use.

(4) In this section ‘retail area’ means any part of the relevant premises used for the serving of customers or the display of goods.”.— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

No 27: In clause 10, page 6, line 37, at end insert—

“(6A) If a person fails, without reasonable excuse, to comply with section 9A(2), the person commits an offence.”.— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

No 28: In clause 10, page 6, line 37, at end insert—

“(6B) If a person fails, without reasonable excuse, to comply with section 9B(2), the person commits an offence.”.— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

No 29: In clause 10, page 7, line 4, at end insert—

“(d) subsection (6A) is liable on summary conviction to a fine not exceeding level 3 on the

standard scale;”— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

No 30: In clause 10, page 7, line 4, at end insert—

“(e) subsection (6B) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

No 31: In clause 12, page 7, line 14, leave out from “the proper” to the end of line 15 and insert

“ascertaining whether any of the following offences is being or has been committed on the premises and, if so, by whom—

(i) an offence under section 10;

(ii) an offence under Article 3, 4 or 4A of the Health and Personal Social Services (Northern Ireland) Order 1978;

(iii) an offence under Article 4, 4A or 5 of the Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991;”— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

No 32: In clause 12, page 7, line 34, leave out from “of the proper” to the end of line 34 and insert “mentioned in subsection (1)(a).”— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

No 33: In clause 12, page 7, line 37, leave out from “of the proper” to “this Act” in line 38 and insert “mentioned in subsection (1)(a).”— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

No 34: In clause 13, page 8, line 21, leave out from “an offence” to the end of line 24 and insert—

“(a) an offence under section 10(1), (2), (3), (6A) or (6B),

(b) an offence under Article 3, 4 or 4A of the Health and Personal Social Services (Northern Ireland) Order 1978,

(c) an offence under Article 4, 4A or 5 of the Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991.”— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

No 35: In clause 16, page 10, line 29, leave out “3” and insert “5”.— *[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

No 36: After clause 16 insert—

“Council’s duty to share information about enforcement

16A. (1) Every council must make available to every other council, the registration authority and the Department such information relating to—

(a) fixed penalty notices given in respect of tobacco offences committed in the district of that council,

(b) convictions in respect of tobacco offences committed in the district of that council, and

(c) restricted premises orders and restricted sale orders made on an application by that council, as the other council, the registration authority or, as the case may be, the Department may require.

(2) Information made available under subsection (1) to a council or the registration authority may be used by the council or the registration authority only for the purpose of enabling it or assisting it to perform its functions under this Act.

(3) In this section ‘tobacco offence’ has the meaning given in section 7(14).”— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

No 37: In clause 18, page 11, line 1, leave out subsection (2) and insert—

“(2) In Article 3(3) (prohibition on sale of tobacco, etc. to persons under 18) for ‘level 4’ substitute ‘level 5’.”— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

No 38: In clause 18, page 14, line 38, leave out subsection (3) and insert—

“(3) After Article 4 insert—

‘Purchase of tobacco on behalf of persons under 18

4A. (1) A person aged 18 or over who knowingly buys or attempts to buy tobacco or cigarette papers on behalf of a person under the age of 18 shall be guilty of an offence.

(2) A person guilty of an offence under paragraph (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

No 40: In clause 23, page 17, line 9, leave out subsection (3) and insert—

“(3) Paragraph (aa) of section 2(3) does not apply in relation to an offence mentioned in that paragraph which is committed before the commencement of that paragraph.

(4) Paragraph (b) of section 4(2) does not apply in relation to an offence mentioned in that paragraph which is committed before the commencement of that paragraph.

(5) Section 12 does not apply in relation to an offence mentioned in section 12(1)(a) which is committed before the commencement of that section.

(6) Section 13 does not apply in relation to an offence mentioned in section 13(1) which is committed before the commencement of that section.

(7) Subsection (2) of section 18 does not apply in relation to an offence which is committed before the commencement of that subsection.”— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

No 42: In the long title, leave out

“to confer additional powers of enforcement in relation to offences under Articles 3 and 4 of the Health and Personal Social Services (Northern Ireland) Order 1978;”

and insert

“to amend the Health and Personal Social Services (Northern Ireland) Order 1978; to confer additional powers of enforcement in relation to offences under that Order and the Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991;”— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

Mr Poots: Amendment No 20 extends the maximum period for which a court may issue a restricted premises order from one year to three years and sets a minimum period of 28 days for such an order. Amendment No 23 amends the equivalent provision in clause 8 for restricted

sale orders. The amendments were suggested by the Health Committee during its scrutiny of the Bill, following reports of banning periods of less than one week being issued in jurisdictions where similar legislation exists. I am thankful to the Committee members for their work in identifying that.

As the Bill was introduced, three relevant offences had to be committed within a three-year period before a council could apply to a court for a restricted premises order or a restricted sale order. Amendment Nos 21 and 24 allow instead for an application to be made following three offences within five years. That will remove some pressure from councils and should act as a greater deterrent for retailers from making underage sales. Once again, the amendments were made at the suggestion of Committee members, and I believe that they strengthen the Bill and am accordingly grateful.

Amendment No 22 allows for the inclusion of an offence of selling illicit tobacco as one of three offences that could lead to a restricted sale or premises order. The illicit tobacco trade seriously undermines tobacco control measures put in place by my Department. Therefore, I am grateful to the Health Committee for suggesting the measure, and I am pleased to propose it as an amendment at this stage.

Amendment Nos 25 and 26 also arose out of discussions held at Committee Stage. Both apply to circumstances where a retailer is subject to a restricted premises order. The former requires a retailer to display a notice stating the period of the order. The latter requires that all tobacco products should be removed from the retail area of the shop, thereby removing temptation for a retailer to make a sale whilst under a banning order. Amendment Nos 27 to 30 insert provisions creating offences and penalties in relation to amendment Nos 25 and 26.

Amendment Nos 31 to 34 are being proposed in order to consolidate in one place in the Bill, under clause 12, the enforcement provisions relating to powers of entry, fixed penalty notices and the obstruction of officers.

Amendment No 35 raises the fine for obstructing an officer from level 3 to level 5 on the standard scale of fines for offences punishable on summary conviction only. Level 5 is a fine not exceeding £5,000. Similarly, amendment No 37 raises the fine for selling tobacco to a person under the age of 18 from level 4 to level 5. Both of those amendments were suggested by the Health Committee during its scrutiny of the Bill, as it was

considered that a level 5 fine was more appropriate. In addition, amendment No 37 removes the existing subsection (2) from clause 18, as those provisions have been included now under clause 12.

Amendment No 36 places a duty on councils to share information with each other, the registration authority and the Department. That requirement, which was suggested by the Health Committee, will assist enforcement of the legislation, and I am thankful to Committee members for their input.

Amendment No 38 removes clause 18(3) as it is no longer required as a result of amendment Nos 31 to 34. It also inserts a new subsection, which, again, came about as a result of discussions at Committee Stage. The new subsection makes it an offence for an adult to purchase tobacco products on behalf of a person under the age of 18. Studies show that a considerable proportion of young people obtain tobacco from either friends or relatives. Creating an offence of proxy purchasing should help to prevent that. I thank Committee members for suggesting the amendment.

Amendment No 40 relates to clause 23. It provides that named sections of the Bill, relating to offences, apply only from when those sections are commenced.

Members will have noted on the Marshalled List my intention to oppose the Question that clause 11 stand part of the Bill. The amended clauses 12 to 16 contain sufficient powers to enable authorised officers to enforce the legislation. Therefore, the general provision included in clause 11 is no longer needed.

As a result of all of the amendments that I have outlined in groups 1 and 2, the scope of the Bill has changed slightly. That has required a substantial amendment to the long title.

Ms Maeve McLaughlin (The Chairperson of the Committee for Health, Social Services and Public Safety): Go raibh maith agat, a Cheann Comhairle. I will now comment on the second group of amendments.

Amendment Nos 20 and 23 relate to the period for which restricted premises orders and restricted sales orders can be made. As drafted, the Bill does not specify a minimum period for a restricted premises order or a restricted sales order. Some stakeholders, such as the Chief Environmental Health Officers Group, were concerned that that would result in the courts issuing very short orders for a number of days or weeks that would have

little impact on those convicted. The Committee learned that, in the South, no minimum period is specified, and courts there have issued some very short orders. Furthermore, the Department advised that, while there is no minimum period in the Scottish legislation, officials there are considering introducing one because of the short length of the orders that are being made.

The Bill, as drafted, specified that the maximum period for an order is one year. Some stakeholders, including the cancer charities, suggested that that should be increased to three years. The Committee learned that, in the South, the maximum period is 90 days; in Scotland, it is two years; and, in England and Wales, it is one year. The Department proposed amendments to clauses 7 and 8 to state that the duration of restricted premises and restricted sales orders must be at least 28 days and may not exceed three years. The Committee was content with that approach. It, therefore, welcomes amendment Nos 20 and 23.

Amendment Nos 21 and 24 relate to the threshold for a court to be able to impose either a restricted premises or a restricted sales order. As drafted, the Bill states that three offences committed in three years will result in a restricted premises order or restricted sales order. However, given the frequency of test purchasing exercises, the Committee suggested that three offences in five years would be more realistic in securing a restricted premises order or a restricted sales order and would act as a better deterrent. Councils, via NILGA, advised that they were content with that suggestion. The Department responded by saying that it was in favour of the Committee's suggestion. It proposed amendments to clauses 7 and 8 accordingly. The Committee was content with the Department's approach and welcomes amendment Nos 21 and 24.

Amendment No 22 relates to illicit tobacco offences. The Committee was of the view that an illicit tobacco offence should count towards the three offences that result in a restricted premises order or a restricted sales order under clause 7(14). The Committee raised the issue during the introductory scrutiny of the Bill, and, at Second Stage, the Minister gave an undertaking that he would consider the matter further.

At the Committee meeting on 15 May 2013, officials agreed to look at an amendment to include reference to offences committed under the Tobacco Products Duty Act 1979 and the Customs and Excise Management Act 1979. In

considering the issue, the Committee sought information on what sort of behaviour someone would have to be engaged in for HMRC to seek a prosecution for illicit tobacco. The Committee learned that, in the North, HMRC uses the Customs and Excise Management Act 1979 to seek prosecutions for illicit tobacco. In a letter dated 26 July 2013, the Minister advised that there were five convictions under that Act in 2012. One was for smuggling over eight million cigarettes; two were for smuggling 200,000 cigarettes; and two were for smuggling 330,000 cigarettes. The Committee was satisfied that illicit tobacco offences related to a serious level of criminal activity.

The Department agreed with the Committee's thinking. It proposed an amendment to clause 7 to extend the definition of tobacco offences to include certain offences under the Customs and Excise Management Act 1979 and the Tobacco Products Duty Act 1979. That is covered by amendment No 22 and is welcomed by the Committee.

4.00 pm

Amendment No 25 requires businesses that are subject to a restricted premises order to display a notice to that effect. The cancer charities and the councils advised the Committee that, in Scotland, a business that is subject to a restricted premises order has to display a notice. The Committee believed that this would act as a good deterrent, as well as making the public aware that a premises had broken the law. The Department agreed with the Committee's position and proposed an amendment to clause 9, with associated offences and penalties created in amendments to clause 10. The relevant amendments are Nos 25, 27 and 29, which the Committee supports.

Amendment No 26 requires that, when a business is subject to a restricted premises order, it is not allowed to display tobacco in the retail area. A number of stakeholders suggested to the Committee that, when a restricted premises order is in place, the retailer should be required to remove tobacco products from the premises to prevent any inadvertent breach of the order and to make it easier for councils to check that a premises was complying with the order. When the Committee put this suggestion to the Department, it advised that it would be more reasonable to require that the tobacco products should be removed from the retail area rather than the premises entirely. The Department reasoned that there are security issues with requiring the retailer to have to remove tobacco from the

premises entirely. If a retailer was forced to store the tobacco at a private dwelling, it could make them the target of a break-in. The Committee believed that this was a reasonable approach and agreed with the Department's amendment to clause 9 and the amendments to clause 10, which create associated offences and penalties. The relevant amendments are Nos 26, 28 and 30, which the Committee supports.

The Minister intends to oppose clause 11, given the amendments that he is proposing to clauses 12 to 16. The Committee supports the Minister's opposition to clause 11. Amendment Nos 31, 32 and 33 all amend clause 12 in order to consolidate in one place in the Bill the powers of entry of authorised officers. The Committee supports those amendments.

Amendment No 34 allows councils to issue fixed penalty notices for a wider range of offences than were originally included in the Bill. In particular, the councils and the charities were keen that fixed penalty notices should be available regarding sales from vending machines. The Department agreed with this thinking and has proposed an amendment that will do that, as well as allowing for fixed penalty notices for selling unpackaged cigarettes and failure to display a warning sign. The Committee, therefore, welcomes amendment No 34.

Amendment No 35 concerns the level of fine for obstructing a council officer. The Bill, as drafted, stipulates a fine not exceeding level 3 of £1,000. However, the councils suggested to the Committee that a level 5 fine — a maximum of £5,000 — would be more appropriate. When questioned on this issue, the Department responded that a level 3 fine is the standard fine for this type of offence in other legislation and, therefore, a level 3 fine should apply in the Bill. However, the Committee proposed that, if this was the case, thought should be given to amending other legislation to bring it into line with the level of fine that was decided on in the Bill for obstructing an officer. After consideration, the Department proposed an amendment to clause 16 to make the fine for obstructing an authorised officer one not exceeding level 5. The Committee was content, and we support amendment No 35.

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

Amendment No 36 creates a new clause regarding the duties on councils to share information about enforcement. The issue of enforcement was raised by the councils and the cancer charities. They were concerned that the

Bill was not drafted in such a way as to ensure that all the relevant information is shared by all the relevant agencies in order to ensure that this legislation can be properly enforced. They were in favour of the creation of one central information point, which brings together details of people who have been convicted of or given fixed penalty notices for tobacco offences, details of who is subject to restricted premises orders and restricted sales orders, and details of people who have been convicted of illicit tobacco offences. After consideration, the Department agreed to amend clause 16 to create a duty on councils to share with other councils, the registration authority and the Department details of fixed penalty notices, convictions, and restricted premises orders and restricted sales orders. The Committee was content with that proposed amendment.

As for how information on people who have been convicted of illicit tobacco offences would be shared, the Department explained that it could not use the Bill to require HMRC to share details of illicit tobacco convictions with the councils. The Department advised that it was working with the Department of Justice to develop a protocol between HMRC and local councils in the North so that details of convictions would be shared. The councils would subsequently share that information with the registration authority. Again, the Committee was content with those arrangements, and we therefore support amendment No 36.

Amendment No 37 deals with the level of fine that can be applied to someone caught selling tobacco to a person under 18. The councils and the cancer charities alerted the Committee to the fact that the current fine does not exceed level 4, or £2,500. They argued that that is too low to act as a real deterrent against selling tobacco to a child. In their view, a level 5 fine of £5,000 would be more appropriate. The Committee put that suggestion to the Department, which accepted it and agreed to make an amendment to clause 18. The Committee therefore supports amendment No 37.

Amendment No 38 creates an offence of proxy purchasing and is welcomed by the Committee. The retailers and manufacturers, as well as the cancer charities, proposed that the Bill should be amended to create an offence for an adult to purchase tobacco on behalf of someone under 18. That offence has been introduced in Scotland and is known as proxy purchasing. The Department initially made the point that the enforcement of a provision on proxy purchasing by tobacco control officers would be very difficult. The officers would need to observe

children giving money to an adult and the adult going into a shop. They would need to stop that adult and seek his or her identity. However, after consideration, the Department proposed an amendment to clause 18 to create an offence for proxy purchasing, with a maximum penalty of a level 5 fine. The Committee was content with that amendment.

Amendment No 40 concerns amendments to clause 23. Those amendments, which are being proposed by the Minister, were not brought to the Committee during Committee Stage. However, the Minister wrote to the Committee on 7 November to advise us that, after taking further legal advice, he is of the view that the amendments he had proposed for preventing a person from registering as a tobacco retailer or removing a person from the register if they have been convicted of an illicit tobacco offence may be contrary to the European Convention on Human Rights, as they would be retrospective.

The Minister is proposing a new amendment, which provides that the relevant clauses do not apply to offences that were committed previously. However, they do apply to illicit tobacco offences that are committed once the Bill becomes law. Given that Committee Stage had already been completed, the Committee agreed to note the Minister's proposed amendment to clause 23.

Amendment No 42 relates to the long title and the Committee is content with that amendment.

Mr Wells: I think it is quite remarkable that we have been able to bring together legislation that is generally accepted by the leading cancer charities, by the district councils, through the Northern Ireland Local Government Association (NILGA), their representative body, by all of the disparate members of the Committee and by the Minister. It is quite a unique situation that we have been able, by rational negotiation and discussion, to come to a Bill that seems to have met the needs of almost everyone. Of course, there are people who believe that we should have gone further, but I think that even the cancer charities accept that the Committee and the Minister have gone as far as they can within the existing parameters that are set, in terms of the present legal standing, former judicial reviews and such things as the European Court of Human Rights.

I believe that what we have here is a very balanced series of measures that, in my opinion, send out a very clear message to retailers in Northern Ireland, whether they are multinational supermarkets or the small tobacconist on the corner. If you sell tobacco to

underage children, your business is under threat. Your business is under threat because the amendments make it very clear that, if you commit three offences within five years — so it is hanging over you for quite a long time — you can lose your right to sell tobacco products for a period that can be as little as 28 days or as much as three years. You also risk a fine up to level 5.

I heartily congratulate the Minister and Department, because we were able to obtain a consistency of fine levels throughout the legislation at level 5, so people know exactly where they stand. Equally, level 5 is a very severe sanction. Of course, it is entirely up to the courts and judges to establish what they feel is a fair and reasonable fine, but the potential of a £5,000 fine will greatly concentrate the mind of tobacco retailers.

In addition, you have the ignominy of having to put a poster or notice in your window telling your customers exactly what you did wrong, as well as dealing with the impact that that has. Therefore, people will not be coming in to buy their tobacco. If they arrive at the door, they will see that a restricted premises order is in operation, so there is no sense in coming in. That is a powerful deterrent, especially for the leading groups of retailers — the big concerns that own several score or maybe over 100 units in Northern Ireland.

There was a proposal that, if one retailer in a multinational lost its right to sell tobacco, that should be extended to every one of its shops in Northern Ireland. As much as some of us harboured briefly that idea, it would have been a bit draconian and would probably not have stood up in the courts. I do not think that we would have been able to stand over the suggestion that if, for instance, one small branch of Tesco made that mistake, all branches of Tesco would be barred from selling tobacco, so sense prevailed.

Not only is the legislation sending out a clear message to tobacco retailers about the sale of tobacco but the opportunity was taken, again with the cooperation of the Minister and the Department, to bring in two issues: the sale of illicit tobacco and proxy sales. I am reminded of an incident in Warrenpoint about six years ago when a lorry driver was caught with several million cigarettes in a container. He argued in court that they were for personal use. The judge got out his calculator and said that at 2,000 per day it would take him 300 years to smoke the cigarettes. Therefore, the judge ruled that they were not for personal use, were illicit and were intended for the black market.

The problem is that we have no control over the quality of black market cigarettes or where they are sold and to whom. Therefore, laws that place an onus on retailers not to be involved in that illicit trade are welcome. When we suggested that, we were not certain whether the legislation was a suitable vehicle for it, but the Department reacted promptly to say that, yes, it was. That sends out a clear signal.

There is also the issue of proxy purchasing. We accept that the vast majority of people took up smoking as teenagers. Ms Brown suggested that the percentage was 82%, while I suggested 80%. Unfortunately, some of those individuals did not go in and buy the cigarettes then. They asked an older person to do it for them. Those people are equally culpable in this, because if they are using their older appearance or age to obtain tobacco products, they are hooking younger people on an activity that we know is disastrous for their health. Therefore, I am delighted once again that there was strong support for that measure from the Department, and we are happy that it was accepted.

I am also pleased that the Minister was able to clear up the technical issue raised by Mr Allister. I am always worried when Mr Allister gets to his feet, because I am aware that he is a leading QC and a legal expert. You seldom win an argument with Mr Allister on legal issues, so I am glad that the cavalry arrived in the form of the Department to clarify that issue.

I was a bit worried when the Chair talked about taking Fearghal — I think she meant “taking further action”. Certainly, some of us would at times say, “Do take Fearghal”, but I think that that was a slip of the tongue, or perhaps it was the Londonderry accent, and I got it wrong.

Clause 11 is no longer needed. There was a demand from some members of the Committee that the register include a list of all the individuals who had transgressed under the legislation and were subject to restricted sales orders. That raised huge difficulties about keeping the register up to date and ensuring its accuracy. However, retailers said to us that it would be helpful for them to know that if someone applied for a job to sell tobacco in their shop, they could look up the register and see whether the person had a previous conviction. For practical reasons, that was not applicable.

What we did suggest, however, was that it was perfectly legal for someone who wished to employ someone to sell tobacco to ask on the application form, “Have you had a conviction

under this legislation preventing you from selling tobacco?" If a person failed to answer that question accurately, and the truth was subsequently discovered, that would be just grounds for removing that person from employment. That is the way to solve the problem of trying to identify people with a track record, rather than creating a huge bureaucratic nightmare by having the register continually updated, with people appealing decisions about their inclusion and pointing out inaccuracies.

4.15 pm

We have achieved a huge advancement in dissuading our young people from taking up cigarettes. Maybe it is too much of claim, but I would like to think that, as a result of this legislation, lives will be saved in Northern Ireland and that young people who would otherwise have been tempted to buy illicit tobacco, or those who would have been tempted to buy it for them on a proxy basis, will be deterred. I hope that young people will be deterred from taking up smoking and that their lives will be saved. In addition to the 2,300 people who die every year from this terrible affliction, half of all those who take up smoking at any age will die from a smoking related condition. That is a dreadful, dreadful statistic, and anything that we can do to discourage people from getting hooked in the first place has to be a job well done by this Assembly.

I commend the legislation to the Assembly. As far as the amendments and the Minister's opposition to various clauses are concerned, there is total agreement, so there need not be any further division in the House.

Mr Principal Deputy Speaker: We will now take Mr Fearghal McKinney.

Mr McKinney: Thank you, Mr Principal Deputy Speaker. I welcome the chance to speak once more on the Bill. The latter part of our consideration is crucial, given that offences and enforcement will be a key mechanism that can be utilised to reduce the illicit provision of tobacco. I re-emphasise the point that Mr Wells made: 2,300 people a year — I know that this was said this morning but it is worth repeating — which equates roughly to 45 people a week, die of smoking related illnesses, never mind all those who carry with them long-term illnesses as a result of the early take-up of tobacco products. Anything that can assist in reducing those numbers is helpful.

The SDLP is content with the Committee's position on clauses 7 to 26 and with the

amendments tabled by the Department. Looking at amendment No 20, the original draft of the Bill did not specify the minimum period for a restricted premises order. On the receipt of evidence from many stakeholders, we were concerned that that absence would lead to the courts here issuing very short restricted premises orders. We were also informed that, in the Republic, where no minimum period for a restricting order exists, the courts imposed very short restricting orders. For that reason, we are content with the Department's amendment.

Turning to clause 8, the Committee suggested that, given the nature and the frequency of test-purchasing exercises, three offences in five years was a more realistic time frame. The SDLP is content that the Department has accepted that reasoning and drafted amendments accordingly. A number of stakeholders raised questions about the circumstances in which councils would seek restricted sales orders. Representatives from the Chief Environmental Health Officers Group relayed to the Committee that they believed that the purpose of restricted sales orders was to deal with a person who owns a number of premises. We have touched on that issue. The Committee asked the Department for clarification and is suitably content.

The Minister has indicated that he is opposed to clause 11. The SDLP is content to agree with the Committee and the Minister on that.

Amendment No 38 provides for the offence of proxy purchasing. It was noted that that offence has already been created in Scotland. The Department initially made the point that it would be extremely difficult to enforce that sort of offence because officers would need to observe a transaction between a child and an adult. It is the SDLP's view that legislation of that sort is necessary and that difficulty of enforcement is not a suitable reason to discard any proxy purchasing provision.

In summary, the SDLP, consistent with our contributions this morning, is content with the Committee's position.

Mr Beggs: I declare an interest in that my dad is a local councillor. Councils will have the job of implementing the legislation and acting on its measures on the ground.

I welcome the strengthening of sentencing that is proposed on restricted premises orders through amendment Nos 20 and 23. Originally, we were advised that the sentence was not to exceed one year but the difficulty is that, on many occasions, the judiciary will look at the maximum sentence and then determine what

the minimum sentence might be. As others indicated, in Scotland and, I believe, the Irish Republic, a very lenient sentence of a few days has been issued. That is no real penalty. So, I certainly support the concept of having a minimum period of 28 days and a maximum period of three years for very severe or repeat offences; that is appropriate. It is important to give a message that this is important in protecting the health of our young people.

I will now move on to amendment No 21, in conjunction with amendment No 24. Amendment No 21 provides for the extension of the test period from three years to five years. In other words, if you are caught committing an offence, perhaps through a test purchase or other evidence, three times in a five-year period, as opposed to the original three-year period, you would risk going to court and losing your licence. I think that that is very important. Environmental health officers told us that about 15% of retail outlets are subjected to test purchasing. If that were done randomly, very few would be subjected to three test purchases in three years. Thankfully, there is a degree of scoping and attention given to those retailers that are suspected of selling to younger persons. That will increase the likelihood, but increasing the period to five years will significantly increase the pressure on retailers and their staff to ensure that no sales are made to underage persons.

I will now move on to amendment No 22, which is very important. I am pleased that, subsequent to the Bill's publication, the Minister recognised the Committee's concern and brought forward this very significant amendment. Personally, I believe that it will be very important in fighting organised crime and those paramilitaries involved in fundraising through illegal tobacco sales. Smugglers need outlets to move on their product, and it is important that we all work together to try to cut those retail outlets down.

The amendment includes in the Bill offences defined as tobacco offences under sections of the Customs and Excise Management Act 1979 and the Tobacco Products Duty Act 1979. That is important because those offences will be included when determining whether there should be a restricted sales order or perhaps even whether a licence should ultimately be granted. Other offences will be included, so there will be huge pressure on retailers not to handle illegal goods. Perhaps it is cigarettes on which the excise duty has not been paid or those that, as Mr Wells indicated, have been illegally branded to give the appearance of regular cigarettes. No one really knows what

product is inside such cigarettes, so there is huge danger there.

So what effect will this have in practice? If, as I say through test purchasing or, as in a recent news story, video evidence, there is a conviction under the Customs and Excise Management Act 1979 or the Tobacco Products Duty Act 1979, the retailer will also be at risk of losing his licence to sell tobacco. That is a very powerful tool, and I do not think that it should be underestimated. It will be important in the community's fight against organised crime and, indeed, those who use the money to fund illegal activities and even more serious criminality.

Amendment No 25 deals with the display of notices under restricted premises orders. Again, that was not included in the Bill originally, but such a provision has been applied elsewhere, such as in Scotland. I think that there is an embarrassment factor if a retailer has to put a notice up in his window to indicate that he has breached the legislation by selling to underage people or because of other offences. That has merit.

Amendment No 26 is a new clause that states that no tobacco should be stored in a retail area. If we want to be sure that it is not being sold on, it is better that there is a clear demarcation so that there will not be tobacco in the retail area. As others have said, I agree that it would be unreasonable to force some small retailers in particular, which may have no other location in which to store the tobacco other than their premises, to take their tobacco off the premises. Most shops and retailers have a secure store area. Therefore, that would be a reasonable area for them to keep their tobacco in during a ban.

It would be helpful if the Minister could address the aspect of clause 9B(3), which says that the individual may have cigarettes for his or her own use. I hope that that will be a personal packet of cigarettes, and not a carton of cigarettes for their own use. I ask the Minister to reflect on whether, at a subsequent stage, there is a need to further refine that, and whether he is confident that it will prevent multiple packets of cigarettes being in the retail area and someone claiming, "Oh, but these are only for my own personal use". I hope that it would be for only a single pack of cigarettes that someone may personally consume, if it were in that premises at all in such a situation.

Amendment Nos 27, 28, 29 and 30 are simply technical amendments that are subsequent to the prior two amendments. I am also supportive of them. I support the Minister in his

opposition to clause 11. With the new central register, that clause is no longer appropriate.

Amendment No 31 is another interesting aspect. It is under the heading of increasing the scope and power of entry and test. Perhaps it will widen the areas in which test purchases can occur and offences can be detected. I welcome that and amendment No 32, which is similar. Amendment No 33 is a technical amendment. Amendment No 34 concerns fixed penalties for certain offences. That, again, is a technical amendment to widen fixed penalty areas so that it will be possible to include a wider aspect.

Amendment No 35 concerns the “Obstruction, etc. of authorised officers”. That is the heading in the Bill that that section would affect. I support the proposal to increase the level 3 to a level 5 for anyone who might obstruct an officer when perhaps inspecting premises. That is entirely appropriate. What if a retailer knew that they had a level 5 offence behind the door? Are we going to allow them to get off with a level 3 offence by simply not allowing them through the door? It is entirely appropriate that there should be a level 5 offence for failing to allow authorised officers to access the premises. There would be a clear message that you will not be worse off — or, sorry, you will certainly not better yourself by taking a lesser fine if you block access. Perhaps that is the correct way to put it.

Amendment No 36 is a new clause about a duty on councils to share information about enforcement. Again, that is entirely appropriate. It makes it very clear that there would be sharing of information for mutual benefit.

An important and interesting aspect of this is on the new clause 16A(3), where the tobacco offence is defined. When you trace it all back, you see that this will also include, from my reading of it and I hope the Minister will clarify, offences under the customs and excise legislation and the tobacco Act. So, councils will gather this information, with information, hopefully, coming through from Revenue and Customs and other sources through protocol. They will have information available about all offences that any individual retailer may have committed, and this will be a warning because, when you are willing to breach the law in one area, you are also more likely to breach the law in others. That, in turn, may result in better targeting of those test purchases and better use of the time spent by environmental health officers trying to uphold the law in the course of their duty.

4.30 pm

Amendment No 23 is also quite technical. It amends section 2 of the 1998 order. I view that as being another technical amendment.

Amendment No 38 enacts a new offence under a form of proxy purchase. This is as a result of the Committee becoming aware of this being a useful tool. I think that it is appropriate. How are young people getting their cigarettes? I am sure that there are adults who are supplying them. I accept that it will be difficult to enforce this on every occasion, but I am sure that many responsible adults who may have been providing them and were unaware that they may have been breaching the law will now recognise that they will be very clearly breaking the law. Hopefully, fewer adults will be involved in purchasing cigarettes for young people. Again, it is all important to cut off the supply of cigarettes to our younger population. Young people get addicted and, ultimately, after many years, they will suffer ill health and an early death. It is because smoking is so addictive that it is important that we do all that is possible to try to cut off the addiction at that early stage.

I have to admit that I regret the need for amendment No 40. I would have thought that, if someone had committed a serious offence in the past five years, it could be taken into account in future. Regrettably, legal advice seems to be coming through that that is not possible. Sometimes, I view the law as an ass, and I think that this is one occasion. If someone had been convicted of selling cigarettes to people under 18 in the past six months, and if they were to be convicted a third time, why should significant action not be taken against them? The legal advice to the Minister, and I dare say, through him to the Committee, is that, under human rights regulations, this is not possible. I do not understand that. I think that this is strange, but it is important that we do not torpedo what is otherwise very good legislation.

Obviously, the long title has to be changed to reflect the significant changes that the amendments will make to the Bill.

I view this legislative process as being very positive. It has engaged the voluntary sector with the Committee, and it has engaged the Committee with the Department and, in turn, the Minister. Each sector has been listening carefully to evidence of best practice and relevant information that is available. They have all contributed to what I believe to be much better and stronger legislation, and

legislation that I believe will protect our children and young people much better than what was originally proposed. For that, I am very thankful. So, I will be supporting the Minister's amendments, and I will be opposing the others that have become redundant.

Mr McCarthy: Once again, I voice my support for the Committee Chairperson and Deputy Chairperson and, of course, for this group of amendments. I believe that the amendments constitute a much stronger approach to enforcement than the wording in the Bill. Nonetheless, there does remain an appropriate level of balance and proportionality in the revised way forward. Effective enforcement and, as a result, deterrence will be critical in turning the good intent behind the Bill into real change.

I believe that, in getting the Bill to this stage, this is a good day. Let those commentators who say that nothing ever comes from this place acknowledge that the Bill will, undoubtedly, save lives in Northern Ireland and beyond. I am proud to be part of it, and I support the amendments.

Mr Dunne: I will follow my colleague from Strangford in much the same time limit.

I welcome the opportunity to speak on the Tobacco Retailers Bill. There has been a lot of good work done, headed by the Chairperson, and the Committee has had a good session on the matter. A lot of progress has been made.

I wish to say a few words on the amendments listed in group 2, which refer to offences, enforcement, powers and penalties. Again, it is felt that there is a need to tighten up on the penalties where a retailer is guilty of an offence. Many of the original penalties for offences have been strengthened in order to deter retailers from taking a risk. This will allow councils to be given enforcement powers to ensure compliance with the new legislation and allow for fixed penalties to be issued where offences have occurred.

I welcome amendment No 38, which amends clause 18 and makes it an offence to purchase tobacco on behalf of someone else, knowing that they are not the legal age to smoke. This is significant, it is progress, and it will go a long way in trying to control the sale of tobacco to young people.

Unfortunately, it is estimated that 83% of smokers started smoking in their teens. That is a major risk area. The latest research shows that 8% of 11- to 16-year-olds are current

smokers. Half of those young people who smoke regularly purchase tobacco from newsagents and other retailers in spite of the current legislation.

The fact that approximately 17,000 people are admitted to hospital a year for smoking-related illnesses and that it is estimated that 2,300 people die in Northern Ireland a year from smoking shows that there is room for major improvement. We must try to tackle the problems associated with smoking.

Like many Members earlier, I commend the positive consultation we have had with the charity groups on this matter. We commend the work of the charities in trying to control smoking, to help people to stop smoking and to discourage young people from engaging in smoking. Many charity workers are volunteers who give up their time willingly to engage in this positive work. The strengthened enforcement action and sanctions proposed against retailers selling tobacco to underage persons will help us to seek and make progress on this issue.

Mr Gardiner: Consideration Stage of a Bill gives all Members an opportunity to speak and vote on particular amendments and clauses before the Bill enters its final stages. I welcome the amendments tabled, and it would appear, more generally, that Minister Poots listened carefully to the many issues raised by the Committee.

I welcome amendment No 25, which refers to the duty on restricted premises to display a notice. Prevention is always better than cure. I therefore hope that the obligation to display notices will become yet another deterrent to breaking the law. I have said throughout the Bill's stages that enforcement is the single biggest issue in this Bill, and, for that matter, any other Bill. There is no point in making new laws without foolproof pathways for enforcing them.

I still have grave concerns about the enforcement of the existing law against selling tobacco to underage children. Under the present legislation, enforcement has been a problem. Tobacco retailers were visited by council officials 1,393 times over a 156-week period, which equates to fewer than nine visits per week over all 26 council areas and one visit every three weeks for each council area. That does not look much like a rigorous enforcement regime to me. It is a shockingly bad performance. When you pass laws that are not properly enforced, you bring the law into disrepute. You also bring into disrepute the Assembly that makes those laws. Today, we

need to ask whether a clear enforcement pathway is laid out in the legislation. Fortunately, I believe so. However, there should be a named official in the new council structure who is responsible for enforcing the legislation in his or her area. I see some merit in a form of council performance review being built into the Bill so that we can see whether councils are doing better than their predecessors. There is no point in imposing heavy fines if you do not enforce the system better than having each council make only one visit every three weeks, as was the case under the old legislation.

The final point that I wish to make is on amendment No 36. The Minister proposes to create a new clause to compel councils to share with one another information held on their premises; for example, a list of those issued with fixed notices. That is to be welcomed. However, I urge the Minister to ensure that the clause is properly enforced, because, if there is a disjointed approach, we will never get to the root of the problem. I hope that the Minister listens to and acts on my concerns.

Mr Poots: I thank all those who took part in the debate. The discussion seemed to concentrate on illicit tobacco. The legislation focuses mainly on tobacco retailers. I strongly desire much more forceful action on illicit tobacco. Our efforts to encourage people not to smoke are undermined as a consequence of inactivity on the part of national government and HMRC when it comes to going after those dealing in illicit tobacco. That is where our biggest problem lies. In truth, in pursuing those people, there are no losers apart from the criminals. If they are not pursued, the Government lose taxation on legitimate tobacco as a result of illicit tobacco being sold, legitimate businesses that produce or retail tobacco are hurt as consequence of people selling illicit tobacco and criminals make vast amounts of money, much of which they plough back into developing criminal empires and carrying out further criminal activity. Therefore, for the life of me, I do not understand why there is not a much more forceful and robust pursuit of people who engage in the crime.

Mr Beggs raised the issue of having cigarettes for personal use in a shop, subject to a restricted premises order. Advice provided at the time of drafting the amendment stated that the provision was necessary. The legislation applies only to tobacco available for sale. If an enforcement officer witnesses a sale, the seller cannot claim that the tobacco was for personal use.

If, during a visit, an enforcement officer sees a quantity of cigarettes in the retail area that he or she perceives to be larger than could be deemed to be for personal use, they can use their own judgement to decide whether a prosecution is in order.

4.45 pm

I wish that we could always be as harmonious when it comes to health as we have been on this issue today and that we could find this level of agreement on a range of health issues. I suspect that that will not be the case, but it has been very positive to work with the Health Committee and the Assembly on bringing this legislation forward in a way that demonstrates that we can constructively work together for the greater good.

I thank my staff, who worked closely with the Committee and dealt with the issues that were raised in a very practical way.

Amendment No 20 agreed to.

Amendment No 21 made: In page 4, line 14, leave out “3” and insert “5”.— [Mr Poots (*The Minister of Health, Social Services and Public Safety*).]

Amendment No 22 made: In page 5, line 10, at end insert—

“(ba) an offence relating to tobacco committed under section 170 or 170B of the Customs and Excise Management Act 1979 on any premises in Northern Ireland (which are accordingly ‘the premises in relation to which the offence is committed’);

*(bb) an offence committed under section 8F, 8G or 8H of the Tobacco Products Duty Act 1979 on any premises in Northern Ireland (which are accordingly ‘the premises in relation to which the offence is committed’);”.— [Mr Poots (*The Minister of Health, Social Services and Public Safety*).]*

Clause 7, as amended, ordered to stand part of the Bill.

Clause 8 (Restricted sale orders)

Amendment No 23 made: In page 5, line 40, leave out “may not exceed one year” and insert

*“must not be less than 28 days or more than 3 years”.— [Mr Poots (*The Minister of Health, Social Services and Public Safety*).]*

Amendment No 24 made: In page 5, line 42, leave out “3” and insert “5”.— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

Clause 8, as amended, ordered to stand part of the Bill.

Clause 9 ordered to stand part of the Bill.

New Clause

Amendment No 25 made: After clause 9 insert—

“Restricted premises orders: display of notices

9A. (1) This section applies where—

(a) a restricted premises order has effect in respect of premises (‘the relevant premises’); and

(b) a person (‘P’) carries on a retail business at the relevant premises.

(2) P must display a notice in the relevant premises in accordance with subsection (3).

(3) The notice must—

(a) state that a restricted premises order has been made in respect of the relevant premises and the period for which the order has effect;

(b) be displayed in a prominent position in the relevant premises where it is readily visible to persons at every relevant point of sale; and

(c) be displayed no later than 5 days after the date on which the restricted premises order has effect.

(4) A relevant point of sale is one that was used for the sale of tobacco or cigarette papers at any time during the period of 2 months ending with the date on which the restricted premises order was made.

(5) Regulations may specify—

(a) the dimensions of the notice to be displayed in accordance with this section;

(b) the wording of the statement to be displayed on the notice; and

(c) the size of the statement.”— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 26 made: After clause 9 insert—

“Restricted premises orders: no tobacco in retail area

9B. (1) This section applies where—

(a) a restricted premises order has effect in respect of premises (‘the relevant premises’); and

(b) a person (‘P’) carries on a retail business at the relevant premises.

(2) P must, no later than the day after the date on which the restricted premises order has effect, ensure that no tobacco or cigarette papers are in the retail area of the relevant premises.

(3) Subsection (2) does not apply to tobacco and cigarette papers in the retail area of the relevant premises which an individual may have for his or her own use.

(4) In this section ‘retail area’ means any part of the relevant premises used for the serving of customers or the display of goods.”— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

New clause ordered to stand part of the Bill.

Clause 10 (Offences)

Amendment No 27 made: In page 6, line 37, at end insert—

“(6A) If a person fails, without reasonable excuse, to comply with section 9A(2), the person commits an offence.”— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

Amendment No 28 made: In page 6, line 37, at end insert—

“(6B) If a person fails, without reasonable excuse, to comply with section 9B(2), the

person commits an offence.”— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

Amendment No 29 made: In page 7, line 4, at end insert—

“(d) subsection (6A) is liable on summary conviction to a fine not exceeding level 3 on the standard scale;”— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

Amendment No 30 made: In page 7, line 4, at end insert—

“(e) subsection (6B) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

Clause 10, as amended, ordered to stand part of the Bill.

Clause 11 disagreed to.

Clause 12 (Powers of entry)

Amendment No 31 made: In page 7, line 14, leave out from “the proper” to the end of line 15 and insert

“ascertaining whether any of the following offences is being or has been committed on the premises and, if so, by whom—

(i) an offence under section 10;

(ii) an offence under Article 3, 4 or 4A of the Health and Personal Social Services (Northern Ireland) Order 1978;

(iii) an offence under Article 4, 4A or 5 of the Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991;”— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

Amendment No 32 made: In page 7, line 34, leave out from “of the proper” to the end of line 34 and insert “mentioned in subsection (1)(a).”— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

Amendment No 33 made: In page 7, line 37, leave out from “of the proper” to “this Act” in line 38 and insert “mentioned in subsection (1)(a).”— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

Clause 12, as amended, ordered to stand part of the Bill.

Clause 13 (Fixed penalties for certain offences)

Amendment No 34 made: In page 8, line 21, leave out from “an offence” to the end of line 24 and insert—

“(a) an offence under section 10(1), (2), (3), (6A) or (6B),

(b) an offence under Article 3, 4 or 4A of the Health and Personal Social Services (Northern Ireland) Order 1978,

(c) an offence under Article 4, 4A or 5 of the Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991;”— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

Clause 13, as amended, ordered to stand part of the Bill.

Clauses 14 and 15 ordered to stand part of the Bill.

Clause 16 (Obstruction, etc. of authorised officers)

Amendment No 35 made: In page 10, line 29, leave out “3” and insert “5”.— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

Clause 16, as amended, ordered to stand part of the Bill.

New Clause

Amendment No 36 made: After clause 16 insert—

“Council’s duty to share information about enforcement

16A.—(1) Every council must make available to every other council, the registration authority and the Department such information relating to—

(a) fixed penalty notices given in respect of tobacco offences committed in the district of that council,

(b) convictions in respect of tobacco offences committed in the district of that council, and

(c) restricted premises orders and restricted sale orders made on an application by that council, as the other council, the registration authority or, as the case may be, the Department may require.

(2) Information made available under subsection (1) to a council or the registration authority may be used by the council or the registration authority only for the purpose of enabling it or assisting it to perform its functions under this Act.

(3) In this section ‘tobacco offence’ has the meaning given in section 7(14).— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

New clause ordered to stand part of the Bill.

Clause 17 ordered to stand part of the Bill.

Clause 18 (Amendment of the Order of 1978)

Amendment No 37 made: In page 11, line 1, leave out subsection (2) and insert

“(2) In Article 3(3) (prohibition on sale of tobacco, etc. to persons under 18) for ‘level 4’ substitute ‘level 5’.”— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

Amendment No 38 made: In page 14, line 38, leave out subsection (3) and insert

“(3) After Article 4 insert—

‘Purchase of tobacco on behalf of persons under 18

4A. (1) A person aged 18 or over who knowingly buys or attempts to buy tobacco or cigarette papers on behalf of a person under the age of 18 shall be guilty of an offence.

(2) A person guilty of an offence under paragraph (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

Clause 18, as amended, ordered to stand part of the Bill.

Clauses 19 to 21 ordered to stand part of the Bill.

Clause 22 (Interpretation)

Amendment No 39 made: In page 16, leave out lines 33 and 34 and insert

“‘the Register’ has the meaning given in section 1A(1);

‘registered’, ‘unregistered’ and ‘the registration authority’ have the meanings given in section 1A(6);”— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

Clause 22, as amended, ordered to stand part of the Bill.

Clause 23 (Transitional provision)

Amendment No 40 made: In page 17, line 9, leave out subsection (3) and insert

“(3) Paragraph (aa) of section 2(3) does not apply in relation to an offence mentioned in that paragraph which is committed before the commencement of that paragraph.

(4) Paragraph (b) of section 4(2) does not apply in relation to an offence mentioned in that paragraph which is committed before the commencement of that paragraph.

(5) Section 12 does not apply in relation to an offence mentioned in section 12(1)(a) which is committed before the commencement of that section.

(6) Section 13 does not apply in relation to an offence mentioned in section 13(1) which is committed before the commencement of that section.

(7) Subsection (2) of section 18 does not apply in relation to an offence which is committed before the commencement of that subsection.”— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

Clause 23, as amended, ordered to stand part of the Bill.

Clause 24 (Regulations and orders)

Amendment No 41 made: In page 17, line 16, leave out “5(2),”— [Mr Poots (The Minister of Health, Social Services and Public Safety).]

Clause 24, as amended, ordered to stand part of the Bill.

Clauses 25 and 26 ordered to stand part of the Bill.

Long Title

Amendment No 42 made: Leave out

“to confer additional powers of enforcement in relation to offences under Articles 3 and 4 of the Health and Personal Social Services (Northern Ireland) Order 1978;”

and insert

*“to amend the Health and Personal Social Services (Northern Ireland) Order 1978; to confer additional powers of enforcement in relation to offences under that Order and the Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991;”—
[Mr Poots (The Minister of Health, Social Services and Public Safety).]*

Long title, as amended, agreed to.

Mr Principal Deputy Speaker: That concludes the Consideration Stage of the Tobacco Retailers Bill, and it stands referred to the Speaker. Members may take their ease for a moment.

Assembly Business

Mr Givan: On a point of order, Mr Principal Deputy Speaker. I wonder whether the Speaker's Office can give me some advice. Members of the House will know that the Smithwick tribunal has been carrying out an investigation into potential collusion between the gardaí and the IRA in respect of the murder of RUC officers. Publication of that report is imminent, and I want to establish the remit of the Assembly in being able to consider and debate it. That is something that this party would want to do.

Mr Principal Deputy Speaker: We will consult the Business Office and be advised on the procedural options.

Private Members' Business

School Hours

Mr Principal Deputy Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for this debate. The proposer of the motion will have 10 minutes to propose and 10 minutes to make a winding-up speech. One amendment has been selected and is published on the Marshall List. The proposer will have 10 minutes to propose the amendment and five minutes to make a winding-up speech. All other Members who wish to speak will have five minutes. *[Interruption.]* Members should be quiet to hear the motion. I call Mr Chris Hazzard to move the motion.

Mr Hazzard: It is Michaela.

Mr Principal Deputy Speaker: OK, it has been changed, and I have not been informed. I call Michaela Boyle.

Ms Boyle: I beg to move

That this Assembly calls on the Minister of Education to review the current compulsory instruction time in schools; and to examine whether current fixed term dates, school opening hours, holidays and training days correspond with what is required to meet the needs of pupils, parents and the economy, and that they are in line with international best practice for delivering the best outcomes for all pupils.

This is a very important debate. There are strong social and economic arguments to be made for greater standardisation of school holidays in our primary and secondary sectors and between the different sectors.

5.00 pm

Almost all parents with children attending different schools at the same time have encountered the same problems of one child being off school during term time while the other or others are at school on the same day. This often presents additional logistical and financial implications for working families who have to get someone to look after the child who is off school. In many instances, if that support is not available, one parent has to take a day off work, sometimes losing pay or using up their statutory holidays. This differentiation in school holidays has the implication of many working days being lost to the local economy, which has

implications for competitiveness and efficiency in the private and public sectors.

The school term dates guidelines published by the Department of Education bear little or no resemblance to the actual holidays taken by educational establishments. That is particularly the case between schools at primary and secondary level in the same catchment areas, as well as between the varying education sectors. Baker days, which are taken at the discretion of each educational establishment, further compound this underlying problem. Although it would be impossible to streamline and standardise every holiday across each sector, I believe that major socio-economic benefits would be derived through greater regulation in this regard.

There is a major opportunity to achieve progressive outcomes in this regard through widening out area planning to look at areas of cooperation and coordination between, for example, schools in the primary and secondary sector in each catchment area. It is timely that the Minister recently announced a review of the home-to-school transport system, as schools in rural areas are affected by transport that is not in place on a certain school closure day in a nearby town while a rural school is open. There needs to be greater harmonisation of school opening and closing times, particularly between urban and rural areas.

Coordination and better management of the public sector and school transport system may well be cost-effective, and that is one area that we ask the Minister to look at. In each education and library board (ELB) there is a working group that consults with schools on their school holiday dates each year and discusses the provision of transport and school meals in their area.

The problems associated with the wide variations in holidays are constantly raised with me by parents. By making progress on the issue, we can bring real, practical benefits to large families right across the board. Schools are required to operate for 200 days a year, and they can avail themselves of five of those days for school staff development. Schools have to be creative and strategic in their planning for those days in the schools development plan and should work with parents, communities and other schools with heightened communication to ensure that planning across the locality suits the needs of all.

The other five days, known as Baker days, are used by schools for training days, and pupils do not attend on those days. There are also

exceptional closure days that schools will not be able to plan for. Schools set their own training days within their own education and library board. I believe that the practicalities of specific schools in an area holding training days together would assist with the needs of most families.

Looking at international best practice in other countries, we see that there are a number of different examples that highlight the need for change. We need to look at countries with best practice as we cannot work in an insular society. If we look at America, we see that the issue of summer learning loss has received a great deal of attention.

A recent survey conducted by the National Summer Learning Association revealed that two thirds of teachers were forced to spend three to four weeks reteaching old material that had been lost over the summer break. Other studies, including studies conducted by education bodies in Britain, have shown that summer learning loss is particularly damaging to students who are making the transition from primary to secondary school.

A Cambridge University study found that, between year 6 and year 7, 30% of students make no progress in mathematics and 50% make no progress in English or science. With the market for skilled jobs becoming ever more competitive, and if we are to have a fighting chance in the global race, we need to be producing students who are able to compete not only with their European contemporaries but with such countries as South Korea, China, Singapore and Hong Kong. We owe it to our children to prepare them as well as we can to deal with that competition. The Programme for International Student Assessment (PISA) test shows that those countries persistently outrank us in their reading, mathematical and scientific abilities. I will take maths, for instance. In the latest tests, in 2009, China topped the scale with a score of 600, followed by Singapore, Hong Kong and Korea. Other countries are now making moves to increase their competitiveness. The French are looking to reduce summer holidays by two weeks, while in Germany they have been increasing classroom time for students. We must follow suit or we will be left behind.

Finally, we agree with the approach to deliver the best outcomes for pupils, and, as the amendment states, an appropriate consultation should be undertaken. We will therefore be supporting the amendment. However, I believe that examples of international best practice should be sought in order to progress. Training

days and Baker days should be regulated by the Department to facilitate more cost-effective use of school transport, more cost-effective provision of free school meals and critical mass of teacher training. There should be teacher training conferences on a regional basis, for example. I believe that that would improve the education we can offer to our children. It would also give us a much needed boost in the global race.

I commend the motion to the House.

Mr Storey: I beg to move the following amendment:

Leave out all after "economy," and insert

"and that appropriate consultation is undertaken with schools and managing authorities to ensure an agreed approach to deliver the best outcomes for pupils."

When a motion comes to the House, it always begs a question as to what provoked it. You try as best as you possibly can to get into the mind of the individual or the party that has tabled the motion to see why it is of such importance. I will come to some understanding of that in a moment or two, because I think it is relevant to the reasons why the debate is being held.

The proposer of the motion set out in some detail the current arrangements for a school term. We have school holidays, optional days, exceptional days and school development days. Those are set inside the framework within which the board of governors, the school and the system operate to ensure the maximum benefit to our pupils.

However, when we come to the issue of changes to the current arrangements, I find it somewhat difficult to correlate the motion with the answer that was given to the motion's proposer, ironically, a few weeks ago, on 5 September 2013. The proposer of the motion, Michaela Boyle, asked the Minister of Education how he planned to achieve standardisation of school holidays across all primary and secondary sectors. In his response, the Minister, rightly, identified the chief executive's working group on the harmonisation of services.

It consists of representatives from the education and library boards, the Council for Catholic Maintained Schools, the Northern Ireland Council for Integrated Education and the Governing Bodies Association. However, in the penultimate paragraph, the Minister states:

"In December 2012, the Department asked the Association of Chief Executives to explore the possibility for better co-ordination of school days and opening and closing times in a bid to further reduce transport costs. The Association concluded that there is as much harmonisation of school days as possible at the present time."

Let us wind forward by just a few weeks to today. It will be interesting to see how the Minister can come to the House and be able to give us an answer that is different from what was given to the Assembly just a matter of weeks ago. I would appreciate it if the Minister could expand on what has changed or what has happened to the Department's thinking between then and now.

In the final paragraph, he goes on to say:

"The flexibility in place regarding staff training and school development days allows schools to use these days in the most appropriate way to accommodate their school management and training requirements."

We need to keep that as our focus: this is about ensuring that there are adequate and appropriate ways to accommodate schools' management and training requirements.

I have benefited as a parent of three children who went to three different schools. Parental choice still exists, thankfully, despite attempts by the Minister and his Department to remove it. My children were able to benefit as a result of going to three different types of school in two different geographical areas: two in Coleraine and one in Ballymoney. There is no doubt from a parent's point of view — the proposer of the motion referred to this — that harmonisation would be of benefit. It would benefit family arrangements, how and when you get your children to and from school, and all those things. It has that social element.

It also has a transport benefit. That is why I find it strange that another question was asked, this time by Barry McElduff, a colleague of the proposer, about the transport arrangements. Sorry, it was my colleague Gregory Campbell, who asked the question of the Minister for Regional Development.

Mr O'Dowd (The Minister of Education): The two of them are often mistaken.

Mr Storey: There is a vast difference between the two of them, I can assure you. It is like the difference between day and night.

The Minister for Regional Development stated:

"I can advise that no discussions have taken place between my Department and the Department of Education, regarding a consultation exercise on the effects of changing school starting and finishing times. I consider this would be a matter for ... the Department of Education". — [Official Report, Bound Volume 84, WA249].

That was earlier in the year. All those matters would point to the fact that, up until now, other than the work that has been carried out by the chief executives' working group, there have been no definitive proposals on how to move forward.

That brings us to the motion and its possible connection to the home-to-school transport review, which the Minister kindly informed us about yesterday in an answer to one of his colleagues. The Committee for Education received that information from the Minister around the same time. All of a sudden, he has now decided to go with a review of home-to-school transport. However, he has yet to tell us — well, he has told us.

Let us wind back to performance and efficiency delivery unit (PEDU). It has relevance to the debate because the proposer has linked home-to-school transport and the issue of opening times. PEDU was set up to look at a number of areas, such as catering and transport. It produced 29 recommendations on transport. We received correspondence from the Department to tell us that a working plan would be provided to us in June. A couple of weeks ago, we were told that we would not have sight of the working plan because that is a piece of work that the Department believes should be undertaken by the Education and Skills Authority (ESA) as and when it ever comes into existence. Therefore, we are not going to see the plan now.

5.15 pm

Today, I would like the Minister to clarify what is the correlation between the work that would be carried out in this review, the work of the home-to-school transport review that he announced yesterday and the PEDU recommendations, which are sitting on the desk of someone in Rathgael House who knows what the working plan is but is not prepared to share it with the

rest of us. As far as PEDU was concerned, those recommendations were for very practical changes that could be brought about to give financial benefit to the structures that are in place.

I will conclude with the issue of best practice. The Minister and the Department are very global; they love to look across the world. That was why we decided to amend the motion. There has to be consultation with local schools, but not the sort of consultation that took place on the common funding formula, which was a total disaster. The Minister knows that it was a disaster, despite what he said today in 'The Irish News'. The consultation on the review of shared education was only partial, so let us have a proper consultation with schools.

Let us look at best practice. We have gone around the world again with today's PISA announcement, which, no doubt, will be used as a means for setting another agenda. However, we will deal that as the days roll out. Korea is said to be one of the places that we should look to because of the wonderful education that they have there. I wonder how many Members watched the programme that was on television last night. How long do children in Korea spend in school? How many hours do they spend in school?

Mr O'Dowd: Is this Korea?

Mr Storey: No, but the Minister tells us that we should look at international best practice. They spend hours upon hours in school. There is a very good policy that the Minister should adopt, and that is to ask what is relevant to pupils in our schools here, right across Northern Ireland. We are not Brazil, we are Northern Ireland.

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

Mr Storey: The Minister should recognise that, in any of these proposals, where harmonisation can be brought about —

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

Mr Storey: — it should be brought about with the schools, not for the schools. I commend the amendment to the House.

Mr Rogers: The motion aims to provide a more universal approach to the timing and number of school holidays, which is a legitimate proposal. However, we must be mindful of the associated impacts that a change in the current

compulsory instruction time could have on exam timetables.

The school year is really dictated by two things: UCAS and the yellow buses. UCAS and Central Applications Office (CAO) offers appear in early August, so external exams must happen in tandem with those that take place in England, Scotland and the Republic, in May and June. The only time for flexibility is at the beginning of the school year. Maybe the school year could begin a little earlier if we could get the bus operators to begin their school year earlier as well. That would create the opportunity for school terms of the same length, with clearly defined breaks.

Compulsory instruction time is set by the Department. A move away from that to a situation where head teachers have the ability to introduce flexibility into school terms and school hours would mean an additional burden on teaching staff. Surely a head teacher's primary focus should be the emotional and educational development of the children and young people in their care. To assign yet another non-teaching administrative job to them would be a mistake.

As other Members have said, the needs of pupils and children must be paramount in any decision that is taken about our education system. Our focus in this House must be on the quality of the education provided to our children while they are attending school.

I welcome the amendment from the Members opposite. Not just my party, but every teacher, parent and school has serious concerns about real and meaningful consultation by the Department, whether it is about the common funding formula or whatever. Listen to educationalists who keep saying that early intervention is the only way to address numeracy and literacy. Research has highlighted the importance of early years in the life changes of children. We must put the mechanisms in place to support children when they first enter a structured learning environment.

A Member who spoke earlier talked about school and staff development days. Yes, they are essential if a school is to grow. A school needs the high-quality staff development opportunities that DE has slashed the budget on. I think that standardisation would restrict that development. A Member who spoke earlier talked about a number of schools working together. That may work quite well in the primary sector when a number of primary schools in an area come together to do their

school development on the same day. One school's development needs are not necessarily another school's development needs. One school might need just one day to review its school development plan and another school might need two days when it is at the end of a cycle and wants to rebuild its development plan. Schools are unique. What suits one school does not suit the next.

We as legislators must also be ready to learn. We must look to our comparable locations in order to evaluate and develop our approach to school life. The SDLP believes that every school must be a good school. We want to listen to our teaching staff and hear their views on how we can tackle the deficits in our education system at the moment. I only wish that some Members of the House would swap jobs for a week with a P4 teacher with 30 children in the class, or with a post-primary teacher, to see what it is really like.

I hope that the Member opposite was not suggesting that we lengthen the school day when he talked about Korea. Ask any teacher who is at class last period in the evening what that is like. I think that is a major concern. We must actively engage with our teaching professions in order to ensure the best possible education for all our children.

Mr Kinahan: I welcome the motion and the idea of a review, but when I first looked at the motion, I thought that Members would need 20 or 30 minutes each to deal with all the different aspects that it opens up. We do need to review many aspects, but I am concerned that we are opening up a Pandora's box. I see that Gove, on 1 July, actually referred to the summer holiday break as the tyranny of a summer holiday break, which I think is a bit much for all those who need those holidays.

We have seen today from the PISA results that we need to make sure that our education is as good as it can be. If a review gets us there, let us do it, but let us not do it in such a way that adds more to the teachers. They are already overworked and have too much coming at them. We also need to review everything else that we are doing to get it in the right order so that we can concentrate on the disadvantaged. We should then look at sharing education, which should drive everything in the future and get everything in the right order.

We support the motion. We also support the amendment, although I find it a little rich, when neither of the two major parties really supported our debate on better consultation. I also wonder whether, where it states "agreed", that

means agreement between the two major parties, rather than all of us. Let us get back to the spirit of the Belfast Agreement. If we are going for proper consultation and agreement, let us include everyone in it.

So many things are opened up in this debate, but maybe we should review how schools teach and use that time. The four and a half hours a day are adequate, but I am concerned that, if we look at a whole mass of different ideas, we will come up with too many changes that will throw the teachers. We should look at the other factors, like health, outside exercise, sport, and all the other things that come into the school timetable. We know from so much that we have listened to in the Chamber that over 80% of the education of a child is actually in the community. That is where we should concentrate. From that, what comes through in the debate is that, if we are going to look at reviewing it all, we have to get better joined-up relationships between the Departments, with health, welfare, DSD, the councils and everyone working together, because it is all part of the same thing.

Look at the fixed term dates. I think that we have all heard that, in the summer, many people who have been doing well at school end up going backwards and not learning so much, so maybe that is where we should start, but I hesitate to say that we should shorten the summer holiday when I look at the cultural events that happen at the beginning of the summer and the industrial holidays that go on in the middle of the summer. In many cases, the professionals then take time off in September. There are all the other knock-on effects on people's lives, jobs and holidays, and yet it is healthy to look at it.

At the same time, when OFMDFM announced the shared way forward, it mentioned 100 summer schools. Maybe that is an avenue that we should be using. Those summer schools could be in leadership, sports, outdoors or numeracy and literacy. There is a whole opening there for us and maybe we should use the review to look at how well we can use those summer holidays so that everybody gets the best out of them.

Look at school opening hours. Many years ago, I had to spend four days very happily in Boston. Their children are out on the road waiting for the bus before rush hour, and the bus goes along and picks them all up, so you do not have the rush hour problems of all the parents on the roads at the same time.

We have opened a debate to look at international best practice. There are something like 195 countries in the world, so I do not know how we pick and choose, but let us pick the most relevant ones, and Boston certainly has a good idea. If you could get everybody off the road —

Mrs Dobson: I thank the Member for giving way. Will the Member agree that the primary goal of any review of school opening hours must focus on the benefit of the quality of the education given to children, and not any secondary objectives?

Mr Kinahan: I very much agree with my colleague. We have to remember all the way through that education is what we are looking at. It is so easy to lose our way on that. When you get the children to school, you want to make sure that they are there in the best possible way to learn, and not, like me when I was at school, gazing out the window wondering what I could be doing better — that might be why you have me here.

When you consider holidays and training days, I like the idea of the Baker days. They are the right way forward. I had not appreciated many of the difficulties that were raised today of parents trying to get them so that they all work together. The head of the Association of School and College Leaders (ASCL), commenting on Gove's idea in July, said that we must have a properly coordinated plan for the holidays. That is what is missing at the moment. If we are to have a review, I agree with the proposer of the motion that we need to look at that.

When you get back to the very beginning of this, and we talk about — let me just get there — the current compulsory instruction time, I think there is another angle that we must review. It frightened me when I looked at the taught time document from the EU. To even think that it was setting times and targets of how long we should be teaching each subject —

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

Mr Kinahan: — but there is no harm in learning from it. So I go back to my point: yes to the review, yes to proper consultation and proper agreement, but let us make sure that we choose the best of international best practice.

Mr Lunn: I support the motion and the amendment. As others have indicated, it is a

pity that one kind of negates the other in international best practice. I noted Mr Storey's comment about Korea. The number of hours mentioned was 13, but there are 20 other countries between us and Korea that probably do not force-feed their children education for 13 hours. I absolutely take cognisance of international best practice, particularly in view of what was announced today in the international results, so by all means let us have a review.

If compulsory instruction time refers to the number of days that schools must operate, there is not much evidence that we need to change that drastically. The number of days that our schools open and the number of hours of instruction provided seem fairly typical by global standards in developed countries, if not by Korean standards. I sidetrack slightly and say that if you can look at compulsory instruction time, you could bring in a debate about school starting age, which would fit quite well into the sort of review that the Minister will, I imagine, announce in half an hour's time.

There is no compelling evidence that our starting age of, effectively, four years and two months has been an overwhelming success. Nobody else has adopted it. A review could certainly include examination of that point, particularly around the potential for raising the compulsory starting age to five, perhaps allowing an optional start at four, the potential to leave things as they are or, as was often discussed in the Committee, perhaps the potential for flexibility in individual children being held back for a year.

The Association of Teachers and Lecturers (ATL) has done some research in that area, which would inform the debate.

5.30 pm

The motion then refers to fixed term dates and school opening hours. On that, I am very much on the side of standardisation across the board. This is a small enough place without confusing matters with differential opening hours. I am unclear, and this is a good example, about why primary and post-primary schools differ in their February midterm arrangements. I see no reason why they should not at least correspond with each other. The failure to manage that, as others said, causes significant difficulty and often cost, not least for childcare, to parents and other carers.

I will go back to holidays in a moment, but I want to divert to training days. As with the poorly aligned February midterm break,

exceptional closure days cause difficulty, and I wonder whether schools realise that. Ms Boyle made the point about area cooperation — I nearly said area planning — and that would be a good start.

There is room for significant change around holidays. It seems obvious to me and to many parents I have spoken to that, compared with the rest of the UK, we tend to stack up all our holiday time in the two summer months. There is evidence that this has a negative effect on learning. In particular, children's charities and foster carers indicate that, it is their experience, children from more disadvantaged backgrounds have difficulty maintaining their learning, particularly if, for whatever reason, parents or carers are not around to reinforce it during the summer months. There is a particular difficulty with filling in the time, not least if they cannot afford school trips and so on. Mr Kinahan made the point about summer schools, and there might be some validity in that.

I dare say that there are good reasons why schools in Northern Ireland break for the summer much sooner than those in England and Wales — 12 July comes to mind — but to be fair, schools in Scotland and the Republic of Ireland break at a similar time. Officially at least, they return from the summer holidays in Scotland and in the Nordic countries — we hear lots about Finland — in mid-August not September. We have, effectively, a nine-week break, and a review should be looking hard at reducing that to six weeks, perhaps starting at the beginning of July to accommodate everybody's holiday plans and finishing in mid-August. If you had to make up those weeks, you could make them up in the run-up to Christmas or around the Easter break, so the number of official days would remain the same.

There is certainly room for a good review. I have absolutely no doubt that the Minister —

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

Mr Lunn: — is going to announce one, otherwise this motion would not have been tabled. So, rather than saying that I look forward to his comments, which I usually say, I will say that I look forward to his announcement.

Mr Newton: Like others, I was confused when I saw the motion, particularly in light of previous answers to questions that had been posed. Then, I thought about it in the context of the Minister recently talking about free school

meals without consultation and talking about the schools funding formula with very limited consultation. In that context, many would think that the motion was structured to predetermine an outcome.

When you add the international dimension and give consideration to what Sinn Féin's international connections are and what they have been in the past, and, indeed, the lack of consultation, it points you to the fact that it has an interest in Cuba and an interest in Colombia, or at least some aspects of Colombia that are attractive to it. That suggests that, because of the regimes of those countries, Sinn Féin likes doing unto schools. There is no mention of consultation with schools, apart from in the DUP amendment. That is what schools are and were complaining about.

The ministerial top-down approach is not working, and, indeed, the dictatorial policy is not working. "Best practice", when you think about it, is a phrase that runs off the tongue very easily. It implies that it reaches a point where it can be transferred easily, but that is not the case. We all want better practice in Northern Ireland schools, educational services delivered to the highest possible standard for all pupils in Northern Ireland schools and a good model of education that can be benchmarked favourably against any other system, preferably, but not necessarily, a western education system. It is best that we study the delivery of education here first to see what we can do before benchmarking it against suitable comparable models, because the best —

Mr Lunn: I thank the Member for giving way. Is he really advocating that we do not look at international best practice, particularly in the 25 countries that are outperforming us at the present time, just because one of them happens to be Colombia?

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

Mr Newton: I am happy for us to look at best practice, but I am more determined that we get the best model of education in Northern Ireland before we benchmark it against other systems of education. An education system is dependent on many factors. It is driven by a country's culture, its investment in education and the structure of its education system; its history; and the nation's economic system and economic well-being. Those factors will drive the best practice of any nation.

I agree with Mr Lunn and others that the Assembly should look at a strategic review of the delivery of education services in Northern Ireland, covering preschool, primary school, secondary-level education, university and adult education, which is becoming more and more important. You never finish your education; you go back to refresh, to do professional qualifications or to take on vocational qualifications. Today, education never finishes. In theory, you never leave school. I want that to be encouraged through the provision of better facilities and by being more open to improving the take-up of education services, because that has a consequential impact on the lives of all our people who are seeking jobs, careers and pursuing interests. So, it is, indeed, my contention that education never finishes. We have debated this in the Chamber on many occasions.

The Joseph Rowntree Foundation had an interesting thing to say about education. It stated that research:

"shows that educational deficits emerge early in children's lives, even before entry into school, and widen throughout childhood. Even by the age of 3 there is a considerable gap in cognitive test scores between children in the poorest fifth of the population compared to those from better-off backgrounds, and this gap gets wider as children enter and move through the schooling system, especially in the primary school years."

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

Mr Newton: For that reason, whatever we do, the education of our children has to involve parental education at the same time and parental involvement in the education system.

Mr Sheehan: Go raibh maith agat, a LeasCheann Comhairle. As usual, the Members opposite are full of conspiracies, hidden agendas and confusion about the intention behind the motion.

If the Members had read the motion, they would have found the agenda hidden within it:

"to review the current compulsory instruction time in schools".

The final line sums it up:

"for delivering the best outcomes for all pupils."

That is the agenda behind the motion.

Mr Storey: It is not that I want to cast aspersions on your Minister, but he has to explain why, in September of this year, he said:

"The Association concluded that there is as much harmonisation of school days as possible at the present time."

It is not we who are confused; it is the Minister. That is why we look forward to him clarifying what he said in September.

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

Mr Sheehan: Thanks very much. I thank the Member for that intervention. This goes beyond just harmonisation. There is a good argument for harmonisation, and I will go into that in a second.

The confusion on the opposite Benches reminds me of the old BT ad, "It's Good to Talk". If some of you had talked to us about the motion, we might have been able to table a joint motion using an agreed form of words. I understand that there is a bit of paranoia about the word "international". That has been articulated by Robin Newton. Maybe we could have inserted something along the lines of, "evidence-based best practice from wherever it comes".

Professor Tony Gallagher was at the Committee last week when we were talking about the common funding formula and what schools would do with any extra funding that they might get. He made the point that whatever interventions schools make, they should be evidence-based. Say, for example, that a principal gets an extra £10,000 of funding for one year and decides on face-painting for the kids on a Friday morning. If there is no evidence to suggest that face-painting improves pupil outcomes, the money should not be used in that way. Similarly, when talking about international best practice, we are really talking about evidence-based best practice from wherever it comes. Does it matter whether it is from England, Korea, Finland or Timbuktu? If it is best practice and might or could be applicable here, why not use it? What difference does it make?

As the Member who has just left mentioned, harmonisation is part of the debate, and that is important. I am fairly loath to criticise the Irish-medium sector because I see myself very much as its champion, but, in my constituency, there

is one post-primary Irish-medium school and a number of primary schools — bunscoileanna — that do not coordinate and harmonise their school holidays, particularly midterms. So a family with one child at a bunscoil and another at a meánscoil finds that one child is off one week and the other is off another week, so they have extra expense for childcare, find it difficult to arrange holidays during midterm breaks and so on. There is also a difficulty with school opening times. The home-to-school transport system is much more efficient if opening times are staggered. We also know of instances of friction or conflict between local schools, particularly boys' schools, and they decide to stagger the opening and closing times.

I agree with what Danny Kinahan said about re-examining summer holidays in particular. Are they too long? Instinctively, they seem to be, but let us see some evidence to suggest that. My colleague Michaela Boyle mentioned that, sometimes, when struggling kids go back to school after the summer holidays, teachers spend a lot of time re-instructing them in lessons that they have already done.

Let us be innovative and think about different models during the summer. Danny mentioned that it could be a connection to sport, or why not music? We have the model of the Gaeltacht, where hundreds and maybe thousands of kids leave the North and go to Gweedore, Ranafast, Glencolumbkille in the Gaeltacht in Donegal. They go to school and learn Irish in the morning and, in the afternoon, they do activities such as sport, music, singing, dancing, and all of that. It is a fun learning environment. Why could we not do the same in our schools over the summer holidays? Why not do that with science and languages? Why not bring in French or Spanish teachers? Why not use a lot of these —

5.45 pm

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

Mr Sheehan: — young graduates who are coming out of teacher training colleges? I commend the motion to the House. We will also be supporting the amendment.

Mrs Dobson: I also welcome the opportunity to speak on the motion. Given time pressures, especially on our teachers, it is crucial that schools focus enough attention on delivering a broad and balanced programme that includes all the curriculum requirements. Although schools provide a wealth of extra-curricular

activities as well as shaping and preparing our young people for later life by providing them with all manner of life skills, their fundamental role is still to provide a first-rate education. If improvements can be made to the current arrangements, I would welcome them. Therefore, I support the call for a review.

The 'Learning Environment and Organisation of Schools' report, published by the Organisation for Economic Co-operation and Development (OECD) in 2011, suggests that, as a whole, the United Kingdom is performing well above the OECD average for compulsory education, which, at the time, was 6,497 hours. Unfortunately, news such as today's shows that we are not always on the right side of the OECD averages. I strongly believe, as is referenced in the motion, that Northern Ireland must continue to take best practice from the rest of the United Kingdom and our international counterparts.

The motion raises a number of issues. The issue of fixed term dates is definitely worth consideration, not least following Michael Gove's statement earlier this year. The changes proposed in the Government's Deregulation Bill would allow individual schools to change the timing and duration of terms and holidays. Northern Ireland's young people currently have longer summer breaks. Some parents think that they might be too long.

Teachers and other educationalists point out that students' ability quite often dips after a sustained period out of school. Parents in particular, I am sure, would have something to say about a change to school holidays. Many try to fit some of their own time off work with when the children are at home. A bigger problem, however, would be if Northern Ireland were to go down the route of changing term times, with so much autonomy being given to schools or boards that they may no longer coincide with the neighbouring schools. It would be difficult to reach unanimous agreement on changing term times. Nevertheless, I support the call for a review to at least draw up a list of options.

A review of school opening hours would be interesting and potentially very informative. A change in the starting time for some schools might, for example, provide an opportunity to alleviate some of the volume of traffic on our roads during peak times. It could also help to spread the rush hour congestion across the public transport network. However, as I raised with my colleague Danny Kinahan earlier, the primary goal of any review of school opening hours must focus on the benefit to the quality of

education given to our children, not any secondary objectives.

The Minister has a full in tray, with little of real substance ever being produced. Considering today's PISA maths results, many of the area plans effectively coming to nothing, and given that he is seemingly on the verge of dropping his latest attempt at introducing ESA, there is much that he could be reviewing. My point is that he needs to focus his attention on actually getting things right in his Department. Yes, I support a review as detailed in the motion, but it must be done sensibly, with the right intentions and in collaboration with parents and schools, as mentioned in the amendment.

Mr McGlone: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas le moltóirí an rúin chomh maith. I thank the proposers of the motion and the amendment for tabling them today.

Meeting the needs of pupils, parents and the economy are important considerations for an Education Minister, and he may well need to review whether the current compulsory instruction time in schools, fixed term dates, school opening hours, holidays and training days correspond with what is required to meet those needs. We might add that the Education Minister should make one of those needs a priority when there is a clash between competing needs. Of course, the Minister should keep under constant review whether the policies that his Department pursues and sets guidelines for are:

"in line with international best practice for delivering the best outcomes for all pupils".

In fact, I would have thought that keeping such things under constant review would be considered international best practice in itself. I would be interested to hear from those who tabled the motion the argument that the Department their party colleague presides over has not been in line with international best practice for delivering the best outcomes for all pupils on this issue. Perhaps they could spell out the changes they believe are required to bring his Department into line with international best practice. That would also be useful and informative for other Members too.

It could also mean that other Sinn Féin MLAs who held the post of Northern Ireland's Education Minister previously were not in line with international best practice, perhaps including the deputy First Minister, without realising it. Anyhow, we are where we are. Maybe we will hear more later on.

I believe that the Education Minister is currently considering his options on introducing a degree of flexibility on school starting age here. I look forward to the Minister bringing his decision on that matter to the Assembly for approval.

Mr Storey: Will the Member give way?

Mr McGlone: Yes.

Mr Storey: When that issue was discussed by the Education Committee there was no imminent indication from the Department that it was going to come to us. The Department, as always, is dragging its feet and telling us it could not do that because it could be 2015 before it has any proposals. Things move very slowly in Rathgael.

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

Mr McGlone: Thanks for that. Maybe the Department is adhering to standards for dragging its feet in accordance with international best practice too. I thank the Member for that intervention.

As I understand it, the chief executives' working group on the harmonisation of services is currently responsible for coordinating non-operational days for school transport and catering services for the purpose of achieving efficiencies. School holidays are aligned with those agreed days of non-operation of transport and catering. That working group consists of representatives from all education and library boards, the Council for Catholic Maintained Schools, the Council for Integrated Education, and the Governing Bodies Association.

The Minister, in a reply to a question for written answer, previously informed the Assembly that:

"In December 2012, the Department of Education asked the Association of Chief Executives to explore the possibility for better co-ordination of school days and opening and closing times in a bid to further reduce transport costs."

As the Minister stated:

"The Association concluded that there is as much harmonisation of school days as possible at the present time."

The Minister has also informed the Assembly that:

“The flexibility in place regarding staff training and school development days allows schools to use these days in the most appropriate way to accommodate their school management and training requirements. It would not be possible to align training days as specialist training providers are limited in number and could not service all schools on the same dates.”

So, currently, the decisions on these matters are made on practical grounds for improved efficiency and to as much harmonisation as possible. Given the difficulties experienced in Wales as a result of variations in school term dates and school holidays, that would seem to be an appropriate approach to the problem, but I am in favour of the Education Minister keeping in line with international best practice at all times. Perhaps the issues under discussion could best be addressed by the Education and Skills Authority when it finally becomes operational, assuming, of course, that it does become operational.

Those conclude my comments in favour of the motion.

Mr O'Dowd: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Fáiltim roimh an deis an cheist seo a phlé inniu agus le héisteacht le tuairimí mo chomhghleacaithe sa Tionól. I welcome the chance to debate the issue and hear the views of my Assembly colleagues, some of which were very enlightening, if not amusing.

I am committed to ensuring that we meet the needs of pupils, parents and the economy. We must make sure that we provide the very best education for our young people. That must always be our aim, and to achieve that — despite the insular, perhaps even paranoid, thinking of some Members — we must look beyond these shores. We have very good practices of looking beyond these shores in such matters. Just last Friday, for example, in the Long Gallery, junior Minister Jennifer McCann, junior Minister Jonathan Bell, the Employment and Learning Minister, Stephen Farry, the First Minister and I gathered to launch a very fine example of international relationships. It was not with a western democracy, Mr Newton, but with the largest communist state in the world — China. Based on the teachings of Chairman Mao, it is a proud communist state.

After listening to Mr Newton today, I am surprised that all those DUP members were there. He tells me that the only place that I

should look for best practice is a western democracy. He did not name any western democracies, and there could be a debate on what he defines as a democracy, but I am proud and delighted to say that there was a committed and combined representation from the Executive at the launch of eight Confucius hubs in our schools. I intend to engage further with the Confucius Institute and the Chinese Government to ensure that we can expand that programme.

Mr Storey: I thank the Minister for giving way. Again, he misrepresents what was said. What we are saying is that every time we have this debate, we look at international best practice. Let us focus on the needs of our children in our schools. The PISA results are a prime example: your Department and you use them as a means of battering our educational system. I need only read some of the comments made this afternoon to feel that our education system deserves an apology from the Department for the way in which it represents schools' performance.

Mr O'Dowd: International best practice should be examined on the basis of how it adapts to your society. Mr Newton made a very valuable contribution in which he said that you have to look at the economy and social background of any state before adopting any of its policies, and, of course, you would do that. The DUP, however, has a difficulty. When it looks outside the Six Counties, its wee insular world starts breaking down. That applies in many matters, but particularly in education. You cannot dismiss PISA. You can debate it and discuss it, but you cannot dismiss it. You cannot dismiss the chief inspector's biannual report, which highlighted the same issues as PISA. I have not said anything today that undermines any of our education workforce. I have been supportive of it, and I do not believe that an apology needs to be issued. We need to carefully examine PISA in the context of all the other evidence and move forward.

I will respond to Mr McGlone's commentary on whether we got it wrong in the past. For years, this Education Minister, the previous Education Minister and, prior to that, Martin McGuinness were the sole voice in the Chamber when they said point-blank that our education system was not world-class but could be. Over the past number of years, we have been adopting policies which will, I believe, pay significant dividends to individuals, the economy and the well-being of our society in years to come. Social change, which is what education policy is, does not happen overnight. You have to

deliver it and ensure that it is embedded and moving forward.

It is worth noting that every PISA policy introduced, even by direct rule Ministers, has been objected to by Members opposite. The DUP believes that its purpose in life is to defend half a dozen schools, and that is education sorted.

So, I do not owe an apology to education because I have not insulted the education world, but I will say this to the Member opposite: average may be good enough for him, but it is not good enough for me and it most certainly is not good enough for the young people we serve. It will not serve this economy or this society and, unless he has evidence to the contrary, he cannot simply dismiss PISA.

6.00 pm

Mr Storey: Will the Minister give way?

Mr O'Dowd: I will give way later.

I have not signed the motion, which:

"calls on the Minister of Education to review the current compulsory instruction time in schools".

It goes on and on. I am not going to announce a review today, which will disappoint everyone. I believe that the debate should take place, and I agree with the motion. I think that it is disappointing that international best practice has been dismissed from the motion, but that does not stop me as Minister from examining best practice from across the world. However, we would have to prepare any such review carefully. We would need to have proper terms of reference in place, and I would have to examine who would carry that review forward.

The motion calls on us — many in the House, including Mr Kinahan, Mr Lunn and others did go through this process — to look at education differently and to look at how, why and where we should deliver education. It calls on us to think about, debate and discuss that. Our education structures and how we deliver education date back to the early part of the 20th century, which can be seen even in the classroom structure with rows of desks and a teacher standing at the front. I accept that our teaching practices have been through a revolution over the past number of years, but the time our young people spend in school and how that is structured has not really changed since the earlier part of the 20th century. The

motion says to me, "Let's think about that. Let's think about all those issues".

I am not promoting the lengthening of the school day, but if we were to do so, what would the children and young adults who are under the charge of the Department be doing? Does it have to involve the three Rs? Does it have to be in the formal setting of a classroom? Could it be out in the sports fields, in industry, working with a local community group, working with a pensioners' group or learning languages in a fun, imaginative and different way? It would be part of their school life.

I accept that there are significant cultural events during the summer, and we are not suggesting that those significant cultural events should be blocked out by restricting holidays. Mr Kinahan referred to the 100 summer schools that OFMDFM is promoting through Delivering Social Change, which, again, is an imaginative way of thinking, but what happens if our children wish to spend four weeks during the summer learning Mandarin, German, French, Spanish or Irish? I think that that would have significant benefits for the well-being of the individual child, their community, the economy and how we move forward. In tailoring holidays to match each other, you would have to look at the economic consequences for transport, broader communities, families etc. There are obviously positives in that, but there may well be negatives as well.

(Mr Speaker in the Chair)

What attracts me to the motion is that it asks us collectively to think differently about education. In fairness, the vast majority of people in the Chamber carried out that function today. It withdraws us from the sometimes stagnant debates that we have around education, and it tells society that we should have a debate and conversation about why, how and when we send our children to school and what activities might be involved in a longer school day or, indeed, a shorter school day, perhaps on a Friday. I think it was Chris who told me earlier that, in French schools, they structure their Wednesdays differently from any other day of the week. Should we have Saturday schools? I know that we have Sunday schools, but should we have Saturday schools and what would a child do there? What is the purpose of teacher training days? What is the purpose of teacher development days? How are we using them and are we using them to best effect?

Should we concentrate the focus of our training days more on the delivery of maths, science,

numeracy and literacy, and all the areas in which the international reports tell us that we face challenges?

I welcome the motion. As I said, I am not announcing a review today. If the House agrees the motion — and it appears likely that the House will agree the motion and the amendment — I will deliberate on how best to bring the review forward. It is worth noting that I cannot make any change to legislation, first, without consultation, and, secondly, without bringing it back to the House. So, the conspiracy theorists' options are beginning to fall slightly.

Mr Storey: I thank the Minister for giving way. If our party supports the motion as amended, the Minister should not take that, as he has taken it on previous occasions, as our agreeing to everything and take a coach-and-horses approach.

I go back to PISA. He tells us that we should look at PISA for best practice. However, the progress in maths (PiM) and progress in English (PiE) assessments indicated clearly — the inspection report highlighted it — that we are doing well in mathematics. What does PISA tell us today? It tells us that we are dragging behind in mathematics. Who is right?

Mr O'Dowd: PISA looks at 15-year-olds. PiM and the progress in international reading literacy study (PIRLS) look at our primary schools. Let us look at what is different between our primary schools and post-primary schools. I am not saying that this is the entire answer, but it is certainly a significant answer. Our primary schools are all-ability and socially mixed. Our post-primary schools are not socially mixed or all-ability.

We could also look at the effect of transfer from the primary-school setting to post-primary school, which may fit in with the report as well. Perhaps one of the things that a review should look at is whether there is an option to shorten summer holidays for children in years 8 and 9, who have just moved into post-primary school. Is there a way of looking at how we deliver education differently to children in years 8 and 9 and the correlation between primary school and post-primary school?

We cannot ignore the fact that, of all the countries that are out-achieving us — or that, according to PISA and other reports are significantly ahead of us — none selects on the basis that we select. Perhaps that is where the difficulty comes and why the DUP is concerned about international best practice. It does not

suit the DUP's argument. If it does not suit your argument, perhaps you need to change your position. Perhaps you need to think about it slightly differently and tell yourselves this: if all the evidence is pointing to something different, perhaps we need to have a wee think about this. I know that you have changed your policy in the past. Your policy was opposition to academic selection. Then you said, "We'll tell you what: we support academic selection". All parties change policy. It is not a U-turn or anything like that. Debates move on, positions move on, and you have to rely on that.

The Member also asked me why I responded to a number of Ms Boyle's questions in the manner in which I did. Those were factual responses. That is the current position and the evidence that is contained in the Department. The Association of Chief Executives reported back that that is its view. It is a stated position. However, as I said, positions can, and should, change when necessary.

All that I see the motion committing the Assembly to today is a review of school opening hours etc. As I said, any review will have to bring forward its recommendations and, I suspect, a significant amount of legislative change that the Assembly would have to agree to. Therefore, I do not think that there is anything to fear from opening up a well-informed debate on the issues raised during today's debate and in the motion.

Mr Craig: I support our amendment. I listened with great interest to what the proposer of the motion said. It was quite interesting to note what was said about family needs being ignored, rural and urban, and looking at other countries' best practice. I am just not so sure that, when we look at other countries' best practice, we will find the best solution out there.

I have listened with interest to the debate around the Chamber. Somebody tried to say that we support a 13-hour day for schoolchildren. I have good news for the schoolchildren: no, we are not. We do not support 13-hour days for schoolchildren. In some cases, a lot of children do 13-hour days, but that is by choice because of other activities that they do after school.

That having been said, there is always an issue around families' needs, schools' needs, teachers' needs and education needs. There is always friction in the system. I can speak with some authority on the subject because, as chairman of a board of governors, I have to make decisions about what holidays you allow the school to take. In doing that, there is

always friction between the education needs of the school, the holiday needs of parents, and, ultimately, what is best for the children and school. My experience tells me that those will not always gel. That lies at the heart of what we are saying. We already have a report that states that we are as good as we can get with the system that we have in Northern Ireland, and I have heard nothing yet that tells me that we can radically improve it.

I want to raise with the Minister one issue that I find fascinating. The boards unilaterally took a decision on transport. It was an interesting decision, because they decided to set a date-based system for when transport is paid in Northern Ireland. What I find interesting is that we pay here for a number of days' transport. Say, for instance, we pay for 200 days' transport: there is now an artificial cut-off date at the start and end of those 200 days. Some schools, for very good reasons, work outside those artificial dates, and, at the minute, parents are out of pocket. I challenge the Minister on this one: has the Department looked at the legality of what it is doing? At the end of the day, no one has yet challenged it. However, I doubt that it is legal, because those schools carry out the same number of days' education as all others. Therefore, if the number of days has already been paid for, why is there not some flexibility in our transport arrangements?

I listened with interest to what my colleague Robin Newton had to say. Thankfully, we got the PISA scores. I have good news for him: Colombia and Cuba are not better than Northern Ireland. In fact, they are not even on the list, to be quite honest about it. That is good news for all of us. We will not be following the examples of Colombia and Cuba. I listened with interest to what was said about best practice in other countries. As an Assembly, are we starting to follow the best examples of what was professed to be the largest communist country in the world?

I sit on the Policing Board and listen with interest to what the party opposite has to say about human rights. It goes on and on about human rights. I challenge the Minister to look at the human rights record of China. He will not be a very happy person by the time that he has finished.

Mr O'Dowd: Will the Member give way?

Mr Craig: I will.

Mr O'Dowd: I suggest that the Member talk to his party's junior Minister and to the First Minister. Quite rightly, in my opinion, they, along with the deputy First Minister and other Ministers, are promoting economic and educational ties with China. I think that they are correct to do so.

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

Mr Craig: Thank you, Mr Deputy Speaker. The Minister will not be at all surprised to know that I agree with that. Any good influence that we can bring to bear on China is a good thing. Any economic ties that we can have with China are for the good. Any influence for the good that we can put in there is to be welcomed. However, what I say to the Minister is that not everything in China is brilliant, and we should not copy everything that is there.

What I will say goes back to the reign of the present deputy First Minister as Minister of Education. We have had, time and again, edicts from the Department and the Minister come down on schools. Nobody seems to listen to them. In my experience, the top-down approach never works.

6.15 pm

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

Mr Craig: I support our amendment. Listen to those at the coalface and you will find that things very easily improve.

Mr Hazzard: Go raibh maith agat, a Cheann Comhairle. I thank the Members who engaged in the debate and my colleague Michaela Boyle for proposing this hugely important motion. As outlined by my party colleagues, I am content to accept the DUP amendment. Indeed, I take it for granted that any changes or conversation will involve appropriate consultation with schools and authorities to ensure that we agree an approach on the way forward. That is exactly what this motion is calling for: the opening up of a conversation within and throughout the educational and wider community.

I would, however, like to stress that it is very important that we explore international best practice and look to international examples for ideas and lessons that may be applicable here in the North. That is not to say that what is necessarily good practice for Singapore or Finland is the best way forward for us. Exact replicas are rarely transferable across

continents, countries and cultures, but they offer insight and experience that we should always acknowledge and bear in mind. Indeed, Danny Kinahan and Trevor Lunn seemed to recognise that today. Danny made a suggestion about summer schools and the best way to utilise summer holidays, which was very pertinent.

Unfortunately, however, the DUP again proved to be incorrigible and unable to remove itself from the notion of the Plato's cave, where it sees what is going on in the world only by watching the dancing shadows on the wall behind it. If international best practice is not worth looking at, why was the Chair of the Education Committee with us in Edinburgh on an educational visit when we were looking at best practice?

It is important that we look at best practice, and I want to give a couple of examples. In the mid-1990s, an experimental public school called the Knowledge is Power Program (KIPP) Academy opened in the south Bronx, which is one of the most socially disadvantaged areas in New York. There are no entrance exams or admissions requirements. Roughly half the students are African American and the rest are Hispanic. Three quarters of the children come from single-parent homes, and 90% qualify for free school meals. KIPP is famous for mathematics. By the end of the eighth grade, 84% of students are performing above the expected grade level. The Bronx average, including the wealthy suburbs, is a mere 16%. Amazingly, more than 80% of KIPP graduates go on to college, with most kids being the first in their family ever to do so.

Mr Storey: If the Member's logic is right, and if PISA is to be believed, why is Northern Ireland performing better in mathematics than the United States, which has a mean score of 481, when Northern Ireland has a mean score of 487? Does that not prove the point that we are trying to make?

Mr Hazzard: I thank the Member for his comment, but I am referring specifically to one particular part of one particular state of the entire United States. The KIPP programme represents one of the most promising new educational philosophies in the United States, but its success is best understood not in its resources or institutional innovation but in that it is an organisation that has succeeded by taking the idea of cultural legacy seriously. It has revolutionised the way in which a school day is organised and viewed. No longer the prisoner of past expediency, KIPP schools do what is right for their pupils today, not what was

deemed suitable when public schooling was first introduced many years ago.

In the era of the industrial revolution, the first educationalists were mindful of the rhythms of agricultural seasons. A mind must be cultivated but not too much, lest it become exhausted. What was the remedy for the dangers of exhaustion? The long summer holiday. It is a peculiar legacy that has had profound consequences for the learning patterns of the students of today.

In recent times, the esteemed sociologist Karl Alexander has explored the effects of a prolonged summer vacation on the learning process, and the findings have identified an achievement gap that has been allowed to develop and fester annually throughout much of the western world — to Mr Newton's dismay. Looking at the achievement test scores of pupils in June and September, Alexander was able to examine how much of the gap is the result of things that happen during the school year, and how much was to do with what happens during the summer vacation. The results were remarkable. Pupils from affluent backgrounds returned to school in September, and their reading scores had jumped through the roof. The poorest kids came back from their holidays, and their reading scores had regressed by similar margins. Alexander noted that, although poorer children may out-learn rich kids during the school year, during the summer they fall considerably behind. Furthermore, when it comes to reading skills, poorer kids learn nothing when school is not in session. By contrast, the reading scores of the richer kids rocket. Virtually all the advantages that wealthy students have over poor kids are the result of differences in the way that privileged kids learn while they are not in school.

Very often, we spend time discussing how we need to change the schooling institutions — the system — but that is arguably only rearranging the deck chairs, if we do not explore the wider context of cultural legacy and educational environment. Like parts of the USA, European education systems have, for some time, been exploring ways in which the educational environment can be adapted to the challenges of a modern and global economy. In the mid-1990s, Poland began to look seriously at the organisation of the school day and, indeed, the entire learning process. Reforms introduced included the reduction of school instruction time, the enhancement of extra-curricular activities and the introduction of a wide availability of global business skills and training, including in modern languages, for those who

wanted to make use of those in the evenings. The improvement in Poland's performance over the past decade is due, in no short measure, to those contextual reforms.

In Germany, where youth unemployment is virtually non-existent, a long-established educational culture that combines academic excellence with business and industrial apprenticeships is empowering entire generations of young Germans with the skills and confidence to make it in the global economy. Like Poland, Germany places huge emphasis on the need to equip their young people with the ability to speak more than one modern language, done not merely through school instruction, but in after-school clubs and through cross-border exchanges.

I want to emphasise the distinction between teaching time and time spent at school each day. In some European schools, children arrive as early as 7.30 am and do not return home until after 5.00 pm, but they have only a small amount of daily instruction, which is crucially combined with effective breakfast clubs, music clubs, art tutorials and sports etc. For too long, education and the educational institutions have sat outside the sphere of the real world, with the relationship being characterised by a sense of disconnection and interruption, with too many parts of the process standing with their back to each other. This review would be aimed at making a serious attempt to embed a culture of cooperation and a collaborative learning experience between schools and the outside world. We should be exploring ways in which the school day and term are harmonised in the interests of the pupil, the family and needs of our economy.

In conclusion, I call on the Minister to look seriously at the opportunities that would be afforded if he were to announce a review of some of the issues outlined here today. However, the review must represent a conversation between, and throughout, society as a whole and our education system. We should not merely examine the reform of educational institutions, but explore how we can embed a more productive educational culture throughout society.

Throughout the world, politicians tinker and tweak with the systems and the institutions. They rarely take the time to zoom out for just a moment and take cognisance of the educational culture of their society. When they do, remarkable results often follow, such as what happened in Poland and in the Bronx.

It is often cited that 80% of a child's learning experience is outside the classroom. As I outlined when I mentioned Karl Alexander previously, often it is not that our schools are not working, but that, for the kids who need them most, there simply is not enough time in the day.

Many progressive education systems have a shorter teaching school day and a shorter summer holiday. That leaves more time for extra-curricular activities for children and, crucially, planning and evaluation for staff on a daily basis. A review of all those issues would help to kick-start a necessary conversation. Indeed, with youth unemployment and educational underachievement ever present in our society, we owe it to our young people to continue to build an education system that is fit for purpose and conducive to the world around us today. I commend the motion to the House.

Question, That the amendment be made, put and agreed to.

Main Question, as amended, put and agreed to.

Resolved:

That this Assembly calls on the Minister of Education to review the current compulsory instruction time in schools; and to examine whether current fixed term dates, school opening hours, holidays and training days correspond with what is required to meet the needs of pupils, parents and the economy, and that appropriate consultation is undertaken with schools and managing authorities to ensure an agreed approach to deliver the best outcomes for pupils.

Motion made:

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

Adjournment

Tourism: East Belfast

Mr Speaker: The proposer of the topic will have 15 minutes, and all other Members who wish to speak will have approximately eight minutes.

Mr Newton: I thank the Minister for being here this evening, and I do so in the knowledge that she has a long journey to make when she leaves the House. I also pay tribute to her for the work that she has already done for tourism, as she promotes Northern Ireland and the Northern Ireland tourism product across the globe.

Many of us recognise the work that has started, and I particularly want to focus on Belfast and to move towards east Belfast. Belfast has been looking at and promoting tourism as an area, along with its counterparts in the Tourist Board. It welcomed nearly eight million visitors in 2011. The value of direct tourism spend is estimated at £401 million. Overseas tourism accounts for £207 million of all tourism spend each year. It contributes in excess of 4.9% of GDP and supports approximately 40,000 jobs across Northern Ireland.

Titanic Belfast, one of our major achievements, has welcomed over one million visitors since 2012. It is a major draw to the city for many visitors, with half of them visiting attractions that relate to the Titanic or Belfast's maritime history. Titanic Belfast is also tipped to be a must-see attraction internationally. Given the fact that it officially resides in east Belfast, there is a huge opportunity for the area to use Titanic Belfast as a hook and capitalise on those visitor numbers. From an east Belfast perspective, it is important to benefit from the success of the Titanic project by educating tourists and, indeed, locals alike on the proximity of the building to other attractions in the east of the city.

There are a number of things that need to be done to enhance the potential of tourism in east Belfast and realise fully the benefits of tourism in this part of the city. Some work has already started on that. I pay tribute to the work of the East Belfast Partnership as it promotes tourism and, indeed, to the dedication, vision and hard work of its staff as they seek to implement a plan that will see improved links between the Titanic Quarter and the east of the city; the inclusion of east Belfast in all tourism maps; and the inclusion of the Newtownards Road on tour bus routes. Many visitors actually bypass east Belfast as they travel down the Sydenham

bypass from the Titanic Quarter to this fine Building. They cut around the east of the city.

The work that the East Belfast Partnership is doing, along with other agencies, in branding of the east of the city to make it a more attractive place to visit is vital in enticing visitors to the area. We need to see improved connections from the George Best Belfast City Airport into east Belfast. Again, many people arrive at the airport and drive straight into the city. Indeed, there is potential to promote east Belfast on cruise liners as an area that is worth visiting, as other attractions in the city of Belfast and, indeed, Northern Ireland as a whole are promoted.

A short time ago, the House paid tribute to the festival that took place that had the C S Lewis name attached to it. As part of the strategy for east Belfast, we seek a funded festival for the area — a long-term funding arrangement that will allow east Belfast to build skills and infrastructure and, indeed, a history of festivals that are successful and will act to attract visitors to the area.

A simple one is an opportunity to pilot and be linked with the Belfast city bike scheme and, perhaps, use a hub in the east of the city that would allow the bicycles to be used for some of the attractions that I will talk about in a few minutes.

6.30 pm

It is about being included in city-wide tourism opportunities as a distinctive brand of east Belfast and seeking also, through the work of the partnership, funding for a company to carry out a baseline study on current visitor numbers in the east that will help with the future monitoring and evaluation of the success of tourism.

I can outline a number of projects that are contributing to the betterment of this part of the city for local people and that have the potential to do the same for city visitors. We need to attract those people in so that they get the benefit of it, with greater numbers of those who visit Belfast and Northern Ireland coming to east Belfast.

Let me dwell for a few moments on the potential of the Harland and Wolff shipyard, its history and that of the men who worked there. A small but important tribute to the men who built such great liners is located on the Newtownards Road. The popularity of what is referred to as the Yardmen statue is evidenced by the number

of people who stop their car to get their photograph taken at the statue before moving on to somewhere else. The fact is that you have to find that statue and you have to be made aware of it.

I mentioned the feature that is C S Lewis. Just last week, we debated C S Lewis and the role that he has played in our society and his connection with the east of the city. I know that the Minister has acknowledged and glowingly paid tribute to the significant figure that is C S Lewis. She paid tribute to the C S Lewis festival, which was organised with some funding from Belfast City Council and some private funding that was put in by local east Belfast businesses to support it. It was organised by the East Belfast Partnership.

That was a good start, but if the festival is to be successful, it needs to be turned into a major festival, as has happened in other parts of Belfast and other parts of Northern Ireland, and it could become a hook to attract people from across Northern Ireland, the Republic of Ireland and GB. Indeed, it is not too ambitious to say that it could attract international visitors. That is not some form of airy-fairy wish list; it can be turned into a reality.

The potential to do that is there, because C S Lewis is an international figure with followers across the globe. His writings cover a wide spectrum and age range. His family home is just about a mile from this Building and the school that he attended is about half a mile away as the crow flies. He records in his writings his love for this part of Northern Ireland, and his fond and frequent holiday visits home are testament to the fondness that he had for his homeland. The local places where he played as a child and later visited as a young man are all well documented and they are here. His reputation was further enhanced by his inclusion in Poets' Corner just a few days ago. That is a rich heritage, and we need to claim him as a famous son and enhance and preserve his reputation as a famous son in the city of his birth. There is great potential to do so.

There are other features, such as the Connswater Community Greenway, which is a £32 million project. It is recognised as a local tourism project by Belfast City Council. It has the potential to bring those seeking recreation into an area through walking and cycling routes along the three rivers, the Connswater, Knock and Loop, and, when finished, will have 17 miles of traffic-free paths. It will include a C S Lewis square — a community square offering opportunities to be used for celebrations,

outdoor performances and events over coming years.

Also planned around that area is a “best of East” centre at Holywood Arches — the creation of a hub, an innovation centre, an information point, a visitor reception area, an exhibition space and meeting facilities. At that point, it would be advantageous to have a pilot programme around the Belfast bike scheme and the use of that for the 17 miles of walking and cycling space.

We know that Van Morrison's reputation is international. He lived along the route of the Connswater greenway project, and many of his songs make reference to the areas along that route. I know that the Minister is well aware of the East Belfast Festival that happened, which, again, operated on a shoestring, but which Van Morrison headlined. Indeed, Van Morrison was recently awarded the freedom of the city of Belfast, and we now hear rumours that he may be awarded a further honour.

There are other projects that need to be fully explored and their potential enhanced. They may not be of the scale of the Titanic signature project, but they include the shipyard church, Westbourne Presbyterian Church, just across the road from the Yardmen statue that I mentioned. That church has a rich history associated with the men and women of the shipyard and their families. There are plans to develop that.

Schomberg House, the headquarters of the Orange Order, is on the Cregagh Road. Some might argue that that is a bit far out, but it is not if you are interested in the history aspect. It includes a small museum, and there has been refurbishment to make it a more attractive place to visit as a local or as a tourist who is interested in local history. We know the reputation of Dundonald International Ice Bowl. Craigavon House is a feature and has huge potential. It is where Home Rule was opposed and where Carson, Craigavon, the men and women of Ulster and the history of this Province were shaped. It could become a feature of tourism in east Belfast.

Belmont Tower, which is about three quarters of a mile from this building, is a Victorian Gothic building with a permanent C S Lewis exhibition in it, along with conference space and a cafe. It is now owned by the National Trust and is an asset for east Belfast. Stormont, the Building that we stand in every day and its grounds, can be and is an attraction for people to visit. We see that every day and every week, either out in

the Great Hall or, indeed, on the buses that drive up to park at our front door.

In conclusion, I know that the Minister recognises that tourism has been and will continue to be a feature of what we do for the economic activity of Northern Ireland. I speak on behalf of east Belfast as an area where there is the potential to enhance tourism for the betterment of all who live there.

Mr Copeland: I congratulate Robin for bringing the debate this evening. I was born, made, bred and raised in this part of the city, although I must confess that “east Belfast” is a term that did not come into common parlance until about a century ago. It was always viewed as a different place called Ballymacarret, and it did not actually become part of the city until after the city’s incorporation. My grandmother Spence, having lived for 97 years on the Beersbridge Road, still steadfastly referred to “going to Belfast”, despite the fact that it was about half a mile down the road.

A sense of place is tremendously important, and I do not intend to try to compete with Robin to establish which of our researchers found out more about east Belfast. It is safe to say that there is a fair amount there to whet the appetite of anyone interested in the history of this city and, indeed, this island.

I do have a bee in my bonnet about one aspect, however. Although Schomberg House is in Castlereagh, I am sure that Robin will not mind me stretching another half a mile up the hill to Lisnabreeny, which has a United States military cemetery that was once the only such cemetery on the island of Ireland. The United States has a long connection with Belfast and the north-east corner of the island of Ireland, evidenced by the fact that the longest continuous American diplomatic post is consul to the city of Belfast. That comes as rather strange, but I suppose that it goes back to our part in the birth of that great nation.

Almost one third of a million Americans spent time here before departing from Belfast lough in one of the largest fleets ever assembled to take part in the invasion of Europe in the latter half of the 1940s. That gives us a marketing tool that could be used in conjunction with the facility at Carrickfergus that was the birthplace of the American Rangers, a unit of the American military that continues to this day. We also have a number of municipal and privately owned golf courses.

The key thing in some respects is to recognise that our past, troubled as it was, is a matter of

some interest. I do not mean the civil disorder of our immediate past but our industrial past. An earlier tourist called Gustavus Wolff once stated proudly that he had gazed on the finest vistas in Europe across the Danube and the Rhine yet could think of no finer sight than his cathedrals of industry in the city of Belfast situated on the River Lagan as viewed from the salon of his villa at Strandtown. Strandtown has changed and his villa is gone, but there are a fair number of cafes, retail units, shops and points of interest in the area. Of course, we then have, on a slightly more contentious note, Glentoran, the first football team to win a European title. We have much to be proud of and much to exploit, but our knowing it and selling it are entirely different things.

Tourism does not necessarily mean a fortnight with a packed suitcase and a tin of suntan oil. It can mean an overnight stay, a visit or part of an overall wider journey. To market east Belfast sensibly, it has to be done with several issues in mind. First, there is niche tourism — those who come here for a specific reason. Robin sensibly mentioned the Titanic. The Nomadic was connected to the Titanic and, indeed, still floats not very far from where she was launched. Another fascinating potential would be HMS Caroline, the last surviving ship from the Grand Fleet, which has been on the east side of the river, thank goodness, for quite some time. She awaits tender, loving care, but given any sort of investment and proper marketing, she could become to Belfast what HMS Belfast is to London.

When you bring people here, the issues are largely whether they have somewhere to stay, somewhere to see and somewhere to spend money. Tourist income is primarily what tourism is about. I often wonder about and watch the West Belfast Festival, for example. It does not last for the entire year, but the preparations, marketing, planning and research for it do. Lessons could be learned from the way in which that festival has been promoted, from which we in east Belfast could derive some benefit.

East Belfast is a great place no matter what anybody says. It has an awful lot to offer, an awful lot of unseen things, many of which Robin mentioned and that people would, I have no doubt, be prepared to travel to visit and see. We have to ensure that people have the information that will guide them there, that they have a proper place to stay and that they stay safe and enjoy themselves. On safety, it will still come as a surprise to many across the world that Belfast is and always has been an

extremely safe city. We should all be proud of that, particularly those of us in Ballymacarret.

6.45 pm

Mrs Cochrane: I welcome the opportunity to speak in the debate, and I am grateful to Mr Newton for bringing the issue to the Assembly. He has already covered a number of issues, but I am sure he will not mind if I repeat some of them. I am glad to see the Minister in attendance, and I look forward to hearing her thoughts on the challenges and opportunities for tourism in east Belfast.

When I meet people from all over the world, it is always with great pride that I tell them that I am from glorious east Belfast. My grandmother worked in the rope works, my grandfather worked in the shipyard, and my dad grew up in Memel Street and was known to have kicked a ball for Glentoran seconds. East Belfast has been home to my family, but it is also the spiritual home to many a story, hero and landmark, which all have helped to set it apart on the international stage.

In addition to being home to this very Assembly, we can also boast about Titanic Belfast as a must-see during any visit to Northern Ireland. As a brown-eyed girl who grew up in Cyprus Avenue, the legacy of Van Morrison is one that I and all of us will be familiar. He is a singer-songwriter, a musician, a Rock and Roll Hall of Fame inductee, a Grammy winner, a household name the world over, and, more simply, a son of east Belfast.

Then there is C S Lewis, an academic, poet and novelist known for his literary works and enshrined in popular culture through the numerous adaptations of 'The Chronicles of Narnia'. He is also a son of east Belfast. Then, of course, there is George Best, renowned as one of the greatest footballers ever to grace the global stage and who is compared with the likes of Pelé and Maradona. He was a Manchester United and Northern Ireland stalwart, and a Ballon d'Or recipient. However, perhaps he was not always the best judge of character — apparently, he donated money to the fledgling Democratic Unionist Party back in 1971. George will forever be fondly remembered as a son of east Belfast.

While east Belfast is proud to be home to each of those three iconic figures, it also boasts a rich and diverse cultural and artistic heritage. East Belfast is home to the oldest operating cinema in Ireland, the Strand Cinema on the Holywood Road, which opened in 1935. Its original design was influenced by its proximity

to the Harland and Wolff shipyard, featuring curved walls and a portholed foyer. I am sure that others in the Chamber tonight will have enjoyed many a date night at that great venue.

In recent years, we have also seen that there is a sincere thirst for new and exciting arts ventures in that part of the city, and the Strand is beginning to offer live theatre, as it did in the past. That is all part of its development into the Strand Arts Centre, which will establish it as the home of the arts in east Belfast. No doubt, that will help to strengthen the East Belfast Arts Festival. Add to that Belmont Tower, the Dundonald Ice Bowl, Schomberg House and the many outstanding restaurants and cafes that are opening in the east and you can start to see the opportunities that we have to attract visitors.

We have had many a debate in this Chamber about the significance of tourism to the local economy. If we wish to be serious about developing our long-term prospects and building on our successes, we must be proactive in adapting our local tourism infrastructure to accommodate our goals. We need to continue to grow and develop the east Belfast brand and, if we are to truly capitalise on our cultural appeal, we need to continue to develop and build on each unique opportunity. For example, in the coming years, we will see the 10-year anniversary of George Best's passing, the eightieth anniversary of the creation of the Strand and the seventieth birthday of Van Morrison. In a society that is all too often characterised by its solemn and contentious anniversaries, we must not overlook those alternative celebrations as an opportunity not only to instil shared civic pride but to attract new visitors.

There are many great initiatives being pioneered across the east of the city, each with its own degree of merit and respective plan for the future. We must ensure that those efforts are not just progressed in isolation, but that each of them complement and support the next. A holistic vision is integral to ensuring the sustained growth and success of tourism in east Belfast. Although that will undoubtedly require buy-in from all who are already engaged with the sector, it will also require the support and cooperation of this Assembly to make it a reality.

Mr Douglas: I thank my colleague Robin Newton for bringing this topic to the House. I have a bit of a sore throat but, hopefully, I will get through this. I also thank the Minister for being here tonight, and, like the previous

Member, I am looking forward to what she has to say about tourism in east Belfast.

It has been a great year for tourism, and not just in County Fermanagh. We have great memories of the G8 in June. What a wonderful time that was, and I will say a wee bit about that later. It has also been a great year for tourism in east Belfast. I know that my colleague Robin Newton mentioned this Building, which is in the heart of east Belfast. This wonderful Building is a superb tourist attraction, and you know yourself, Mr Speaker, that the numbers have been increasing year after year.

I will keep this short and mention just a few projects. I asked the Northern Ireland Tourist Board for some information, and I want to thank it for sending that information. It sent me a list of something like 18 different projects, some of which are major, and some of which are not as big. In fact, some of my colleagues mentioned some other projects as well. So, east Belfast is certainly at the heart of tourism. Projects in east Belfast are Northern Ireland-wide projects, and I think that it is important to remember that.

Going back to the G8, I remember that the doom-and-gloom brigade was out in force, saying that it was going to be the worst ever and that there were going to be riots by all these strange people who were coming from all over the world. We have had the doom-and-gloom brigade in east Belfast as well. Let me give you one example.

I am a member of Titanic Foundation Limited, which developed and now manages the Titanic building, and I want to say a few words about it. For me, Titanic Belfast is a great example of initiative, drive, vision and leadership, and it is the sort of project that the Assembly needs to continue to support. Who can remember the Audit Office report that questioned the viability of the project before it even opened its doors? Doom and gloom. However, since opening on 31 March 2012, Titanic Belfast has welcomed almost 1·3 million visitors — stunning. It is interesting — I am glad to say this — that it is the most popular visitor attraction in Northern Ireland. That is something that we did not have a couple of years ago. For a hundred years, we put Titanic out of the way for a whole range of reasons, and now we have the biggest Titanic visitor attraction in the world and the most popular tourist attraction in Northern Ireland. It has received many accolades during the year and obtained a five-star award in the new Northern Ireland Tourist Board quality grading scheme for visitor attractions.

I can think of other attractions including — Members alluded to this already — the likes of C S Lewis. Fifty years after his death, he has been honoured not just in his native Belfast but in Westminster Abbey with a memorial stone, which we talked about. I was delighted that the Minister, who has a busy schedule and had just returned from Dubai that morning, came to the C S Lewis lecture in the Senate, which I must say was excellent, and which she spoke at as well.

Yesterday, in the Chamber, the Minister said:

“C S Lewis was one of our literary stars. In the past, he has not received the attention that he deserves.” — [Official Report, Vol 90, No 1, p31, col 2].

I think that we need to talk about that important factor tonight. C S Lewis certainly has not been as popular as Seamus Heaney, but I think that the C S Lewis festival over the past number of weeks has been excellent. I have a wee booklet here that lists a whole range of events. It is great for local people, for people in Northern Ireland and for tourists who come to Northern Ireland.

If you think of all those projects that we talked about — SS Nomadic; HMS Caroline; Titanic; the dock and pump house; the slipways; the drawing offices; and even the Woodstock blues festival this year — you realise that they have been excellent for east Belfast, for Belfast and, indeed, for Northern Ireland.

When we look to the future for Northern Ireland, we think of the Giro d'Italia Grande Partenza — that is Ulster Scots; I am only joking — in 2014. I just want to remind Members that that is a great opportunity to showcase Belfast, Titanic Belfast and Parliament Buildings. Last year, the race was broadcast to 165 countries. It reached 125 million households. It has the potential for a global audience of 775 million people. What an opportunity.

As you can see, I have about 15 pages here. I could talk for the rest of the night about tourism, not just in east Belfast but in our beloved Belfast and our beloved Northern Ireland. I am delighted that my friend Robin has brought this topic to the House tonight.

Mr McKinney: I welcome the opportunity to contribute to this debate on the tourism potential of east Belfast. This part of the city has overcome some significant challenges over the past number of years. It has much to commend it to tourists. Maximising tourism in east Belfast has the potential to boost the local

economy. We have heard quite a lot about that this evening.

As well as having many historic landmarks, including the famous Harland and Wolff shipyard, it has famous people. It is worth repeating the list: Van Morrison, who was recently given the freedom of the city; George Best, who was one of the greatest footballers ever; and C S Lewis, who is considered to be one of the greatest Christian writers of the second half of the 20th century. That is a bit of a list, but you have to think of them as much more than that because, in life or death, they have enormous profile and pulling power.

As a child, I, like millions of others, devoured the works of C S Lewis. Like millions of others, I marvelled at the footballing skills of George Best. I cried at his death. I am continually inspired, like millions of others, by Van Morrison. Nothing beats an open drive in a car listening to Van Morrison.

Only a couple of weeks ago, a statue of C S Lewis was unveiled in east Belfast. The recent C S Lewis festival, which was funded by the city council, proved to be a real success. I agree with Mr Newton: it should have greater ambition. The new C S Lewis trail was also launched during the festival. It takes people through east Belfast and the landmarks that helped to shape the young writer's life and work.

It must be said, however, that the past year has proved to be particularly difficult, with a number of people engaging in civil disobedience. While a minority of people have been involved in that behaviour, it has had an adverse impact on the area. We must take cognisance of that and recognise it. Many visitors contemplating visiting the east Belfast area will have been put off by the scenes of chaos and disorder. We should do all that we can to try to prevent that.

East Belfast has a great deal to offer visitors. We must capitalise on all its attributes. It is important to recognise the good work done by many people on the ground, and — I will repeat it as well — the East Belfast Partnership, which is made up of community, statutory, political and business members. It is dedicated to the regeneration of east Belfast. It was formed in June 1995, with the responsibility of getting stakeholder organisations to work together to develop and implement plans for the social, economic, environmental and cultural regeneration of the area.

From the birthplace of Titanic and the famous skyline of Harland and Wolff to the iconic trails

along the river Lagan and the Connswater greenway, east Belfast has much to offer. Given the level of investment — we have been hearing about that this evening — in improving the area over the past decade or so, we must not accept anything that will interfere with it reaching its full tourism potential.

However, I have a question: what themes will underpin what east Belfast has to offer? Over and above the specific things that we have heard about tonight, what themes will underpin what east Belfast has to sell? Look at the history of east Belfast: the themes of quality and innovation, hope and ambition, and endeavour and prosperity run strong through the work of the early shipping pioneers and C S Lewis.

The author famously wrote stories about a magical door that accessed a world of considerable beauty. His was a challenge — it is a modern challenge, as well as being a historical challenge — to look to the other side. It is a powerful theme. I question whether we can fully achieve that if we do not unlock some doors in our own minds, between people and between communities, and, ultimately, restore some of that ambition, hope, endeavour and prosperity.

It is a prize that extends way beyond a simple tourism product, and it contains themes and lessons for us all. In that regard, I suggest that it is a real prize worth reaching for.

7.00 pm

Mrs Foster (The Minister of Enterprise, Trade and Investment): I am delighted to respond to this debate. There is much to be said, and I commend the Members for their sometimes poetical utterances. It is a very pleasant debate to respond to. It is a very important time for tourism, and as Members said, for the whole of Northern Ireland but particularly for east Belfast. There is so much, and we have heard a list of people and a list of buildings. We have had places mentioned, including Ballymacarret and Ballymiscaw, which is where we are at the moment. I laughed when Mr Copeland talked about going into Belfast. My grandmother lived in Sandy Row, and she used to say the same thing about going into Belfast. That has the mindset of the city centre, and, even now, I sometimes see that displaying itself.

We mentioned a couple of very significant people. Mr McKinney asked what the themes are. I think that the themes, particularly for east

Belfast, are people and places. People, in particular, are very important to the history, heritage and culture of east Belfast, none more so than C S Lewis. Mr McKinney joined me at that very important lecture by Professor Lennox in the Senate Chamber a couple of weeks ago. It is fitting that east Belfast is reclaiming him as one of its own and is celebrating his life and, importantly, his work. So many people around the world celebrate and enjoy his work, either his Christian pieces or, indeed, his fiction pieces. It is sad that we have not made more of C S Lewis, and I hope that we will continue to build on that initial festival because I think that there is much more that we can do in respect of the great man. In that respect, I commend the fact that he is remembered in Poets' Corner in Westminster Abbey as of 22 November. I also commend a recent documentary that I watched on BBC Four by A N Wilson, that great historian. That documentary, which I think you can still get on the iPlayer, gave an excellent insight into his life and his work, and also to the importance of the women in his life, including his mother and Minto and, of course, Joy Gresham. It is a beautiful piece of work, and I commend it to you.

The legacy of C S Lewis to the cultural tourism agenda will, I believe, continue to grow. As Members may know, we supported the PR and social media in and around that festival. Indeed, Tourism Ireland helped to promote the festival overseas. There is more to do, of course, in that respect. We have received and, indeed, are supporting a proposal by East Belfast Partnership, which Mr Newton mentioned. It is a very worthwhile partnership that is doing very good work on the ground, and it is hoping to develop a C S Lewis centre, Best of East, at the C S Lewis square, close to the intersection of the Connswater and Comber greenways. It has been successful in gaining funding under the tourism development scheme, and I am pleased to say that that project is progressing through the procurement process, with contractors due on site in early 2014.

I also want to mention that other great man, who, thankfully, is very much still with us, Van Morrison. Again, he is internationally renowned. It is true what the good book says: sometimes we are not prophets in our own land. Certainly Van Morrison is of international acclaim, and I hope that we in this great city and right across Northern Ireland value Van Morrison in a very meaningful way and do not leave it until after he leaves us to recognise his greatness, because he certainly adds a lot to what Belfast has to offer.

In respect of C S Lewis, we mentioned a number of churches. I want to mention the beautiful St Mark's, Dundela, which is, of course, a Church of Ireland church. I mention it because I was to be at a book launch there tonight — this is me explaining tangentially to the Church of Ireland why I could not be with them tonight at a book launch that is taking place in all the parishes across the island of Ireland. I am sure that St Mark's, Dundela will do as well as the other parishes across Northern Ireland.

There is a long list of places to go to, and be seen, in east Belfast; no more so than our beautiful Titanic Belfast. It is important to recognise that for many years it was difficult to even talk about Titanic in east Belfast because it left such a huge mark on the community when the disaster occurred. Now that we have commemorated and celebrated what went on in that shipyard a hundred years ago, we are now seeing that tourists recognise Titanic as a global brand — it is a global brand — and, as result, we have welcomed 1.3 million people to east Belfast and to Northern Ireland to have a look at our fabulous Titanic centre. That has proven to be a very good investment for government. It has been a very wise investment for government, and is indicative of the vision we have for attracting people to visit Northern Ireland. It has provided a catalyst, and we have seen more visitors coming now to visit us because we have Titanic Belfast.

Mr Speaker, the way in which you have opened up this place has been a great credit to you. When the many international visitors come to this place, they cannot fail to be impressed by its stature and its beauty, and I often say that we have the best Parliament building in the UK, as it is of its time, very grand but very beautiful. That says a lot about the people who built it at that time and their vision for Northern Ireland and its people.

I could mention a lot of other things that have happened in east Belfast, such as the Yardmen workers statue, which Mr Newton mentioned, a beautiful sculpture and one that adds a lot to the Newtownards Road. However, what you want to hear about from me are the plans for the future. We will continue to push very hard on Titanic Belfast because it is a global brand and will bring people in. We are adding to that product all the time, and I thank my colleagues for supporting me in that with the SS Nomadic, which has been a great addition to what is going on down there, the Titanic dock and pump house, and the Harland and Wolff drawing offices, which we would like to see developed in a meaningful way and which have

been awarded a Heritage Lottery Fund grant of £5 million to progress that. We are very excited about the prospects for that.

When people come through that great gateway of the George Best Belfast City Airport — he was a great man indeed, and we all remember him tonight — we want more of them not just to go through east Belfast but to stop there. We will have to give offerings to them to make sure that they know what is happening in east Belfast.

Business tourism is important as well, and we have seen 'Visit Belfast', along with the Tourist Board and Tourism Ireland, target conference organisers to come to Belfast. We all know that the facilities at the Waterfront Hall are going to be upgraded, and we look forward to that, as it will have a knock-on effect for the hotels and accommodation providers across the city, and not just in the city centre but in east Belfast as well.

Mr Newton referred to the fact that Belfast is now a cruise destination, and I very much welcome that Belfast Harbour is putting in its own purpose-built cruise facility. It is important that, when people reach Belfast, they get a very good impression of our city. Also, because of where it is located, in Titanic Quarter, people will be able to walk into east Belfast, and we will have to make sure that we attract them to all the different areas in the city, not least to east Belfast and HMS Caroline, which has been mentioned. Working with the Royal Navy, we intend to get HMS Caroline back into very good shape and hope that, as Mr Copeland said, it will become as successful as HMS Belfast has been in London.

I want to finish with the Giro d'Italia, and I commend Mr Douglas for his Italian — Grande Partenza. We look forward to the Giro coming to Northern Ireland. Its first stage will take in many of our iconic landmarks and landscapes. Starting at Titanic Quarter, it will pass through east Belfast via the Newtownards Road and Stormont estate before concluding, via a number of other locations, at the City Hall. The Giro d'Italia will open up the world to east Belfast, so everybody needs to be ready for that. I do not think that people have grasped its importance or the fact that it will be such a huge event for us in Northern Ireland. I know that east Belfast will rise to the challenge and ensure that everyone there is wearing pink for the occasion, because pink is, of course, the colour of the Giro d'Italia. Perhaps even you, Mr Speaker, might get a pink tie.

Adjourned at 7.11 pm.



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