



Northern Ireland  
Assembly

**OFFICIAL REPORT**  
(Hansard)  
and  
**JOURNAL OF  
PROCEEDINGS**

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# Official Report (Hansard)



# Assembly Sitings



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# Northern Ireland Assembly

**Monday 31 March 2014**

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

*Members observed two minutes' silence.*

## Executive Committee Business

### **Tobacco Retailers Bill: Royal Assent**

**Mr Speaker:** Before we proceed with today's business, I wish to inform the House that the Tobacco Retailers Bill received Royal Assent on Tuesday 25 March 2014. It will be known as the Tobacco Retailers Act (Northern Ireland) 2014.

## Matter of the Day

### **Loyalist Activity: Larne**

**Mr Speaker:** Mr Stewart Dickson has been given leave to make a statement on public disorder in Larne, which fulfils the criteria set out in Standing Order 24. If other Members wish to be called, they should rise continually in their place. All Members who are called will have up to three minutes to speak. I remind Members that there will be no points of order or discussion of any other issue while we deal with this item of business.

**Mr Dickson:** Thank you for accepting this item of business this morning, Mr Speaker.

I would like to start by saying that my thoughts are with the police officer injured during the sickening attack last night in Larne and to wish him a speedy recovery. This was clearly an organised and coordinated attack, and the Assistant Chief Constable has laid the blame firmly with the south-east Antrim UDA. This raises serious questions about the status of that paramilitary group. Regardless, the police case should proceed on the grounds that this was an act of pure criminality, focused on the control of an area and the violent intimidation of the community.

For too long, there has been a sense that certain individuals and groups are untouchable and that we should not rock the boat for the sake of the political process or for fear of a violent reaction. I say, along with my constituents, that we are sick and tired of the thugs, gangsters and criminals trying to hold our communities to ransom. These people have no mandate. They are not the defenders of any noble cause: they are, indeed, the antithesis of the British values that they claim to represent; values that I hold dearly. Many will wonder, 20 years after the ceasefires and 16 years after the Good Friday Agreement, why the UDA is even in existence. What is going on in Northern Ireland in 2014 when we have a large group invading a town, destroying houses and attacking the police?

A very clear message must go out from this Chamber this afternoon, with no ifs and no buts. What happened in Larne last night is wrong and must never be repeated. There is only one legitimate organisation to deliver law and order on behalf of the people of Northern Ireland and that is the PSNI.

**Mr Wilson:** I echo the points that Mr Dickson made. Our thoughts are with those who suffered at the hands of the criminals who attempted to take over a part of Larne last night. It must be remembered that many ordinary families had their property damaged in that area of Larne, and our

thoughts should go out to them. Of course, as the Member said, they deserve the protection of the police. It is quite clear from what happened last night that those who, on occasion, claim to be the protectors of ordinary working-class unionists are, very often, the people who bring the most sorrow and destruction to those communities. That should be remembered.

I believe that this was a challenge by criminal elements to the rule of law. It is not without significance that, last week, the police made some arrests and brought people before the courts. This is the reaction. It has happened not only in east Antrim; it happened in south Antrim a couple of weeks ago in Ballyclare, where the same tactics were tried. It is important that the police intervene robustly to ensure that those who decide who should stay in an area and who should not, or who should be allowed to live in a place and who should not, are not the arbiters of this.

I know that there has been criticism of the police today, but the finger must be clearly pointed at the criminals who took over and caused the damage. That is not to say that the police should not be better at intelligence gathering; you cannot have enough police standing by in a town like Larne to deal with an issue like this. The police who intervened were attacked, as Mr Dickson said, but there needs to be an improvement in police intelligence gathering so that, when movements of men like this occur, they are detected and there can be a quick reaction. Furthermore, the police need to stay in an area because, very often, these are outsiders and they have to travel back again. There should be opportunities to apprehend some of the individuals at that point, but that was not done last night either.

Finally, if the rule of law is to work in Northern Ireland, it depends on the cooperation of the public to help the police to intervene in these situations. I trust that the public in Larne and further afield will cooperate with the police in apprehending the individuals who were involved in these incidents last night.

**Dr McDonnell:** I welcome the opportunity to put a few thoughts and words on the record. First, I extend my best wishes and those of my party for the speedy recovery of the policeman who was injured doing his job protecting us all. I also offer support and sympathy to the people who felt threatened and intimidated and had their property damaged last night.

The scenes that people witnessed in Larne yesterday evening were totally shocking and must be condemned without any qualification. The rule of law has to be respected and the police must be given our full support in attempting to deal with those who seek to hold society to ransom and bring the law into disrepute. There is still some awful thuggery in our society, and it is not just confined to east Antrim. We have seen this behaviour in Ballymoney, Coleraine, Ballyclare and various other locations.

Yesterday evening, the police had to contend with a concerted effort by a significant number — some 60 to 100 — of south-east Antrim UDA members, many of whom were masked. The police were placed in an impossible, if not invidious, position, and local people must have found the whole experience extremely terrifying. Nobody but nobody has the right to take the law, in any shape or form, into their own hands, mete out justice or what they believe passes for justice or, worse still, dish out threats and intimidation. Paramilitaries must not be allowed any

degree of primacy in any society, and if, as it is believed, they were acting in retaliation for police arrests last week, a clear message must be sent out by civic society that we will not tolerate that in any circumstances. I welcome the opportunity to put that on the record this afternoon.

Politicians must show clear leadership and unambiguously condemn the actions of paramilitaries who are engaging in such thuggish behaviour to the detriment of the wider community. The police require our full support in bringing paramilitary groups such as the UDA under control and, where possible, bringing them to justice. Serious questions remain about the status of the UDA in light of last night's outrageous scenes. Those individuals should not be allowed to intimidate or drag the east Antrim community or any other community back into horrific scenes reminiscent of darker days in the past. I welcome the opportunity to make these few comments, and I urge the whole House to give support to the police in dealing with this outrage.

**Mr McMullan:** I agree with all that has been said so far. Let me make it very clear: this was not an isolated incident; it happens regularly in Larne. I have stated that in the House before and have been the most vocal public representative on the issue. Last night was not because of police arrests two and three weeks ago; it all emanated from an incident on Saturday evening. Those men have been getting away with this for years, and we have asked time and time again for the police to put more resources into Larne to deal with the criminal elements who call themselves the UDA. This has happened time and time again, and it is about proving who is the biggest threat and the biggest man in the town. We are looking for the courts to do more about it. Too many people are getting out on bail when it would be better to keep them inside.

Last night, grown men with sledgehammers chased a 15-year-old girl up the stairs while she was screaming for her life, and, in another incident, a father had to shield his young daughter while getting beaten around the head with a hammer. That is the kind of justice that they mete out to their own community. God help the rest of us if they ever decide to turn.

Last night, a golden opportunity was lost to arrest a lot of those people. There is really only one road out of Larne back to Carrickfergus and back to Ballyclare, which is where this all came from. That said, the Larne UDA was involved last night. It joined others in Carrick and then came back into Larne. The tactical support group should have been called in immediately and roadblocks should have been set up. The police should look at that when they investigate this. The House needs a full report from the police on what happened and how they will deal with it because, unless they deal with it now, the festering criminality in Larne will continue. It is bringing the town and the good people of Larne down. We need jobs and houses in Larne. We do not need criminal elements who neither work nor want. They drive about in top-of-the-range cars and vans while ordinary, decent people are out trying to make a living. Those people are charging £5 a week for membership and fining people £200 or £300 if they do anything wrong in their community. This is happening today, Members. It is not fantasy.

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

**Mr McMullan:** I call on the police to give the House a full report on what happened last night.

12.15 pm

**Mr Beggs:** I thank Mr Dickson for bringing the issue forward. It is a very serious matter that affects my home town of Larne. I, too, extend my best wishes to the police officer who was injured and, indeed, to the members of the public who were injured through this attack.

This was an attack by 50 to 100 masked men in two separate incidents — or perhaps it was three incidents, because three houses were involved. It is very serious. There was an attempted murder, serious assaults on individuals, and damage to homes and property. I was struck by the comments of Assistant Chief Constable George Hamilton this morning when he linked the incidents to arrests that were made last week. Those comments tell me that this was an attempt to influence the outcomes of those arrests and the criminal justice system. It is very clear that, as such, it was an attack on the police, the individuals involved and on our criminal justice system. It was an attack on this democratic Assembly. It is very serious that a serious organised crime gang is trying to affect outcomes in the criminal justice system and to influence what happens in their community. The south-east Antrim UDA is attempting to control the community and what happens in it. My information on where all this comes from is that it is spiralling from those who, a number of months ago, stood up against some of those individuals and then became targets.

So, this is a very important issue. Are members of the public going to be allowed to defend themselves and operate within the rule of law, or will an organised crime gang, the south-east Antrim UDA, be able to inflict its form of justice — or rather injustice — on my local community?

I am reminded of a previous incident when the home of a family that I helped to get rehoused had been attacked twice. When the issue was pursued, it turned out that those involved said, "Oops, we made a mistake". That is what happens when individuals take the law into their own hands: totally innocent people end up being targeted and damaged. That is why it is important that everyone in the community must stand together against the people who are trying to control it.

So, I urge everyone to support the police, to provide any information that they have to the police and, if necessary, to use the confidential Crimestoppers telephone number to make sure that the police have a good picture of and intelligence about what is happening so that they can hold those who are responsible to account. Additional specialised, police resources should be brought in to help to identify and hold the ringleaders to account.

**Mr B McCrea:** Like other Members, I condemn the violence that took place in Larne over the weekend, and I offer my sympathy to the community and the police officer involved.

I will pose a question, particularly to those in the House who condemn the actions that happened in Larne. The big question is this: why are organisations such as the UDA still in existence? One of the issues that we had when we started this project — 15, or almost 16 years ago — is that we insisted that all armed paramilitary gangs, such as the IRA, would go away, leave the scene and no longer be here. Why, then, do we tolerate the UDA or any semblance of it? Why are we ambivalent on that issue?

When we address that issue, it comes through in some of the bad news that we have had over the past two years. We have had finds of armaments, drug dealing and all sorts of issues. Things are not going well in the political scene, and we all know it. So, not only should we ask why, we also have to ask ourselves what we are going to do about it. There should be no ambivalence, no gnashing of teeth and rending of clothes, no cries that, "Somebody ought to do something", or that, "Somebody, somewhere ought to take an initiative". That we have allowed such people to carry on in existence in our society is a failure of the political process. I would really like to hear what people are going to do about it, rather than them just condemning it.

There is a challenge to those people who think that there is somehow merit in ambivalence and those who say that they will lead the PUL community in a cultural war, or those who heighten tensions around flags or even those who try to argue that a united Ireland is just around the corner. What people in this Chamber have to realise is that all those comments destabilise our society, make it more difficult for us to build a future and lead almost inexorably to the type of confrontation that we saw in Larne at the weekend.

The challenge for all of us here is to turn our back on ambivalence and to say absolutely directly that the UDA's south-east Antrim brigade — the UDA in any of those forms — is not part of the way forward. It is part of the past, and we need a better future. Anybody who has not completely and absolutely rejected violence should not be countenanced in any dealings that we have in the future.

**Mr Allister:** I join absolutely in condemning the outright thuggery — indeed, the vicious thuggery and criminality — that was visited on families in Larne this weekend. As has been said, sadly, it has not been an isolated incident. Our thoughts are with those who suffered and were injured, and our thoughts are very much in the domain that we hope that the perpetrators will be hunted down and made accountable under the criminal justice system, because that is the fundamental bedrock upon which any society should and must exist. If there are those who think that they have some sort of mandate for the lawlessness that they visited on Larne last night, they have an opportunity in a couple of months — on 22 May — to demonstrate whether they have a mandate or not. I venture to believe that they will neither test it nor anything else because they know that they have no mandate for this sort of activity. So I utterly condemn that.

I have to express some disappointment at the fact that the police infrastructural changes that have been made over recent times, I believe, leave Larne somewhat exposed, in that, at times, I am told, there is but one police car to circulate in the Larne area because it has all been centralised effectively back to Ballymena. That does not seem to me to be the right way to go about policing major towns such as Larne. I think that the police need to look at the adequacy and efficiency of the response last night and whether it was sufficient or whether it could have been better if there had been a concentration of more localised, readily available services in the town. I think that it certainly could have been better in that regard.

I also have to say to this House that it is good to have all the condemnations of the terror that was visited on those families. It is a bit ironic and a bit hypocritical, though, to hear from one Member in this House outright

condemnation of this, while his own party, at the weekend, was involved in the Whiterock leisure centre in a terror fest celebrating the murders of IRA volunteers from Ballymurphy and elsewhere. How such a thing was allowed to happen in the public leisure centre of a city council is beyond me and needs to be explained. So, let us condemn, but let us condemn across the board, and let us desist from glorifying and wallowing in the glorification of acts of terror from times past.

**Mr Dallat:** I am more than pleased with what my party leader has said, but I think that it is important to broaden the condemnation to include the whole of Northern Ireland. Coleraine is quite a distance from Larne, but it is a town that has also suffered at the hands of the UDA, at one time raining down something like 200 pipe bombs among ordinary, innocent people.

The message from this Assembly today must have no buts and no ifs. Most, if not all, of us came into the democratic process to oppose paramilitary activity, from wherever it came. We know from history that paramilitaries failed us. We must now be very clear in our condemnation that there is no place for any paramilitarism. Even having to refer to paramilitaries is an indication that, in some ways, we have failed. Sixteen years after the Good Friday or Belfast Agreement, we still refer to organisations such as the UDA, which should not be there.

Today, Mr Speaker, we have the honour of having the ambassador to Croatia in the Building. I have been to that country and to neighbouring countries, and I saw what happened to people when politicians failed. I am sure that, when you and others are speaking to the ambassador, he will tell you very clearly that we must learn from the mistakes of the past and never repeat them.

When scenes such as those in Larne appear on our screens, it is an indication that we must redouble our activities politically to ensure that they never get a foothold again. Paramilitaries watch for weaknesses in the political system; that is how they operate. Perhaps there is a warning to all political parties that we are not doing enough to ensure that there are no vacuums, opportunities or chances for the commanders and brigadiers, and all the other fancy titles they give themselves, to get a grip in any part of Northern Ireland again. I know Larne reasonably well, and there are very good people there. I know Coleraine, Limavady, Ballymoney, Lurgan and other areas where the same organisations are masquerading as community workers and, at times, even applying for grants.

It is good to have the opportunity to talk about this. I will finish by saying this: Protestant and Catholic parents encouraged their sons and daughters to join the Police Service of Northern Ireland. It is absolutely disgraceful that one of those officers was attacked last night. It is absolutely disgraceful that, on any occasion, any police officer is attacked by people who masquerade as the alternative to law and order.

**Mr McMullan:** On a point of order, Mr Speaker. We brought the matter of the day to the House today to talk about last night's attack on three families in Larne, but the Member for North Antrim, in his usual style, wants to attack my party on something that happened at the weekend, while he was silent on the pictures in the press relating to an incident that happened in Belfast a few

weeks ago. Yes, you can raise your eyes; you are very choosy in what you bring up.

**Mr Speaker:** Order.

**Mr McMullan:** It is indicative that, following last night's attack in Larne and people getting hurt —

**Mr Speaker:** Order

**Mr McMullan:** — all this man can do is attack Sinn Féin. Sinn Féin members are the only people who are speaking up for them.

**Mr Speaker:** Order. I have allowed the Member quite a bit of latitude. The Member is on record condemning the violence at the weekend, but, as Speaker, I am certainly not going to be drawn into political debates around the Chamber this afternoon. Let us move on.

## Ministerial Statement

### Careers Education, Advice and Guidance: Review of Policy and Practice

#### **Dr Farry (The Minister for Employment and Learning):**

With your permission, Mr Speaker, I wish to make a statement about the review of policy and practice on careers education and guidance, which my Department, together with the Department of Education, intends to undertake over the next few months.

Members will recall that, in November, in my response to the debate on the Committee for Employment and Learning's report into careers, I announced that my Executive colleague the Minister of Education and I had agreed to conduct a formal review of careers during 2014. I am now in a position to announce formally the commencement of that review and to provide more detail on how it will proceed.

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

The extensive work carried out by the Committee has highlighted several key issues that we intend to take forward as part of the review. Once again, I commend the Committee for its thorough examination of the issue and the insightful recommendations in the inquiry report. I assure the Committee that the review will address all the points raised. The review will also consider other key publications, including the recent Confederation of British Industry (CBI) report on education and industry links. The recommendations and research evidence in both reports provide us with an excellent base on which to advance. It will also take account of international best practice to consider what can be done to ensure that the curriculum nurtures young people's insights into the world of work and raises aspirations.

#### **12.30 pm**

The main reason why the two Departments have commissioned the review is the need to ensure that careers education, advice and guidance supports economic growth and social mobility and is in tune with the needs of the labour market. I have always viewed careers as the foundation stone of everything that my Department and the Department of Education are trying to achieve. I know that Minister O'Dowd concurs with that view. Although both Departments have made progress through the implementation of the current joint strategy, Preparing for Success, we recognise that much more needs to be done. The Committee inquiry and the CBI report highlight the perception held by many employers that the current careers system is not serving them well. They feel that too many young people have a limited understanding of the full range of career pathways and opportunities available to them.

We still have a significant problem in some key sectors, with skills shortages and a mismatch between labour supply and demand. A considerable number of young people, including some who are very well qualified, are leaving school without the specific skills and qualifications needed by employers, and are consequently struggling to find sustained employment. Matching skills and qualifications to the needs of employers while supporting people to realise their full potential in the workplace is

key to our economic growth and long-term prosperity, and is, therefore, a central tenet of the review. To address those issues, the terms of reference for the review have been agreed and will be published on both Departments' websites today.

The aim of the review is to ensure that careers provision reflects the needs of a modern, vibrant and dynamic 21st-century economy in which all individuals, regardless of age, aspiration or ability, as well as key influencers, such as parents and teachers, have access to independent, high-quality advice that helps them to maximise their potential and contribute to their community and the local economy. It will have a particular focus on the role of careers education and guidance in balancing skills supply and demand in the current and future labour market.

The review will focus on seven key issues. First, it will consider the need for a statutory mechanism to ensure consistency of approach and high standards of careers services across schools, colleges and universities. Although there are many examples of good practice, one of the main criticisms levelled at the current system is the considerable inconsistency in how careers are delivered, which causes employers and other stakeholders to lose confidence in its effectiveness. Many young people and their parents are not aware of the various routes and opportunities available other than the traditional academic pathway. For many, however, choosing a professional and technical route aligned to their chosen career and profession will be more appropriate and just as valid. That aspect of the review will examine separately the role of the careers adviser supported by DEL and the role of careers teachers in schools.

Secondly, the review will examine the role of the curriculum and how careers education could be strengthened. Careers education is the responsibility of the Department of Education and delivered by schools, while responsibility for careers guidance, which is an all-age service, sits with my Department. The Department of Education recognises that with the increased choice offered under the entitlement framework at Key Stage 4 and post-16, it is vital that all young people, irrespective of which school they attend, be provided with impartial careers advice to inform their decisions. Careers education enables learners to develop their knowledge and understanding of job opportunities, to manage their career development and to make relevant informed choices, ensuring successful transition into education, training or employment. Careers guidance builds on that knowledge and understanding, provides impartial and personalised advice, takes into account aspirations and ability, and helps any person to make the right career choices to fulfil their potential.

Young people make decisions at age 14 on subject choices that could affect their careers for the rest of their lives. At 16, young people make further decisions about staying on at school, moving to an FE college or into training. At 17 and 18, young people make further decisions about higher education, an apprenticeship or employment. It is vital that the curriculum prepares them for the world of work and provides them with the necessary career management skills to make sound decisions.

The third issue is the need to support people disengaged from education, employment or training to overcome barriers. That is an area of vital importance to both Departments. All pupils and students can benefit

enormously from careers education that challenges misconceptions, broadens their outlook and guides them onto a successful path. That is particularly true of those young people who do not have the social networks that can connect them to inspiring figures in different occupations, those who come from families with a long history of unemployment, and those with learning difficulties or disabilities.

The review will consider the needs of those who are about to enter the labour market; those who are not in, or are temporarily excluded from, the labour market; people with learning difficulties or disabilities; and those who need financial advice on further and higher education. It will also examine the barriers to the accessibility of higher education on an all-island basis arising from inadequate careers information.

In addition, as is highlighted in the draft economic inactivity strategy, our inactivity rate remains stubbornly high. The Committee report observed that effective careers guidance can play a significant role in supporting and motivating people in that category who would benefit from working.

The fourth issue that the review will address is the need to promote STEM subjects: science, technology, engineering and mathematics. My Department's skills strategy sets out what is required if Northern Ireland is to be internationally competitive by 2020. We need a stronger focus on higher-level skills in general and on STEM skills in particular. However, the Committee report highlighted the fact that there has not been a significant increase in uptake of STEM subjects over the past seven years.

The review will examine how the considerable work that is being done in both Departments and elsewhere to promote the importance of STEM can be further strengthened through, for example, more careers insights and exposure to STEM-related careers. A particular focus must be on how to promote greater participation by females in STEM subjects and progression into relevant careers. Put simply, we cannot hope to compete fully in the global marketplace if we are not making full use of the local marketplace of talent.

The fifth area to be examined by the review is the need to provide reliable careers information in a way that is accessible and easy to understand. Key to the guidance process is a sound knowledge of current and future labour market trends. Understanding, as far as we can, where the jobs of the future will be and what skills and qualifications are required for them can guide any person towards a successful and sustained career and provide employers with the skilled workforce that they need. Accurate labour market intelligence is therefore recognised as a core pillar of a modern and effective careers system.

On delivery, more work is needed to develop a fit-for-purpose careers website that will modernise and improve access to information and online support for individuals of all ages. The review will consider how careers services can be enhanced by maximising the use of technology to make the Careers Service more accessible and efficient.

The sixth issue is engagement with business. Minister O'Dowd and I are in agreement that employers will play a significant role in how the new service will be shaped. Considerable work has already been carried out by the Committee for Employment and Learning, and the review will take full account of the inquiry report's findings.

Ensuring that young people have ongoing exposure to the world of work through meaningful work experience and mentoring programmes is vital. Well-targeted, career-focused employer contacts could broaden young people's understanding of the range of jobs, particularly those in growth sectors, which might suit their interests.

Employers can be a great source of inspiration. The CBI report highlighted the need for employer engagement with schools and young people to become much more focused and better organised. I am aware of the potential for employers to become overwhelmed by requests for work experience, to the extent that they may switch off. As part of the review, we will consider how a brokerage system might be introduced that would better coordinate the process to ensure that we maximise the benefits to the young person and the employer.

The seventh and final issue is the need to improve the quality of advice and guidance. All careers advisers are professionally qualified and undertake significant amounts of continuous professional development, including spending time in industry. It is vital that all people be fully aware of the opportunities and consequences of their decisions. I believe that that can be done only through high-quality, impartial careers guidance provided by expert careers advisers.

The Department of Education is developing a professional development programme for careers teachers and will support all teachers to link their subject areas to potential careers opportunities. Both Departments recognise the need to ensure that all practitioners involved in providing careers education and guidance are properly qualified and undertake continuous professional development. It is also essential that careers advice be underpinned by reliable and high-quality labour market information.

A key aspect of this that the review will take forward will be the effective monitoring and evaluation of careers provision in schools, colleges, universities and careers centres. Both Departments recognise that effective outcome measures are needed to provide a level of assurance to stakeholders that the system is responsive to the needs of the economy, and this issue will also be considered as part of the review.

While, as mentioned earlier, the Committee inquiry report and other recent publications such as the CBI report provide us with an excellent evidence base on which to go forward, Minister O'Dowd and I are keen to take the view of a panel of experts from industry, education and careers guidance. The careers review will therefore be supported by an independent panel. I am appointing four of the panel members, primarily from the business community. John O'Dowd is appointing four members from education. The panel will be chaired by Brian Ambrose, managing director of George Best Belfast City Airport, and will be supported by an international Organisation for Economic Co-operation and Development (OECD) expert in careers education and guidance.

The panel will provide advice to Minister O'Dowd and me and will undertake substantial and structured engagement with key stakeholders such as young people and their parents; unemployed and employed adults; individuals with learning difficulties or disabilities; and employers. We want this to be a thorough review of policies and practices across both Departments. It needs to be evidence-based

and pragmatic but also visionary and imaginative. We will also want to learn from the best experiences from across these islands and internationally. We will also keep Members of the Assembly and the Committee for Employment and Learning advised of our progress through regular communications. The full terms of reference will be published on both Departments' websites today. Membership of the independent panel will also be published on both Departments' websites within the next few days.

The review will conclude in the autumn of this year. It is likely that we will then proceed to formal public consultation on the provisional conclusions of the review. Once our officials and Minister O'Dowd and I have considered the responses, we will formalise new policies and practices and seek to implement changes as soon as possible.

**Mr Swann (The Chairperson of the Committee for Employment and Learning):** I thank the Minister for his statement, and I thank him for acknowledging how the Committee's inquiry was instrumental in bringing about this review and the extensive work that we completed on this important issue. Minister, of the recommendations contained in that report, only one was initially rejected, which was the recommendation that those providing careers education and guidance should be properly qualified. Do you accept this, and will the review undertake that?

Your statement refers to the need to engage disengaged youth and to the fact that there has not been an increase in STEM uptake in the past seven years. Both of those points were highlighted by the Committee. Will the Minister agree that, on both of those vital parts of the statement, parents' and carers' input is critical? How will the panel engage with parents? Minister, the Committee will look forward to engaging with the panel once it is appointed.

**Dr Farry:** The Chair raised a number of points there, and I will try to work through each of them. First, I reiterate what I said about the Committee inquiry. I congratulate the Committee on what has been a very comprehensive piece of work. Our review is very much designed to build upon what it has done and not to reinvent the wheel. We want to take into account the significant piece of evidence that it has collated, and we also want to fully reflect upon all of the recommendations that it has made.

There will be an ongoing engagement with the Committee, through written communication and also, I hope, through the panel members, or at least the chair, appearing before the Committee to take its ongoing views, particularly in light of emerging thinking from members of the panel. Also, based on how the Department handled the previous Committee's inquiry into people who are not in education, employment or training, we hope that the panel and both Departments will systematically go through all the recommendations made by the Committee and give a response to those.

The Chair is also right to highlight the need to engage with people who are disengaged from the labour market, and I make this point in conjunction with the issue of what we can do to improve the uptake of STEM. What we do in careers will cut across a whole swathe of other actions and strategies from my Department and, indeed, from the Department of Education and perhaps other areas of the work of the Executive. Good careers advice underpins a lot of what we do. It is important that we acknowledge that

careers advice is vital to unlocking potential and creating a very strong pipeline of people from all backgrounds and a range of different situations into, for example, our review of apprenticeships and what we are doing with youth training, further and higher education and employment. That is very clearly understood.

#### 12.45 pm

We are happy to look at the issue of the qualifications held by those who provide careers advice. I want to give the assurance that, hopefully, the terms of reference will be sufficiently broad so that all issues of concern, whether from Committee members, Members of the Assembly or other stakeholders, will be considered by the panel. We certainly want to give them a steer through the terms of reference but do not want to handcuff them or have areas that are off-limits to them in any shape or form.

I stress again that parents and carers are key influencers. We very much want to include them and their views in this ongoing work. They are very much part of unlocking young people's full potential. There are a number of misconceptions that we need to tackle.

I imagine that a lot of the engagement will be very structured. It is our intention that the panel will hold a number of structured focus groups. There will be other forms of engagement beyond that.

**Mr Storey (The Chairperson of the Committee for Education):** I thank the Minister for his statement. In it, he referred to the review and said that there will be an independent panel member from the OECD.

The Minister is well aware of the recent report of the OECD about DE's evaluation and assessment systems. Will he assure the House that the OECD expert will be used to critically evaluate DE and DEL's careers practices and what they mean to pupils, parents and schools? As the OECD report clearly indicated, we have a lot of policies but very poor practice. We do not want the OECD being used as a rubber stamp for policies that are not being implemented in a proper and effective way.

**Dr Farry:** I thank the Chair of the Education Committee for his comments. To answer his question, frankly, there is no point in doing the exercise simply to vindicate what is happening at present.

The current system is not working properly. It is not so fundamentally broken that people are not getting good advice, and I think that it is important that we put that on record. Equally, however, we have to recognise that it is not entirely fit for purpose and is not producing the outcomes that are required by employers and the future needs of the economy. As a consequence, we are letting young people down because they are not being fully informed of the wealth of opportunities out there for them, nor are they being provided with sufficient information to allow them to make well-informed choices that fit with their personal aspirations and the realities of where opportunities lie in society.

It is worth recognising that the OECD is there as a critical friend. It has a lot of policy expertise and can bring an international context to bear. It is notable that a number of Departments, whether my Department, the Department of Education or the Department of Finance and Personnel, are looking to the OECD for external advice. If it is to make

any real difference, it must critically challenge what is happening in Northern Ireland and any emerging thinking, whether from the panel or the Departments, to ensure that we get it right.

Time is pressing to get our skills offering correct. There is a race to the top around the world, and other societies are investing in skills. Skills will be the basis on which all modern economies will compete against each other, and careers is very much the foundation stone of our skills agenda. We have to get it right and get it right now.

**Ms McGahan:** Go raibh maith agat. I thank the Minister for his statement. Given the Minister's recognition of the importance of women participating in STEM subjects — I refer the Minister to his statement of June last year in which he reiterated that — will he outline what actions he is taking, not simply, as referred to in the statement, to promote STEM as a careers choice, but to ensure that adequate pathways are in place for girls at an early age?

**Dr Farry:** I thank the Member for her question. First, let me stress the importance of ensuring that, going forward, we have a workforce that is balanced in its gender representation. It is vital that this happens, both for equality of opportunity reasons and to ensure that we maximise the use of talent. It is worth reflecting for a moment on the fact that we still have considerable segmentation in the areas in which the two genders pursue careers. Some people may wonder what the problem is with that, but when you realise that the areas set to grow fastest in our economy over the coming decade are still largely dominated by males, you can see the problems of equality of opportunity and of ensuring that those industries get access to the full range of talent.

Addressing those issues will require a number of interventions. It has to be understood in the context of the review of careers, but it also applies in other parts of the work of my Department and, indeed, of others. On the back of the statement that I made last year, we are working on a gender action plan in my Department, which will draw together a number of interventions that we are making. The Member will be aware that gender issues were highlighted as part of the ongoing work on apprenticeships. That will also be the case with youth training. The STEM strategy has a very strong outreach on gender issues. We have worked closely with the Equality Commission on that, and a charter for businesses has been developed, which we are encouraging businesses to sign up to.

It is worth stressing that, when it comes to career decisions, it is not enough simply to get people to the front door. We have to support the retention of women in the sectors that they choose to go into and to facilitate progression. Often, women decide on a career but, because of different barriers thrown up in the world of work, they face greater obstacles to progressing than their male counterparts. We also have to look at that. Flexible working and shared parental leave might be part of how we begin to address that, but there will be other measures on top of that.

**Mr P Ramsey:** I commend and warmly welcome the report, Minister. It is strongly focused, and we look forward to the engagement with the Committee. It is rewarding, as a Committee member, to see all the different elements being recommended and prioritised. The Minister referred

to the CBI report. The connection between employers is valid and needs to be increased. In my Foyle constituency, School Employer Connections is a good brokerage service that lends support to employers. Will the Minister outline whether that will be a model of good practice as the ultimate brokerage between the employer and the student?

**Dr Farry:** I am grateful to the Member for his comments on that example, and we are very interested in looking at that. I think that it is fair to say that there are some models of good practice happening under the current system, and it is important that we do not throw out or dismiss them. Concern has been voiced about the lack of consistency across the board and about the sustainability and scalability of what is happening. Those are all issues that need to be explored as we learn lessons from what is happening in Foyle and apply that type of model or something similar across Northern Ireland. The Committee was keen for us to explore the statutory duty. In many respects, that recommendation is designed to ensure that we have that consistency across the board.

On the point on brokerage, there is a need to try to better structure our engagement with employers to ensure that all are properly utilised. Some employers are overly burdened with requests; others report that they never receive any work experience requests from schools or individuals. We need to try to make sure that we have a level playing field and that we signpost people at the right stages in their academic and vocational career to the right type of employer. That is one who can offer meaningful experience, because work experience is vital to ensuring that people not only make the right career decisions but learn the employability skills necessary to flourish in the world of work.

**Mr Deputy Speaker:** Before I call Chris Lyttle, I encourage Members to be brief, because there are still nine people who wish to ask questions.

**Mr Lyttle:** As the Member who proposed the Committee inquiry into careers guidance, I welcome the progress made. We need a sea change in the consistency of quality careers guidance across schools. I pay tribute to Cathy Moore, chair of the Northern Ireland Schools and Colleges Careers Association, and all teachers who are working to achieve that aim. How important does the Minister think that a statutory duty may be to ensuring such consistency of careers guidance across schools?

**Dr Farry:** I thank the Member for his comments. Again, I am happy to join with him in recognising the good practice that exists in Northern Ireland. That leads me on to the statutory duty, which the Committee was very keen to recommend and which is one of the first of the 25 recommendations that it brought forward. It is also the first term of reference for the review, and I referenced it in my address today.

It is important to embed good practice and to ensure that it is applied across the board. Where we see good practice, we need to ensure that everyone is rising to that standard. We cannot afford to leave any young person or adult behind in Northern Ireland in ensuring that they have access to high-quality advice, whether that is in school, college, university or one of the careers centres. We must ensure that we draw upon everyone's talents to the full, otherwise our economy will not live up to its full potential.

**Mr Wilson:** This is not the first time that the issue has been raised. Almost every time that there is a report on careers education or what is wrong with the economy, proper careers guidance is raised. What makes the Minister sure that, on this occasion, we are going to find an answer to the question of proper careers guidance? How does he intend to address the bias in schools that very often steers youngsters away from STEM subjects because they are regarded as harder, with the result that schools are affected in the league tables? There is also confusion among employers, who often give contradictory evidence about what needs to be done to change careers education and what is required from it.

**Dr Farry:** I thank the Member for his comments. I think that it is fair to say that, any time that you have a discussion with a group of businesspeople and employers about the economy, it is not long until the conversation turns to careers advice, its quality and the future needs of their businesses and, indeed, the economy as a whole. What is different in this is that we are not simply looking to review the current career strategy, 'Preparing for Success'; we want a root-and-branch reconsideration of what we are doing with careers policy and practice, because we need to do a lot better in a host of areas.

What is also different is that we are actively including the business community as part of this review. I am pleased that Brian Ambrose agreed to chair the panel. Members will know of his long-standing interest in the Northern Ireland economy and of his previous role advising government on a range of issues, including careers. Hopefully, that leadership will come through in a sea change in how careers delivers for employers.

The Member is also right to talk about the importance of addressing attitudes, perceptions and the false positives that can emerge from schools. I understand why schools want to market themselves. Their success rate in A levels and passage into university is, in some respects, one way that that can be measured. However, it is important that we do the best for young people, and that means ensuring that they have accurate labour market information and are exposed to a range of pathways. That includes setting areas such as apprenticeships and other traineeships as quite legitimate alternative pathways alongside university, including for the best and brightest of our students. Those pathways often lead to better sustainable outcomes in employment, as well as providing more readily the skills that employers need.

Although we may be good at getting students to attend university, it is also worth bearing in mind that we have issues with graduate unemployment. It is worth recognising that a lack of opportunities in careers advice may have contributed to a limited understanding of the outcomes of studying certain subjects at university. So, we do need to be encouraging more people to study the STEM subjects, which are constantly highlighted by employers as being crucial to the future of the economy.

#### 1.00 pm

**Mr Flanagan:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a ráitis. I thank the Minister for his statement. I am frustrated at the prospect of another review process and the continued long-fingering of this problem, which is not actually anything new. That seems to be what is wrong with this

place: we are fatigued with reviews that have neither actions nor outcomes.

Much of the work that the Minister talked about has been done by the Committee and the CBI report, so we have both sides of the arguments. How many reports or reviews do we need before something can actually be done? It will be election time by the time you get to the end of this process. When you talk to students and employers, they all want to see this problem sorted now. Can the Minister explain why are looking at something instead of actually doing something?

**Dr Farry:** I look forward to being a fly on the wall when the Member has that same conversation with his colleague, the Minister of Education. In government, there are certain processes that we have to go through to ensure that our policy is robust. I am very grateful for the work that the Committee has taken forward. It has made 25 recommendations, which are very robust. However, we also have to bear in mind that some of those recommendations ask for the Departments to consider different aspects of work. This is a process by which those aspects will be considered. That work can happen internally within Departments, but in this case we have chosen to appoint a panel which can bring a holistic view on the work of the two Departments and provide a rounded solution for both the young people of Northern Ireland and employers.

I am confident that we are adopting the correct route, and it is important that we have stakeholders fully on board on what needs to happen. The challenge, therefore, will come once this review is completed in the autumn. That challenge will be for both Departments, with the support of the Member and everyone else in the House, to set about getting the recommendations and proposals from the panel implemented as quickly as possible.

**Mrs Overend:** This review not only brings the opportunity for better joined-up government but raises the very important issue of better communication between businesses and government, which is something that we have heard time and time again.

I welcome the Minister's focus on the role of careers education and guidance in balancing skill supply and demand in the current labour market. How will that information filter through to the schools, especially in a timely manner?

**Dr Farry:** I thank the Member for her question and join her in recognising the importance of accurate labour-market information and the fact that we have a very fast-changing skills landscape and need to ensure that we are providing timely and accurate advice to young people.

We have a number of fact sheets in that regard that are already on the NI Direct website. It is recognised that we need to do a lot more to improve the quality of our portal and the means by which we engage with young people, so we need to be very inventive and innovative in that regard.

It is also worth stressing that we need a sea change in terms of the attitudes of parents. Also, we need to encourage schools to consider more rounded types of outcomes, rather than simply good A-level results and progression to university. Sometimes the need to encourage young people to consider particular types of careers can cut across some other objectives, so it is

important that schools take a balanced view on what the best outcomes are for the young people under their care.

Through this review, we will see a better joined-up system and a sea change in how careers are delivered in my Department and within a school setting.

**Mr F McCann:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement to the House. Does he accept the good work that was carried out, which led to the publication of the all-Ireland skills study on identifying opportunities for future skills across Ireland? Will he consider re-establishing that group to help with the reform of the Careers Service?

**Dr Farry:** I am aware of that piece of work and that it goes back a number of years. I am not sure that we need to go down the line of recommissioning a piece of work to inform this, if for no other reason than that it might offend Mr Flanagan, who is very eager for this piece of work to be concluded as soon as possible.

It is important that we take an all-island approach to some of the emerging skills issues. We are not sitting here in Northern Ireland in a bubble. Equally, we have to take full account of what is happening around skills elsewhere in the UK and in the European Union. Our young people will be more and more mobile in the future — they are already fairly mobile — and people will be coming into Northern Ireland. Our labour market is never a constant, and a lot of people enter it from elsewhere or exit it. There are ongoing skills discussions, and, indeed, I will have such discussions with my counterpart, Ruairi Quinn, this Wednesday.

It is worth referencing that we are looking at higher education admissions in an all-island context, something that a number of Members have regularly highlighted. In 2011, an IBEC/CBI report identified barriers to movement on the island. Careers issues were highlighted, and there were recommendations in that regard. Hopefully, the ongoing work of the panel will cross-reference with that work.

**Mr B McCrea:** My question follows on from what Mr Wilson and Mr Flanagan said. Minister, you have a Committee report and a CBI report, there is a crisis of youth unemployment, and there is a mismatch between graduate skills and jobs. Do you recognise the fact that many people in the business community and in the wider community will be deeply disappointed at the timeline that you have outlined? Why do we need another report? Will you tell us when you expect to see results on the ground and how you will measure the success of that output?

**Dr Farry:** It is worth stressing to the Member that he was quite comfortable sitting in his previous party when, up until 2011, this issue was not addressed by the Department. The issue is of considerable interest to me and to Minister O'Dowd. We are fully aware of its importance and have been happy to work in conjunction with the Committee, but it is important that we draw together the recommendations from the Committee and the CBI and the views of other stakeholders to produce the final holistic way forward. Although I fully recognise and endorse the work of the Committee and the CBI, at times, a different emphasis will be placed on the way forward by the various reports that we will have to consider when producing a comprehensive way forward. The anticipated timescale is that the review will report in autumn 2014,

so we are talking about a six- or seven-month process. I believe that we will be moving rapidly compared with other aspects of government. We will seek to deliver the recommendations as quickly as we can thereafter. We will be able to implement some recommendations fairly quickly, and others will take longer. If we want to go down the line of a statutory duty for careers provision, for example, that will require legislation, which is of a different timescale.

Bear in mind that we are not standing still on careers. Over the past months and years, we have made changes. We have improved the information that is available — for example, through fact sheets on the priority skills sectors. We have produced a guidance booklet for parents that is available through schools across Northern Ireland. I am delighted that we have had to do several print runs of it, given that it has proven so popular. We have brokered new arrangements by which careers advisers from my Department spend time in industry to learn how industry works in practice so that they can produce more rounded advice. We have not been sitting still and have been working hard. It is important that we now capture all the good practice and have a holistic and comprehensive way forward.

**Mr Milne:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement this afternoon. How does he intend to deal with the fact that some schools are solely interested in educating young people to get them into university and are not as interested in how they are prepared for the world of work or what area of study they progress into?

**Dr Farry:** I am grateful to the Member for his comments. He touches on a theme that a number of Members have already raised. The answer lies in schools understanding that they have a duty of care to their pupils. They want to ensure that they provide the best for them in the future. For many, that may well be going to university or studying particular subjects. Ultimately, success will be judged by the ability of the young people who go through school to have sustained employment and their ability to contribute to the local economy. Therefore, it is important that our young people are provided with impartially provided information, that people are aware of the opportunities in different choices and the consequences of taking other courses of action and the risks involved in that. Ultimately, those decisions are for young people, but it is important that our young people can take those decisions on a level playing field.

**Mr McCarthy:** I thank the Minister for his statement. He referred to the long history of unemployment, particularly among those with a learning disability and learning difficulties. Surely all our people would encourage that side of our community to get involved in full-time employment. How soon does the Minister envisage a sizeable shift where we can see positive and long-term opportunities for people with a disability or learning difficulties?

**Dr Farry:** I am grateful to the Member for his question. It is important to bear in mind that our Careers Service is there for the entire community. Our careers advisers already work with those who have learning difficulties in their school setting to plan their transition to the alternatives that exist beyond school. I appreciate that Members have a lot of concern about the quality and scope of some of that provision. With regard to

those moving into employment, DEL has its disability employment service, and we are working on a disability employment strategy. Hopefully, we are not going to offend anyone by having another strategy in the Department, but we believe that it is important to fully capture all that we can to offer opportunities for individuals with learning difficulties, many of whom can engage in the world of work and provide real added value to employers. We want to review and revise a number of programmes, and we want to consider how we engage with employers to ensure that we maximise the opportunities in that regard.

**Mr Allister:** Maybe it is early days, but I heard no mention of cost implications. Will the Minister tell us whether what is being outlined will be cost-neutral? Is it not likely that there will be a cost in transforming the Careers Service in our schools from the Cinderella service that it is in many schools to something that actually has an impact? Would that cost fall on DEL or the Department of Education?

**Dr Farry:** The cost of the process will be fairly minimal with regard to the work of the panel and both Departments. Looking ahead to the cost implications of implementation, it is my expectation and equally, I am sure, that of Minister O'Dowd that we will absorb the costs through existing budgets and accommodate this through a reprioritisation of how we use our resources. However, it is worth stressing that I would not envisage a huge increase in the resources required to make a difference. The big change needs to happen with the policy and practice and how we do things. Therefore, the critical difference will be how we approach the issues as opposed to how much money we spend on them. It is important that we treat careers as a priority, whether that is in schools, colleges, universities or elsewhere in society, and the House has the commitment from Minister O'Dowd and me that that is what the review and the panel's work will seek to deliver.

## Executive Committee Business

### Legal Aid and Coroners' Courts Bill: First Stage

**Dr Farry (The Minister for Employment and Learning):** I beg to introduce the Legal Aid and Coroners' Courts Bill [NIA 33/11-15], which is a Bill to dissolve the Northern Ireland Legal Services Commission and provide for the exercise of functions of the commission by the Department of Justice or the director of legal aid casework; to amend the law on legal aid in criminal proceedings, civil legal services and criminal defence services; to provide for the Lord Chief Justice to be president of the Coroners' Courts and for the appointment of a presiding coroner; and for connected purposes.

*Bill passed First Stage and ordered to be printed.*

1.15 pm

### Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2014

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

*That the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2014 be affirmed.*

The regulations are made under the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979 and increase the compensation payable under that order to those suffering from certain dust-related diseases and their dependants who satisfy the conditions of entitlement on or after the day on which they come into operation. The increase in amounts payable under the order ensures that payments are the same as those in the corresponding scheme operating in Great Britain and are in line with the annual uprating of social security benefits.

I will outline briefly the purpose of the order. People suffering from an industrial disease can sue their employer if the disease was contracted as a result of working for that employer. Some diseases covered by the order can take years to exhibit symptoms and may not be diagnosed until decades after exposure to the dust. Given the long time frame involved, it is possible that the employers responsible may no longer exist. Consequently, sufferers and their dependants can experience great difficulty in obtaining compensation.

The scheme was introduced in 1979 to provide a lump sum payment for sufferers who are unable to pursue employers through the courts because they are no longer in business. To receive a payment under the scheme, a person must have been awarded industrial injuries disablement benefit. A claim can also be made by the dependants after the death of the sufferer. To receive the payment, there must be no relevant employer who can be sued, and court action must not have been brought or compensation received in respect of any of the diseases for which a person is claiming.

The lump sum payment is in addition to the weekly industrial injuries disablement benefit that is paid in relation to the same disease. The scheme covers five respiratory diseases, most of which are directly related to asbestos exposure. They are mesothelioma; diffuse pleural thickening; primary carcinoma of the lung; byssinosis; and pneumoconiosis, which includes asbestosis.

The lump sum payment is based on the age of the sufferer and the level of disability, with higher amounts paid to people with higher levels of disability and whose disability arises at an early age. Lower amounts are payable to dependants who claim after the sufferer has died.

The regulations increase to £85,580 the maximum amount that can be paid for a person aged 37 or under at diagnosis. The amounts payable under the scheme are increased by 2.7%, in line with this year's uprating of industrial injuries benefits. The increase will help to ensure that the compensation provided under the order maintains its value.

I am sure that Members across the Chamber will agree on the importance of giving support to those who are suffering from these terrible diseases and will support the regulations.

**Mr Brady (The Deputy Chairperson of the Committee for Social Development):** Go raibh maith agat, a LeasCheann Comhairle. The Committee for Social Development considered the Department's proposal to make the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations at its meeting on 13 February 2014 and considered the statutory rule at its meeting on 6 March.

Members will know that lung disease can be totally incapacitating. When that lung disease is brought about simply through doing one's work over many years in conditions that a person believed to be safe, it must be even more difficult for victims and their families to deal with. The effects can be chronic and long-term and can seriously impact on one's quality of life, as well as on the family. As someone who has relatives who died from asbestosis, I fully empathise with that.

As we get older, we realise that good health is perhaps the most important gift we can have and that no amount of money is a substitute for that. However, the regulations at least ensure that the amounts payable offer some assistance to sufferers and their dependants, so it is important that there are increases. The regulations will increase the amounts payable to sufferers of certain dust-related diseases that are noted in the regulations or to the dependants of persons disabled by such a disease before they died. The increase in each case is 2.7%.

The Committee for Social Development recommends that the statutory rule be affirmed by the Assembly.

**Mr McCausland:** I am pleased with the consensus of support across the Assembly for the regulations. I thank the Chair and members of the Social Development Committee for the positive way in which they dealt with the regulations. I am certain that we all want to ensure that the value of compensation is not eroded by inflation, and the regulations will make sure that this does not happen. I commend the motion to the House.

*Question put and agreed to.*

*Resolved:*

*That the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2014 be affirmed.*

## **Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations (Northern Ireland) 2014**

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

*That the Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations (Northern Ireland) 2014 be approved.*

The regulations are made under the Mesothelioma, etc., Act (Northern Ireland) 2008 and increase the compensation payable under the Act to persons diagnosed with diffuse mesothelioma or, if the person has died, to their dependants. The amounts payable under the order are increased in line with the corresponding scheme operating in England, Scotland and Wales.

I will outline briefly the purpose of the scheme. The mesothelioma scheme provides financial support within a matter of weeks without the need to establish an occupational link or any causal link. Many people who previously were not eligible for help — for example, those who are unable to pursue a civil claim or to claim a lump sum under the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979 — have access to financial help for this terrible disease through this scheme. This means that sufferers of mesothelioma are eligible for a payment, whether they were employees, self-employed or, indeed, never worked, provided they have not already received a compensation payment from another source.

The regulations increase the amounts payable under the mesothelioma scheme by 2.7%, in line with this year's uprating of industrial injuries benefits from April 2014. For example, the amount payable to a person aged 37 or under at diagnosis will be increased from £83,330 to £85,580 — the same maximum that can be paid, from April 2014, under the pneumoconiosis scheme. I am sure that Members across the Assembly will warmly welcome this increase in the amounts payable, thereby ensuring that compensation provided under the scheme maintains its value. I am sure that Members across the Assembly will warmly welcome this and support the regulations.

**Mr Brady (The Deputy Chairperson of the Committee for Social Development):** Go raibh maith agat, a LeasCheann Comhairle. The Committee for Social Development considered the Department's proposal to make SR 57/2013, the Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations 2014 on 13 February 2014 and was content to give its approval at that time. The Committee subsequently approved the rule at its meeting on 6 March.

Mesothelioma is cancer of the thin membrane that lines the chest and abdomen. The most common cause of this disease is exposure to asbestos, and the disease might not appear until 30 years or more after exposure. In that time, companies responsible for failing to provide a safe working environment, which ultimately results in people developing this disease, may have gone out of business. In those circumstances, although clearly no substitute for continued good health, people at least know that they will be compensated to some degree under the Mesothelioma, etc., Act 2008.

As the Minister said, the rule aims to increase payments of lump sums payable to people with mesothelioma or to their dependants under that Act. From April, the increase in most benefits will be based on the consumer prices index (CPI). In order to establish the percentage rate of the increase, the Secretary of State for Work and Pensions is required to review annually the level of benefits in relation to the general level of prices. In September 2013, the CPI showed an increase of 2.7%. The Committee for Social Development is therefore happy to recommend that the statutory rule be approved by the Assembly.

**Mr McCausland:** I am pleased with the consensus of support across the Assembly for the regulations. I thank the Chair and members of the Social Development Committee for the positive way in which they have dealt with them. I am sure that we all want to ensure that there is no decrease in the value of the payments under the Mesothelioma Act and that we continue to offer maximum support to those who contract this terrible disease or their dependants. I commend the motion to the House.

*Question put and agreed to.*

*Resolved:*

*That the Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations (Northern Ireland) 2014 be approved.*

## Private Members' Business

### Animal Cruelty

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

**Mr Wells:** I beg to move

*That this Assembly notes with concern the number of cases of extreme animal cruelty that have occurred recently, the low number of convictions and the failure to impose the maximum sentence available; and calls on the Minister of Agriculture and Rural Development, in conjunction with the Minister of Justice, to initiate a review of the implementation of animal cruelty legislation, particularly sentencing guidelines and practices, to ensure that the maximum effectiveness is being brought to bear to combat these crimes.*

Many of us forlorn and obscure Back-Benchers occasionally issue press releases, and many of them completely disappear with little or no public comment. Every now and then, when one issues a press release or puts a message on Twitter or Facebook, one is deluged with comments from the public. After a recent high-profile case involving four gentlemen from Belfast, I issued a statement regarding the sentencing for that horrible and hideous crime. I have to say that I was completely taken aback by the response from the community. It is clear that that sordid case struck a chord with the community in Northern Ireland and many people were outraged and incensed that an act that was filmed and was clearly aggravated cruelty did not result in a custodial sentence.

The complaint this afternoon is not with the PSNI, the USPCA or even the district council. I believe that, in this case and, indeed, many others, they have been extremely diligent in pursuing those involved in animal cruelty and bringing them before the courts. The problem, of course, is that, once they leave the criminal before the judiciary, they have no further input into sentencing. This issue has raised some very serious concerns about the legislation.

I should say that it is widely believed that the 2011 Act passed by the Assembly is some of the most modern and fit-for-purpose legislation on animal cruelty in Europe. There is not much wrong with the legislation, but it has become apparent that there may be problems ahead with its implementation and with sentencing. The concern was that the sentence was not custodial and that it could not be reviewed. It came as a bit of a shock to many of us, including the Justice Committee, that we were not in a position to have the sentence reviewed.

We dug a bit deeper, and the honourable Member for North Down, Mr Weir, pursued the issue using his legal expertise. We discovered that the offence was one known as a hybrid offence, which meant that it could be heard before the Magistrates' Court, where the maximum sentence was six months, or, by indictment, go to the High Court, where the maximum sentence was two years. Of course, a High Court decision could be referred for a second look if the sentence was considered too lenient. The question that has to be asked by the Assembly — it is

unfortunate that the Justice Minister is not here to answer — is this: why was such an aggravated incident of animal cruelty referred to the Magistrates' Court, when it was obvious that there was a prima facie case that this was one of the most serious examples of animal cruelty ever witnessed in Northern Ireland?

Why did it end up in a lower court instead of being referred to the High Court? That question needs to be asked. I am glad to say that the Justice Committee has taken this on board and asked the Director of Public Prosecutions (DPP) what on earth was going on, because it meant that not only was the potential sentence lower but that it could not be reviewed.

### 1.30 pm

**Mr A Maginness:** I thank the Member for giving way. My understanding is that the matter was dealt with in the Crown Court, but the complication was that the offences to which the defendants pleaded guilty — although they were charged with other offences that were, in effect, much stronger — were offences that could have been dealt with in the Magistrates' Court. Therefore, the presiding judge was constrained in the sentence that she could give.

**Mr Wells:** That is an extremely helpful intervention, and I bow to the greater knowledge of the honourable Member for North Belfast. Quite clearly, however, what went on here was a bit of horse trading, and these four gentlemen ended up pleading guilty to offences that could have been tried in the Magistrates' Court. Therefore, the punishments invoked were those that were for Magistrates' Courts only. That should not have been allowed to happen.

All the charges against these individuals should have been laid and tried, and there should not have been any way out. All the animal welfare groups in Northern Ireland are worried because this was the first real public test of the 2011 Act. This was setting a precedent for how we, as a society, view serious aggravated animal cruelty in the future, and, unfortunately, it fell at the first hurdle. Even more serious was that at least one of the defendants had a previous conviction for animal cruelty, so it was not a first offence.

No one is going to tell me that a suspended sentence is seen as the deterrent that the community was demanding. It is extremely regrettable that we could not, at least, have asked for that decision to be reviewed. This is where the Department of Justice needs to enter the situation. The Minister of Justice has a very powerful role here in issuing sentencing guidelines, and, given that the legislation failed its first test, we need Mr Ford to act and make it very clear that something that, clearly, could be viewed as aggravated cruelty must lead to a custodial sentence unless there are extraordinarily unusual circumstances, which I certainly could not see in this case.

Many members of the public have taken time — we thank them for it — to write to individual MLAs saying that they are very unhappy, and that is understandable. They have demanded the introduction of a specific charge of aggravated animal cruelty with a maximum sentence of four years. That would be indictable only; it could be tried only in the High Court and sentenced accordingly. I understand the logic of what these individuals are saying because there are cases of cruelty through neglect. We have all read about them in the paper: perhaps an

elderly pensioner was confused and unable to feed her animals properly because she was too poor to do so. The police check her home, and, unfortunately, the animals have been ill-treated, but that person has not purposely inflicted cruelty; it is more a question of neglect. We need to distinguish between that, which is well covered by the legislation, and those who go out to torture animals for their own sadistic interest and pleasure.

That is why I think that there is a lot of merit in this proposal. Unfortunately, the letter that we all received arrived too late for an amendment to be tabled. It also put me in a slightly difficult position because I could not table an amendment to my motion. Although I totally agree with what they are saying, unfortunately, the technicalities of it —

**Mr Lyttle:** I thank the Member for giving way. Does he agree that the review called for in the motion would create the space for the proposals put forward in the letter to be given full and proper consideration?

**Mr Wells:** Yes, absolutely. That is essential, and I am glad that the Agriculture Minister is here because we need to review this. It is a bit unfortunate that we are, potentially, amending legislation that has been on the statute books for only a couple of years, but we need to bring this in to make it very clear that, if you go out to deliberately and knowingly sadistically torture an animal, you could face a four-year sentence. I think that the public would agree to that and would be supportive of it.

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

**Mr Wells:** Certainly.

**Mr Wilson:** Will the Member accept that neglect can be deliberate and can result in just as much suffering? For example, people may have horses but cannot afford to feed them any longer, so they simply leave them without making any preparations, knowing full well the harm that it will cause. That is also deliberate neglect and is as bad as someone who tortures an animal.

**Mr Wells:** Yes, although I would say that, if properly tried, persons who are involved in neglect could be sentenced for up to two years under the present legislation. People have written to honourable Members wanting to make the distinction between neglect, which can sometimes be oversight, and deliberate sadistic torture. The review needs to look at that, because I think that the Member made a very valid point.

The incident has revealed the lack of resources that have been committed to tackling animal cruelty in Northern Ireland. The Minister has revealed that only eight staff employed by our district councils are involved in pursuing such cases. Last year, 3,977 offences were reported, yet there were only eight members of staff. I have to ask this question: what about those councils that do not have any members of staff for this?

**Mr Humphrey:** I am grateful to the Member for giving way. You made a point about deterrents. Given the scenes that we witnessed outside Laganside Court when the people came out, it seems that the law, at the moment, is clearly not a deterrent. We will see the scenes that we witnessed again if local councils and the Department do not quickly get their act together on this issue.

**Mr Wells:** Yes, I think that it stuck in many of our throats that there was no sense of any regret for what they had

done. Indeed, those people seemed to be celebrating the fact that they had been involved in cruelty.

In my last 15 seconds, I want to say that we need to be careful, because some of us could be directly and indirectly involved in cruelty. Has anyone ever eaten foie gras? Have any of us eaten lobster? Have any of us eaten veal that was created in veal crates? Has anybody worn a fur coat? If you have done any of those things, you have indirectly been supporting animal cruelty that is perhaps even worse than what we witnessed on our TVs a couple of weeks ago.

**Mr McMullan:** Go raibh maith agat, a LeasCheann Comhairle. On 22 February 2011, the Welfare of Animals Act 2011 replaced the 40-year-old Welfare of Animals Act 1972. With the new Act came new penalties for animal welfare offences. The new penalties gave a maximum of six months' imprisonment and/or a maximum fine of £5,000 on summary conviction and, on conviction by indictment, a maximum of two years' imprisonment and/or an unlimited fine. The Act also has the power to allow people to be disqualified from owning or keeping animals.

Councils' involvement under the new Act is a major step forward. DARD is providing funding for the 2014-15 financial year, and it provided funding for the financial years prior to that. Councils will receive £800,000, which will allow them to employ nine full-time animal welfare officers, not eight. Councils will be able to assist animal welfare officers in carrying out their roles by providing admin support, bringing in specialist vets, giving advice, paying for animal case costs and securing legal costs. The involvement of councils will allow, for the first time, a dedicated manpower resource to investigate animal welfare complaints about non-farmed animals and will also have the budget to fund the work.

Since April 2012, councils have investigated over 8,000 animal welfare complaints, carried out over 11,000 inspections and served over 360 improvement notices. They have also been successful in prosecuting four animal welfare cases, and I am told that they have a substantial number of other cases being prepared for prosecution. So they are doing —

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

**Mr McMullan:** Yes.

**Mr Wilson:** Given the four prosecutions and over 3,000 referrals that the Member quoted, is he saying that the message is that either there are a lot of bogus referrals or that the impact of the enforcement is very low, as only four cases have finished up in court?

**Mr Deputy Speaker:** The Member has an additional minute.

**Mr McMullan:** You made a valid point. That struck me when I looked at the figures. We need to go into those figures. A substantial number of cases are coming up in court.

The enforcement rules of the new Act are very clear. DARD continues to have responsibility for the enforcement on farm animals, and the PSNI has responsibility for wild animals, that is, animal fighting and the welfare issues where other criminal activity is involved. For the first time, councils have responsibility for the enforcement of the welfare of other animals, such as domestic pets and horses.

Sentencing may be where some of the things are that the proposer has talked about. In sentencing, the judge takes

into account the law, the seriousness of the offence, any mitigating circumstances, sentencing guidelines and all relevant circumstances in each case. That is what we know, and the rest is really up to the judge.

There were two interesting items involved in the preparation of the Act. First, the Minister of Justice advised the Minister of Agriculture:

*“the Lord Chief Justice, in his programme of action on sentencing, is enhancing the structures by which the judiciary ensures consistent and appropriate sentencing” —*

and:

*“under his programme of action, sentencing guidelines on offences of animal cruelty heard in the Magistrates' Courts will be developed in the near future”. — [Official Report, Bound Volume 77, p251, col 1.]*

Again, that is something that we have to look into. What exactly does it mean? Is it an ongoing process of enhancing the sentencing guidelines, or what? Secondly, before the new Act became law, the proposed penalties were put to the Minister of Justice, the Executive and the Agriculture and Rural Development Committee.

*“The Minister of Justice advised that he was content with the proposed offences and the penalties in the Bill. He commented that they were proportionate and sat comfortably within the criminal law framework.” — [Official Report, Bound Volume 77, p250, col 2.]*

When the penalties were proposed in the Bill, no party or MLA raised any concerns about them.

From my party's point of view, there is no problem with having a review to look at it again. It is perhaps something we should do. This law has only been in a short time. We need to go back and ask whether the judges are doing their job. In the case that Mr Wells was referring to, the TV images really rankled with the public. Nobody would deny that bit, even the most hard-hearted person. This is something we should look at again. We should always be looking at our laws anyway, because they all need tightening up, but in reality I think that everybody is doing the job. In these cases, the whole thing stops in the courts. If we get the cases to court, it is really up to the judge. In this case, we have tougher sentences than England, Scotland or Wales; tougher even than the South of Ireland. So, there is no excuse to say that we are not. Really, it is down to the judges.

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

**Mr McMullan:** We support what is here today.

**Mr Byrne:** I support the motion, which is timely and relevant. I congratulate Mr Wells on the way that he outlined the parameters of the motion.

The SDLP condemns the many serious acts of animal cruelty that have occurred recently. Any allegations of the abuse of animal welfare must be investigated fully, and those responsible must be held to account. The recent media coverage of the five distressing cases of animal cruelty in Northern Ireland are a distressing reminder of the suffering that animals endure. Indeed, those cases highlight the need for people to be aware of how animals are treated, whether they are domestic, farmed or wild

animals. The level of brutality documented in those attacks on animals has shocked us all. It is vital that we, as politicians, unite in our condemnation of those acts.

Animal welfare inspectors, the PSNI and DARD can, under the Welfare of Animals Act (Northern Ireland) 2011, take a prosecution for cruelty. A ban on keeping animals can result from a prosecution of this kind, but, as has been outlined by Mr Wells, the sentencing is lacking. From the information given by those working in animal protection, we fear that such bans are somewhat meaningless due to lack of enforcement. Following a ban on keeping animals, such a lack of enforcement allows cruelty to animals to continue in Northern Ireland.

#### 1.45 pm

A bad example of ongoing animal cruelty and neglect is that of abandoned horses and ponies in the Clogher mountain area of south Tyrone and north Monaghan. A local journalist, Anton McCabe, has written about that animal cruelty in recent weeks. He feels strongly about the abandonment of the ponies and horses in the wild with no feed or care for them. Many horse carcasses are in evidence on Clogher mountain at present.

The SDLP calls on the agencies involved to work more closely together to increase intelligence sharing, which could, in turn, lead to more convictions. We have a duty of care to the citizens and animals in this jurisdiction. We must use all the methods at our disposal to ensure that we provide the necessary level of protection that is needed by domestic and wild animals.

The volume of cases of animal cruelty in Northern Ireland damages the image of the North. We must take this opportunity to pledge our support for the animal-based welfare organisations that work tirelessly to eradicate animal cruelty. The SDLP shares the concern of the public about cruelty towards animals. The practice must be stopped and those responsible brought to justice. The SDLP is also mindful of protection for endangered animals globally and the need to ensure that national governments are taking the necessary steps to protect those vulnerable animals.

I want to read into the record examples of many locally based animal charities, including the USPCA. I acknowledge the excellent work of an animal charity based in my own town of Omagh. I refer to the Grovehill Animal Trust. It has a charity shop in town, and a rural animal shelter compound is situated outside Sixmilecross. Two key volunteer workers are Lynda Hill, who founded the trust 16 years ago, and Mrs Harkin. Emma King recently took over as chair of the trust. Those ladies and others work tirelessly to save animals. In fact, 700 animals have been saved over the past two years.

We support the motion and hope that better sentencing can be introduced to make sure that animal protection is guaranteed and is a better way for the future.

**Mrs Dobson:** I welcome the opportunity to speak on this important issue. I am aware that a number of organisations will read the Official Report with interest, not least the animal welfare charities, which, as Mr Byrne outlined, deal day and daily with cases of animal cruelty and neglect. For a country of animal lovers, Northern Ireland has, frankly, had some disgusting incidents of mistreatment and abuse of animals. As can be the pattern in so many areas in life, so it is with animal cruelty, and a small minority taints the

vast majority. Recent high-profile cases have put the issue of animal cruelty, as well as concerns over sentencing, right back on the public agenda. At this stage, however, I want to state that the Ulster Unionist Party absolutely recognises that it is not the place of the Assembly or any political institution or party in Northern Ireland to dictate sentences in legal cases. An independent judiciary, free from interference from its Executive or legislature, is, in my opinion, a fundamental strand of a truly democratic society.

**Mr Weir:** I thank the Member for giving way. I appreciate her point that it is not up to the Assembly, and it would be wrong if we were to interfere in individual cases to seek a particular sentence. However, even with animal cruelty, there is a broader role, through the Department of Justice issuing sentencing guidelines. If a framework were put in place, there would be better opportunities. It is question of hoping that judges implement the guidelines, because problems have arisen in that area.

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

**Mrs Dobson:** I totally agree with the Member. That is needed from the Department of Justice. It is not the job of the Assembly to pass sentences, no matter what we may think of previous rulings. The Assembly's job, as was outlined, is to set the legislative framework for such penalties.

The Welfare of Animals Act (Northern Ireland) 2011 was a significant improvement in the protection of animals. I do not think that anyone would claim otherwise. However, it was not perfect, and although I was not a Member when it was going through its stages, I know from colleagues that my party had major reservations regarding it.

Let us take the obvious example of enforcement. At the moment, depending on the animal or the circumstances, enforcement can fall to one of three bodies. One area in which it is right to police our farmers is the enforcement of minimum standards for farmed animals. The police, as we know, have a role in cases where criminal activity or wild animals are involved. The biggest problem with enforcement, however, seems to stem from the transfer of a swathe of responsibilities to local councils following the Welfare of Animals Act. Our councils are dealing not only with cats and dogs but with the huge problem of abandoned horses. An abandoned litter of kittens is much easier and cheaper to accommodate than a field of neglected horses. Indeed, that is an issue that my colleague Sandra Overend is considering in her proposal for a private Member's Bill.

The Department of Agriculture is, unquestionably, more experienced and better equipped to handle animals that size, but, at present, it is content to sit back and watch our local councils bear all the avoidable hardship and expense. We warned that our councils would find those responsibilities difficult, and that has proven to be the case. I know that DARD provides councils with funding, but with some eight animal welfare officers being shared among our 26 councils, is it any wonder that the number of successful prosecutions is miniscule compared with the number of welfare complaints? I have heard the Agriculture Minister indicate over recent months that she is relatively content with the work to date — in fact, she has sometimes verged on self-congratulatory — but the actual number of successful prosecutions is pathetic in the eyes of nearly everyone else.

At a time when the Department has been singing the praises of our animal welfare protections in law, and two years after our councils were given the supposed groundbreaking new powers, we should expect more than a mere handful of successful prosecutions. So although I agree with the thrust of the motion, I think that particular consideration should be given to investigating why so few prosecutions are being brought forward.

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

**Mrs Dobson:** No, I am almost finished. Is it the case that the time, experts, skills and resources are simply not there to enable enforcement by local councils? Or is the sheer number of animal welfare cases reported each year such that the priority, understandably, is intervention first and prosecution a distant wish? Either way, Minister, the current situation is not working. Our animals may be protected by law, but that is not being demonstrated through day-to-day practice and enforcement. I support the motion.

**Mr Lyttle:** On behalf of the Alliance Party, I wholeheartedly support the motion against animal cruelty. One of the many letters that I have received from the public, further to recent cases of animal cruelty, referenced the quotation:

*"The greatness of a nation and its moral progress can be judged by the way its animals are treated."*

That quotation is from Gandhi. We also know that a lack of conscience displayed by the torture of innocent animals is a warning of an individual who may commit other serious crimes.

**Mr McNarry:** I am grateful to the Member for giving way. I heard the quotation that he read. Does the Member agree that, alongside the despicable cruelty, the soft sentence shocked people? Does he agree that the Ministers need to treat the motion and the review contained in it as an urgent matter, because of the soft sentence as well?

**Mr Deputy Speaker:** The Member has an additional minute.

**Mr Lyttle:** Thank you, Mr Deputy Speaker. Yes, I agree with the Member. This is an issue that needs urgent attention. I believe that both Ministers will give it the attention that it deserves. Those principles are the reason why the Assembly needs to have zero tolerance in relation to animal cruelty. As Members have mentioned, the animal welfare legislation that was introduced in the Assembly is regarded as among the best in Europe. However, it is of little value without effective enforcement by the agencies charged with that task. The Welfare of Animals Act 2011 introduced a duty of care and increased penalties, court powers and resources. It was supported by the Executive and the Assembly. However, sentencing guidelines are a matter for the Lord Chief Justice and the Judicial Studies Board, not the Minister of Justice, as some Members said.

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

**Mr Lyttle:** Yes.

**Mr Wells:** I accept that, but the Minister has the power to issue sentencing guidelines, which would be very useful in this respect. Normally, the authorities then take those into account when giving out sentences.

**Mr Lyttle:** I thank the Member for his intervention. It is important that we are clear on this: my understanding is that sentencing guidelines are introduced by the Lord Chief Justice and the Judicial Studies Board. However, I accept

that examining sentencing guidelines and the issue of the maximum penalty available are things that Ministers and the Executive should want to look at.

As we heard, the sternest test of the adequacy of animal cruelty law in Northern Ireland has most recently been provided by the Kirkwood and Morrow case, which was referred to as the vilest example of premeditated abuse on animals ever seen in Northern Ireland. I agree: it was a heinous case of animal cruelty. It involved the abuse of dogs for animal fighting and the abuse of cats, which were torn limb from limb for grotesque gratification and a bloody and barbaric pastime. It is sickening to think that those acts were committed only miles from the Assembly. Indeed, around the time, I and my colleagues the Member of Parliament for East Belfast, Naomi Long, and Judith Cochrane MLA were contacted by a number of residents about disappearing cats. We now know the ill fate of many of those pets, which were valued parts of family households. It is encouraging that the public outrage and outcry about those acts took precedence over the cruelty that we saw.

However, I agree that there is a public perception that sentences have been unduly lenient. If the aforementioned case did not warrant a custodial sentence, it is very hard to imagine the level of cruelty that would. My colleague Naomi Long MP has written to the Lord Chief Justice, the Director of Public Prosecutions and the Minister of Justice to request consideration of that case. However, as Mr Alban Maginness MLA mentioned, the case was considered in the Crown Court. The maximum penalty of two years was available, but the judge awarded six months, suspended for two years. I agree that it is for the Assembly to respect the independence of the judiciary, but there is a public perception that that sentence failed to send out the message that the Assembly and society will not tolerate animal cruelty in our community. It failed to deliver a proper deterrent and a punishment fit for the crime. That is the public perception. We need to deal with that.

A cursory glance at the sentencing guidelines suggests that, as we know, judges are bound by certain sentencing guidelines. There was no appeal because the offences for which the defendants were prosecuted did not fall within the statutory category of offences for which the director can consider exercising his power under the Criminal Justice Act. Those are all issues that can be looked at.

Dog Lovers NI has written to many MLAs. It has requested an examination of the possibility of the maximum penalty being increased to four years. It is my understanding that the maximum penalty in the Republic of Ireland is in the region of five years. It is within the remit of the motion to allow the —

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

**Mr Lyttle:** — Minister of Agriculture and Rural Development to give proper consideration to the proposals, which merit such.

**Mr Deputy Speaker:** As Question Time begins at 2.00 pm, I suggest that the House take its ease until then. The debate will continue after Question Time, when the next Member called to speak will be Mr Robin Newton.

*The debate stood suspended.*

2.00 pm

(Mr Speaker in the Chair)

## Oral Answers to Questions

### Employment and Learning

**Mr Speaker:** Questions 6, 9 and 10 have been withdrawn.

#### Northern Regional College

1. **Mr Swann** asked the Minister for Employment and Learning for an update on the future of the Northern Regional College campus in Ballymoney. (AQO 5873/11-15)

**Dr Farry (The Minister for Employment and Learning):**

I recognise the need for investment in the Northern Regional College (NRC) area. My Department awaits the outline business case from the college, which will consider the options for the provision of further education in the Ballymena, Ballymoney and Coleraine areas, where the accommodation is particularly poor. The business case will also consider future provision in the Larne area.

The business case is considering the range of options to identify the value for money option, the funding requirements and the procurement route. Until the business case has been received, assessed and approved, I am not in a position to be definitive about the college's future plans. However, I can assure you that my Department is working hard with the college to ensure that, going forward, the learners, the employers and the community in the area will benefit from the state-of-the-art accommodation and equipment that are now available in other college areas.

**Mr Swann:** I thank the Minister for his answer. Does the Minister agree with me that the removal of the NRC campus in Ballymoney will be a further blow to that town? What can he, as the Minister responsible for employment, learning and further and higher education, do to ensure that there is still a provision for the people of Ballymoney?

**Dr Farry:** I thank the Member for his question and supplementary. It is important to bear in mind that, as regards the further education estate, we are trying to ensure that we have modern accommodation and the best facilities for the education and training of our young people and others in society. It is important that we have proper economies of scale in what we are seeking to do. That means investing in modern, up-to-date facilities where a lot of things can be brought together.

When we look at whether a college should appear in every town across Northern Ireland, it is also important to bear in mind that, even at present, only certain courses are delivered in certain campuses of the existing colleges and not in others. Again, that reflects the need to invest in a critical mass to ensure that we deliver a proper service to young people.

Irrespective of what happens, we are committed to ensuring that the people of Ballymoney will be able to access further education as part of the Northern Regional College estate. In other areas, when situations have arisen

where colleges have been moved or relocated, community facilities have been provided to ensure that local people have ready access to a range of courses.

**Mr Frew:** What sort of signal does it send out to my constituents of Ballymoney? We try to tell them, on one hand, that apprenticeships and vocational jobs are important to us and must link up with the educational facilities in schools, yet we hear now that it will be removed from them. What sort of message does that send out to industry and manufacturing in Ballymoney?

**Dr Farry:** With respect, we have not sent out any negative message. I have been very clear that we are still not formally in receipt of the business case from Northern Regional College. It is important that Members do not jump to any conclusions and prejudge the outcome. Even if we are to see a consolidation of colleges, that will be done to provide an improved offer to all the people of Northern Ireland, including the people of the North Antrim and East Londonderry constituencies.

The best way in which we can be of service is to ensure that we provide the best possible training in modern facilities. We are committed to making those types of investments. Simply arguing for the maintenance of the status quo will end up serving our young people poorly. We need to make investments for the future. That is the way in which we will provide modern apprenticeships, better vocational training and investment in our economy.

**Mr Allister:** The Minister may say that no decisions have been made. However, from listening to him, it is pretty clear that he is preparing a soft landing — it might not even be such a soft landing — by diminishing, if not removing, the provision in Ballymoney. Does he not think that there is a contradiction between, out of one side of his mouth, telling this House, very laudably, about the need to prepare young people for apprenticeships etc, and stripping out of hard-pressed towns such as Ballymoney the very facility that could equip its young people to take advantage of such apprenticeships?

**Dr Farry:** There is no question of any soft landing for everyone. The blunt reality is that we have to invest properly in the future of our young people, and that means proper, modern facilities. To achieve that, we have to move away from parochial thinking around all of this. If we expect there to be an all-singing, all-dancing full provision further education (FE) college in every market town across Northern Ireland, we will be spreading our resources too thinly. We will may serve local political agendas fine, but we will not be serving the interests of the young people of Northern Ireland, nor will we be addressing the needs of employers and the future of the economy.

**Mr Dallat:** Does the Minister agree that there is nothing parochial about Ballymoney or Coleraine aspiring to have a first-class technical college, as they were called? Indeed, does he agree that Ballymoney had a long, proud tradition, during the worst years of the Troubles, of bringing people together to train them and make them good citizens?

**Dr Farry:** Absolutely. I recognise the work that has been done at the Ballymoney campus, alongside all our FE campuses, in bringing people together. As we look ahead, it is important that we invest in a modern estate that will cover significant catchment areas. There is no question whatsoever of us not providing state-of-the-art facilities in the northern section of the NRC's catchment area. The

business case is seeking to identify the most viable option for the way forward. I recognise that, historically, there has been underinvestment in that area compared with other parts of Northern Ireland, and I am committed to addressing that. Hopefully, Members will see the benefits of such investments for the local communities in those areas and for the local economy.

## Apprenticeships

**2. Mr Frew** asked the Minister for Employment and Learning, following the statement by the Chancellor in his Budget announcement regarding an extension to grant aid for small businesses to incentivise them to employ more apprentices, what action he is taking to assist local businesses with apprenticeships. (AQO 5874/11-15)

**Dr Farry:** I recognise that securing greater levels of participation in apprenticeships from small businesses and microbusinesses is vital. In January, I announced the outcome of the review of apprenticeships through the publication of an interim report that is out for consultation until 7 April. In that interim report, my Department committed itself to examining how best to resource a new apprenticeship model and to support employers. This will include consideration of the implications for Northern Ireland of the HMRC-led funding model announced by the UK Chancellor in his autumn statement and the Budget's extension to grant aid for small businesses that take on apprentices. Discussions with the Department for Business, Innovation and Skills have been taking place to explore the implications for Northern Ireland, including the impact of any future reduction of corporation tax.

My Department will also be piloting a range of interventions, aligned to the review's final policy proposals, to test concepts to help ensure that we have the right support for businesses to employ apprentices. Proposals include a central service to promote and support apprenticeship provision for employers and participants. For employers, the service will administer subsidies and other support; centrally advertise employer apprenticeship vacancies; provide a matching service between employers and prospective apprentices; signpost employers to approved providers of off-the-job training; and provide a small business service to help small and medium-sized businesses access the benefits of an apprenticeship programme.

Through the current ApprenticeshipsNI programme, my Department supports the off-the-job training required for achievement of qualifications set out in apprentice frameworks. In addition, an employer receives a payment when the apprentice successfully completes the ApprenticeshipsNI programme. The incentive ranges from £250 to £1,500, depending on the complexity and level of the apprenticeship undertaken.

**Mr Frew:** Although the Minister will want to analyse in full the Chancellor's Budget statement, does he, at this time, see any barriers for Northern Ireland in implementing the recommendations from the Chancellor? Does he see any mirroring of that in Northern Ireland? Are there any barriers, whether timescales or old contracts, that he can tell the House of today?

**Dr Farry:** I am grateful to the Member for his question. First, it is important to bear in mind that there is considerable time; the proposed new funding system may

not be in place for a number of years. At present, there is a consultation around how the measure will work in practice. It is critical that it is designed with the needs of all four nations of the UK taken into account. I have made that point to the Department for Business, Innovation and Skills, as have my counterparts in Scotland and Wales. We cannot have a situation in which something is driven through our tax and revenue system and has UK-wide application but is designed simply to coalesce with the model of apprenticeships in England. It is important that we have a rounded solution.

The creation of incentives in the medium term will be fundamental to getting employers to take on apprentices. We certainly need many more employers to step forward and see apprenticeships as beneficial to them and the needs of their business beyond any particular financial incentive.

We need to be mindful that we have a greater share of small and medium-sized businesses than England, and, historically, they have been more reluctant to take on apprentices than larger companies. Whatever system is designed, we need to make sure that it properly captures the profile of our local economy and not simply the profile of the economy in England.

**Mr Swann:** Minister, in the same statement, the Chancellor said that class 1 national insurance contributions would be removed for employees under 21 from 6 April 2015. How will that benefit Northern Ireland employers?

**Dr Farry:** That is outwith my responsibilities as the Minister for Employment and Learning, but I very much welcome the commitment from the UK Government to incentivise companies that take on young people.

We need a rounded approach to addressing youth unemployment. We have certain levers in our power and responsibility, and we are doing great work to invest in technical and employability skills. However, any tax incentives introduced across the UK as a whole will also benefit Northern Ireland. What is suggested will take place in 2015 makes a lot of sense and will certainly be another asset in our efforts to reduce youth unemployment.

**Mr Flanagan:** Go raibh maith agat, a Cheann Comhairle. What efforts is the Minister making to make apprenticeships more attractive not only to businesses but to young people, particularly by giving them a decent hourly wage that they can live on?

**Dr Farry:** The Member will be aware that we are concluding the consultation on our review of apprenticeships. We are seeking a radical reshaping of the skills landscape and see a major role for modern apprenticeships in that. We want apprenticeships to move into a much wider range of occupations and the apprenticeship model to move up the skills ladder and offer people progression routes. We also want apprenticeships to be a viable alternative to the more traditional higher education model.

Ultimately, apprenticeships make a lot of sense for employers and young people: employers know that they will get the particular skills required for their business; and young people know that they are investing in skills that will make them much more employable so that they have a greater prospect of earning a good wage or salary and

having sustained employment. So apprenticeships make a lot of sense all round.

There are national minimum wage rules for the payment of apprentices. Those are not for me to determine; they are determined on a UK-wide basis. However, it is important to bear in mind that many employers pay more than the minimum wage.

Ultimately, apprenticeships are a good investment for young people. Indeed, the fact that they are paid while learning or training is very attractive, particularly when compared with tuition fees and the associated debt.

### South Eastern Regional College

3. **Mr Craig** asked the Minister for Employment and Learning to outline the plans he has to manage the high demand for courses at the Lisburn campus of the South Eastern Regional College. (AQO 5875/11-15)

**Dr Farry:** Since the 2008-09 academic year, total enrolment at the Lisburn campus of the South Eastern Regional College has increased by around 61%, which is considerably higher than at the college's other campuses. Between 2008-09 and the current academic year, the number of full-time students at the Lisburn campus has risen from 672 to 1,160, an increase of some 72%. That is an extremely positive performance, and the college is to be congratulated for the valued service that it is providing to learners, employers and the community in the Lisburn area. Undoubtedly, the recent major investment in state-of-the-art accommodation in Lisburn has been a contributory factor in that success

#### 2.15 pm

It is, of course, for the college to manage the use of resources and the delivery of provision to meet the needs of learners across its entire region. My Department does not intervene in that process. However, the college has advised me that it is taking a number of measures to address the accommodation pressure in Lisburn so that it can continue to meet the needs of learners in the area. Those measures include the retention and use of some premises that had previously been deemed surplus to requirements and making adjustments to the delivery of curriculum and timetabling. Although the Lisburn campus fully meets the capacity set out in the original specification, the college is also considering how best to utilise accommodation across its whole estate by, for example, moving some courses to other campuses in the coming academic year.

**Mr Craig:** I thank the Minister for that very comprehensive answer. As one of those who pushed for the new campus to be situated there, I am very proud of the success that there has been in the college. Would the Minister comment on the fact that the college seems to be one of only two in the whole of the United Kingdom that provides research-based apprenticeships? Is there any room to expand that type of apprenticeship, as it seems to be a huge success not only in Northern Ireland but right throughout the UK?

**Dr Farry:** I am grateful to the Member for his comments. I certainly join him in congratulating the college for its endeavours both in apprenticeships and research. It is important to bear in mind that our colleges are a huge asset to our local economy and offer that range of

services. It is not simply in training and upskilling that they are relevant; they are also significant players in research and development. In particular, they should be the first port of call for many small and medium-sized businesses for research and innovation. There is often a heavy focus on practical issues and how different ideas can be brought to bear to improve businesses.

The Member will also be aware that we are conducting the review of apprenticeships at present. We have huge ambitions for what we want to do with apprentices, and I see no reason why the type of course of action that he has set out would be inconsistent with that review. It is certainly something that we are very happy to look at and to embrace.

**Mrs D Kelly:** In looking at the profile of the service users, can I ask how their needs will be taken account of when looking for alternative accommodation?

**Dr Farry:** That is something that is very much for the college to manage. It will have to approach that and take into account the issues that the Member set out. Obviously, not every college or every campus of each college provides each particular course; there has to be a degree of specialism if we are to provide a fully rounded curriculum. So, a degree of travel and commuting is part and parcel of people's engagement with the modern FE estate, but I certainly think that a lot of thought will be given to which particular courses are supplied in other campuses and which ones are retained in Lisburn.

**Mrs Dobson:** Will the Minister inform the House how the regional colleges, including Lisburn campus, across the geographical spheres manage future demand for courses especially given the implications of the looming withdrawal of entitlement framework funding by the Education Minister?

**Dr Farry:** Our FE sector is a huge asset to our local economy, as I stated. It is for the colleges themselves to manage their curriculum and how they distribute it, but the Member made an important point about the entitlement framework. Whenever we are thinking about our young people's future needs, it is important that we offer them the full breadth of academic and vocational courses and qualifications. Without favouring one sector over another, we have to realise that certain facilities are more in keeping with providing real quality in that offering.

At times I get concerned whenever schools, sometimes out of very good principle, seek to replicate the offering of vocational courses that can be better provided in the FE setting, as they have opportunity to invest in better equipment and provide other advantages that come from economies of scale. It is important that we do not turn inward on the entitlement framework, but fully develop the area learning partnership and fully deploy the assets in our FE sector.

### University of Ulster: Relocation

4. **Miss M McIlveen** asked the Minister for Employment and Learning for an update on the relocation of the University of Ulster from Jordanstown to Belfast. (AQO 5876/11-15)

**Dr Farry:** The rationale for the University of Ulster's greater Belfast development is driven by the university's need to replace the Jordanstown campus. As a result of the relocation, all activities based at Jordanstown will

transfer to Belfast by 2018, with the exception of student residences, the world-class high-performance sports centre and the fire safety engineering facility.

In line with the funding agreement between the University of Ulster and my Department, the university submitted a biannual progress report on 30 September 2013. That showed that all the milestones to that date had been achieved, although later than the original anticipated dates in some cases. The university remains confident that the project will be delivered by 2018 within budget. In December 2013, the university secured a £150 million loan facility from the European Investment Bank towards the £250 million overall costs associated with the project. The demolition of the PlayBoard building, York House and the Interpoint building has been completed on schedule.

The university's planning application for a mixed-use, multistorey car parking development on the Frederick Street site was rejected last year. The university appealed the decision with the Planning Appeals Commission, and the commission ruled in the university's favour on 7 February 2014. The ruling allows the university to move forward with construction of the campus and on a range of related fronts, particularly in terms of the transport and housing needs associated with the development.

My Department will continue to support the relocation by working closely with the university and other key stakeholders to ensure that the potential significant economic, social, cultural and physical opportunities resulting from the development are maximised.

**Miss M McIlveen:** I thank the Minister for his answer. The Ulster Sports Academy located at the Jordanstown campus has ambitious and exciting plans to develop centres of excellence in sport at that location. Does the Minister support those plans, and what assistance are he and his Department giving to develop business plans for those projects?

**Dr Farry:** In principle, I am happy to endorse that and recognise the quality of what the university is offering. The vice-chancellor and his colleagues are keen to stress the emphasis that the university places on sporting matters. We have not yet been approached by the university for any direct assistance with the plans that the Member mentioned. It is for the university to manage its estate and investments. In the event that it feels the need to approach us for support, it knows that it can do so. We would have to consider that in the round, alongside all competing priorities.

**Mr Cree:** Will the Minister assure the House that this project will be completed within budget, unlike the recently reported Belfast Met development?

**Dr Farry:** The Member should know that it would be inappropriate for me to comment on the Belfast Met report, given that a Public Accounts Committee meeting is pending in that regard. That is a long-established protocol of the House.

In relation to the University of Ulster site, I am pleased that things are moving on schedule and the project is within budget. This is a hugely important investment for Belfast and all Northern Ireland. It is, perhaps, the biggest construction project at present, and certainly the biggest we have had for a number of years. There will be complexities and, no doubt, obstacles to overcome in

the coming years, but we are moving ahead with this in a timely manner.

**Mr A Maginness:** I thank the Minister for his answers. Along with other colleagues, of course I welcome the development of the university — particularly in the constituency of North Belfast, I hasten to add, all politics being local. However, I remind the Minister that the university indicated to the local community that it would be sensitive to its needs in terms of housing. It is important that those commitments are adhered to.

Will the Minister encourage the university to look at those commitments and stick to them?

**Dr Farry:** I thank the Member for his comments and his understanding of the importance of the development not just to north Belfast but to Northern Ireland as a whole.

The Member will be aware that the university has established a community liaison forum. I am mindful that housing and transport issues need to be bottomed out further. I am keen to impress on the university the importance of getting that right, and Members will join me in that. I am happy to use whatever influence I have to encourage any further meetings that are needed with the community either to provide reassurance or to take into account local issues that need to be factored into developments.

It is important to bear it in mind that the redevelopment will be of benefit to the local community in increased economic activity and access to jobs for people from north Belfast and other parts of Northern Ireland. It will be on the doorstep of the community in north Belfast. There will also be social clauses in relation to the construction of the facility, which will offer employment opportunities. It is important that we skill people to the necessary level on which to compete for those opportunities.

**Mr F McCann:** I follow on from what Alban Maginness said: there was a lot of annoyance in that community when the university appealed the case. We are dealing with an area with high demand for social housing. Will the Minister encourage the university not only to take part in discussions with the local community but, when it is looking at student housing, actively to look at putting in place—

**Mr Speaker:** I encourage the Member to come to a question.

**Mr F McCann:** Will he encourage the university to put in place a system that will look at other pieces of land that would fulfil housing need in the area?

**Dr Farry:** I am happy to encourage those discussions. I should caution that it is not for the university alone to address all the housing issues in north Belfast, but it is important that the university is conscious of the wider context for housing in the area.

It is important that planning permission was eventually granted for the car park. The fact that the land was allocated for car parking use should not detract from consideration of how housing needs can be addressed in the area. It is important that the university has the ability to fulfil its wider plans, and that aspect was critical. If the car park had not received permission, it would have been a fundamental challenge to the ability to complete the development in a timely manner.

**Mr Speaker:** Paul Girvan is not in his place.

## A-level Qualifications

7. **Ms Fearon** asked the Minister for Employment and Learning for an update on any all-island discussions that have taken place with universities in relation to the value afforded to A-level qualifications. (AQO 5879/11-15)

**Dr Farry:** Increasing cross-border student mobility is identified as a key issue in the higher education strategy, Graduating to Success, and my Department has a keen interest in addressing obstacles that impact on student mobility. That being the case, my officials receive regular updates on the recognition of qualifications from colleagues in the Department of Education. They report that the Council for the Curriculum, Examinations and Assessment has been meeting with the Irish Universities Association over the past three years. In the initial meetings, it was agreed that the overarching principle should be fairness for all applicants to higher education institutions in the Republic of Ireland. Considerable statistical work was undertaken on the overall GCE/leaving certificate grade outcomes, but that has so far failed to provide a definitive basis for progress.

As a result of the work undertaken, other significant issues were identified, such as the need to take all A levels in one sitting and the non-acceptance of some level 3 qualifications. The significant developments with post-16 qualifications that are under way in both jurisdictions represent a further complication.

I understand that the Irish Universities Association will be producing a discussion paper in the next few months on a range of issues to support broader access to higher education institutions in the South. I welcome the fact that Trinity College Dublin, Dublin City University and Galway university have already indicated their willingness to consider changing entry requirements for students from Northern Ireland.

**Mr Speaker:** That concludes oral questions to the Minister. We move to topical questions.

2.30 pm

## Welfare Reform: People with Disabilities

1. **Mr McGlone** asked the Minister for Employment and Learning whether, in light of anticipated changes to the follow-through of welfare reform, he has any projections to employ specially and further trained people in job centres to deal specifically with people with profound disability-related needs. (AQT 941/11-15)

**Dr Farry:** We are reviewing our disability employment service and working towards the development of a disability employment strategy. We already have programmes in that regard that we wish to refine further. We also wish to set more effective targets and measurements for our progress. It is likely that that service will focus on those who are capable of accessing work but have more challenging conditions. There is a wider pool of individuals who have essentially been excluded or who have excluded themselves from the labour market due to disability-related factors. They fall into the wider economic inactivity category. The Member will be aware that we are developing a strategy in conjunction with the Department of Enterprise, Trade and Investment. That strategy is out

for consultation, and, over the next number of months, we hope to finalise it and the proposals therein.

**Mr McGlone:** Gabhaim buíochas leis an Aire chomh maith. I thank the Minister for his answer. Will he advise whether it is anticipated that extra personnel will be put in place to deal with disabled people with complex needs coming into job centres?

**Dr Farry:** In the first instance, we want to ensure that we continue to invest in the training of existing staff to ensure that they can respond to the broad range of clients whom our employment advisers deal with. I am confident that, with the proper training, we have the skilled and dedicated people who are capable of providing that service.

## Southern Regional College, Armagh

2. **Mr D Bradley** asked the Minister for Employment and Learning for an update on the proposed capital scheme for the Southern Regional College in Armagh. (AQT 942/11-15)

Go raibh maith agat, a Cheann Comhairle. An bhféadfainn fiafraí den Aire an dtiocfadh leis tuairisc a thabhairt dúinn ar an tionscnamh caipitil atá beartaithe do Choláiste Réigiúnach an Deiscirt in Ard Mhacha?

**Dr Farry:** At this stage, my Department has received the outline business case from the Southern Regional College, which covers Armagh, Banbridge and Craigavon. We hope to consider that proposal swiftly. We recognise that, in common with the Northern Regional College area, there has not been as much investment in the SRC's catchment area as there has been in other parts of Northern Ireland. Subject to resources, we will look favourably on making investments in that area, including, hopefully, the Armagh area.

**Mr D Bradley:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as ucht a fhreagra. Since the Minister said that he would deal with the issue in a speedy manner, will he give us a time frame?

**Dr Farry:** I certainly hope to have everything in position in the next number of months. Using the best and fastest means, it probably takes about three months or so to consider a business case. For something of this scale and magnitude and with the potential amount of money involved, there has to be rigour and due diligence. Hopefully, however, we will be in a position to give clarity, at least on the Armagh situation, during 2014, and, in saying that, I do not mean towards the end of the year.

## Youth Employment Scheme

3. **Mr McQuillan** asked the Minister for Employment and Learning what he is doing to encourage participation in the youth employment scheme, particularly through the private sector. (AQT 943/11-15)

**Dr Farry:** The Member will be aware that the youth employment scheme is critical in enabling young people to get a foothold on the employment ladder and, given their difficulties sometimes around having the necessary and relevant experience, in giving them critical employability skills to allow them to compete with other workers on a more level playing field. The Member will be aware of our advertising and marketing campaign Skills to Succeed, which covers a range of interventions that the Department

has to support people and skilling across the economy. As part of the Executive's drive to ensure that we use money effectively, we have brought a lot of our advertising together into a single campaign, and advertising the youth employment scheme is a critical aspect of that. Hopefully, the Member will have come across the advertisements either on television or on different forms of social media over the past number of weeks.

**Mr McQuillan:** I thank the Minister for his answer. Does he agree that it is important to instil in young people a work ethic at the earliest opportunity and that the youth employment scheme could do that?

**Dr Farry:** Very much so. The importance of employability skills, which is the ability of people to engage with the world of work — for example, the discipline of timekeeping and the rigours of working as part of a team in the workplace — comes across time after time. That is why we put such a strong emphasis on training such as apprenticeships and traineeships. A person's technical training goes alongside picking up employability skills. That is why we are also keen to stress that those at a younger age should take advantage of work experience opportunities through schools or colleges to get a flavour of the world of work. We are finding that our young people have been disproportionately affected by the recession and companies have at times held on to their older workers more than their younger workers. We also find that younger people have difficulty getting on to the first rung of the ladder because they do not have the experience and the employability skills to compete with others. The youth employment scheme is designed to break that vicious circle.

### Union Membership: Blacklisting

4. **Ms Ruane** asked the Minister for Employment and Learning what action he has taken on workers who are blacklisted for union membership. (AQT 944/11-15)

**Dr Farry:** I am pleased to inform the Member that we have recently signed off on regulations that will outlaw blacklisting and give workers protection, and a statutory instrument will come before the House in the next number of weeks to confirm that. I believe that it is important that we intervene, as it is a very unfair situation. It is important that people have the ability to be part of trade unions and, moreover, to speak out on issues of concern without fear of consequences down the line.

**Ms Ruane:** Gabhaim buíochas leis an Aire as an bhfreagra sin. I thank the Minister for his answer. Does he intend to take any further steps to protect trade union members from being targeted as a result of their membership of a union?

**Dr Farry:** On the back of the blacklisting regulations, people will have recourse to employment protections, including the use of tribunals, to enforce their rights. It is important to bear it in mind that we do not think that wholesale abuse is going on in Northern Ireland at present. However, there are perhaps some isolated cases and the potential for more to happen. Therefore, it is important that we close down that potential to exist. Once the regulations are fully in place, it will fall to my Department and others to ensure that they are properly enforced.

### Zero-hours Contracts

5. **Dr McDonnell** asked the Minister for Employment and Learning what his Department is able to do to ensure the protection of the statutory rights of those on zero-hours contracts. (AQT 945/11-15)

**Dr Farry:** I am grateful to the Member for his question. It is important to bear it in mind that the world of work is evolving considerably, and that includes the manner in which people are employed and the structure of employment. It is important to recognise that, in certain circumstances, zero-hours contracts may be an attractive option, either for businesses or for certain categories of workers. Therefore, we need to be cautious of a blanket approach that would rule out such employment models, bearing it in mind that people can move around the law and create new models to get around it.

That said, there is considerable public concern and disquiet over zero-hours contracts and, in particular, the potential for abuse in that regard. Therefore, it is my intention to bring a paper to the Executive in the next number of weeks to instigate a public consultation to regulate certain aspects of zero-hours contracts. The two aspects that we have in mind in particular are, first, steps to remove exclusivity, which essentially ties a person to a particular company or organisation and leaves them entirely dependent on the number of hours provided by that company or organisation and, secondly, measures to better inform individuals who may be on zero-hours contracts of their existing rights. It is worth stressing that people who are on zero-hours contracts already have a number of rights.

**Dr McDonnell:** I thank the Minister for his response so far. Has he any idea of how many people are on zero-hours contracts in the public service? I am thinking of the health service in particular but of other similar services as well.

**Dr Farry:** Again, people are trying to bottom out that issue. Research is being conducted on a UK-wide basis that will include Northern Ireland. Hopefully, in the next number of months, we will get the beginnings of an accurate picture. My instinct is that the use of zero-hours contracts is not as prevalent in Northern Ireland as it is in other parts of the UK. Nonetheless, it is a feature of some aspects of our economy. I cannot give precise figures on the health service per se — no doubt, the Health Minister can provide those answers — but we have taken soundings on our further education colleges and universities. Certainly, those contracts do not appear to be a large feature of employment in those sectors. Indeed, in universities, they are virtually non-existent, which stands in contrast to the pattern of what universities do in other parts of the UK.

### Universities: Equality/Discrimination

6. **Mr Humphrey** asked the Minister for Employment and Learning whether he is confident that equality is being delivered in Northern Ireland's universities and whether he agrees that no student should feel discriminated against. (AQT 946/11-15)

**Dr Farry:** It is important to bear in mind not just that our universities are shared spaces but that their provision is fully integrated. I believe that, in the main, a neutral environment is provided for education and training in the university setting. I encourage people who feel that that

is not the case or that we are falling short in that regard to come forward and talk to their university to see whether such a situation exists and, if it does, what measures can be taken to address it.

**Mr Humphrey:** I thank the Minister for his response. I note that he said, "in the main". I assure the Minister that party colleagues and I met students representing an organisation called Unionist Students recently and some of the stories, testimonies and examples that they gave us suggested that, even when they had spoken to university officials, nothing had been done. Will the Minister commit to meeting me and my party colleagues to address that issue and the real concerns of unionist students in all universities throughout Northern Ireland?

**Dr Farry:** I am not aware of the full details of what the Member has outlined, nor indeed of the response of the university authorities to what has been said. I encourage the Member to get in touch with me and set out those issues on paper. I will certainly take a look at that. I am open to having a meeting with him and his colleagues as a follow-up to that, in order to further explore the issues and concerns that he and his colleagues wish to outline.

### One Plan: Foyle

7. **Mr P Ramsey** asked the Minister for Employment and Learning for an update on the work of the intergovernmental group on the implementation of the One Plan in Foyle. (AQT 947/11-15)

**Dr Farry:** I probably cannot give a response on that, given that it is being driven locally in Derry and proposals are being made for a business case for expansion of the number of places. From my perspective, I am committed to trying to reach the 1,000 target by 2015. I feel that we have made good progress, with 650-plus places already, which is well in excess of any expectation that we had when I assumed office in 2011.

2.45 pm

## Social Development

**Mr Speaker:** Question 4 has been withdrawn. Bronwyn McGahan is not in her place. Let us move on.

### Queen's Parade, Bangor

2. **Mr Dunne** asked the Minister for Social Development for an update on the Queen's Parade redevelopment scheme in Bangor. (AQO 5889/11-15)

**Mr McCausland (The Minister for Social Development):** I thank the Member for his question. My Department is fully committed to the development and regeneration of Bangor town centre. In July 2011, I published the Bangor town centre master plan, which set out a range of proposals for the regeneration of the town centre, including a major development scheme for the Queen's Parade area that the plan identified as the optimum way to regenerate the town centre.

In March 2013, I gave my Department approval to purchase landholdings at Queen's Parade, Bangor, when the previous private sector plans stalled. In the interests of the better planning of Bangor, my Department is taking the

lead in progressing proposals for a major comprehensive development scheme, which was endorsed in the Bangor master plan. Schemes of this size and ambition are complex and challenging to deliver, and my Department has established a project board to oversee the comprehensive development of the site and attain planning approval for the development.

In recent months, my Department has purchased a number of additional properties required to complete the proposed site boundary, and negotiations are ongoing with the remaining property owners. The procurement process to appoint a team of consultants to take forward a planning application for Queen's Parade was also finalised in March. Turley Associates, the successful team, will work with my officials to carry out some early engagement events to seek the views of the public, local businesses and the council on what they would like to see developed on the site.

In taking forward development plans, my Department is committed to ensuring that there is effective communication with and involvement of the local community and all key stakeholders. Previous development proposals have been set aside, and we are starting with a blank sheet in terms of what the site will look like. This is a major regeneration project, and it will take 12 months to assemble all the land needed and attain planning approval.

**Mr Dunne:** I thank the Minister for his answer. I put on record our thanks to the Minister for his interest in the Bangor seafront and for DSD's input into the public realm works in Bangor and Holywood, which are to start shortly. Will the Minister advise on timescales and assure us that we are not just going round on another roundabout at Pickie but are making real progress and that DSD will really be able to influence outcomes on Bangor seafront?

**Mr McCausland:** The first in a number of key steps that now need to be taken is to assemble the site. My Department has already agreed purchases for four of the 12 properties needed by mutual consent, and discussions with the remaining property owners within the proposed site boundary are ongoing. Turley Associates, a leading planning team, was appointed in March 2014 to attain planning approval for the Queen's Parade site by March 2015.

The Member will be aware that, under the reform of local government, responsibility for regeneration will transfer to councils in April 2015. At that point, the council will become responsible for taking the next step to bring on board a contractor to construct the scheme in line with the planning approval. If all progresses smoothly, construction on the site would commence in 2017-18. This is a major development. There is, obviously, a timeline for construction work to start, but I assure the Member that I am fully committed to seeing the redevelopment of that prestigious and important site on the seafront. I am sure that the council, when it inherits this work, will be equally committed; I know that to be the case.

**Mr Agnew:** I also thank the Minister for his and the Department's interest in Bangor seafront. What work is the Department doing to ensure that community input goes beyond passive consultation to include active community participation?

**Mr McCausland:** I can assure that Member in that regard because my Department has established a

community engagement consultation group that comprises representatives of the Harbour Ward Community Association, who are people from the area; For a Better Bangor (FABB); town centre management; the Chamber of Commerce; and North Down Borough Council. That community engagement consultation group will work closely with Turley Associates to develop viable proposals for the site. It is important that we get the maximum input from as many stakeholders as possible so that their wisdom, insights and ideas are fed into the process. I hope that the Member will be reassured by that.

### Co-Ownership Housing: Finance

**3. Ms Ruane** asked the Minister for Social Development to outline any departmental finance that has been provided to Co-Ownership Housing in each of the past three years. (AQO 5890/11-15)

**Mr McCausland:** During my term in office, I have taken significant steps to meet need across all housing tenures, and I have responded to the challenging economic situation with the first ever housing strategy for Northern Ireland. As part of that strategy, I am committed to increasing the supply of affordable housing.

In conjunction with private finance resources, funding from my Department has allowed Co-Ownership to support the purchase of around 2,800 affordable homes over the past three years. That has helped to meet the aspirations of those who seek to become homeowners but cannot do so without the assistance of the co-ownership scheme. It allows applicants to purchase a home without taking out a mortgage for the full purchase price, allowing them to buy as large a share as they can to start with. The funding allocated to the Northern Ireland Co-Ownership Housing Association was £28.25million in 2011-12; £33 million in 2012-13; and £50 million in 2013-14.

There are real benefits from providing affordable homes through co-ownership. First, they cost the Government nothing in maintenance because, unlike with social homes, maintenance costs fall to the applicant who purchases a home under the scheme. Secondly, it allows my Department to utilise its budget better to support more households. Thirdly, in assisting people to buy their own home, the scheme removes the need for those who wish to purchase their own home but cannot do so outright to apply to the social housing waiting list to have their housing needs met. It therefore helps to shorten the housing waiting list.

Co-ownership also benefits the Northern Ireland economy, as around 50% of homes purchased through the scheme are newbuilds, and the local economic multiplier effect means that, for every 10 jobs created or sustained in the construction industry through housing projects, a further seven are sustained in other areas of the economy.

**Ms Ruane:** Gabhaim buíochas leis an Aire as an bhfreagra sin. I thank the Minister for his response. Will he update us on what additional funding has been allocated to Co-Ownership Housing from monitoring rounds in this mandate?

**Mr McCausland:** I do not have the precise figures to hand, but I am sure that the Member will be well aware of them, having researched the matter before asking the question. I will be happy to supply the precise figures. It is important

that, where money cannot be spent in a particular area, we seek to have it transferred and used profitably rather than being drawn off towards the end of the year and going back to the Treasury.

It is important for the Member to grasp also that we should not see the different tenures as totally unconnected. As I pointed out in my initial answer, someone might go into a social home because they are not in a position to start the purchase of their own home. If we are able to assist them to start the purchase through co-ownership, we free up a social house for another family. It is a matter of looking at housing provision across all tenures because they all help to meet the need. However, I will provide detailed figures to the Member.

**Mr Campbell:** The Minister has outlined the benefit of co-ownership: what changes have there been in that benefit since he came into office?

**Mr McCausland:** The Member makes an important point about the scale of provision. Co-ownership has been hugely beneficial in meeting housing need over the period. The number of co-ownership purchases over the past three years are as follows: in 2011-12, there were 643 houses; in 2012-13, there were 957 houses; and, in 2013-14, we are on track to deliver 1,200 house purchases by today, this being the last day of March. The number of social homes delivered in the same period was 1,410 in 2011-12; 1,379 in 2012-13; and 1,275 in 2013-14.

The other great benefit is to the construction sector through job creation and the knock-on multiplier effect that comes with construction jobs. The big challenge now with co-ownership and social homes is to work with the housing association sector to increase the number of social homes provided, deal with the blockages and facilitate the expansion of that sector to deliver more homes.

**Mrs D Kelly:** I am grateful to the Minister for his responses so far. Minister, how can you ensure that you get the balance right, given the high level of demand for social housing and the fact that more people now live in private rented accommodation than in the social housing sector?

**Mr McCausland:** I will make the same point to the Member as I did to Ms Ruane: the key to this is to understand that housing provision has to be seen right across the board. There is nothing wrong with living in a private rented house. Somehow or other, it is almost stigmatised by some political parties, whereas in Great Britain and elsewhere across Europe, it is quite a major element of housing tenure. With the private rented sector, we need to do something that I am already doing, which is to see more monitoring, registration, regulation and legislation in place to make sure that it is fit for purpose. That is something that I have taken forward already, with landlord registration and tenancy deposit schemes etc. That is important, because private rented accommodation is always going to be a major element of housing provision in Northern Ireland.

As I indicated in my answer to Mr Campbell, we need to work closely with the housing associations on the social housing development programme to find out what the blockages are that prevent them delivering more. There was a period some years ago when it was very simple for them, because they just bought off the shelf. The housing market was such that there were a lot of houses sitting about, but that has largely been soaked up. That was why

it was possible to deliver more at a particular point in time some years ago. Now, that has largely been mopped up, and we are in a position where the focus has to be much more on newbuild. We need to work closely with the housing associations to tackle the blockages that exist. I may well return to that later, but I will say now that that is something that we are working to tackle.

### Affordable Homes Loan Fund

5. **Mr Dallat** asked the Minister for Social Development to outline the proposed locations for housing schemes which are available through the affordable homes loan fund. (AQO 5892/11-15)

**Mr McCausland:** I launched the first scheme under the affordable home loans fund on 20 March this year. That happened to be at a Clanmil Housing Association scheme in Lisburn. Other schemes will be coming online over the next few months, and I hope that they will have as wide a geographical spread as possible across Northern Ireland, remembering, of course, that affordable housing is necessarily a demand-led undertaking. Early proposed schemes include those in east Belfast and north Belfast, as well as the scheme that I launched recently in Lisburn.

**Mr Dallat:** I thank the Minister for his answer. In deciding the locations for affordable housing, is he mindful of the history of this place, where, in the past, housing was decided on potential votes, rather than on the needs of the people?

**Mr McCausland:** It would be helpful if the Member understood better what the affordable home loans fund is about. In my initial answer, I said that this was necessarily a demand-led undertaking. I do not say to a housing association that it should build here, there or somewhere else. They look at what is available, and they decide whether they can make a scheme stack up. They have access to £19 million over the next number of years. A number of associations in Northern Ireland have been able to bid successfully — I wish there had been more — and I congratulate them on their initiative in coming up with good schemes that stacked up. Ultimately, however, they will decide on the areas where housing is provided.

In the case of Lisburn, it was a simple choice for Clanmil, because there were houses there that it was able to bring back into use that would otherwise have been empty. I will make the point clearly, as I have done on a number of occasions, that, in all these matters, I will stand over my record of being fair and equitable. I want to address some of the inequities of the past, and I will continue to do that, for example with regard to the maintenance of Housing Executive properties. As in all these things, if the Member understands the scheme properly, he will know that it is up to the housing associations themselves.

### 3.00 pm

**Lord Morrow:** The Minister has, to some degree, answered my supplementary question. I feel that there is not enough detail available on the affordable home loans fund. Can the Minister elaborate a bit?

**Mr McCausland:** I am happy to do that. Indeed, I hope that Mr Dallat will find that helpful in increasing his understanding of the scheme.

The fund is the local application of the Get Britain Building scheme, which was set up by the United Kingdom Government to increase housing supply and support the construction industry. Three local housing associations were successful and bid for a total of £19 million from the fund. They are Apex, Clanmil and Oaklee. All submitted exciting and innovative proposals that will increase the supply of affordable homes in Northern Ireland as well as bringing empty homes back into use. That is important because there are far too many empty homes — many have been left lying around for far too long.

Those exciting and innovative proposals are different from the existing co-ownership model in that, rather than purchasers selecting a property and then applying to co-ownership for support, the housing association involved will develop specific housing schemes with associated shared equity finance available. While complementary to the existing co-ownership scheme, these affordable home loans schemes offer the first shared equity alternatives to it, and the proposals from Apex, Clanmil and Oaklee offer a mix of newbuild, with all the associated benefits for the construction sector, and the refurbishment of empty homes, which also creates work for the construction sector and will bring vacant properties back from disrepair into much-needed and valued family homes.

Over the next six years, the fund will deliver up to 600 affordable homes across the Province, and that means that up to 600 more families in Northern Ireland will be able to take that first important step on to the property ladder. I am sure that all Members from all parties will welcome that.

### Universal Credit

6. **Mr Cree** asked the Minister for Social Development for his assessment of the findings arising from the piloting of universal credit in Great Britain. (AQO 5893/11-15)

**Mr McCausland:** The piloting of universal credit in Great Britain, which is commonly referred to as a pathfinder or, more recently, as the universal credit live service, by the Department for Work and Pensions (DWP) has been designed to test the information and communication technology (ICT) system and the claimant experience, and to inform the ongoing development of processes and systems before further expansion.

While my officials are engaged at a number of levels with the Department for Work and Pensions to ensure that Northern Ireland is aware of progress with the ongoing development of the system, I am not in a position to provide an assessment of the live service, as the Department for Work and Pensions evaluation is ongoing and, to date, has been based on a limited number of potential claimants. That group is currently limited to claimants who are under 25 years of age with no housing costs or children. Plans are in place to expand that group to couples and families during 2014, and that will allow the supporting IT to be further developed and tested.

The outworking of the approach that is being taken by DWP, and the lessons learned from live running, will inform decisions on when the system will go live in Northern Ireland.

**Mr Cree:** I thank the Minister for his response, albeit I was hoping for a lot more detail. Obviously it is early days yet.

Does the Minister have any detail at all on, for example, the number of single men, the size of the samples or any of that sort of thing that would be useful to Northern Ireland?

**Mr McCausland:** All I can do is reiterate for the Member the point that I made. It is an important one. I am not in a position to provide an assessment because the people in the Department for Work and Pensions, who are the folk whose scheme it is and who have commissioned and are developing the ICT system, have not yet carried out or completed their evaluation. It is an ongoing thing, on the basis that, as different categories of claimant come in, the process will be iterative. It is not simply a case of doing an evaluation on a certain date; it is an ongoing process. The idea is that, as it goes on, you learn lessons, and things that maybe have not been properly aligned or set up are then adjusted accordingly on the way forward. It is important to bear that in mind.

All I can say is that the claimants who are involved so far are from the category of under-25s with no housing costs or children. Over the next number of months, that will be expanded as it is rolled forward. Those are questions that need to be directed to the Department for Work and Pensions. It has not issued any evaluation publicly yet.

**Mr Newton:** I thank the Minister for his answers thus far. Will he tell us whether a live pilot programme will be introduced into Northern Ireland before the Welfare Reform Bill receives Royal Assent?

**Mr McCausland:** I thank the Member for that question because it is particularly pertinent. The answer is no. Universal credit regulations — not only the legislation but the regulations — must be in place in Northern Ireland before a pilot can be introduced. The continued delay, therefore, in enacting legislation is also limiting opportunities to test the system fully in Northern Ireland, including the payment flexibilities that I secured for Northern Ireland claimants. Any opportunity to test that in Northern Ireland is utterly impossible until we get to that point.

Let me put a timeline on it: to get legislation and regulations through the Assembly, and to do it properly, will take us the rest of 2014 and right through 2015. If people think that they can keep it on the long finger and, somehow or other, after the next Westminster election, with a new Government in place, it will suddenly disappear, they will be woefully disappointed. That is quite clear, whether the new Government is Tory-led or Labour-led. The Labour Party is as committed to welfare reform as the Conservatives. There may be a difference with one issue — underoccupancy or the bedroom tax, however you describe it — but the principle of moving forward with welfare reform is common to both main parties across the water, and they will be at the heart, somewhere or other, of the new Government.

**Mr McKinney:** I thank the Minister for his answers thus far. Will he outline fully the planned flexibilities in implementation, given the lessons that have been learned from the pilot scheme in England?

**Mr McCausland:** I understand the first part of the Member's question, but I have difficulty with the second part. In the roll-out across the water, the pilot scheme is designed to evaluate the IT system. The point I made earlier is that that evaluation has not been made public. Therefore, I find it difficult to deal with that aspect of the question.

The flexibilities and mitigations are as follows. Three initial flexibilities were dealt with in January 2013. Further mitigations were developed over the next number of months, right through to June 2013. The matter has largely been parked for reasons that the Member and other Members are well aware of. I am not in a position to state publicly in the Chamber all the detail because a paper is with the Executive. However, I can say this: it has been pretty well trailed in the newspapers by lots of other people, and I have not been out and about denying what has been trailed. The Member can draw his own conclusions from that.

Let me reiterate: I want to make sure that we get the best outcome for Northern Ireland and that welfare reform, Northern Ireland-style, is different in various ways from its implementation in GB. I believe that the package of flexibilities and mitigations that I developed last year will be very much to the benefit of the people of Northern Ireland. The dangers are that we get ourselves into a position where we lose some of those, we lose jobs, and we are billed, potentially for £1 billion. All those things should focus minds, but, sadly, they have not done so to date.

### Housing: Segregation

7. **Mr McCarthy** asked the Minister for Social Development to outline how his Department measures the extent to which local housing is segregated. (AQO 5894/11-15)

**Mr McCausland:** I thank the Member for his question. My Department does not measure the extent to which local housing is segregated. My Department and the Northern Ireland Housing Executive actively undertake and commission ongoing research to support a strategic approach to housing in Northern Ireland. The research planned for 2014-15 will include an update, using 2011 census data, to a study based on the 2001 census findings that focused on residential segregation. The Member may wish to note that the findings of that research, based on levels of segregation over time, found that levels of segregation increased between 1971 and 1991 and changed little between 1991 and 2001.

**Mr McCarthy:** I thank the Minister for his response. It is disappointing to hear the figures that he mentioned. What does the Minister make of the impact of segregation and his ability to efficiently supply social housing across Northern Ireland?

**Mr McCausland:** The delivery of social housing is very much determined by the Housing Executive in drawing up the social housing development programme. That is based on a scheme and a methodology that has been there for many years, and it is based on actual facts and figures.

The impact of segregation on the delivery is a question that people might well speculate on. However, we are moving forward with a number of projects, including identifying schemes that could be shared schemes, looking at establishing more thoroughly the work that has been ongoing by the Housing Executive on shared locations, and looking at mixed tenure developments in the private sector. One of the things that I did in that regard, and I am sure that the Member will endorse it, is this: I made the centre of Belfast a common landlord area so that it is not identified with one community or the other, and people from every community can put that down as a common landlord area. That was a positive initiative

that I brought forward to try to ensure that the centre of the city is a shared site. I see the Member nodding, so he agrees with that. There are things that we can do. What is being taken forward under Together: Building a United Community (T:BUC) will also help.

**Ms P Bradley:** In the Minister's first response to Mr McCarthy, he mentioned research. Can the Minister expand on what the research had to say?

**Mr McCausland:** The Housing Executive published research on mapping segregation in Northern Ireland in 2009, which was based on the 2001 census. Ninety-one per cent of all Belfast Housing Executive estates were highly polarised: they had more than 80% of one community or less than 20% of one community.

The research also looked at all district councils across Northern Ireland and found that segregation was not uniformly high across council areas, suggesting that the findings for Belfast may not be typical. The figures cover Housing Executive estates but include a range of tenure types. For example, in 2001, Belfast Housing Executive estates consisted of 60% social rented tenants, 34% owner-occupiers and 5% private rented tenants. There is no uniformity even in that. Some estates have a very low level of owner-occupiers, and, over the years, in other Housing Executive estates, a significant number of the tenants have become owner-occupiers. So the situation is quite varied from place to place.

The Northern Ireland life and times survey for 2012 showed that 70% of people would prefer to live in a mixed-religion neighbourhood. I hope that that information addresses the question.

## Social Housing: Belfast

8. **Mr Sheehan** asked the Minister for Social Development whether his Department, the Housing Executive or housing associations are pursuing the issue of available land within Belfast city centre for social housing developments. (AQO 5895/11-15)

**Mr McCausland:** The Housing Executive, as the arbiter of housing need, determines where social housing should be built and programmes schemes to meet that demand. That is its responsibility. Housing associations are responsible for identifying potential development sites for inclusion in the social housing development programme. The Housing Executive will support building where need is clearly identified, and has encouraged housing associations to bring forward proposals for development in the new Belfast city centre common landlord area. A primary aim of the new common landlord area is to promote shared residential development in the commercial, administrative and cultural heart of Belfast.

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

## Housing Executive: Alleged Contractor Overcharging

1. **Mr Allister** asked the Minister for Social Development whether he will make a commitment to make a statement to the House on the fact that the board of the Housing Executive is reported to have approved a settlement

with the four contractors that the Minister alleged had overcharged by £18 million and when he will make that statement. (AQT 951/11-15)

3.15 pm

**Mr McCausland:** First, I am disappointed that someone who is a member of the Social Development Committee, and has been for a time, is not better informed on the matter. The figure that was referred to by the Member was provided by the Northern Ireland Housing Executive to me. [Interruption.]

**Mr Speaker:** Order.

**Mr McCausland:** It is clear that Mr Dallat's level of understanding of a number of issues seems to be rather limited. Perhaps if he listened more, he would learn more.

I will reiterate the point that I just made: the figure was provided to me by the Housing Executive. It is a figure that had been put to its board before I ever saw it. It was the Housing Executive's own figure. I want to see forward movement as soon as possible, and I hope that a satisfactory outcome will be arrived at between the Housing Executive and various contractors as soon as possible, because it is in everyone's interest that that should happen. I am sure that, at that point, there will be something to be said to Members.

**Mr Allister:** Having made the false allegation about the £18 million, the Minister is the last one who should be talking about being better informed. Will he commit to making a public oral statement in the House on the outcome to match the fact that he made the allegation by way of a public oral statement? Will he make that commitment?

**Mr McCausland:** Perhaps Mr Dallat is not the only person who needs to listen and learn. To accuse another Member of a falsehood is a matter that may be considered and reflected on, because, as I am sure the Member is well aware, it may not be an appropriate statement to make.

I have said already that the figure that was given to the Assembly is the figure that was given to me by the Housing Executive. It is a figure that was provided by the Housing Executive; it was its figure; the Member knows that; and I wish that the Member would reflect on that. Whatever happens moving forward, it is absolutely essential that we do nothing in the Chamber that will, in any way, make it more difficult for the Housing Executive to reach agreement with the contractors.

The Member might also care to reflect on the full detail of what I said at the time, because sometimes it gets distorted. I do not suggest for a moment that that was for party political purposes — I would not suggest that — but others may well think it.

## DVA: Job Losses

2. **Mrs McKeivitt** asked the Minister for Social Development what contribution he will make to filling the vacuum created by the 300 Driver and Vehicle Agency jobs that will be lost, the majority of which will be in Coleraine. (AQT 952/11-15)

**Mr McCausland:** I can assure the Member that my Department has staff spread across Northern Ireland. Our staff are not focused on one particular part of the Province.

The Housing Executive and the Social Security Agency have offices in many parts, particularly the Housing Executive, so DSD staff are widely spread out.

I share the Member's disappointment on the decision to remove those jobs from Northern Ireland. I can also assure the Member that my Department is undertaking a programme of reform and modernisation across a range of its responsibilities. The pace and range of the change, not least the need for significant staff redeployment as a consequence of local government reform, means that my Department does not have the capacity to transfer a block of work to Coleraine, as sometimes people might wish for. However, I can offer an assurance that my Department will work collaboratively with DFP and other Departments to accommodate surplus staff through the operation of the Northern Ireland Civil Service vacancy management process.

**Mrs McKeivitt:** Can the Minister assure his workers in Crown Buildings in Coleraine that their jobs are safe and will not follow the same path as those of the Driver and Vehicle Agency (DVA) workers?

**Mr McCausland:** I will make two points, the first point of which is more general. If welfare reform does not move — if it is stalled and blocked by some people because their parties lack leadership — we may be talking about more job losses in Northern Ireland. We are talking about a substantial number of jobs: more than 1,500 jobs in Northern Ireland delivering services to people in regions of Great Britain. Those jobs will go; there is no way that the Government at Westminster are going to say, "You've gone it alone. We're taking the pain here in GB as regards implementing welfare reform, and you think you're going to keep those jobs?" Anybody who thinks that is living in cloud cuckoo land. At that point, some Members will have to go back to the people who have been thrown out of their jobs because of the Members' incompetence and intransigence. The staff spread across offices in Northern Ireland, including many up in the north-west, will say, "Why on earth were you so intransigent? Why were you so fixed in your ways that you couldn't see the reality on the ground? Why did you act in a way that cost us our jobs?" That is an answer that I would not want to have to give to people in those offices. People in other parties will have to answer to a lot of those people.

The Social Security Agency remains committed to providing front line services from the Coleraine jobs and benefits office. The office will also continue to house the error reduction and information security unit.

I make this final statement: I hope that Members on the other side of the Chamber will reflect on what I have said today about jobs. I would certainly not want to be the one who goes back and tries to explain to somebody put out of a job because of their intransigence.

**Some Members:** Hear, hear.

### **Welfare Reform: Underoccupancy Penalty**

3. **Mrs Overend** asked the Minister for Social Development for his assessment of the biggest challenges that would be faced with the introduction of the underoccupancy penalty in Northern Ireland. (AQT 953/11-15)

**Mr McCausland:** We are into the area again that is a wee bit grey because there is a paper before the Executive about mitigations for welfare reform. However, it has been widely trailed in the media that there is a significant element to address the issue of underoccupancy or bedroom tax, however you describe it. When I came into the Department, and the Housing Executive first brought forward the social housing development programme, I said, "Did you, in drawing this up, take account of welfare reform?" The straight answer was no. I did not see suitable properties in the list; the Housing Executive was still building properties of a larger size and not enough one- and two-person properties. We said to it very clearly at that point, "Take that back and rework it". I am glad to say that we are now in a position in which there is a higher level of delivery of smaller units to prepare for the potential implementation of welfare reform in Northern Ireland.

That said, there is a significant provision in the package of mitigations that I have developed to address the issue of the bedroom tax, which obviously concerns the Member and others.

**Mrs Overend:** Maybe the Minister will clarify whether he is aware of the pledge by the leader of the Labour Party, who said:

*"If we win the next election, I will scrap the Bedroom Tax. No ifs or buts: a One Nation Labour government will repeal it."*

Given that it appears that Northern Ireland is many months away from any Bill receiving Royal Assent, does he still think that it is a wise decision, even at this late stage, to bring in a policy that could likely be repealed within a matter of months?

**Mr McCausland:** With respect, I find the question somewhat confusing and contradictory. I reiterate what I said in response to an earlier question: it is absolutely clear that the situation in GB will be dependent on which party emerges as the main party after the election. I said clearly, therefore, that I am well aware of the position of the Labour Party vis-à-vis the Conservative Party on the issue. However, I am not a prophet; I assume that the Member is not, either. Neither of us can predict the outcome of the forthcoming Westminster election next year. It is 13 or 14 months away, so we will have to wait and see in that regard.

We need to be prepared for the situation here in Northern Ireland. I have said already that the timescale for bringing in legislation and regulations will be the end of 2015. Therefore, it is incumbent on us to make sure, in the meantime, that we are at least prepared in case a Government after the next election continue the bedroom tax. That is why I have been preparing a mitigation package to deal with that. It is important that we do that, and it would be remiss of me not to do so. I am sure that the Member and other Members will support the measure that I brought to the Executive. I hope that that measure will get beyond the Executive and into the Assembly so that Members can discuss and see, in a knowing and informed way, the good package of measures that I and colleagues have developed.

## Welfare Reform: Flexibilities

4. **Mr Ross** asked the Minister for Social Development whether he is content that the many flexibilities that he gained and secured from the national Government are enough to help us to mitigate the worst aspects of welfare reform for the most vulnerable in Northern Ireland. (AQT 954/11-15)

**Mr McCausland:** I welcome the fact that the Member, in posing that question, spoke about the most vulnerable in our society. In all of this, it has been my intention to make sure that the vulnerable are protected. We need to have a good welfare system to protect those who are vulnerable and who do not want to be in that situation but find themselves in it perhaps because of illness, unemployment or other circumstances. We should have concern for them.

I believe that the package of measures that I have developed and that were presented to the Executive demonstrate how we can implement welfare reform here to see devolution working for the people of Northern Ireland and protect the most vulnerable. There are some in the Chamber and elsewhere — well, there are not that many in the Chamber but there are one or two — who think that it would be a good idea to do away with the Assembly and have direct rule. The fact is that, if we had direct rule here in Northern Ireland —

**Mr Allister:** *[Interruption.]*

**Mr Speaker:** Order.

**Mr McCausland:** It always seems to be the same individual who is not able to listen. He always has a lot to say but of very little substance, and he has an inability to listen.

Returning to the point, if we had direct rule here in Northern Ireland, we would be in a position where welfare reform, Tory style, would be imposed on Northern Ireland. We are able to deliver a better outcome for the people of Northern Ireland because of devolution. This is an excellent example of devolution delivering for the people of Northern Ireland and protecting the most vulnerable.

I listened to recent comments by Church leaders in England about the impact of welfare reform on the most vulnerable. I can confirm that the package of measures that I am presenting will ensure that similar issues do not arise here in Northern Ireland. I met the leaders of the four main Churches here recently. We had a very good discussion and, on quite a lot of points, they were supportive of what we are doing.

**Mr Ross:** I congratulate the Minister on the flexibilities that he has secured from the Government. I am sure that we are the envy of other regions across the United Kingdom because of the measures that he has gained. Have those who are still opposing welfare reform in Northern Ireland and bringing the Bill back to the Assembly presented the Minister with a set of proposals of their own or outlined any areas in which they want to gain further flexibility?

**Mr McCausland:** It does not take long to answer that question. There has been a shortage of ideas coming forward in that regard. People may bluff and bluster, make grand statements and grab a headline, but the hard work was done in the Department for Social Development by myself, my colleagues and my officials. We were all in there working together to make sure that we got a good

outcome for Northern Ireland. I have not heard any of these other things.

The reality is that the people who want to behave like an ostrich, bury their head in the sand and hope that it will all go away will, if they have their way, simply burden the people of Northern Ireland with a bill of £1 billion to be paid back to the Treasury. Some people even think that we should develop our own IT system for Northern Ireland. That would burden us with a bill of £1.6 billion. With £1 billion to be paid back and a bill of £1.6 billion for developing our own IT system, there will not be much money left in the Budget in Northern Ireland for housing, hospitals, schools and all the other things that are so dear to our hearts. I caution people to think very carefully about that.

3.30 pm

## Question for Urgent Oral Answer

### Health, Social Services and Public Safety

#### Northern Health and Social Care Trust: Deaths

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

**Mr Beggs** asked the Minister of Health, Social Services and Public Safety to explain the 11 deaths within the 20 incidents that have been identified, in which the response by the Northern Health and Social Care Trust was below standard.

**Mr Poots (The Minister of Health, Social Services and Public Safety):** First, I want again to place on record my sympathy for the patients and families involved. Our primary concern should, first and foremost, be for them.

The Northern Trust provided the list of 20 cases to my Department last week. In the interests of openness and transparency, I acted quickly to advise the Assembly of this information. Investigations are ongoing, and I will receive regular updates on their outcome. I wish to be careful about the detail that I provide, given the potential for inadvertently identifying individual cases and to avoid prejudging the outcome of ongoing investigations or any other processes that may already have been or may be instigated on the back of these investigations.

The 11 deaths occurred between 2008 and 2013. Six of the cases involved the death of an adult patient, and five involved a perinatal death. I am seeking assurances from the trust that appropriate actions have now been taken in each case. I will continue to update the Assembly regularly, as I have been doing, on matters relating to these investigations and on other issues that may have been of concern to the Assembly recently.

**Mr Beggs:** I thank the Minister and the health trust for their statements, which have shone a light on this area. However, through the media, we have also learned of families who had to strive to uncover the reasons for their loved one's death, so can the Minister assure us that, in future, all deaths in hospitals under suspicious circumstances will be reported to the coroner and that the deficiencies that occurred in the past will remain in the past?

**Mr Poots:** I thank the Member for the question. I think that the actions taken by the turnaround team should assist the families in getting the details that they have been striving to get since 2010. During the period of 2010 to July 2013, a total of 5,655 deaths were reported by hospitals to the coroner. Of those, 56 were reported late, which represents slightly less than 1%. Of those 56, nine deaths were

reported more than 10 days late, with the others reported less than 10 days late. Reporting is carried out extensively by hospitals on deaths, inadvertent or otherwise, in our hospitals.

**Ms Maeve McLaughlin:** Go raibh maith agat. Given the recent statement and the lack of public confidence in large parts of our health service, should the Minister now be considering his position or, at the very least, looking to scrap Transforming Your Care?

**Mr Poots:** I am sorry that the Chairman has let herself down so badly on a day like this. We are dealing with deaths that stretch back to 2008. I do not wish to be political about this, but, given that I was not the Minister until 2011, I would hardly be resigning over deaths that took place prior to that. Had I done nothing in the Northern Trust, the Member may have had some case to make, but, in 2011, I put a turnaround team into the Northern Trust. That was the year that I took office. It is as a result of the work of the turnaround team that this evidence is coming forward. We are casting a light on previous deficiencies. That is as a result of actions that I have taken: sacking the previous chair of that trust; bringing in new people to manage it; and appointing a new medical director.

Those are the reasons why we are now casting a light on the issue. We are doing it with transparency because we do not accept the culture of cover-up in health issues that has existed for very many years. We want the public to be informed when we get it wrong. We do not get it wrong very often, but we want the public, and the families in particular, to be informed when that is the case. We do not want another situation that is similar to that with hyponatraemia, whereby, 17 years later, people are still carrying the pain of something happening but not being told the truth about it.

**Mr G Robinson:** Will the Minister confirm whether all the relatives who are involved in the current situation in the Northern Trust, including the Causeway Hospital, have been informed? If not, will he give a time frame for that to happen?

**Mr Poots:** I understand that efforts have been made to contact all the families. I believe that, for a variety of reasons, not all the families have received all the details at this point. We have instructed the trust that it is its responsibility not just to be in a dialogue but to have meaningful engagement with those families and to go through the details and answer the questions that they may have. So it is very clear that we expect that to happen, and I believe that a considerable amount of work has been done on that front. However, there may still be some areas that require completion.

**Mr McKinney:** In our view, this is about transparency, accountability and delivery. I will read into the record for the House a comment that the coroner made at the inquest into one of the deaths involved. He stated:

*"I have concerns that there seems to have been some agreement between the medical staff and the family that there's no need to report the death to the coroner's office ... That is absolutely wrong and cannot be justified."*

He went on to consider that happening before and added that, were that the case, he would refer the issue to the police, as it was "a very serious matter".

Given those comments and the Minister's statement from the weekend, is it not now time to involve the Attorney General, whose job it is to look after the public interest in legal matters?

**Mr Poots:** I thank the Member for the question. It is a perfectly reasonable question, but not necessarily asked of the right person.

Where hospital deaths are concerned, section 7 of the Coroners Act (Northern Ireland) 1959 confers a statutory obligation on every medical practitioner who has reason to believe that a death has occurred, directly or indirectly, from any cause other than natural illness or disease or in such circumstances as require investigation to report the death to the coroner. Failure to make such a report is a summary offence, punishable on conviction with a fine.

The Department is taking a number of steps to improve the current system. The Legal Aid and Coroners' Courts Bill will provide for the Lord Chief Justice to be the president of the Coroners' Court and will require him to appoint a presiding coroner. That will formalise his responsibilities in relation to coroners and the Coroners' Court in line with existing arrangements for other judiciaries and courts in Northern Ireland. There were also amendments to the coroners' legislation in the Coroners and Justice Act 2009 that provide coroners with new powers where witnesses and evidence are concerned. Essentially, if coroners are not happy with doctors' reporting to them, they can take action. The responsibility for such action lies with the coroners.

**Mr McCarthy:** I thank the Minister for his response. In last Friday's statement, he said of the 11 deaths:

*"it is not clear that these were avoidable deaths but ... the Trust's response should have been better."*

Minister, surely that is a gross understatement. Should you not have been more dogmatic and strong in telling any trust that one avoidable death would simply not be tolerated on your watch?

**Mr Poots:** That would be a great position to be in. However, perhaps I could take the Member to a scenario in some of our emergency departments or, indeed, other parts of the hospital. All the information might not be readily available, and someone might make a decision based on the best knowledge that they have at that time and get it wrong. The consequence of that can, unfortunately, be death, because we are dealing with life and death. The truth is that our hospitals have an excellent safety record — better than the rest of the United Kingdom, on average — but, on occasions, these things happen. For the individuals, when it does happen, it is catastrophic, and for the families, it is devastating. So, unfortunately, when a hospital gets it wrong, a clinician gets it wrong, or, indeed, somebody else gets it wrong in our hospital environment, the damage and impact of it is absolutely devastating.

There are 15 million key interactions between health and social care staff and patients each year. There are 1.5 million outpatient attendances, over 700,000 treatments at accident and emergency and 500,000 inpatient or day-case admissions. I wish that we never got it wrong. Where people have got it wrong in ways that have been negligent, discipline has been taking place, and other cases are

ongoing. Those matters are looked into and investigated, and actions are flowing from that.

**Mr Allister:** Given this further sad and sorry saga, is it not now time for the Minister to move on the issue of introducing a statutory duty of candour such as was recommended in the Francis report and such as has been moved on elsewhere in the United Kingdom? Is it not now time to announce such a commitment and to move forward so that we are not reliant on doctors retrospectively coming forward to tell things that should have been told at the time? They would have to be told at the time, because they would be in breach of their statutory duty if they did not.

**Mr Poots:** Again, I thank the Member for the question, which is a perfectly reasonable one. Among the actions that are flowing from that, we have requested officials to provide us with a report on a duty of candour and the pros and cons of it. I am somewhat inclined to go with a duty of candour. I think that much of what is actually involved in a duty of candour is already in a professional clinicians' body's regulations in any event, so, in some senses, it would not introduce that much new where the professional bodies exist.

What I am concerned about in many of those instances is actual reporting and whether there should be a duty of reporting, because a lot of it is about reporting in the first instance as opposed to the candour of the reports. We are certainly open to the idea, but I do not think it is the entire solution. I think it may be part of a solution. For instance, in some of the cases that we have heard of in the media there may have been a lack of communication with the families, and that is clearly an issue. We think that a lot of the reporting that could be carried out on all of that would be of significance. I will consider that in a broader piece of work that I am looking at on a duty of candour. It is certainly being given serious consideration.

**Mr Storey:** I share the concerns that the Minister expressed at the weekend and to the House today. Particularly for those families involved, the situation is an issue of grave concern. It is disappointing, however, that some in the House just want to make cheap political capital out of the situation. I think that is deplorable. However, the turnaround team clearly indicated that a key component part of the issues in relation to the governance arrangements at the Causeway was the management of the trust. With the impending appointment of a new permanent chief executive, what are your expectations of that individual when appointed?

**Mr Poots:** That culture of transparency and openness is driven at all times throughout the organisation. I expect there to be recording of serious adverse incidents. I do not think it is a good thing to let on that things do not happen. We need to know when they happen, and we need to learn from them when they happen. We need to be supportive of staff who have made genuine mistakes. There may be retraining or assistance and guidance.

On those occasions when staff have been less than forthcoming with the truth or wilfully negligent, other actions need to be taken. Again, we would encourage that. The chief executive's position will be to ensure that standards are high, safety is a priority, and the level of care provided in the Northern Trust is up there with the best in the United Kingdom. That is what I want from the chief executive.

3.45 pm

**Mrs Cameron:** I thank the Minister for his answers thus far. He will be aware that these issues in the Northern Health and Social Care Trust are of great concern, not least to my constituents in South Antrim. Will the Minister tell us on what he bases his view that the Northern Trust is in a better place today than in 2008?

**Mr Poots:** I thank the Member for the question. As far as openness and transparency are concerned, this would never have happened in 2008, so that is something. I recognise that, in 2008 — the year that we went back to — people were inheriting a culture, even at that time. A cultural shift is taking place. I am not saying that we are there yet, but I certainly believe that we are in a better place with a culture of openness and transparency than we were then.

Since 2011, emergency department waiting times, and so forth, in that facility have improved dramatically. For a time, the Northern Trust, and Antrim hospital in particular, were never out of the headlines. This is one of the first times in the past year that I have had to speak about what is happening in the Northern Trust and in Antrim hospital. An awful lot relates to historical issues. Issues still come up and problems are still current, but we are dealing with issues that have dogged the trust historically as opposed to being present-day issues.

It is clear that we have seen real improvement in Antrim hospital. In the past year, for example, the number of 12-hour breaches in the emergency department has reduced by 73%. There is improvement, and I think that Members know that even from their own mailbags, and they are getting considerably fewer complaints. We are not there yet, and there is more work to be done, but we are in a far better place than we were.

**Mr Speaker:** That concludes this item of business. I ask the House to take its ease as we move into the next item of business and that Members leave the Chamber in an orderly fashion.

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

## Private Members' Business

### Animal Cruelty

*Debate resumed on motion:*

*That this Assembly notes with concern the number of cases of extreme animal cruelty that have occurred recently, the low number of convictions and the failure to impose the maximum sentence available; and calls on the Minister of Agriculture and Rural Development, in conjunction with the Minister of Justice, to initiate a review of the implementation of animal cruelty legislation, particularly sentencing guidelines and practices, to ensure that the maximum effectiveness is being brought to bear to combat these crimes. — [Mr Wells.]*

**Mr Newton:** Animal cruelty is abhorrent to all right-thinking people. I pay tribute to all volunteers and charitable organisations that have animal welfare and the interests of animals at heart.

I am pleased that, some years ago, I was able to propose and take a debate through Belfast City Council that took a positive step in the protection of animals, which was Belfast City Council not permitting wild animal circuses to use council property. If, as an elected representative, you are disposed towards supporting this motion, you should also consider a motion in local councils to prevent animal circuses from using local council property. Wild animal circuses are cruel and should be banned.

I received correspondence on the issue from constituents, and I suppose many MLAs received similar correspondence. One of the constituents who wrote to me quoted St Francis of Assisi, saying:

*"If you have men who will exclude any of God's creatures from the shelter of compassion and pity, you will have men who will deal likewise with their fellow men."*

Every day in Northern Ireland, animals are mistreated, deserted, ignored and uncared for. Some are left in filthy conditions where they have insufficient food, insufficient clean bedding and do not receive the kindness that they require.

**Mr Poots:** I thank the Member for giving way. He quoted St Francis of Assisi, and most people were astounded and disgusted at the behaviour of the Kirkwoods after the court case and at the sentence that was given out. In Lagan Valley, we had an instance in which a dog was burned and had to be put down after a number of days. Is it not the case that generally people who engage in that type of behaviour have a tendency towards criminality in general?

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

**Mr Newton:** I will come on to that point. I thank the Member for his intervention.

In November last year, I was prompted to write to the Chief Constable about animal cruelty. The response that I received gave me cause for concern, because in it he put the numbers of recorded crimes against animals into categories. Take the category, "Keeping or training of

an animal for an animal fight", there were 38 recorded offences and no convictions. In the category, "Permitting unnecessary suffering to animals", there were 39 recorded offences and no convictions. In the category, "Causing unnecessary suffering to animals", there were 85 recorded offences and 13 convictions, which is 15%. In the category, "Permitting cruelty to animals", there were two recorded offences and no convictions. I do not think that we find that acceptable.

Some animals get rescued and get a second chance to experience a good home environment. That helps to build trust between humans and animals, but many are not that fortunate. If we are to mature as a devolved Assembly, we need to make obvious our concerns to show that we care about animals and deal with those wicked and heartless owners who abuse animals. We need to send out severe punishment via custodial sentences rather than light touches and kid glove treatment.

Coming back to the intervention, many people believe that by stopping animal abuse you can affect other issues. Reporting, investigating and prosecuting animal cruelty can help take dangerous criminals off the streets. The police know that in homes where animal abuse is a problem there are often other issues. Acts of criminal cruelty are linked to a variety of other crimes. Those guilty of animal cruelty and abuse are frequently found to be involved in a variety of other crimes, including violence against people and property and drugs and disorderly conduct offences. Stopping animal abuse in children can help curb violent tendencies before they escalate into violence against people. There has been lots of research by the Humane Society of the United States that indicates that.

Pet abuse is one of the four predictors of domestic partner violence according to a gold standard study by the Humane Society, which was conducted over 11 metropolitan cities. In domestic violence and child abuse situations, abusers may manipulate and control their human victims through threatened or actual violence against family pets. Researchers know that between 71% and 83% of women who enter domestic violence shelters report that their partners also abused or killed the family pet before abusing them.

**Mr Lynch:** Go raibh maith agat, a LeasCheann Comhairle. I speak to the motion as a member of the Justice Committee, as the issues of conviction and failure to impose the maximum sentence for animal cruelty are justice matters. As someone who comes from a farming background and a rural community, I know that it is vital that we have strong animal cruelty legislation.

Those who have a statutory duty over animal welfare in the North of Ireland enforce the law that protects animals. As a society and as elected Members, we should foster a climate in which all animals are respected and protected from abuse. The powers that we currently have derive from the Welfare of Animals Act 2011. Penalties were strengthened in the Act, which was one of several pieces of legislation brought through the Assembly. It was a major step forward in protecting the welfare of animals, farmed and non-farmed alike.

For the first time, the powers place a duty of care on anyone responsible for animals and allow for action to be taken to prevent animals from suffering, as opposed to

having to wait until suffering has occurred. As a result of the 2011 Act, the PSNI has stronger powers to deal with the horrific practice of animal fighting, and stiffer penalties are available to the courts to deal severely with those who cause animals to suffer.

We are debating the motion today because of the recent high-profile cases in Belfast Crown Court, where four men were sentenced to six months' imprisonment, suspended for two years, following their guilty plea to animal cruelty charges, after the judge said that mitigating circumstances were put forward. As other Members said, the defendants flouted the outcome as they came out of court. In the Act, it is a matter for the judiciary to ensure that sentencing is sufficient and reflects the severity of the crimes of cruelty. To ensure that there are proper deterrents, it is important that there be consistency when cases are taken before the courts.

**Mr Lyttle:** I thank the Member for giving way. Has the Member considered whether the outcome of the case might lead us to review whether the maximum penalty for animal cruelty is adequate?

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

**Mr Lynch:** I thank the Member for his intervention. I will be speaking about that issue.

The Public Prosecution Service (PPS) should maybe review the case to see whether the sentences can be revisited, particularly in the light of the defendants' behaviour afterwards. The motion mentions the failure to impose the maximum sentence. It is in that context that recent cases need to be focused. The merits of the motion are fine, but any legislation needs to be —

**Mr Newton:** I thank the Member for giving way, and I appreciate the words that he has used. Will he tell the House whether he would apply sentencing to hare coursing, which is also deemed by many to be a barbaric sport?

**Mr Lynch:** I think that the issue the Member mentions is covered by legislation.

As I said, the merits of the motion are fine. I believe that any legislation needs to be reviewed. However, the Act is relatively new and needs time to bed in. Our priority should remain tackling the crime of animal cruelty.

**Mr Frew:** I endorse and support my party's motion on the very serious issue of animal cruelty. Like others, I have received a plethora of letters from constituents, and from others in the wider Northern Ireland setting, who are concerned about this very issue. It is right and proper that we bring it to the House for debate. However, I remind Members that the issue was debated, along similar lines, on 24 September 2012, when there was a public outcry and scenes in the media around what happened to Cody the dog. That case is still going through the court procedure, so we have to be careful about what we say in order not to jeopardise the case, which is to be resolved very soon, I believe.

However, there should be a lesson here, and it is a lesson for us all. There should be a lesson for society that it is judged on the way in which it treats the most vulnerable in society, those who cannot speak for themselves and the animals that cannot speak for themselves. It is incumbent

on us all to react to acts that can only be described as barbaric and, in some cases, satanic.

**4.00 pm**

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

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

**Mr Agnew:** I appreciate the Member's comments. It is an issue that I feel very strongly about. Does he agree that we, as an Assembly, need to be consistent in our views on animal cruelty? Does he agree that whether we set a dog on a cat, a dog on a dog, a dog on a badger or a dog on a fox, the animal suffers the same cruelty, and that we should take the same approach across the board and be consistent and, ultimately, move to ban fox hunting and other barbaric acts?

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

**Mr Frew:** I thank the Member for his intervention and the Deputy Speaker for the added minute.

To equate fox hunting with the cruelty and neglect of those animals is sparse. The Member needs to look at himself and his argument. People who are custodians of the environment and the land, through their practices, bring employment and money into the countryside. To equate that with the cruelty and the barbaric and satanic actions of some criminals is weak and —

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

**Mr Frew:** No; I want to push on with my arguments, but I understand that the Member would want to come back. I am sure that he will have an opportunity during his own contribution.

I do not see that link, and I do not agree with it whatsoever; it is horrendous to link them. When cats have been torn to shreds and dogs have been trained to fight each other, that is utterly barbaric and satanic. Members of the public certainly know who is responsible for the crimes, but they are confused about who is responsible for the investigations. We know that councils and their animal welfare officers are responsible for the non-farmed animals; we know that the PSNI is responsible for investigating the wild animals, animal fighting and welfare issues where other criminal activities are involved; and we know that DARD is responsible for farmed animals. We know that farmed animals have been neglected and that, after investigation, there were 136 cases in the past three years. Compare that with non-farmed animals, where there were 7,611 cases. You can see the perspective and the proportionality that we must put on the farmed-animal cases.

Many farmers have been in with me over the past year, and it is clear that they have suffered physically and mentally trying to take care of their farmed animals. They have fed their animals before they have fed themselves, and they have looked after their animals before they have looked after their business. As a result, they have not been able to look after themselves or their animals. In some cases, farmers have been penalised and/or the animals confiscated, and that is sad. I think that it was Jim Wells who referred to the difference between neglect and deliberate cruelty and torture. It is good to reflect on that and see the difference.

There is no doubt that we have been here before and talked about the issue before. I have stood before the Minister of Agriculture and Rural Development and talked about the Government being agile to deal with such cases and to be able to impose tougher sentences. I have some sympathy with the Agriculture Minister on this occasion because, while her predecessor spent many months on the Welfare of Animals Act (Northern Ireland) 2011 — I was not in my current post at the time, but I remember the long nights of debate that we had in the Chamber — it does not seem to be fit for purpose, even though it has been in statute for only a couple of years. It should then be on us, and the Government should be agile enough, to change that, where and when we can. That will not be in the Minister's gift alone; she will have to work with the Minister of Justice.

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

**Mr Frew:** I support action so that we get legislation and sentencing that fit this heinous and barbaric crime.

**Mr A Maginness:** I support the motion, which is very timely. I thank Mr Jim Wells for bringing the motion to the House; it is the proper thing to do. Given the public anger in the wake of the recent case, it is appropriate that the House should express its views on what happened.

Of course, we have to put it into some sort of context. It has to be said that those who were charged were initially charged with more serious offences than the ones that they were actually found guilty of. During the trial, they changed their plea and pleaded guilty to lesser offences. As the judge said in her judgement, those lesser offences could well have been tried in the Magistrates' Court as opposed to the Crown Court, and the maximum sentence that would have been imposed in the Magistrates' Court would have been six months. I think that that constrained the learned trial judge in imposing a six-month sentence as opposed to a two-year sentence or one in excess of six months. However, one has to ask why, if she took that course of action, she suspended the sentence rather than imposing one of imprisonment. To my mind, that is unexplained in the papers that I have read.

The House should remember, however, that judges are there to judge. They are not there to press a button and produce a uniform set of penalties. A judge has to be given a certain amount of discretion. She deplored what happened. I am sure that she shares the universal view of the House that what happened was quite despicable, hideous and inhuman.

**Mr Humphrey:** I am grateful to the Member for giving way. I agree with him entirely. He obviously has great experience of the courts; much more than many of us. Surely the point that needs to be made is that, although the judge may well have said what she said in court, it was the reporting of the case and the appalling scenes outside the court that were conveyed to the general public. Therefore, the key issue is a deterrent to prevent that sort of appalling action from happening again, as other Members have said.

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

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

**Mr A Maginness:** Yes, indeed.

**Mr McCartney:** From his experience, does the Member believe that what happened outside the court could be termed as contempt of court and that, perhaps, charges could be laid?

**Mr A Maginness:** It certainly bordered on that. It certainly showed a lack of contrition on the part of at least one, if not more, of those who had just been sentenced. It certainly indicated that there was really no change in attitude by that person, at least about the offences to which he had pleaded guilty.

Perhaps the court was misled about the attitude of at least one of the defendants, if not more, which can happen. I am not excusing, in any sense, the terrible misbehaviour and gloating of the person who was shown in photographs etc. However, further to the point made by Mr Humphrey, the police expressed their disappointment. They had put a tremendous effort into getting a conviction or convictions in this case, and, of course, they got a conviction or convictions as a result of the defendants pleading guilty.

However, this case highlights two points: convictions are necessary to highlight such cruelty; but convictions are difficult to get. An animal cannot talk. A victim of assault can say that so and so did this and that and so forth, but in animal cruelty cases one is reliant on things other than what could be termed the animal complainant. You need additional evidence, which, in many cases, is not found. That is why cases cannot be proceeded with — the evidence simply is not there.

The law is sufficient —

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

**Mr A Maginness:** I will. The law is, I believe, sufficient, but it would be good for us to review the legislation to ensure that something such as this does not happen again.

**Mr Elliott:** I welcome the debate and appreciate Members tabling the motion. Animal cruelty has plagued this society for years and, indeed, generations. However, we need to differentiate between deliberate cruelty to animals and what some may believe is cruelty. We have had several debates on the subject. Mr Frew referred to the Welfare of Animals Act (Northern Ireland) 2011, which went through the House just three years ago. I remember our having several discussions about the rights and wrongs of that Act and where we felt that it did not have enough enforcement opportunities.

Resources need to be much better targeted at those in the underworld who are deliberately and illegally cruel to animals. Others, specifically people in some breeding establishments, are continually plagued, almost harassed, by some of the agencies and organisations. These people act within the law and keep their premises in good condition, but the agencies want to pressurise them into even more difficult situations and scenarios. On occasion, animals have been lifted from their premises and treated very badly when in the care of the agency that removed them. That is not fair or reasonable, which is why I go back to the point that the agencies — whether the Department of Agriculture, the police or local councils — need to target enforcement much better, which they are not doing at present.

When we hear of how people train dogs to fight —

**Mr Frew:** I thank the Member for giving way. He makes a valid point. However, in some instances, when you make the police aware of an issue in a field, barn or somewhere else, they do not really know how to deal with it properly. There should be additional training for that. Of course, it will not be a massive priority for the PSNI.

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

**Mr Elliott:** Thank you very much, and I thank the Member for that intervention. Not only training but a wider process of much better cooperation between all the agencies is required.

Once you start to tackle those major issues, whether they are dogfighting or whatever, you will find that there needs to be a concerted campaign, because you will not get away with tackling them on a one-off basis. There needs to be a concerted campaign so that we can be sure that, when the agencies go in, they can make the arrests and get convictions. As we have seen in the past, people are arrested, but, quite often, no charges are brought, or sometimes when charges are brought, the cases are thrown out of court.

#### 4.15 pm

I listened to Mr Maginness protecting the courts system to some degree. He is quite entitled to do so, because we know that there are boundaries within which the agencies have to operate. We accept that, but we need to be sure that, when the agencies go to arrest these people, they can secure a conviction. The reason why I believe that that does not always happen is because they do not have expertise in doing that. So, we need more expertise in that area.

To return to my earlier point, sometimes the easy targets are the people who the agencies prey upon. In County Fermanagh, we had the unfortunate situation some time ago where a number of dogs were collected from a breeding establishment and came back to that establishment many months later in a very poor condition that was much worse than that when they left. I think that that was a very unfortunate situation and one that we certainly do not want to see repeated.

I reiterate that we must target the enforcement and our resources and ensure that the right people are brought to book.

**Mr McCallister:** I will speak in broad support of many Members' contributions. In the context of Mr Elliott's comments, I think that it is important that we separate some of the issues and make sure that our enforcement is bang on the money. In the previous Assembly mandate, he and I were pushing for legislation to deal with this issue, and I think that that was an important step forward.

Mr Maginness quite rightly pointed out that, in any legal system, evidence is needed to establish guilt. Where that falls short, no legislation will change that situation. I agree strongly with Mr Elliott's points that we need to target those illegal puppy farms. We had several examples in my constituency near Katesbridge and just outside my constituency near Loughbrickland. Those are places of cruelty. I think that it was Mr Frew who talked about the "torture" of animals. I think that that has to be targeted strongly by not only the Department but the police.

**Mr Agnew:** I thank the Member for giving way. He might agree with Mr Frew that hunting a fox with a dog is not cruelty. Personally, I do not see the difference between setting a dog on a cat and setting a dog on a badger or a fox. However, is the Member aware that the Welfare of Animals Act explicitly excludes hunting from the provision of "unnecessary suffering", the bar by which a crime is set? Does the Member not agree that that bar should include the killing of any animal and that hunting should be brought into it, with the courts being allowed to decide whether that is unnecessary suffering?

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

**Mr McCallister:** I am grateful to Mr Agnew for that. He made an interesting point. I have to say that I am probably closer to Mr Frew on fox hunting, but the Member made an interesting point about where exactly that responsibility should sit and where the bar should be.

**Mr Frew:** I thank the Member for giving way. I do not mean to turn this into a pro-hunting debate, as it would do the debate on this motion an ill justice, but can the Member tell us and maybe tell his colleague beside him how many foxes are caught in a hunt? I certainly do not know.

**Mr McCallister:** I do not have those figures at hand. Maybe Mr Agnew can hurriedly find them for me.

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

**Mr McCallister:** Well, I am keen that I do not turn into a go-between on fox hunting, but I will give way briefly.

**Mr Agnew:** I will be very brief. I am told by those who defend fox hunting that it is pest control. Either foxes are caught or they are not. If they are caught, in my opinion, it is cruel; if they are not, how can it be claimed to be pest control?

**Mr McCallister:** That is quite true. In my knowledge of fox hunting there never seems to be that many foxes caught. It is probably different due to different types of agricultural activity, smaller field sizes and all those things. However, Mr Frew's point about the debate is correct; the real target has to be that wanton neglect and torture of animals. That is where we should and must target our resources. I am sure that the Minister will say that it is not only her Department's responsibility; the police also have a role in building up those cases.

We have all followed some of those cases in the media. Some of the pictures from those scenes are almost too harrowing to show on television or in the newspapers. Quite rightly, in talking about the motion, that is where we have to maintain our focus. We are all truly appalled, and we want to see more done. There is a genuine feeling on all sides of the House that we want to see activity such as that absolutely stamped out, and we want to see cases brought before the courts. We want to see very strong, robust sentences given to those convicted of such barbarism against animals. That is where there is a genuine desire from all sides of the House to see something meaningful done, with all the agencies at the disposal of this Government, to bring forward those ideas and make sure that we stamp out this cruel business.

**Mrs O'Neill (The Minister of Agriculture and Rural Development):** Go raibh maith agat, a LeasCheann Comhairle. I thank the proposers of the motion, which raises the very important issue of the substantial penalties

available under the Welfare of Animals Act 2011 and underlines the need for the courts to make full use of the range of sentences when dealing with those found guilty of committing serious animal welfare offences. I welcome the opportunity to debate this issue in the Chamber today. Throughout the course of my contribution I intend to address all the issues that have been raised today.

Before getting into dealing with that, I want to put it on record that I totally deplore all incidences of animal cruelty and neglect, which are totally unacceptable. Appropriate action needs to be taken to deal with offenders in such cases. I believe that abhorrent acts such as those that were the subject of the recent case in east Belfast cannot and should not be tolerated in today's society. I am disappointed that a substantial custodial sentence was not imposed by the court despite the option being available in the 2011 Act.

The welfare of animals here is protected by the 2011 Act, for which my Department has legislative responsibility. That Act affords a high degree of protection to animals and greatly strengthens the powers to deal with animal welfare issues. It has introduced a duty of care for all protected animals, allows action to be taken to protect animals from unnecessary suffering, strengthens the powers in respect of animal fighting, provides powers to regulate a wide range of activities involving animals and increases the penalties for all animal welfare offences. In particular, the 2011 Act recognises that causing any animal unnecessary suffering is a very serious offence, and to reflect this it significantly increases the penalties from those that were available under the previous 1972 Act.

When the Welfare of Animals Bill was being considered by the Assembly, everyone agreed that the penalties for welfare offences needed to be increased substantially. Consequently, the 2011 Act increased the penalties to a maximum of six months' imprisonment and/or a maximum fine of £5,000 on summary conviction in the Magistrates' Court and a maximum of two years' imprisonment and/or an unlimited fine on conviction by indictment in the High Court with a jury.

Providing the option for serious cases to be dealt with either summarily or on indictment, with an unlimited fine on indictment, is important as it allows the most serious cases to be heard in the Crown Court and could result in a longer prison sentence. It also reflects how seriously my Department views animal welfare offences. It is important to note that those penalties are considerably stiffer than those in Britain.

Dogfighting is a specific offence under the 2011 Act, and that means that the PSNI —

**Mr Lyttle:** I thank the Minister for giving way. In her comments so far, she compared the maximum penalty with that in Great Britain. How does the maximum penalty in Northern Ireland compare with that in the Republic of Ireland?

**Mrs O'Neill:** The Member referred to that earlier in the debate. The Twenty-six Counties recently brought in animal welfare legislation and has now moved the penalties up to five years' imprisonment. When we brought forward our legislation, it was the most progressive legislation. It is still relatively new, but I will pick up on that throughout my contribution.

As I said, dogfighting is a specific offence under the 2011 Act, and that means that the PSNI now has stronger powers to deal with any form of animal fighting, including baiting. It is an offence to make animals fight, be present at an animal fight, train an animal for a fight, make or accept a bet on a fight and record, supply or possess any recording of an animal fight without reasonable excuse, such as to assist with law enforcement.

For the more serious offences, including the failure to prevent unnecessary suffering to animals or causing, permitting or attending animal fights, cases can be trialled in the Crown Court, where the maximum penalty is two years' imprisonment, an unlimited fine or both. In addition, the court can deprive a person convicted of a serious animal welfare offence of ownership of the animal to which the offence related, should he or she be the owner. The court can also disqualify a person convicted of a serious animal welfare offence for such a period as it sees fit from owning, keeping, participating in the keeping or controlling or influencing the way an animal is kept. That disqualification could be for life and for one or more species of animal.

When the 2011 Act was being developed, the proposed penalties were put to the Minister of Justice, the Executive and the Agriculture and Rural Development Committee before coming to the Assembly. The Minister of Justice advised that he was content with the proposed offences and penalties in the Bill and commented that they were proportionate and sat comfortably within the criminal law framework. The Assembly fully supported the 2011 Act and the substantial penalties that were included in it.

I can assure you that I take the welfare of animals very seriously. I believe that the maximum penalties in the 2011 Act have the potential to provide a strong deterrent, thus protecting animals from unnecessary suffering, including deliberate acts of cruelty, provided the courts are willing to make full use of the sentences that are available.

**Mr Agnew:** I thank the Minister for giving way. She will be aware that fox hunting is exempt from the provisions in the Bill to prevent unnecessary suffering. Will she give a reason for that?

**Mrs O'Neill:** As I said, when the Bill was brought forward in 2011, that issue was debated at length in the House, and decisions were arrived at at that time. There is a risk of detracting from what we are talking about today, which is how this issue is dealt with in the courts. I believe that we have very strong legislation in place, but it is up to the courts to enforce it. I want to make that very clear. I will deal with that issue when I speak about sentencing.

**Mr Elliott:** I thank the Minister for giving way. Her comments are pertinent to my point. She indicated that the Minister of Justice was content with the legislation when it went through at the time, but the Minister of Justice wrote to someone a couple of days ago and indicated that he believes that the legislation is not fit for purpose and needs to be changed. That is just a couple of years on. What is the Department's view on that?

**Mrs O'Neill:** I cannot comment on whom the Minister writes to or anything that he puts in his personal correspondence. However, I am the appropriate person to raise that issue with, and he has not as yet written to me to address that. I am very happy to talk to the Minister of Justice at any time if he wishes to discuss that further.

It is very important to bear in mind that sentencing within the legislative framework is a matter for the judiciary. I met the Justice Minister in November 2012, and we discussed the scope for encouraging the courts to use the maximum sentences available for serious animal offences. Subsequently, the Lord Chief Justice, in his programme of action on sentencing, published new sentencing guidelines for Magistrates' Courts in December 2013. The guidelines cover the offences of animal cruelty, docking of dogs' tails and animal fighting.

#### 4.30 pm

I understand that, in making decisions on sentencing, judges take into account the law, the seriousness of the offence, any aggravating or mitigating factors, sentencing guidelines and all the relevant circumstances of each case, including pre-sentence reports on defendants. However, I advocate the use of the full range of sentences available for animal welfare offences to ensure that the perpetrators of extremely serious offences receive a punishment that fits the crime.

**Mr Byrne:** I thank the Minister for giving way. Is she aware of the abandoned horses found in the Clogher mountain area, on the south Tyrone and north Monaghan border? How does she or her Department intend to deal with the issue?

**Mrs O'Neill:** I confirm to the Member that all those horses, and the horse carcasses, have been removed. There are no horses in the Clogher valley hills at this time.

Given his responsibilities on sentencing matters, I have written to the Lord Chief Justice to highlight the public concern regarding the sentences in the recent east Belfast case. I have also written to the Minister of Justice asking him to specifically consider animal welfare offences in any future review of the criteria under which the Director of Public Prosecutions may apply to the Court of Appeal for a review of unduly lenient sentences.

The recent east Belfast case demonstrated the importance of allowing the option for sentences to be subject to prosecution appeal. That would help to ensure that appropriate and consistent penalties are imposed by the courts. It is crucial that respect for animal welfare be maintained, and that can only be achieved if the sentences available for serious animal welfare offences in the 2011 Act are imposed when justified and that the perpetrators receive a punishment that fits the crime.

It may be helpful if I explain how the 2011 Act is implemented. It is important to remember that the Act extended the resources available to deal with breaches of animal welfare legislation. The enforcement roles in the 2011 Act are very clear: DARD has responsibility for the enforcement of the welfare of farmed animals; councils have responsibility for the enforcement of the welfare of other animals, that is domestic pets and horses; and the PSNI has responsibility for enforcement in respect of animal fighting, welfare issues or where other criminal activities are involved.

The enforcement powers in the 2011 Act allow inspectors to take a range of actions to address any animal welfare case. That includes providing basic advice and guidance, giving a warning or issuing a legally binding improvement notice, as well as prosecution.

It is important to recognise that not all incidents of animal suffering and neglect warrant prosecution. The success of the implementation of the Welfare of Animals Act cannot be measured solely on the number of prosecutions taken. Indeed, it would be naive to think that a prosecution is the only appropriate method of enforcing the Act. For example, since councils' enforcement role began for domestic pets and horses in April 2012, they have investigated almost 9,000 complaints, which has resulted in providing advice in over 3,000 cases, serving almost 400 improvement notices and seizing over 250 animals. However, there will be occasions when advice, warnings or formal improvement notices are not appropriate methods of enforcement and, given the extreme nature and severity of some cases or when the owner of the animal fails to act, prosecution is the best action.

It is wrong to say that there has been an insufficient number of prosecutions. At oral answers to questions on 28 January, the Minister of Justice advised Members that, in the first two years of the 2011 Act, initial figures indicated that there had been 34 convictions for causing unnecessary suffering to animals or for animal fighting, and 49 disqualifications from keeping animals. I understand that a significant number of cases is being prepared for prosecution by the respective enforcement bodies. Whilst successful prosecutions can act as a deterrent, it is important to remember that it takes time to prepare such cases and prosecution should only be considered when it is in the public interest.

In closing, I want to assure Members that I am totally committed to protecting and safeguarding animal welfare. The Welfare of Animals Act protects the welfare of farmed and other animals, including dogs and cats; it provides all the necessary powers for enforcement bodies to take action if animals are suffering or likely to suffer; it provides the same protection for domestic pets and horses as that previously available for farmed animals; and, crucially, it has introduced a duty of care to allow action to be taken to prevent suffering, as opposed to waiting until suffering has occurred.

The Act was introduced very recently, and its implementation continues to bed in. Whilst I respect the decision of the courts, I am disappointed that, in the recent case, the maximum penalties were not applied. It is important to understand that the case that triggered the debate was tried by indictment in the Crown Court, which could have imposed up to a two-year custodial sentence and an unlimited fine. However, the judge did not consider that appropriate. Therefore, amending the Welfare of Animals Act would not change that type of decision.

I have explained that I believe that the strong penalties in the Act are a good deterrent and will prevent animal welfare abuses. If the courts were to utilise fully the available penalties, tough sentences could send out a clear message and deter others from committing similar offences. Consequently, the general public would be reassured that causing unnecessary suffering, including deliberate acts of cruelty to domestic pets, will not be tolerated and that the perpetrators will be punished appropriately.

While I welcome and support the motion generally today, I believe that we can have a look at how the Act is working in practice. I am committed to continuing to work with councils to explore whether funding and resources are

adequate as we move forward, particularly given RPA. Work seriously needs to be done to ensure that sentences passed by the courts reflect the severity of the crime and act as a deterrent to others. Unfortunately, that is outside my remit as Minister.

As I said earlier, I wrote to the Lord Chief Justice to highlight the level of public concern over the issue so that it might encourage the courts to make full use of the range of penalties available for animal welfare offences and, in horrific cases such as that in east Belfast, to apply the maximum penalties possible. I will continue to encourage the relevant enforcement agencies to publicise widely the action taken against perpetrators of such crimes and the outcomes of such cases. Go raibh míle maith agat.

**Mr Weir:** At the outset, I welcome the support for the motion from all sides of the Chamber. Although, at times, there has been a slightly different emphasis applied and disagreements over issues at the periphery, that the House has spoken with a united voice is of importance.

Mention was made on a number of occasions of the appalling recent conviction in the Kirkwood case, in which a very lenient sentence was given. Although explanations have been given as to why that was the case, the conclusion that most people will come to, as was said in the debate, is that, in what seems to be one of the most severe cases that one can possibly imagine, if a custodial sentence is not put in place in such circumstances, under what circumstances will it be?

Mention was made of the legislation, and I will come to that in detail in a moment. We can have the best legislation in the world, but if it is not properly implemented by judges, and if it does not lead to those who deserve a custodial sentence being given one, we have to question whether the system as a whole is working properly.

In many ways, the appalling —

**Mr Elliott:** I thank the Member for giving way. Is he suggesting that, in his opinion, the sentences were not appropriate and that the courts are not delivering reasonable sentences?

**Mr Weir:** In that case, no, the sentences were not appropriate. Mention was made of the 2011 Act, which is a good Act. As part of that, we gave the power for custodial sentences of up to two years, and six months in the Magistrates' Court. However, in what, by most people's reckoning, was an appalling case of animal cruelty, simply a suspended sentence was given. If there ever was a case that merited a custodial sentence, that was it.

What is particularly worrying, and this was mentioned by the proposer of the motion and others, is that that was effectively the first high-profile case taken under the 2011 Act. Therefore, there is a danger that it will be seen as a precedent for sentencing in similar cases. Indeed, the argument goes that if a suspended sentence was used in that particular case, perhaps a suspended sentence will be appropriate in another case. It is sending out the wrong signal.

Concerns over the way in which we have dealt with animal cruelty and a need to tighten up and review the process predate the Kirkwood trial. Although it helped to prompt the timing of the debate, the motion was tabled by me and others a number of months ago, because there were concerns over the way in which we were moving forward.

I welcome everything that has been said today in the Chamber, but it is important that the Assembly and the Executive do not simply talk the talk but that we walk the walk — or walk the walkies — on the issue. Therefore, if, as I suspect, there will be unanimous support for a review, I ask that it be wide-reaching in its nature and comprehensive in what it covers and that an open mind has gone into it. It would be the wrong approach to have a tick-box exercise along the lines of, "Such-and-such has already been dealt with, so we do not really need to consider it".

That being the case, I believe that this breaks down into three categories for the review.

First, mention has been made of the legislation. As I indicated, if you consult representatives of the USPCA, for example, they will say that the 2011 legislation was very good. It raised the tariffs, and many regard it as being up with the best legislation in Europe. However, from experience, we ask whether there are things that should be added to the legislation. Mention was made of aggravated cruelty, in particular, by a number of Members. I believe that there should be an additional tariff and offence for those extreme cases. I know that there was a little bit of debate, particularly between Mr Wells and Mr Wilson, on the differentiation between cruelty and neglect cases. There is certainly a grey area where the two can merge. You can get wilful neglect that can lead to cruelty, and it should cover those circumstances. There can be a qualitative difference between somebody who has simply neglected an animal, where, perhaps, the intervention should be as much with the person, and someone who has been engaged in cases of gross neglect or gross cruelty.

**Mr Lyttle:** I thank the Member for giving way. Is the Member aware that there are possible aggravating factors of offence in the current guidelines, one of which is gratuitous violence towards the animal? Is he concerned about how exactly that was applied in this case?

**Mr Weir:** Yes, I am concerned about how it was applied in the Kirkwood case. I appreciate that time is relatively short, but the general position is that we need to look at an additional offence. I would like to see that addressed in the review. If the review does not address that properly, it is something that I and others may look to carry forward in a different manner. We need to look at something. Mention was made of the Republic of Ireland, for instance, where there is a maximum sentence of five years. If something of that nature for aggravated cruelty was brought in here — perhaps something that is only chargeable and indictable — it would at least get round some of the problems with the DPP that have been raised. That is something to be considered. Essentially, from a legislative point of view, it is about building on good legislation.

Secondly, there is the broad issue of the process and enforcement. Mention has been made of the extent to which there is funding from the Department of Agriculture of around £800,000 a year, for example. Maybe this is something that can be dealt with by the councils when they move towards an 11-council model, but, to my mind, there seems to be a degree of mismatch between £800,000 being made available and only nine people being employed to deal with this through the councils.

**Mr Humphrey:** I am grateful to the Member for giving way. With regard to enforceability and the resources being

deployed to deal with the criminal activities of dog fighting and cock fighting, for example, which are underground and much of which is big business for people who are involved in illicit activity, does the Member agree that the full extension of the National Crime Agency to Northern Ireland would give greater resource and help the police, the councils and the USPCA to tackle this?

**4.45 pm**

**Mr Weir:** I agree with the Member. We need to look at whatever resources and opportunities there are, whether that is through additional help through the police — the National Crime Agency or the PSNI — or whether it is ensuring that, where we are getting a transfer of money to councils, as somebody said, we get the best bang for our buck. I am not entirely convinced that we have that at present. Enforcement was also raised in the debate. If we have a situation where, for example, the court makes an order that someone is banned from keeping an animal for a time, we need to ensure that there is the follow-up to make sure that that is put in place.

The final element is sentencing. As has been mentioned, there have been sentencing guidelines issued in the Magistrates' Court, at least, but the review needs to ensure that those are fit for purpose, that we get the tariffs right and that the guidance is there. As was indicated, we cannot intervene in individual cases to produce particular results, but we can at least try to ensure that we have the correct framework. Undoubtedly, what has shocked people most, particularly in the recent case, is what appears to be the reasonably lenient sentencing. It may well be that there is a level of constraint. Mr Maginness made reference to that. If those are the problems, let us examine the way in which that is dealt with to ensure that judges are given a clear indication that we want to see tougher sentencing.

I think that it was Mr Lyttle who quoted Gandhi. It is often said that the test of the decency of any society is how it treats its most vulnerable. I extend that further: from a societal point of view, how we give a voice to the voiceless, particularly abused animals, is a key test of the level of civilisation of this society. We have to bear down on the evils of animal cruelty. We cannot ever again see the scenes of jubilation — that, essentially, is what it was — outside a courthouse in Belfast when someone received a sentence for the most heinous crime of animal cruelty and they celebrated the easy punishment they received.

Let us send out a clear and united signal today that all these issues need to be properly reviewed and that DARD, the Department of Justice and all of us will work together to ensure that the proper protection is put in place for animals. Although it may be a vicious minority that inflicts such cruelty, it must be overcome. Let us send out the signal that, if no one else will do it, this House will be the voice for the voiceless. I commend the motion to the House.

*Question put and agreed to.*

*Resolved:*

*That this Assembly notes with concern the number of cases of extreme animal cruelty that have occurred recently, the low number of convictions and the failure to impose the maximum sentence available; and calls on the Minister of Agriculture and Rural Development, in conjunction with the Minister of Justice, to initiate*

*a review of the implementation of animal cruelty legislation, particularly sentencing guidelines and practices, to ensure that the maximum effectiveness is being brought to bear to combat these crimes.*

## **Gender Imbalance in the Senior Civil Service**

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

**Mr McGimpsey:** I beg to move

*That this Assembly notes the current gender imbalance across senior posts in the Northern Ireland Civil Service; accepts that, in the interests of equality and the utilisation of the skills, knowledge and talent of all civil servants, gender should not be an impediment to the recruitment, promotion and retention of personnel at senior grades; and calls on the Minister of Finance and Personnel to identify the reasons for the current imbalance, and to devise and implement a plan that will deliver a more balanced gender make-up of grade 3, grade 5 and permanent secretary posts within five years.*

I propose the motion in my name and that of Mrs Overend. I note that the terms of the amendment are within the spirit of the motion: it sets out that a plan has been undertaken by the Department of Finance and Personnel since 2010. Of course, the Minister will be able to talk about that.

The first thing to say is that I was immediately struck when I looked at the most senior posts in the Civil Service. Each Department is headed by a permanent secretary, who is the professional head of the Department and accounting officer. We have 11 Departments, with 11 permanent secretaries running them. There is not one woman among that group. That is an indictment of us all, because this issue is within the control of all parties in the House. No party is to blame; all of us share responsibility. When we have a situation in which each Department, from the big to the small, is run exclusively by males, we must recognise that we have a problem, bearing in mind —

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

**Mr McGimpsey:** Let me get started first, and then I will give way.

We must bear it in mind that the Sex Discrimination Order goes way back to 1976. We have seen a number of measures, not least the 2010 gender equality strategy for Northern Ireland. We have measures that should mitigate the situation.

When we formed the first Executive in November 1999, I was the Minister appointed to the Department of Culture, Arts and Leisure, which was the smallest and newest Department. With me, setting up that Department, was Dr Aideen McGinley, who was the first female to head a Department as a permanent secretary. Aideen did an excellent job. I can verify that because I worked closely with her in setting up the Department and bringing it together.

Since then, only one other woman has been appointed permanent secretary: that was Rosalie Flanagan, who, at the time, was a senior civil servant in Stormont Castle. She is also someone with competence, experience and

intelligence who demonstrated clearly that she could run a Department. She was appointed to the Department of Culture, Arts and Leisure. However, at no time have we had more than one female civil servant running a Department. Today, we are back to where we started in 1999, which is clearly a retrograde step. I will let Mr McCarthy intervene.

**Mr McCarthy:** Thank you very much, Mr McGimpsey. You read my mind. I was going to suggest that we had a lady permanent secretary in the form of Dr Aideen McGinley. As you rightly said, she was appointed during your time as Minister of Culture, Arts and Leisure. Aideen did an excellent job, and I just want to make sure that that is put on the record.

**Mr McGimpsey:** Look at the other grades of the Senior Civil Service. At grade 3, while the position is not just as stark, we have a very stark position. The civil servants at grade 3 are the individuals whom you would expect to be promoted to the top position of permanent secretary. There is a serious imbalance: of 39 individuals at grade 3, only nine are women. When we are looking to recruit a permanent secretary, that imbalance is almost bound to be translated into the promotions. Indeed, the imbalance goes further back to grade 5. Again, there is some improvement, but it is far from ideal and far from a proper and sensible gender balance.

As an Executive and Assembly, we have allowed this situation to creep along. We have allowed a situation to develop that credits none of us. This is an equality issue as much as anything. If we are serious about equality, it must be equality for all, irrespective of colour, class, creed, cultural identity, ethnic origin, gender, sexuality or disability. Clearly, we are falling down. We, as an Assembly and an Administration, should be the exemplars who demonstrate to society as a whole that women are treated properly and equally and have the capacity.

For four years, I was Minister of Health in charge of the biggest Department and very large numbers of civil servants. I worked routinely with very senior female civil servants at grade 5 and grade 3, and I have absolutely no doubt that the talent is there to allow us to promote females to the top jobs. I can think of a number of female senior civil servants in the Department of Health right now and others from my experience in the Department of Culture, Arts and Leisure and with other Departments, and I know that the ability is there, so I find it extraordinary that we are in this situation.

I know that the Department of Finance and Personnel produced a gender equality strategy in 2010 that will run through to 2016, but the situation with permanent secretaries and those at grade 3 and grade 5 shows that the plan is delivering slowly. As the motion says, we need a plan that will deliver more quickly. We want to see balance within five years and markers put down as we head towards achieving that. What are the obstacles, and how do we overcome them? What are the hurdles, and how do we get over them? How do we get to where we are looking to go by 2015?

It is a fact, of course, that women now make up around 53% of our Civil Service, which is one of the biggest workforces in Northern Ireland after the health service, employing some 27,000 people. However, as I understand it, two thirds of those women are part time. That is partly

because of the occupational challenges for women and their dual role in the home and workplace, and, of course, one of the biggest obstacles is the coherent delivery of childcare. I welcome OFMDFM's recent announcement on this area, but, of course, a great deal more needs to be done.

The other situation is that around 60% of the women who work in the Civil Service are concentrated in the low grades, as administrative assistants and administrative officers. We are getting our balance right globally, but, in the lesser grades, our balance is way, way down. It seems to me that those issues have been around here since 1999, when the very first permanent secretary came in. We now have no female permanent secretaries. We have plans and strategies in place, and we talk about it, but we are not actually delivering. That is an indictment on all of us. We are all to blame for this, and no one can be singled out. Therefore, we want to see a plan that identifies the hurdles, obstacles and markers as we get to where we need to be in 2015, demonstrating proper gender balance in the Senior Civil Service. That will mean, of course, looking through the entire Civil Service, but it would demonstrate to society as a whole that we are serious. If we are serious, businesses and enterprises throughout Northern Ireland can be equally serious about delivering. All that talent, ability and capacity is being lost because of the system that we have in place and the fact that large numbers are being overlooked.

I commend the motion and have no issues with the amendment; it is going in the same direction and demonstrates that there have been efforts in the past. However, after four years, it seems to me that we need a further acceleration, shall we say. We need to invest time and effort in this. I am not necessarily talking about quotas, but we need to look at addressing those obstacles. We especially need to ensure that we do that in the Senior Civil Service. I have not mentioned that we have never had a woman as head of the Civil Service. When you get things right at the top, it seems that they are liable to percolate backwards. Aideen McGinley was recruited from outside, not from inside: that is another issue that we can look at. There are possible solutions, and we need to look at those if we want to stand up credibly and say that we promote equality throughout our workforce.

**Mr I McCrea:** I beg to move the following amendment:

*Leave out all after "grades;" and insert*

*"recognises the plan contained in the Department of Finance and Personnel's 2010 review of gender to deliver a more balanced gender make-up of grade 3, grade 5 and permanent secretary posts; and calls on the Minister of Finance and Personnel to identify the reasons for the current imbalance and to outline the progress to date against the plan."*

I have been under the weather for the past few days, so I apologise to the House if I am coughing and spluttering. The Minister referred to man flu, and anyone who knows me knows that they broke the mould when it came to me. I do not lie down, as most other men probably do when they get a touch of the cold. I keep going. I have Ever Ready batteries, I think.

In proposing the amendment, I think that it is important to make it clear that the DUP supports the main thrust of the motion. We believe that it is right that the Department

of Finance and Personnel takes the necessary steps to ensure that gender should not be an impediment to the recruitment, promotion and retention of personnel at senior grades in the Northern Ireland Civil Service. However, the latter part of the motion, which I and my colleagues propose to amend, calls on the Minister:

*“to identify the reasons for the current imbalance, and to devise and implement a plan that will deliver a more balanced gender make-up of grade 3, grade 5 and permanent secretary posts within five years.”*

To be fair to Mr McGimpsey, he outlined in detail the difficulties that exist with that. Through the 2010 review of gender, the Department of Finance and Personnel has a plan to deliver a more balanced gender make-up in these Civil Service posts. That is why I am at a loss to understand why we need to devise and implement another plan. I will not die in a ditch about that, but the fact that a plan is in place raises the question of why we need to implement another plan.

Whilst there is no doubt that females have historically been under-represented at senior grades in the Civil Service, it is fair to say that things are a lot better than they were, even back in 2001. That in no way means that all is OK, but no one can deny that things are better. As I have stated, I support any plan or proposal that will ensure that gender is not an impediment to recruitment at any level of the Civil Service or, indeed, in any sector in our society. However, I must make it clear that within all of that must be the merit principle. Merit for any job is important —

#### 5.00 pm

**Ms Fearon:** Will the Member give way?

**Mr I McCrea:** I will.

**Ms Fearon:** I have heard time and again about the merit principle when we have debates about gender. Indeed, it came up a few weeks ago when we had a debate about women in politics. We never discuss the merit principle when it comes to men getting jobs. It never comes up. I agree that you should only ever get a job on the basis of ability, but gender should not be an issue. It never comes up when we are talking about men.

**Mr I McCrea:** I will come to some of the Member's comments from that debate in a few moments, but I do not accept that at all. The reality is that I could propose a motion on men in politics, and men could complain that there are issues that impede them. I would like to see society moving on in a way that the best person for the job gets it, regardless. If it is a woman, she will have my support, and, if it is a man, he will have my support. It should not be because a person is male or female, it should be because —

**Ms Fearon:** I agree.

**Mr I McCrea:** I am glad that we agree on something.

Merit for any job is important, and we should stick to that principle as we take the issue forward. We certainly must ensure that we do not go down the route of adopting any type of a quota system. Merit should be the only reason that someone gets a job

I want to take a few moments to consider how removing the merit principle has gone so badly wrong here in

the past. Members will recall the discriminatory 50:50 recruitment policy that used positive discrimination to achieve an end result in the PSNI. People in the unionist community were discriminated against in favour of nationalists. Not only did that remove the merit principle but it introduced quotas that resulted in the best person not getting the job in many cases. That does not mean that there were not cases of the best person getting the job; in fact, I know many good officers who joined the police during the 50:50 recruitment process who do an excellent job working in local communities on a daily basis. However, every person who joined the police then or joins it now should get the job solely on the basis of merit.

On 10 March, the Assembly had a debate on women in politics. During that debate, Ms Fearon referred to the fact that:

*“few people break into politics without party support. All too often, women who are considering standing as a candidate come up against old-fashioned and sexist attitudes to the role of women in public life.”* —  
[Official Report, Bound Volume 93, p7, col 2.]

I cannot speak for other parties — I have not yet, and I do not think that I will start now — in how they select their candidates, but one thing that I can say is that this party — the Democratic Unionist Party — is committed to seeing the best person selected for each position and encourages women to have the confidence to come forward and seek selection to public life. In this party, we have one of the top Executive Ministers in Arlene Foster, who holds her position because of her ability and not her gender. Michelle McIlveen is the Chair of the Culture, Arts and Leisure Committee: can anyone say that she is not there because of merit? I have met many people from across the culture, arts and leisure sector, and they regularly tell me that Michelle is an excellent Chair and they hope that she retains her position. I am not saying that we should stop there, mind you. I am not saying that we should appoint women to positions just to look good in the statistics.

There is no doubt that we need to address the current gender imbalance in senior grades of the Civil Service. There is also no doubt that, since 2001, we are in a better place where more females hold senior grades. I have no doubt that the current plans that the Department of Finance is taking forward from the 2010 review of gender will go some way to delivering a more balanced gender make-up of grade 3, grade 5 and permanent secretary posts based solely on merit. I hope that the proposer and other parties in the Assembly will accept our amendment as a genuine attempt to tackle the issue. Following Mr McGimpsey's comments, I also ask the Minister to outline how the 2010 review can tackle the issues that were detailed.

**Ms Fearon:** Go raibh maith agat, a LeasCheann Comhairle. I welcome the opportunity to speak in this important debate today and the increased focus on women's issues. There appears to be a positive trend of discussing issues of importance to women and girls, and it is important that we continue to do that. The Civil Service figures speak for themselves: of the 12 substantive permanent secretary staff, one is female, which is only 8%. That is in response to a question that Mr McGimpsey tabled. Of the 39 grade 3 civil servants, only nine are female, which is less than 4%. Of the 163 grade 5 civil servants, only 63 are female, which represents 38%.

There are still huge and unacceptable inequalities at the top levels of the Civil Service.

I look forward to the Minister's response today to see whether he can shed any light on the reasons that have been identified by his Department as to why we still have so few women in top roles. The first step is to recognise that there is a problem. I note that, in an answer to my colleague Daithí McKay's question, the former Minister stated that he would:

*"continue to make sure that recruitment procedures ensure that the most suitable person for the job is appointed."*

I have a massive issue with the wording of that answer. How can we continue something that is not actually happening? If we go by the statistics that I and others will outline, by that logic, a woman is the most suitable person for a job less than 10% of the time. I am not buying that at all. It is absolute nonsense. The same can be said for public appointments. Of a possible 1,400 positions, only 464 are filled by women.

Although I think that it is important to talk about gender and institutional sexism — they are massively important issues — the overall representativeness of public life also needs to be addressed. I am sure that the women in the Chamber — as usual, there are not many of us — are used to being the only woman in the room on certain occasions. I know that I certainly am. How many times have we been in a room full of white people talking to each other and making decisions for everyone? How many of us even notice that the room is full of white people? It is 2014, and we need to make our public bodies, politics and Civil Service representative, because, as things stand, none of those is reflective of the modern society that we live in. I know that some people have a problem with embracing diversity, but it is vital that we address all issues of inequality.

I will outline some reasons why gender inequality exists. I contend that the recruitment process is flawed, but there are other issues such as a lack of childcare that particularly affect women from deprived areas and rural areas. Although childcare should not be an issue for women exclusively, that is the unfortunate reality. Confidence is also a major issue. Coming into a very male-dominated environment can be daunting. Women tend to have low self-efficacy levels in comparison with men. Women are less likely to apply for promotions and more likely to think that they are not qualified for roles, whereas studies show that men will apply even if they are not qualified or will even be encouraged to apply by their seniors or peers.

There are all kinds of societal reasons for women having lower confidence levels. I outlined them a few weeks ago, but, unfortunately, we do not have time to go into them today. However, a partial solution to the problem could be mentoring. It is an extremely powerful tool that we do not utilise effectively enough. An action point from today's debate could be to look at embedding mentoring programmes to encourage future female talent to rise by positively profiling powerful women in their organisations, which is important. Sheryl Sandberg recently started an interesting campaign around banning the word "bossy" from the workplace. It is a negative term and is not used to describe men. The basic positive message to young women from that campaign is, "I'm not bossy; I'm the

boss". That is an interesting concept. We need having women in positions of leadership to be seen as a social norm to encourage more young women to come forward.

We also need to tackle economic inequality between the sexes. Women are more likely to be employed in low-paid and part-time positions, to head a single-parent household, to have fewer financial assets and to live in poverty, especially at an older age.

Although we are discussing the public sector, it is also important to note that there are low levels of female self-employment, which is only 24% in the North. We should also encourage female entrepreneurship in the private sector. It is only right and proper that women play their part in decision-making. Time and again, equal societies have proven to work and perform better for everybody. What we need to take from today is —

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

**Ms Fearon:** — that we need change. We cannot keep doing the same things over and over and expecting different results: that is the definition of insanity.

**Mr D Bradley:** Go raibh míle maith agat, a LeasCheann Comhairle. Cuirim fáilte roimh an rún, agus gabhaim buíochas leis na daoine sin a thug faoi bhráid an Tionóil é. I welcome the motion and thank those who tabled it. It is clear that more must be done across government to tackle gender inequality, so we will certainly support the motion. I think that we can also support the amendment — on condition, let us say.

The SDLP has long been concerned about the lack of work undertaken by this Executive to promote minorities into leadership positions and through strategies to mainstream policies throughout society. When we responded to the OFMDFM cohesion, sharing and integration strategy (CSI), we raised our concern at the lack of any gender dimension to how OFMDFM envisaged a future CSI policy. We highlighted the role of women in building peace here, in holding communities together and in negotiating for change — all those things were unrecognised in that document. Sadly, the document was gender-blind. Consequently, it risked losing much of the valuable work pioneered and developed by the women's sector in Northern Ireland.

We must not risk similar blindness being continued in government practice as well as policy, especially at Senior Civil Service level. The Senior Civil Service, along with the membership of this House, should be a place of leadership in promoting the participation of minorities if we are to truly drive reform in public life and help to tilt the gender imbalance that exists at all levels of public life here.

**Ms Fearon:** Will the Member give way?

**Mr D Bradley:** Yes, sure.

**Ms Fearon:** I want to put it on record that women are not a minority: we are a majority in society at 52% of the population.

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

**Mr D Bradley:** OK, thank you very much. I thank the Member for her interjection.

**Mrs D Kelly:** I thank the Member for giving way. Does the Member share my disappointment at the range of Sinn Féin Ministers who fail to appoint women to public appointments? It is on a scale of 11:1 in the female:male ratio on some of their boards.

**Mr D Bradley:** I thank the Member for her intervention.

Several Members have noted the imbalance at various grades in the Civil Service, including grades 3, 5 and permanent secretary. As I said, we will give the amendment qualified support and listen to what the Minister has to say. However, it should be more than dusting down a report that has been sitting on a shelf in an attempt to display that the Department is taking action. We need to see progress and, as Mr McGimpsey said, we need it at a more rapid pace.

My colleague Mrs Kelly has asked several questions of OFMDFM in the years since the DFP 2010 review was established. In the answers, there was no reference whatsoever to that review, which seems rather strange. It is either a failure of cross-departmental working or a failure to take the issue seriously. Instead, OFMDFM simply committed to reviewing the 2006 gender equality strategy. It is now time to fully update that strategy, which was first published eight years ago. Such an updating could be undertaken in conjunction with an official audit of women's participation in public life, such as Mrs Kelly proposed in 2012.

It is of importance to society as a whole that we attract female applicants to participate in public life, to apply for top posts and to feel that they can be successful at that level. Government should facilitate that.

#### 5.15 pm

The ability to participate in public life is starkly demonstrated in statistics provided by the Assembly Research and Information Service (RaISe). The statistics show that women make up only 33% of all public appointments. More worryingly, only 19% of chairs of public bodies are women, which demonstrates that there is still significant work to be done on facilitating openness in top posts. We need to attract female applicants, not only to get involved in public life but to have the confidence and ability to fight for the top posts. It is imperative that OFMDFM and DFP, through government policy and recruitment, and all other Departments in their area of responsibility do all —

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

**Mr D Bradley:** — in their power to facilitate gender balance, including the development of a new gender strategy. Go raibh míle maith agat, a LeasCheann Comhairle.

**Mr McCarthy:** I thank Mr McGimpsey and Mrs Overend for bringing this important issue to the Assembly. It is a very worthy debate, and the Alliance Party supports any and all attempts to assess how we tackle gender imbalance in the Civil Service or anywhere else. However, it is important to recognise that that imbalance is not exclusively restricted to the Civil Service.

In the UK, the full-time gender pay gap is 10%, and the average part-time pay gap is 34.5%. It is estimated that, for each year that she is absent from the workplace, a mother's future wage will reduce by 5%. Approximately 70% of people in jobs that pay the national minimum wage are women, and 54% of women who work part-time

have been found to be employed below their potential, which amounts to some 2.8 million throughout the UK. For example, women make up only 17% of board directors in the FTSE 100 companies.

Charlie Woodworth of the Fawcett Society said:

*"the higher you go up the tree, the more women seem to drop off."*

As has already been said, all 11 permanent secretaries in our Executive Departments are male. At the next level down — grade 3 — only nine of the 39 officials are female. Of the 163 people at grade 5, 69 are female.

*(Mr Speaker in the Chair)*

Across the UK, women are undoubtedly under-represented in positions of influence and power. In politics, business and public life more generally, too many decisions are being made with too few women around the table. I welcome the new lady chief executive of Belfast City Council, who is the first female chief executive of that council. Therefore, progress is being made, and I wish her every success.

We urgently need to see more women at the heart of government — elected, appointed and employed by the Civil Service in senior roles. Without balanced representation, we fail to have comprehensive debates. Excluding women means that we are missing out on the substantial benefits that the greater involvement of women would bring. It also means that we are wasting the huge investment that has been made in women and girls through the education system and beyond.

The lack of diversity in public life is something that we simply must tackle. The Civil Service should reflect the society that it works for. With 51% of the population being female, it is clear that we still have a long way to go. The lack of women at the top also reproduces a norm of what leadership looks like, and that in turn can stifle the aspirations of future generations of women.

There are subtle barriers, such as it often being easier for male workers to travel for personal development or the failure of many workplaces to provide nurseries. Those examples no doubt feed into the imbalance. It is positive to see some Departments seeking to rectify gender inequality, an obvious one being that of my party colleague Dr Stephen Farry, Minister for Employment and Learning, and his consultation on shared parental leave. However, the gender imbalance extends beyond institutions. It is a societal problem, and we must bear that in mind. The Assembly is a good place to start. I agree that it is worthwhile for the Minister of Finance and Personnel to identify reasons for the current imbalance and to devise and implement a plan to rectify the obvious inequality.

In conclusion, today is 31 March 2014; the final day of the existence of the committee that organised the Derry/Londonderry UK City of Culture festivities. We all know how successful that was, and all under the supervision of a wonderful young lady called Shona McCarthy, my very own niece, of whom I am extremely proud. As the proposer of the motion said in his opening address, women can get to the top, but only too few get there. We certainly support every effort to see all posts open to males and females, in every walk of life. We encourage women to get involved. I support the motion on behalf of the Alliance Party.

**Mr Weir:** Taking off where the previous Member who spoke finished, I am sure that Miss McCarthy is equally proud of her uncle and would take every available opportunity to highlight the important role that he has played.

I support the motion and the amendment. As has been indicated, they move in a similar direction of travel in trying to address a very important and serious issue. As other Members have said, while the focus of the motion naturally has to be on senior female appointments in the Civil Service, it is an issue that goes beyond the Civil Service. Mention has already been made of the lack of balance between males and females in public appointments. One can look also at private institutions and the lack of females on the boards of private companies. Similarly, mention has been made of the lack of female chairpersons in public bodies. Those issues are all part of a collective issue that needs to be addressed.

Although much has been made of the lamentable lack of females at permanent secretary level in the Civil Service, it is important to acknowledge that, over the years, considerable efforts have been made at various levels and there has been some improvement. I think that the figures that Mr McCarthy quoted may already be out of date and the situation may have improved. However, I will leave the detail of that to the Minister, because, as with any statistic, it is, at best, only a staging post.

What we are looking at is not simply a plan and how it could be implemented, but at all those things being a constant work in progress. It is not simply a question of, "Here is a period in which things will come to a conclusion". It is about how we try constantly to move it forward. To that extent, I think that a lot of effort has been made in the Civil Service and there are lessons to be learned. For example, mention was made by Miss Fearon of mentoring, which is an important topic.

At the heart of the motion, and the heart of DFP efforts, lies trying to identify where there are invisible barriers. In many cases, I doubt that it is direct discrimination of somebody consciously trying to ensure that a male gets a particular post. However, it may well be about a range of artificial barriers that need to be overcome to ensure that there is true equality of opportunities.

Part of that, as was mentioned by Mr McGimpsey, is about looking outside the box. There is a tendency, traditionally in the Civil Service, to have a Sir Humphrey-type attitude about which muggins's turn it is next to take a particular position. The recruitment exercises at grade 3 and grade 5 that have looked towards external recruitment are to be welcomed. Similarly, work with academics to identify particular barriers is important, and I know that work is ongoing with the University of Ulster. The gender review is due to be published in the summer this year. That will be part of another staging post in looking then at what the next set of targets should be for 2016.

In the short time available to me, I will finish with something in which, I believe, there has been a degree of positive development.

In 2005, I had entered local government and was involved with the Northern Ireland Local Government Association. 2006 was to be the year of women in local government, focusing on elected members and particularly on staff. At that time, not one of the 26 councils in Northern

Ireland had a female chief executive. The only female local government representative in the Society of Local Authority Chief Executives (SOLACE) at that stage was Heather Moorhead, the then chief executive of NILGA.

I am not saying that everything in local government is now rosy, but it is noticeable that we have reached a situation where I understand that, of the 11 new chief executives, at least four are female. Some have been appointed from outside the traditional system and others by way of promotion. That is not equality but it is, at least, a very significant step in the right direction. It has been mentioned that, where positive role models are provided by females, or any other group that has traditionally been in a minority, that can filter down and spread throughout an institution.

**Mr Speaker:** Will the Member bring his remarks to a close?

**Mr Weir:** Perhaps we should look at cross-learning between local government and central government and consider any other examples of good practice to see how we can tackle the issue positively and ensure that we have a representative Civil Service.

**Ms McGahan:** Go raibh maith agat. I support the motion and the amendment, provided that there is change to the status quo. Women must have equal opportunities and access to their chosen career path. I take this opportunity to congratulate the first female chief executive of Belfast City Council, Suzanne Wylie. I wish her every success in her new role.

We have anti-discrimination laws such as the Equal Pay Act, the Sex Discrimination Order and section 75, which provides for a statutory duty on public authorities to have due regard to promote equality of opportunity between a number of groups, including between men and women generally. Unfortunately, despite all those laws to stop discrimination against women in the workplace, women still face many barriers in their chosen career path due to gender inequality. It is important for women to support and encourage other women by being positive role models and inspiring others to believe in themselves and follow their dreams.

All of us have a responsibility to challenge discrimination and gender inequality, no matter where it comes from. Sinn Féin believes in and is committed to building an egalitarian society, and women are absolutely pivotal in making that a reality. That is reflected in the fact that Sinn Féin has the largest number of female MLAs in the Assembly, and three of our Ministers are women. We also place huge emphasis on ensuring that women are properly represented at each level of the party, because we believe that women, who make up over 50% of the population, need adequate representation in politics and every walk of life.

We can employ as much energy as we have to address the specific barriers to the inclusion and the participation of women through education, training and the introduction of structural safeguards, but the biggest barrier, which affects most women, is the issue of finance and childcare. The motion states that we need to:

*"identify the reasons for the current imbalance, and to devise and implement a plan that will deliver a more balanced gender make-up of grade 3, grade 5 and permanent secretary posts within five years."*

I believe that this is not a scenario of whether we should deliver but how we can deliver. It is important to acknowledge that changes that do not go to the root of the problem of gender imbalance in the Civil Service will be viewed only as cosmetic. This is both a political and moral imperative, and it is achievable. It will not happen overnight, but it cannot be delayed.

The Programme for Government contains a commitment to the production of a gender equality strategy, which it states:

*“provides an overarching strategic policy framework within which departments, their agencies and other relevant statutory authorities will channel their existing actions and initiate new actions to achieve an agreed vision, guided by a set of principles and objectives aimed at tackling gender inequalities and promoting gender equality across government’s major policy areas for the benefit of both women and men generally.”*

The development of the gender equality strategy is in line with an approach of mainstreaming equality. Mainstreaming has become a major approach to gender equality policymaking internationally and is promoted by the UN, the EU and the Council of Europe. Although figures show that female representation in the Civil Service has increased, it remains the case that, in general, the more senior the job, the lower the representation of females.

### 5.30 pm

The research paper provided to us states that recruitment outcomes in recent years suggest that some consistently occurring inequalities may exist at different stages of the recruitment process. Although the Finance Department has provided information on that, it nevertheless merits further exploration. Further to that, it is important to point out the obligation for an equality impact assessment (EQIA). It states that, if an assessment indicates that a policy may have an adverse impact on groups in any of the stated categories, the public authority must consider alternative policies that better achieve the promotion of equality of opportunity or measures that might be employed to mitigate the adverse impact.

In conclusion, gender equality will not happen on its own. It needs a strategy, targets and positive outcomes. This is a journey of change, and we all, men and women, have a role in bringing about that change.

**Mrs D Kelly:** When I first saw the motion, I was reminded of an old ‘Yes Minister’ episode that I watched, I think, some time last year. When it was suggested to Sir Humphrey that there should be more women at senior level, he was almost apoplectic and wondered whether the Minister had taken leave of his senses. I trust that the Finance Minister will not take a similar position.

There is not much more to add about the obstacles and barriers. We all know what the problem is, and we want to know what the Minister will do about it. It will be very interesting to hear from him on how he will shine a light on this inequality and help to promote women.

I think that the majority of Members here have served on local councils. Over the years, they will have seen the transformation across a range of departments. In

economic development, environmental health, technical services and engineering, more women are coming through the system, but many are not making the jump to the most senior positions. It has to be said of the Civil Service that it seems to be one of the worst examples of where women fail to reach the higher grades in the profession.

I note in the information provided to Members the series of indicators and type of measures that the Minister and his Department are looking at. I think that it is an OFMDFM strategy, which mentions how they are looking at gender gaps and performance. However, they have decided not to measure performance. Might I suggest that, if they were to measure performance, they would find that, very often, women outperform men in many aspects of life. I hope that not too many of them will take personal affront at that.

This is from a section of the strategy on the development of gender indicators. Can anyone in the Chamber tell me exactly what it means? It states:

*“The decision was taken to pursue the first type of indicators given that the strategy intended for the publication of departmental action plans containing specific actions and targets in support of the strategy. That is, the performance element of the strategy would be reflected by departmental targets in support of the strategy whilst the high-level gender disaggregated statistics would enable an overview of the change to the relative position of women and men across the breadth of policy areas.”*

You would nearly lose interest in trying to determine what that means. That is the sort of thing that we are cursed with in the public sector. There is a lack of plain English in some of the targets that are set, and that is a very fine example. It suggests to me that the departmental performance targets of any position in the public sector are looked at across the range. In other words, although a lot of women are probably holding the whole thing up by performing and achieving targets, the man at the top is taking the credit.

I am very keen to hear from the Minister about how he will challenge a system that, let us face it, is many years of age. As we have often heard in this place and on television, Ministers come and go, but civil servants are here to stay. I hope that the Minister challenges that attitude and makes a number of changes. I look forward to seeing many female permanent secretaries in coming years.

**Mr McCartney:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis na moltóirí as an díospóireacht a thabhairt go dtí an Tionól inniu. I welcome the debate and thank the proposers of the motion and those who tabled the amendment. I think that this is the second time recently that we have had a debate of this nature. The last debate coincided with International Women’s Day, and this one coincides with Mother’s Day. I think that that is appropriate.

When moving the motion, Michael McGimpsey said that, for him, this was an equality issue. I agree. That is because, when you strip away the other points, and without getting bogged down in statistics, you find that this is about equality. I welcome that I have not heard anyone suggest that there is not an imbalance. Where there is an imbalance, there is an equality issue. When people accept that there is an imbalance or an inequality, I do not think

that it can be talked away or readily dismissed by saying, "When you employ on merit, this is what you get". We all know that the problems that we are dealing with are more deep-seated than that.

Megan Fearon said that the definition of insanity is to keep doing something that you have already done while expecting a different outcome. People say that that is one of many definitions of insanity. I am not saying that it is, but it is certainly one way of ensuring that nothing will change. If we are serious about making change — listening to the contributions today makes it clear that no one doubts that there is a need for change — we have to do something different to what has been done in the past. I think that that demands of us that we be bold and imaginative.

I do not know the exact procedures, but perhaps recruiting outside the Civil Service, as was done to bring Aideen McGinley in as a permanent secretary, could be examined. I am not saying that that is the answer, but it is worth exploring. This is not just about the Civil Service. The Justice Committee has looked at gender levels, particularly at the senior levels of the judiciary. There can be better representation at lower levels in institutions, but the more senior positions seem to be more male dominated, and I think that we have to try to tackle that.

In the 'Gender Review March 2010' document, one statement that was made that I found a bit surprising confirmed that there is no specific test for assessing the fair representation of men and women. We could perhaps try to bring that about through a test that is substantive, that can measure and that is objective. It would help us to find out how we could be more positive and objective in bringing about change.

There is an acceptance in the document that there is under-representation at grades 3 and grade 5 in the Civil Service. It states that affirmative action measures can be taken, but those measures are not outlined. Again, we need to explore what we mean by affirmative action, because sometimes there is a perception that taking affirmative action can run contrary to legislation or law. However, in fairness to the document, it states at section 5.2:

*"Under sex discrimination legislation employers can take lawful affirmative or positive action measures where they identify few or no men/women employed in the occupation."*

I do not think that anybody would not accept that there are few or no women employed at that senior level, so there is provision for us to be affirmative. By "affirmative", I mean that we could put into legislation what some people refer to as quotas, but if we are going to have a desired outcome in a number of years' time, we may have to do something that we have not done in the past.

I think that there has to be an acceptance that all the good measures and procedures that have been put in place have not changed the mathematics of the situation. By not changing the mathematics, we will not change the perception. Anybody looking in from the outside could make the criticism, which is valid and which has been supported here today, that where there are no women in senior posts across a range of professions, we are doing something wrong. When we accept that, we can put measures in place. People talk about political life and whether —

**Mr Speaker:** Will the Member bring his remarks to a close?

**Mr McCartney:** Let me just make the point that this is about affirmative action.

**Mr Hamilton (The Minister of Finance and Personnel):**

I thank Mr McGimpsey and Mrs Overend for tabling the motion. I thank Mr McCrea for moving the amendment, and I thank everyone who has participated so far in raising this important issue of gender balance and the need for better gender balance in the senior levels of the Northern Ireland Civil Service.

The one overarching message that I will leave with Members today is that yes, we have a problem, but progress is being made. As many Members noted, almost half of our civil servants — in fact, slightly more now, in total — are female, yet only one third of the Senior Northern Ireland Civil Service are women. That makes it very clear that we have a problem. However, as Members will acknowledge — indeed, many did in their contributions — this is a situation that has not materialised overnight. Mr Weir, for example, mentioned his experience of local government, and I join with him in welcoming the fact that four of the chief executives of the 11 new councils, including the chief executive of the biggest council, Belfast, are female.

Mr McGimpsey mentioned the two female permanent secretaries in DCAL. He recalled his time, and he was right to say that, whilst we acknowledge that there is a problem, there is no one person, party or Department that is responsible for that problem having developed; it is a problem that has materialised over time and is not easy, simple or quick to resolve. He will recall from his time in the Health Department — he will correct me if I am wrong — that although progress was made, one trust chair was a female and only two chief executives were female. Representation at chief executive level in and around the Senior Civil Service shows that that problem extends beyond even the Civil Service.

I said that we had a problem but that progress was being made. In 2001, 12.5% of grade 5s were female and only 9.5% of grade 3s were female. By 2010, that had increased to 31.6% of grade 5s and some 25% of grade 3s. The 2010 review of gender, which is noted in the amendment, included a 5% increase in the target to take both up and, indeed, progress has been made in those intervening years to the extent that by 1 October 2013, 38.7%, which is a significant increase well above the 5% target of 33.3%, for grade 5s is the case. So we are approaching a position of better equality and balance at grade 5 level. There has been some slippage in the grade 3 position but it is still anticipated to hit the target of 26.5% this year.

Mr McGimpsey acknowledged that we have no female permanent secretaries. We have one woman at permanent secretary-equivalent grade but not actually a permanent secretary within the Department. There is also reasonable representation across a lot of professional and specialist occupational groups in the Civil Service; 14 groups were found to have fair representation, 11 had male under-representation and 17 had female under-representation. Those statistics show that what we are doing — I will come on to what we are doing — is working, albeit slowly but surely.

Many Members talked about other organisations and, in that respect, the Northern Ireland Civil Service is not alone. I have mentioned health and local government. I noted, too, a report that was commissioned by the UK Government, entitled 'Women on Boards', which looked at the private sector. In 2010, it found that only 12.5% of corporate boards of FTSE 100 companies had women on them. That was up from 9.4% in 2004. The report noted that at that rate of increase — a much slower rate of increase than in the Civil Service — it would take 70 years to get fair representation. In saying that, the representation in UK boards is better than in Europe, where it was found to be 7%, and in Asia, where it was only 3%.

It is my personal experience that, when I go to meetings in this capacity, the Civil Service is not as badly represented as some other businesses. I can recall a meeting that Arlene Foster and I had with representatives of local banks about the agrifood loan scheme. She was 100% of the female representation around that table, where there were about 13 bankers in the meeting. Indeed, at a meeting that I had last week with the European Investment Bank, there were about a dozen of them there, and every one of them was a man.

So it is not just the Civil Service; this permeates other aspects of society.

#### 5.45 pm

I accept and acknowledge that the lack of published data does not allow comparisons between the Civil Service and other public sector and, indeed, private sector organisations in the way that we would want. I can confirm that corporate HR in my Department and OFMDFM have commissioned the University of Ulster to conduct a survey of gender equality at executive level in the broad Northern Ireland public sector.

The 2010 gender review, which is noted in the amendment and is the strategy and action plan that the original motion calls for, was carried out by DFP, and it set a baseline against which future progress can be monitored and reported. It also set out key actions and specific goals and timetables aimed at addressing under-representation. It is our intention to roll those targets forward when the next review reports later this year.

Before setting out what actions we have taken, it is useful to reflect on some reasons — many Members, including, latterly, Mr McCartney, touched on them — for the under-representation of women in the Senior Civil Service. Internal Civil Service work and, indeed, outside research suggests that it is a combination of many factors, many of which are to do with women's other responsibilities, particularly caring responsibilities, and the difficulties that that can present in balancing work and family life. Many women make a personal choice to care for small children full-time and to not pursue careers. It also found that there is a perception that working at the most senior levels of the Civil Service or, I suppose, of any organisation brings with it a culture of working very long and very late hours.

There is a poor perception of part-time working on the basis that it denotes a lack of dedication to one's job or that working part-time can have the consequence of having to work unpaid at home to meet the demands and pressures of your work. There is also a perception that is held by some that females do not work in more challenging posts

and stick to what are sometimes described as softer skills such as human resources. In that respect, it is sometimes a bit of a self-fulfilling prophecy.

Mrs Kelly and others said that it is all well and good identifying a problem but asked what actions we are taking. Before I outline what specific actions we have taken and propose to take, I must say that it is my firm belief that everyone, to echo what Mr McCrea said, should be appointed on merit and merit alone. I do not care about the gender or religion of my senior officials so long as their advice and work is good. In seeking to encourage greater female participation in the Northern Ireland Senior Civil Service, we must be careful that we do not do anything that breaks the law or discriminates in the other direction.

We have taken specific actions on the Senior Civil Service and on lower grades to assist the participation of women and to be a good employer. The first area is the wide range of support that we have offered for women and, indeed, for men as and when appropriate. That includes term-time working to reflect the need to look after schoolchildren; part-time working; compressed hours; special leave for emergencies, particularly involving the need to look after children; 18 weeks' paid maternity leave; and a childcare voucher scheme.

The second area of actions, which was touched on by many Members, is recruitment and the use of recruitment as a key driver in getting better representation and better balancing in our Senior Civil Service. I do not like to talk about civil servants in this sense, but it is about ensuring that there is sufficient supply and that we have a pipeline of female civil servants. I can stand here and quote the figures and the improvements that have been made over the past years, but I am increasingly seeing the incredible talent in those roles. I appreciate that that is maybe not visible to every Member and that I am in a privileged position. I am sure that Mr McGimpsey, given his former life, can testify that there is incredible talent at grade 3 and grade 5 levels and that it is increasingly female. That reflects my experience even outside this place because, when I was studying, more and more women were studying law and accountancy and filtering through in a pipeline towards more senior posts down through the years.

We have taken two specific positive measures, one of which is using job advertisements to welcome applications from identified under-represented groups, which, of course, does not just relate to women at Senior Civil Service level. The current open grade 5 and grade 3 external recruitment competitions are also helpful, and I hope that some positive results flow from those. Mr McGimpsey cited the example of a female permanent secretary who was recruited externally to his Department. He would agree that that open external process gives a better chance of recruiting women into higher grades in the Civil Service than perhaps women working up through the pipeline that I talked about.

The third area of actions that I want to touch on is leadership development and mentoring programmes in the Civil Service to help women in their career progression. Again, I draw on my personal experience. I have the honour — I will be doing it again this week — of talking to senior and mid-level civil servants who are completing a certificate in public administration through the Civil Service. On the occasions when I have spoken to those

groups in my capacity as Minister, I found that the majority of participants were women. So, again, we are seeing that, although they are not at the top level perhaps just yet, there is a pipeline of women progressing, and increasing numbers of women who can, on merit, take those senior positions.

The fourth area is a Northern Ireland Civil Service-wide survey that we intend to conduct into staff attitudes about equality and diversity, which will be performed in late March. I think that that will reveal some interesting answers from women as to why they are not participating in the numbers that we all want them to at Senior Civil Service level. Coupled with the University of Ulster research that I mentioned before, it will help us to make further recommendations and identify additional actions that we might take.

Finally, in respect of actions, I can confirm that we are actively considering the creation of a senior women's network in the Civil Service this year. To echo Ms Fearon's point, that will result in more mentoring for women in the Senior Civil Service and at a higher level.

In conclusion, I fully understand and appreciate that, in order to provide a high-quality service to the people of Northern Ireland and to maintain the confidence of our community, the Northern Ireland Civil Service needs to recruit and retain the best talent available. The best talent includes the best women and the best men. I once saw written that it:

*"is not just the right thing but also the 'bright' thing to do"*

to attract talented women to the Senior Civil Service. I am committed to addressing gender imbalance at the highest levels of the Northern Ireland Civil Service, just as I am committed to addressing the under-representation of men at AA, AO, EO1, EO2 and staff officer grades as well.

Fair and open recruitment and promotion arrangements are critical. A clear demonstration that everyone, irrespective of gender or anything else, has an opportunity to apply for the Northern Ireland Civil Service vacancies is also essential. That all appointments are made on merit, based on ability and aptitude for the work, is paramount.

**Mr McQuillan:** I thank all Members who took part in the debate and Mr McGimpsey and Mrs Overend for bringing the matter to the House. I also thank my colleague Ian McCrea for proposing the amendment, and the Minister for giving his spiel as well.

Members will be only too aware of the gender equality strategy 2006-2016, published by OFMDFM, as well as the 2010 DFP review of gender balance published in 2012. When you glance at the figures of the gender balance in the Civil Service, you see that males are in fact under-represented. That trend has been occurring since 2001. The population of males employed in the Northern Ireland Civil Service is decreasing whereas the population of females has increased.

However, it is apparent that the male:female balance changes when you look at the senior posts where females are under-represented. In 1997, the gender balance was very much in favour of men, with one female to every 10 males. However, that ratio had changed to one female to every three males by 2012. That change has to be welcomed, and it is a demonstration that the system's policies have been working, although perhaps not to the degree that some may wish.

In the 2012 figures available on the Northern Ireland Civil Service recruitment exercises, females were more likely to be appointed than males, despite the fact that there were more male applicants. When it came to Senior Civil Service posts, two thirds of all applicants were male, with appointments made almost on a 50:50 basis. I think that that is a demonstration of the calibre of the female applicants. Again, more applicants were male.

I advocate a public sector that is reflective of society, and Members are aware that employers, regardless of who they are and whether they are in the public sector or the private, are required to adhere to the equality agenda, which means that people cannot be discriminated against. Furthermore, in this day and age, given the existence of the fair employment legislation which has been in existence for some time, despite how some people might like to spin it, discrimination is rare, with, for example, the section 75 groups protected in law.

All of that is to be welcomed. Gone are the days when public life was unequivocally dominated by males. We are making strides to achieve gender equality, but, frankly, I would oppose any draconian method to enforce gender balance, like that of the 50:50 method for selecting police officers — known as "positive discrimination" — under the Patten reforms.

One has only to look at wider society to see the number of women in high-powered positions. That is a positive for society, and it is further evidence of what I have already referred to today. We are seeing achievements when it comes to delivering gender equality, but that is not to say that we should sit idly by and let nature take its course. That is why we should take stock of the gender imbalance that exists in Senior Civil Service posts and seek to get to the bottom of why that is the case. There is a commitment to do that in DFP's gender review of 2010. I therefore support the motion and the amendment, and I urge others to do likewise.

**Mr Speaker:** Before I call Sandra Overend to conclude on the motion, I must say that the business in the Order Paper will not be disposed of by 6.00 pm. Therefore, in accordance with Standing Order 10(3), I will allow the business to go on until 7.00 pm or until the business is completed.

I call Sandra Overend. The Member has 10 minutes.

**Mrs Overend:** Thank you very much, Mr Speaker. I am glad that I did not see discrimination against a woman making a winding-up speech, which would have been the case had you asked me to make it in three minutes. I appreciate the extension of the time.

It is my pleasure to conclude on the debate on tackling gender imbalance in the Senior Civil Service. The debate has been positive, and I am pleased to hear support from all parts of the House. If gender bias could be addressed in such a short time in reality, it would be a much easier world for women, especially in the Senior Civil Service. My colleague Michael McGimpsey and Ms Fearon outlined the disappointing statistics that, of 11 permanent secretaries, not one is a woman.

The issue goes beyond Northern Ireland. In GB, the number of women appointed in the past three years to permanent secretary reached only 27%, and they think there that that is a woefully low statistic. We are extremely

bad in comparison even with that. As we have already said, the situation is simply not right, fair or acceptable. The Senior Civil Service should reflect the society that it serves, and we should work to build a society that does not tolerate discrimination against any group or individual on any grounds.

We are less concerned with the type of strategy or action plan that we support than we are with achieving the results that we need. Looking at the grade 3 statistics, I see that, going back to 2006, there were 12 women at grade 3. Looking at the 2014 figure, I see that it seems to have gone down to nine. Therefore, on the basis of the grade 3 figures, we are going backwards rather than forwards.

I said only last week at an event in the Long Gallery promoting gender bias in the STEM industries that, when women are involved in businesses from the bottom to the top, those businesses generally benefit. It is essential that all career sectors be the best that they can be. That means ensuring that they contain the best and the most talented. If our best women are not included, those areas of employment will not fulfil the potential that they would have if more women were involved.

Lord Davies published a review in 2011 called 'Women on Boards', and he said that real progress had been made in the intervening years, with more women than ever before in top positions. Business Secretary, Vince Cable, said that the figures showed that businesses were getting the right mix of talent around the boardroom table. Maria Miller, the Minister for Women and Equalities, has said that the workplace was designed by men for men. Women do not need special treatment; they just need a modernised workplace that gives them a level playing field. She said that supporting women to fulfil their potential should be a core business issue for the long-term sustainability of our economy. Again, such arguments and sentiments also apply in the Senior Civil Service.

#### 6.00 pm

As I said, this afternoon's debate was very positive. I was surprised to hear Mr McCrea's attempt to gain the sympathy of the House with his man flu story. *[Laughter.]* He went on to talk about the merit principle and, of course, of Mrs Foster being the Minister of Enterprise, Trade and Investment. However, I would like to note that Invest Northern Ireland may have some work to do, as only one member of its board is a woman.

Ms Fearon added to the debate when she talked about the barriers for women. It was an interesting description of women being the boss rather than being bossy. That is certainly something that many of us feel.

Dominic Bradley agreed that we needed to see progress at a more rapid pace. Mr McCarthy recognised that gender imbalance is not just an issue in the Senior Civil Service. He mentioned money being wasted on women who did not go further when they had progressed through education. I sincerely hope that he does not suggest writing a clause into further and higher education course applications to stipulate that women must ensure that they will go up the career ladder if they are going to apply for the course.

In his contribution, Mr Weir recognised that there was a plan in moving forward, and he talked about the invisible barriers that needed to be overcome. I certainly agree with that. External recruitment will certainly help, and that

is an issue that all Departments must consider. Mr Weir — he is not here now — had some interesting facts. He talked about the new councils and said that four of the 11 new chief executives were women. That is progress, but, certainly, we desire further progress.

Ms McGahan, Mrs Kelly and Raymond McCartney talked about the call for strategy targets and measured outcomes. Indeed, we agree with that.

I appreciate the Minister's comments, in which he recognised that we have a problem. He said that progress was made slowly but surely. That is key to the debate this afternoon: progress is certainly slow. We challenge the Minister to aim higher and to make faster progress.

I am sure that Members will expect me to remind them of the recent announcement by the Regional Development Minister, my colleague Danny Kennedy.

**Mr Kennedy:** Hear, hear.

**Mrs Overend:** There he is. He announced that his Department would take measures to improve the diversity of its boards and associated bodies, including making all reappointments subject to public competition. After reviewing the Department's record on diversity in light of the recommendations in the report, 'Under-representation and Lack of Diversity in Public Appointments in Northern Ireland', the Regional Development Minister said that he wanted to encourage more women, younger people, ethnic minorities and people with disabilities to apply for appointments to boards under his Department. That is very welcome and a good example of what could be done across all Departments.

The evidence speaks for itself. There is no defence of the figures. More needs to be done. This is under our control, and we should do more. The review took place back in 2010, but, still, there are no female permanent secretaries. I would like to see at least one female permanent secretary within the next five years. This is a challenge for all the Departments, and I hope that the Finance Minister has heard the mood of the House this afternoon and will do more to draw up a plan with targeted actions and better outcomes. I hope that he does that now, rather than us having to wait until there is a female Finance and Personnel Minister.

*Question, That the amendment be made, put and agreed to.*

*Main Question, as amended, put and agreed to.*

**Resolved:**

*That this Assembly notes the current gender imbalance across senior posts in the Northern Ireland Civil Service; accepts that, in the interests of equality and the utilisation of the skills, knowledge and talent of all civil servants, gender should not be an impediment to the recruitment, promotion and retention of personnel at senior grades; recognises the plan contained in the Department of Finance and Personnel's 2010 review of gender to deliver a more balanced gender make-up of grade 3, grade 5 and permanent secretary posts; and calls on the Minister of Finance and Personnel to identify the reasons for the current imbalance and to outline the progress to date against the plan.*

*Adjourned at 6.04 pm.*



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# Northern Ireland Assembly

Tuesday 1 April 2014

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

*Members observed two minutes' silence.*

## Executive Committee Business

### Local Government Bill: Further Consideration Stage

**Mr Speaker:** I call the Minister of the Environment, Mr Durkan, to move the Further Consideration Stage of the Local Government Bill.

*Moved. — [Mr Durkan (The Minister of the Environment).]*

**Mr Speaker:** Members will have a copy of the Marshalled List of amendments, detailing the order for consideration. The amendments have been grouped for debate in my provisional grouping of amendments selected list.

There are four groups of amendments. We will debate the amendments in each group in turn. The first debate will be on amendment Nos 1 to 4, 18, 23 and 28, which deal with appointments, disqualifications and the code of conduct. The second debate will be on financial and technical issues, and it will address amendment Nos 5, 22, 24 to 27 and 30 to 34. The group 3 debate will be on amendment Nos 6 to 13 and 29, which deal with governance and decision-making. The fourth debate will be on amendment Nos 14 to 17 and 19 to 21, which deal with access to information and good relations. Members will note that a valid petition of concern has been tabled in relation to amendment No 19. Therefore, the vote on that amendment will be on a cross-community basis. Once the debate on each group is completed, any further amendments in the group will be moved formally as we go through the Bill, and the Question on each will be put without further debate. If that is clear, we shall proceed.

Clause 3 (Disqualifications for being councillors)

**Mr Speaker:** We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 to 4, 18, 23 and 28, which deal with appointments to committees, disqualifications and appeals relating to a breach of the code of conduct.

**Mr Allister:** I beg to move amendment No 1: In page 2, line 8, at end insert“(d) the House of Lords;”.

*The following amendments stood on the Marshalled List:*

No 2: In page 2, line 8, at end insert

*“(e) the legislature of any other country.”— [Mr Allister.]*

No 3: After clause 3 insert

**“Disqualification of councillors for being independent members of policing and community safety partnerships**

**3A.—(1) The Justice Act (Northern Ireland) 2011 is amended as follows.**

*(2) In Schedule 1, in paragraph 9 (disqualifications) after sub-paragraph (2) insert—*

*“(2A) A person is disqualified for being an independent member of a PCSP if that person is a councillor.”.*

*(3) In Schedule 2, in paragraph 9 (disqualifications), after sub-paragraph (2) insert—*

*“(2A) A person is disqualified for being an independent member of a DPCSP if that person is a councillor.”— [Mr Elliott.]*

No 4: In clause 4, page 2, line 14, at end insert

*“(2) In section 4 of that Act, after subsection (1) insert ‘(1A) The Department must by 30 September 2014 make an order under subsection (1)(a).’— [Mr B McCrea.]*

No 18: In clause 59, page 35, line 39, at end insert

*“(10) An appeal under subsection (9) may be made— (a) against the suspension (or partial suspension); (b) against the length of the suspension (or partial suspension).”— [Mr Durkan (The Minister of the Environment).]*

No 23: After clause 117 insert

*“Public bodies to support employees seeking election to council*

**Public bodies to support employees seeking election to council**

**117A.** *A public body, other than a council, must to the extent that it is reasonably practicable, support and facilitate any employee, other than its chief executive or directors, in seeking election as a councillor including—*

*(a) offering unpaid leave for the three-week period prior to local government elections;*

*(b) actively seeking to overcome perceived conflicts of interest.”— [Mr B McCrea.]*

No 28: In schedule 2, page 80, line 5, leave out

“Regulations” and insert “Standing orders”.— *[Mr Durkan (The Minister of the Environment).]*

**Mr Allister:** In what is said to be a new start in local government, it is appropriate that we look at the qualifications required to sit as a councillor in the new arrangements. The Bill already makes a conscious and deliberate effort to deal with what has long been termed double-jobbing. It deals with it on the basis of prohibiting someone who is a Member of this House, the House of Commons or the European Parliament from also sitting as a councillor. I agree with that. I think that that is right. Whether double-jobbing actually created problems from time to time or whether it was indefensible in perception as well as reality, it is right that the House moved to deal with it. Of course, it is also in a wider context of dealing with double-jobbing in other fora.

The common denominator of the current exclusions in the Bill — MLAs, MPs and MEPs — is that all are members of a legislature. If that is the common justifying denominator, it raises the question of why we are not being all-inclusive in respect of the legislatures to which people can belong. That is why amendment No 1 raises the issue of extending the exclusion to the part of the legislature that is the House of Lords and why amendment No 2, on the same premise that it is undesirable to be part of a legislature and part of local government, would extend it to someone who might be or could be a member of a legislature outside of this country.

I do not think that there will or would be any great rush for peers to wish to enter local government, although we have had some notable peers who have given long service. One is Lord Morrow, who is not just a Member of this House and the House of Lords but a member of his council for many, many years. In truth, I do not think that there is likely to be a great rush of people wishing to be councillors and peers, but, if there is a principle involved, it is right to legislate consistently on that principle.

There may not be any great rush of, for example, members of the Southern Parliament who might be eligible to be councillors in Northern Ireland wishing to be councillors in Northern Ireland, but who can say? Theoretically, the TD for Louth Mr Adams, if he owns property in west Belfast — one appreciates that, on a working man's wage, it is, no doubt, difficult; it seems easier to own property in Donegal, but it might be difficult also to own property in west Belfast, who knows? — and was thereby eligible to be a councillor on Belfast City Council or was eligible by virtue of continuing to live in west Belfast, it would seem rather incongruous and, indeed, wrong that we would say to Members of this House, "You cannot be a member of your local council; you are prohibited from being a councillor", while someone who is a TD in another place in another country could be a councillor in the city of Belfast, for example. Therefore, it seems right and necessary that that anomaly is dealt with on the consistent and principled basis of disallowing dual mandates wherever they might be. If it is wrong that someone can be a Member of Parliament and a councillor, it equally would be wrong for them to be a TD and a councillor in Northern Ireland. You cannot logically rationalise all that, other than primarily on the basis that one should not have dual membership of a legislature and a local council. The same logic applies to the House of Lords, and that is the essential thrust that lies behind these two amendments.

**Mr Weir:** I thank the Member for giving way. I completely agree with him on the logic of comparing the MP with

the TD, for instance. There would be a bizarre loophole if you had a situation where one could be a Member of Parliament and be barred from being a councillor but that was allowable if you were a TD. I want to ask his opinion on what could be one slight flaw with the logic of including the House of Lords. Rightly, he talks about dual mandates, but membership of the House of Lords is not a mandate. Members are not elected by anybody, and membership is through appointment. Similarly, from the point of view of double-jobbing, in the strictest sense, it is not a salaried position; only expenses are given. Does that mean that there is a slight difference between membership of the House of Lords and of the House of Commons, in respect of which there is, rightly, a bar?

**Mr Allister:** I do not think that, in truth, there is anything other than a marginal difference. The key issue is membership of a legislature and membership of a district council. Whether you are paid for the privilege of being a Member of the legislature or whether, as some might have said in times past, you have paid for the privilege of being a Member of the legislature, I do not think that it really matters. I think that what matters it is the fact that you are a Member of a legislature. That then throws up the spectre of the impossibility of being in two places at the one time. Yes, of course, there are dormant Members of the House of Lords, but there are some very active Members of the House of Lords. You cannot, on the one hand, say of a Member who appears only by name and does not go there, "Why can't they be a councillor?" and, on the other hand, say of an active Member of the House of Lords, "They do not appear to have the time, and it would throw up a conflict". There has to be one rule for all. I do not think that the fact that they are not elected makes any difference. The fact that they are a Member of a legislature with time demands and other demands throws up the difficulty that the whole essence of the argument about double-jobbing was addressing. I do not think that it matters whether they are paid or unpaid. The common thread of all these propositions is that they are a Member, somewhere, of another legislature.

**Mr B McCrea:** I thank the Member for giving way. I invite him to perhaps take an even stronger line than that which he has taken. That is because the sole source of legitimacy for people who were considering double-jobbing at one stage was that they had received a mandate from the people. So, had you been elected to a council, the Assembly or as a Member of Parliament, you could have said that the people had spoken and that that was the case. That argument does not hold for the House of Lords, where people are appointed, so they do not even have that legitimacy to fall back on. However, perhaps the Member might consider that they are part of the entire legislative framework in which they have oversight or different positions. That is a key point: we do not want the same person to have multiple roles. I will finish by saying that there is deep disquiet among the population about people who are apparently paid twice for doing the same job. That would be the case if you were in the House of Lords. I invite the Member to respond to that. My position, which I will put on record, is that I am strongly of the opinion that being in the House of Lords and being a councillor is not an acceptable proposition.

**10.45 am**

**Mr Allister:** I thank the Member for his intervention. I suspect that he and I — certainly I — will never have to make that choice, but there we are.

I think that we have moved on from the argument about “Oh, I’m mandated to be in both”. I think that that phoney argument has been put to bed. We have now arrived at a position that it is a matter for the House to examine whether the current position of banning MLAs, MEPs and MPs from holding dual mandates is sufficient and logically compatible with them being able to continue to be a member of a legislature in another guise, be it the House of Lords or a legislature in another country. If you define the principle as preventing dual membership of a legislature and local government, you will have drawn the right conclusion, and the ultimate outworking of that conclusion is these two amendments, which will copperfasten that position. It is on that basis that I bring the amendments to the House.

I want to apologise to the House, in case this eventuality arises: for some time, I have had a meeting arranged with the roads Minister and some constituents at 12.00 noon today. It may be that I will not be able to stay until the end of the debate or will not be present for the anticipated winding-up speech. I apologise for that, but I feel that I have to fulfil the other obligation, given that people are travelling some distance to meet the Minister. Subject to that, I look forward to hearing out the debate.

**Ms Lo (The Chairperson of the Committee for the Environment):** As Chair of the Environment Committee, I welcome the Further Consideration Stage of the Local Government Bill. I wish to comment on only two of the amendments in this group — amendment Nos 18 and 28 — as those were the only two policy areas where the Committee expressed a view in its report.

Amendment No 18 to clause 59 introduces grounds for a High Court appeal on interim decisions made by the Commissioner for Complaints. The Committee tabled an amendment on the issue, which was agreed by the Assembly at Consideration Stage, to introduce a provision for such an appeal. The Department has now advised the Committee that our original amendment did not specify the grounds for appeal, and amendment No 18 has been tabled to provide an appropriate level of consistency in that part of the Bill. On behalf of the Committee, I welcome the clarification provided by amendment No 18.

The Minister has written to the Committee to indicate his intention of revisiting the constitutional position of the Commissioner for Complaints. As he has stated in the House, no other ombudsman or commissioner for complaints in these islands is subject to appeal by the High Court, and, at Consideration Stage, he suggested that the adjudication function might be removed from the Commissioner for Complaints and become the responsibility of another body. The Committee accepts that it has not been possible to develop an alternative adjudication method in the period between Consideration Stage and Further Consideration Stage, but I ask the Minister to give that due consideration as early as possible and to keep the Committee informed of progress on the issue.

I now wish to comment on amendment No 28. The Committee tabled an amendment, which was carried

at Consideration Stage, to ensure that the formula for appointment to committees may be run for all committee positions at once for the duration of the council term, on the basis of the number of seats that each party has immediately after an election. That amendment aimed to enable a fairer allocation of seats on committees to smaller parties and independent councillors, who otherwise might be excluded by the use of the quota greatest remainder process for each committee on an annual basis only. The Committee originally proposed to move an amendment to include the mechanism for implementing that in the Bill in the previous schedule 4 but agreed that it was content for the details to be included in subordinate legislation. The Department has now indicated to the Committee that it believes that amendment No 28 will provide greater flexibility to address issues connected with such an approach and that the arrangements would be specified as a mandatory element of a council’s standing orders in regulations using the enabling power provided by clause 37.

On behalf of the Committee, I ask the Minister to clarify what type of issues he envisages will require flexibility in determining how committee places in a council are allocated, particularly since he has not proposed that for dealing with joint committees, and why he does not support the greater control provided by subordinate legislation. Without a full and detailed explanation, I do not feel that the Committee can support the amendment, and members may prefer to proceed with the requirement for regulations, as specified by our original amendment.

With your indulgence, Mr Speaker, I will speak briefly as a member of the Alliance Party. Alliance opposes double-jobbing and is content to support the amendments in the group, which are sensible extensions to Parliaments otherwise excluded. It is correct that it would not be appropriate to ban MPs from being councillors while allowing Members of the House of Lords and even TDs to double-job. The amendments, therefore, are sensible.

I will oppose amendment Nos 23 and 28. Amendment No 23 places a burden on the public sector that I do not think is reasonable and is open to abuse, such as paper candidates standing so that they can get the time off suggested in the amendment to help out other candidates from their party or to do general party work. I also feel that it places an unfair disadvantage on candidates who work in the private sector and would not have access to the same protections. Amendment No 28 —

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

**Ms Lo:** Yes, of course.

**Mr B McCrea:** I will pick up a point about amendment No 23, which the Member has just mentioned. Is she aware of the Supreme Court’s ruling on article 3 of the first protocol of the European Convention, which states that the phrasing of that article:

*“was intended to give greater solemnity to the Contracting States’ commitment and to emphasise that this was an area where they were required to take positive measures as opposed to merely refraining from interference”.*

That is a ruling from the Supreme Court, based on the European Convention on Human Rights, so I am surprised that the Member will oppose such a clause.

**Ms Lo:** I thank the Member for his intervention. We know that the Department is already considering allowing staff at certain grades in a council to stand for council elections, but we think that that may have gone too far. Amendment No 28 —

**Mr A Maginness:** I am grateful to the Member for giving way. Amendment No 23 deals with public bodies. It states:

*“Public bodies to support employees seeking election to council”.*

It does not name the public bodies; it is public bodies at large. It is my view that that is over and beyond the remit of the Bill and certainly over and beyond the reach of the Department of the Environment, which is sponsoring the Bill. Therefore, it goes against the power of the Department in relation to this. If it was specifying bodies that came under the remit of the Department of the Environment, it might be different, but it is public bodies at large. Therefore, I submit that this is inappropriate in the context of the Bill.

**Mr B McCrea:** On a point of order, Mr Speaker. Could you clarify that the legislation before us is not legislation pertaining to the Department of the Environment but legislation in general that the Northern Ireland Assembly is considering and that there should be no restriction to the detail that we put in the Bill?

**Mr Speaker:** As the Member will know, there is limited scope to any Bill. However, it is up to the House to decide this morning, this afternoon or whenever what positions parties may take towards any amendment to the Bill. Yes, let us work within the scope of the Bill, but this is actually a local government Bill.

**Mr B McCrea:** On a point of order, Mr Speaker. Just for clarification, I agree that this is the Local Government Bill and that matters pertaining to local government and the appointment of councillors are within its remit.

**Mr Speaker:** The answer to that is yes. The Member is correct.

**Mr B McCrea:** Thank you, Mr Speaker.

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

**Ms Lo:** Yes.

**Mr Dickson:** Thank you.

**Mr Speaker:** Anna Lo. Sorry —

**Mr Dickson:** She has given way, Mr Speaker. Thank you very much.

**Mr Speaker:** Yes, sorry.

**Mr Dickson:** Apologies, Mr Speaker. In presenting the opposition to this argument, would Ms Lo agree with me, however, that the law deals generously with those who are elected? Whether you are an employee of a public body or any employee in the United Kingdom, you have a legal right to time off to conduct public duties. In fact, those in the public sector are at a distinct advantage in that the trade unions have negotiated regularly that those in the public sector not only have the appropriate time off, which is generally more than what is set down in law, but in many circumstances have time off with pay. We are approaching this from a perspective where public sector employees are at quite an advantage once they are elected. There is no

reason to suggest that we should create an uneven playing field as between the public and private sectors when standing for election.

**Ms Lo:** I thank Mr Alban Maginness and my colleague Mr Dickson for further clarification on the issue.

Amendment No 28 from the Minister tries to place the method for nominating more than one committee into the standing orders of a council rather than regulation from the Minister. As much of the Bill is dedicated to the nomination and appointments procedure, it seems incongruous that the Minister should now seek to place responsibility for some procedures into councils' standing orders. We feel that it would be more appropriate to keep this in the hands of the Minister acting as a supervisor rather than of the councils themselves, so we will oppose it.

**11.00 am**

**Mrs Cameron:** I welcome the opportunity this morning to further consider the Local Government Bill. I intend to comment briefly on the amendments before us.

Amendment No 1 includes membership of the House of Lords on the list of disqualifications from being a councillor. It would be highly unusual for that situation to arise, but it would not be impossible. On balance, given that being a member of the House of Lords is not an elected or salaried position, I have some reservations about the amendment. However, I am not minded to divide on it.

Amendment No 2 is also from Mr Allister. I am content to support the inclusion of, “the legislature of any other country”, as that supports the principle of devolution while adding to the overall intention of the Bill regarding double-jobbing and better local government by focusing on local and domestic governance matters.

Amendment No 3 is that a new clause be inserted after clause 3. The amendment is from the UUP, which wants to add,

*“Disqualification of councillors for being independent members of policing and community safety partnerships”.*

I am happy to support that as it seems to be a sensible amendment that will cover an existing loophole in the legislation.

I am content to support amendment No 4 as clear guidelines will need to be in place for those employed by councils who wish to stand for election. While it is vital to encourage more people to become involved in local politics, it is important to properly recognise a potential conflict of interest.

I am content to support amendment No 18, which is from the Minister, as it simply adds more detail about the appeal that can be made to a suspension or partial suspension and the length of that suspension.

Amendment No 23 seeks to insert a new clause after clause 117. Although I understand the intention of the amendment, which seems to aim to support further those who are employed by public bodies and are seeking election, the measure appears to be overly prescriptive, and I suspect that it would place a burden on public bodies and on employees who may not be able to afford a

three-week period of unpaid leave in the current economic climate.

I am not minded to support amendment No 28 as it seems to me that a single draft of the regulations would provide more consistent governance than each council coming up with its own proposals and guidelines. Those are my comments on the group 1 amendments.

**Mr Milne:** Go raibh maith agat, a Cheann Comhairle. I welcome the opportunity to speak in the Further Consideration Stage of the Local Government Bill. I will be brief and will get directly to the points.

Sinn Féin supports amendment Nos 1 and 2, as outlined by their proposer. As a party, we have had a long-standing view that there should be no double-jobbing, and these amendments close a gap in the legislation.

Amendment No 3 introduces a new clause to disqualify councillors from being independent members of the PCSPs. Given that PCSPs were constituted on the basis of elected and independent groupings that were distinct and separate, I believe that, if we were to examine the make-up of some existing PCSPs, we could find potential conflicts of interest. The amendment will ensure that the independent integrity of such bodies is protected, so we support it.

We are also happy to support amendment Nos 4 and 18. We have some reservations about amendment No 23. I understand the rationale of the sponsors of this amendment, but its introduction could create inequalities by giving preferential treatment to those who work in the public sector, which would lead to unfair advantage. For that reason, we do not support the amendment.

We are still in listening mode about the amendments that I have not touched on.

**Mr Eastwood:** I am glad to be able to take part in the debate, and I am glad to see us at this stage. Some of the speeches so far bode well for the length of time it will take us to get through this stage. Harmony has broken out, although I am not sure how long it will last. We can get through this a lot more quickly than the last time and with a bit less blood on the floor.

This is a very important piece of legislation, and I intend to focus my remarks on amendment Nos 1 and 2 from Mr Allister in this group. I am happy to support both amendments. There is good reason for the House of Lords not being included, and the arguments about its members not being elected or paid were made. However, I am convinced that there is no good reason to exclude the House of Lords from the effort to end double-jobbing. It has to be said that Mr Attwood, when he was Minister of the Environment, moved quickly to end any financial reward for people who sit as councillors and MLAs. That was the right thing to do. We in this House all have enough to do, and, if we were councillors, would have to do two jobs at the same time. I think that the public very clearly understand that we are put here to do a job and should be fully focused on it. Minister Durkan has moved in this Bill to enshrine the principle that we should end double-jobbing. By 2015, we will be fully there. Therefore, the amendment makes a lot of sense to me. Some people will say that people in the Lords are not paid. However, we found out recently that some of them travel quite a distance, go into work for two minutes and then go home again, with

their expenses in their pocket. Clearly, people are gaining financial benefit and reward from being a Member of the House of Lords. Being a councillor is a difficult enough job, as anyone who has been a councillor understands. If you are doing your job properly, it is more than a full-time job. Those responsibilities will increase in the coming months, with the new legislation. We want to ensure that councillors, many of whom will have other jobs as well, are focused as much as possible on their job as a local representative.

Equally, I see no reason why we would oppose amendment No 2. Although we have, in the past, had members of local councils in the North sit as Members of Seanad Éireann, the authorities in the Republic have moved to ensure that Members of the Oireachtas can no longer be members of a local authority. Therefore, it makes perfect sense for us to bring in the same legislation. However, as part of us accepting that, we are very glad to see that the Irish people in the Twenty-six Counties have rejected the referendum proposal that Seanad Éireann be abolished. We would far rather see it be reformed. We would far rather see the people on this side of the border who regard themselves as Irish citizens have an opportunity to play a fuller role in the democratic life of the island. We would love to see a situation where there was a more democratic and open opportunity for Northern Irish citizens to play their part, at least in the Seanad. That is a position that we continue to hold. We would love those people to play their full part in Seanad Éireann, and not have a role as a councillor in a Northern council at the same time. The argument has been well made by Mr Allister. It is not often that we agree on many amendments — sometimes — but this makes perfect sense, and we are happy to support it.

**Mr Elliott:** I suppose that Mr Eastwood set the scene by saying that we do not want to get into any serious conflict, and I would dare any of us to do that.

The first two amendments, from Mr Allister, are on an issue that has exercised Members, not only of this House but of other places. The issue is not just dual mandates but, at times, multiple mandates. We have discussed that on several occasions, and I fully support the principle and ethos behind those proposed amendments. It is important that elected representatives to any House or Chamber give it their full commitment. People often question the commitment of some people in this House and some people in the Houses of Parliament at Westminster, whether it is the Commons or the Lords. They question whether they are giving their full commitment or whether they have too many other attractions that divert them from giving that commitment. A realisation is coming quickly, particularly in this House, that people need to give their full commitment.

It would be remiss of me not to point out to the proposer of the amendment that amendment No 1 would mark a significant move away from the rest of the United Kingdom. There is no harm in that; I do not disagree with that, but it is right to point out that in no other area in the United Kingdom will a Member of the House of Lords be banned from being a councillor; therefore, we are moving away. The NIO recently rejected the opportunity to stop Members of the House of Lords also being Members of the Assembly. Indeed, Members of the House of Lords can be Members of the European Parliament, but, if this goes through, they will not be permitted to be members

of a local council in Northern Ireland. I am not saying that there is anything wrong with that, but we just need to be mindful of it. Maybe there is a responsibility on us in the Assembly to bring forward further legislation to stop that happening between the Lords and the Assembly. I do not know whether that is within our remit, but it is an issue that we can look at further.

Turning to amendment No 3, the Ulster Unionist Party's amendment, we have witnessed in recent months that a number of independent members of policing and community safety partnerships have become councillors. I believe that that is a significant issue. Mr Milne indicated that, if you dig down into the independent members, there may be a number who have a conflict of interest. That not only applies to independent members but elected members. We need to be mindful of that. You are never going to mitigate that totally, but we need to move as far away as possible from that conflict of interest. We want to provide separation so that independent members are, as far as possible, independent. I welcome the support that we have had for that proposal.

I move to amendment No 28 from the Minister and the Department, which changes "Regulations" to "Standing orders" on the appointment of more committees. Obviously, we are attracted to that to some degree, simply because we feel that each council may want to put forward its own committees and it allows the flexibility to do that without having to make regulations and do it for all councils. However, we are still open and will listen to the debate on that. I heard other Members discuss the issue. Therefore, we will judge that as it comes forward. I am interested to hear what the Minister has to say on it.

Turning to amendment No 23 from NI21, we have concerns about it giving a distinct advantage to people who run for office and who work in the public sector. I have some concerns with the wording of the amendment, which states:

*"A public body, other than a council, must to the extent that it is reasonably practicable, support and facilitate any employee".*

I am concerned that it would give those employees support, whereas others who are running for office may not have that support.

**Mr Agnew:** I thank the Member for giving way. I intend to listen to the debate on this amendment, although I certainly support the spirit of it and would be minded to support it. Does the Member recognise that, currently, the disadvantage lies with workers in the public sector and that this is a positive action to try to overcome that? At this point, there is not the same barrier to standing for election in the private sector as exists in the public sector. Therefore, positive action is required.

**Mr Elliott:** I thank the Member for that intervention. However, I am sure that he will appreciate that I do not accept his argument. Indeed, some in the private sector do not allow their employees to run for local councils or any elected office, sometimes because there is a conflict of interest.

Obviously, I do not accept that argument per se. I understand the spirit of the proposal, but I am concerned that it would give a distinct advantage to people in the public sector. I know a number of councillors who work in the public sector, and they certainly do not say to me that they feel at a disadvantage at any stage, either when

contesting an election or when elected. They just do not feel that they are at any disadvantage. Indeed, I know that, in some areas of the public sector, there is quite a bit of flexibility and time off to allow them to carry out their duties. I do not feel that there is such a disadvantage.

#### 11.15 am

**Mr B McCrea:** I am grateful to the Member for giving way. It is slightly strange that people are responding to our amendment before we have had a chance to make the case for it. Does Mr Elliott think that it is a good idea, in principle, that all who wish to put themselves forward for local council should be permitted to do so? That is my first question.

My second question relates to the point brought up by Mr Agnew. Surely, given the significant number of councillors and others looking to stand for council in the forthcoming elections, there will be some, to his knowledge, with whom someone has had a word and said that there are potential conflicts of interest because they are in the public sector. Surely, there will have been some instances when people have been advised, "I would not do that if I were you." Surely that is reprehensible, and that is the disadvantage that, I believe, Mr Agnew is talking about, and I concur with him. I will develop that point later in my contribution. Does Mr Elliott recognise that there is some potential in that argument?

**Mr Elliott:** I thank Mr McCrea for that. There is disadvantage in both the private and public sectors at times. I have been aware — more so in the private sector than the public sector — of when there has been a whisper in somebody's ear, "We would prefer that you did not run for council or indeed for the Assembly because there may be a conflict of interest." I have not been as aware of it in the public sector, but I will take his word that it happens.

**Mr Weir:** I thank the Member for giving way. I take on board what has been said by Mr McCrea and others. I agree with Mr Elliott that, at times, there appear to be conflicts of interest and indeed barriers. Sometimes, they are higher in the private sector than in the public sector. Say, for example, someone works for a firm that has a contractual relationship with the council or hopes to become, at some stage, a supplier to the council. There would be a lot of pressure in that firm for that person not to sit on the council because it could be seen as a conflict of interest or even a bar.

In a previous life, the Enterprise Minister would have been ruled out automatically. Also, a former chairman of the Ulster Unionist Party, Mr Cooper, would have been completely ruled out of being a member of Fermanagh District Council because his private firm was the council solicitors. That direct conflict of interest meant that he was barred from even running for council. In many ways, therefore, the barriers of conflicts of interest are for private firms. Certainly, the opportunity for an employee to have additional time off is, if anything, much greater in the private sector than in the public sector.

**Mr Elliott:** I accept the points made by Mr Weir. What we are trying to do is get a balance. I am sure that Mr McCrea is trying to do so as well, but I do not believe that the amendment provides that balance. I welcome the debate and discussion because I think that it is important that, where possible, people should be allowed the freedom to

exercise their right to run for elected office. However, we must realise that we live in a very close-knit society, and it must be accepted that there will be conflicts of interest. On some occasions, it will not be possible for people to run for office. I hope that those occasions will be very limited. In some cases, in the private and public sectors, that opportunity will not be there for some people. That is very unfortunate, but it is just a part of life.

**Mr B McCrea:** I appreciate the Member's giving way. I will talk about the issue in more detail later, but I want to put it to Mr Elliott, and on the record, that I am aware of an employee of Invest NI who would like to stand for council. He has told his superiors in the line of command that he would like to stand. He has been advised not to stand — not that they could stop him — because, the minute that he puts his name forward, there will be all sorts of conflicts of interest. He has said, "I am quite happy to manage conflicts of interest, because conflicts of interest are something that I have", but he has been spoken to. Surely that is not a good idea, given that his role does not in any way impinge on local government and would be below the threshold of what is proscribed. That is but one example, and I will quote several more. Surely that situation goes against the Supreme Court ruling that you can stop people's democratic right to stand for election. I just wondered how we might deal with that.

**Mr Elliott:** Clearly, I appreciate the information that Mr McCrea gave, but he will understand that I will not comment without knowing the exact case. What I will say, however, is that I am aware of people who have been told or advised, or to whom it has been suggested, that they should not stand. In some cases, they accepted that advice, but, in other cases, they did not, and, after going ahead with standing for council, they got elected. I know that it has not been any inhibitor whatsoever to one person in particular. I am not saying that they defied the suggestions, because they were only suggestions. They said that, on balance, they were going to contest the election, which they did, and they won a seat. I have never heard of it being an inhibitor to them. In fact, what they bring to the table is, quite often, very helpful and useful. There does not appear to be a huge conflict of interest. On occasion, those people will have to sit out of meetings, but that is accepted by us all. Indeed, from being on a council, I know, as will anybody else here who has been on a council, that, on occasion, such people had to sit out of meetings.

That is where we are on those amendments.

**Lord Morrow:** At the outset, I apologise for missing the first part of the debate. That was due to the fact that I had to attend an appointment with the education authorities in Armagh at 9.30 am. I understand that I missed some contributions in which my name was directly mentioned, but I do not take offence at that at all, because I am too long in public life now to get offended.

First, I will deal with Mr Allister's amendment, which absolutely amazes me, to say the least. For a long, long time, Sinn Féin has agitated that Northern Ireland must be a different place from any other region of the United Kingdom and that, if you sit in a House in the United Kingdom, you cannot sit on a council. They did not table such an amendment, so I suspect that they will be ever grateful to Mr Allister, because he has done that for them.

It is strange that the House wants to ensure that the legislation that we put through to govern our councils is different from the legislation in England, Scotland and Wales. In England, Scotland and Wales, you can be a member of a council, but if you are in the one other region of the United Kingdom, you are different, and you will not be allowed to sit on a council.

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

**Lord Morrow:** Yes.

**Mr B McCrea:** Does the Member accept that we are already different from England, Scotland and Wales? I have here Electoral Commission guidance for candidates and agents in local elections in Scotland. The guidance outlines that the second disqualification concerns politically restricted posts. So, Scotland, Wales and England have politically restricted posts, yet Northern Ireland has no such thing. So, we are already different from other parts of the United Kingdom.

**Lord Morrow:** Yes, but the point that I am trying to make is that you can become a member of a council in England, Scotland and Wales, but, if this is passed today, you could not do so in Northern Ireland.

**Mr Weir:** Thanks for giving way. Without having the particular guidance that Mr McCrea has in front of him, I do not know whether there is going to be a swathe of NI21 councillors across Scotland to look forward to — perhaps Mr McCrea aims to get the boat from Larne to stand there — but he referred to the issue of politically sensitive posts. That is one of the things where we have a difference, as mentioned in this legislation, which is that we have a blanket ban on any council employees becoming councillors. As part of the legislation, we are adjusting that to allow for a change to take place. However, there will, in effect, still be a ban on those in what may be described as "politically sensitive" posts becoming councillors; ie, those at a high enough level in the council. So, on that point, we are, arguably, moving towards the rest of the United Kingdom. As the Member indicated, though, on the issue of disqualification of the House of Lords, we are actually moving away from the practice in the rest of the United Kingdom.

**Lord Morrow:** The Member makes an excellent point, and for me to say anything further on it might just detract from it. So, I thank him for making that point.

I ask the House to give due consideration before following Mr Allister's line on this and give some thought as to why. I know that Sinn Féin — and the SDLP, maybe to a lesser extent, but certainly Sinn Féin — will be absolutely delighted with this amendment. Is it any wonder that they were full of praise for it? I suppose that, in a way, they are kicking themselves for missing it, but they depended on Mr Allister picking it up and he has succeeded in doing so.

In relation to amendment No 2, I understand where he is coming from. I certainly feel that we, as a party, will and should support it.

Let me be very clear in relation to Mr Eastwood. The DUP has led on the phasing out of what has now become known as double-jobbing. I have never heard as subtle an attack on a party leader. He attacked his own party leader in the most subtle way. We always were told that Mr Eastwood had aspirations to one day be the SDLP leader. It may be

that he is making his bid early and saying, "Look, this is the time to get rid of Dr Alasdair McDonnell".

He was very critical — absolutely scathing — of those who are double-jobbing, and he obviously had his own leader in mind when he was doing that. Who else could he have had in mind? However, that is an internal fight that the SDLP has to sort out at its next party conference or something, and maybe it will put Mr Eastwood in as leader now that he has taken on that mantle.

In relation to the other clause that —

**Mr Elliott:** I thank the Member for giving way before he leaves amendment Nos 1 and 2. Given that he also sits in the House of Lords, has the Member any indication as to why the NIO did not take on the matter of Members of the House of Lords not being allowed to sit in other Parliaments and, for example, in the Assembly here? I understand that it was raised but the Government indicated that, for some reason, it was not appropriate to do it. I wonder whether he has any information.

**Lord Morrow:** No, I am sorry that I cannot assist the Member on that because the NIO works in mysterious ways its wonders sometimes to perform. Anyone who can get to the bottom of the NIO will be an absolute genius, because the mandarins in the NIO work in a way that is totally alien to what any of the rest of us does. So, I am sorry, Mr Elliott; I do not say it disrespectfully to you but respectfully that you should go direct to them and ask for an answer in relation to that.

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

**Mr Elliott:** Will the Member give way again?

**Lord Morrow:** Right, OK.

**Mr Elliott:** I thank the Member for his patience. As a follow-up, is the Member aware of councillors of other jurisdictions who sit in the House of Lords? If so, can he give us any indication of how many?

**Lord Morrow:** No. I think that the House of Lords has almost 1,000 Members or thereabouts. It is a disparate House. Your colleagues may have the time to go into all of that and size that out for you, Mr Elliott. However, in relation to this amendment that has been put down today, I am not appealing from a selfish point of view. I no longer sit on a council, although I did so for nearly 40 years.

Who put me there? We were elected. Some of us still believe in the democratic process. Some of us believe that people being elected should not be dictated by legislation. Let the people have their say. Let democracy reign. Let it run. We have had enough of democracy being stifled in Northern Ireland. Here is another attempt to do it, which is regrettable. That is why my party will oppose the amendment, not because I am a member of the House of Lords. I am not now a member of any local council, but, given its position, the House of Lords is an unpaid, unsalaried position, and it is ironic that —

**11.30 am**

**Mrs McKeivitt:** Will the Member give way?

**Lord Morrow:** I will in a moment or two.

It is ironic that this matter should now be the subject of an amendment by no less a person than Mr Allister.

**Mrs McKeivitt:** I do not know what happened in Armagh, but when the Member's party colleague spoke earlier, she indicated that the DUP would not cause a Division on this amendment.

**Lord Morrow:** I am sorry, I did not hear the Member say that, but our party will oppose this amendment. We have made that quite clear from day one.

Mr McCrea and Mr McCallister tabled amendment No 23, and there is an inequality in it. We hear much about equality. Everybody has become possessed and obsessed with equality, and here is an amendment that runs contrary to that. However, I am sure that Mr McCrea will, in his own lucid way, explain it in great detail so that nobody will be in any doubt that it should not be adopted. His proposed amendment No 23 suggests a new clause 117A:

*"(a) offering unpaid leave for the three-week period prior to local government elections;*

*(b) actively seeking to overcome perceived conflicts of interest."*

Will Mr McCrea clarify whether he would extend that to everybody, or whether it is just for the privileged few who will, on one day, be gamekeeper and, on the next day, be poacher? As a party, we have a problem with that, and it needs to be thought out very clearly.

I was in council for a number of years, and, for some of those years, I was also self-employed, I was a Member of this House, and I was a member of the House of Lords. I know, to some extent, the stresses and strains that that can put on you. However, I want Mr McCrea to be explicit: why is he singling out those who are to be offered unpaid leave for the three-week period prior to local government elections? Would that extend to others who are in paid employment and are employees? Will that regulation also apply to them? I do not think that that will be helpful. I believe that that will act as a deterrent as to who would go forward for local government elections because employers will have a problem and will say, "This will cost me money, interfere with and interrupt my business, and it may be difficult".

I think that what should happen is what does happen. Most people in public life — I am talking particularly about councillors — were there in their spare time, and, for many years, it was an unpaid position. I recognise that there are calls on your time that are not always possible to manage, but the greater percentage of councillors — I am talking about people from all the political parties and not singling out or leaving out any one party — were there for one motive and reason, which was to provide a service to the community that they represented.

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

**Lord Morrow:** Right, OK.

**Mr B McCrea:** Is the Member aware of the Supreme Court judgement in the case of Ahmed and others, which deals with people who were councillors in other areas who wanted to challenge the law? The outcome — this is the scope of the matter — was that Mr Ahmed was unable to stand for elected office. Mr Perrin and Mr Bentley had to resign their respective positions and could no longer

canvass for their wives in local elections, and Mr Brough could no longer act as chairman of his political party. The issue is not that it is a simple thing; it is about the knock-on effects on people who stand for election. Surely that requires some form of protection in that you may say that the individual has some responsibility, but we all have families and we would all like to support them.

**Lord Morrow:** I think that the Member is missing the point that I am trying to make. Does he not understand that this will be a deterrent to people standing for local government elections rather than an encouragement to them? That is the point that I am trying to make, and it is one of the reasons why we will not support this amendment. We cannot because we want people in local government who are there for the right reason: to serve their communities. I have said before that I believe that most, if not all, parties are doing that. Their members put themselves forward to serve their local communities, to work on community issues and to drive forward their communities and make them better.

No one will take the chance if the legislation says that their employee must do x, y and z. That is fine, Mr McCrea, but the real world tells us something different. People are not going to go into an environment or scenario where, potentially, their job is at stake and they cannot give their full commitment to their job. I will reinforce the point: council members worked mostly in their spare time. It was never envisaged, I believe, that being a councillor would be a full-time job. That is what brought very good people forward who represented their communities for many years.

I will be interested to hear what Mr McCrea has to say. As I have given way to him, I am sure that he will be gracious enough to me as he normally is, in fairness to him.

**Mr Weir:** Today's debate will, hopefully, be a little bit shorter than the two days that we spent on the Bill's Consideration Stage. There are seven amendments in this group, three of which have some level of controversy. I will deal with the other four amendments first.

The Minister's amendment, amendment No 18, seems to be a relatively sensible consequential amendment off the back of the amendments that were proposed by the Committee and accepted by the House. Therefore, I have no problem with amendment No 18.

Similarly, with amendment No 2, which was tabled by Mr Allister, I can see the logic in what he is saying about creating a certain level of level playing field between nations. It would seem a little odd, to use his example, that if Mr Adams was to become a councillor here he could not do so in the Republic of Ireland. Indeed, while he was an MLA he could not become a councillor. The analogy slightly breaks down because Mr Adams did not show a great deal of interest in this House when he was an MLA; I cannot imagine that he would be particularly keen on lowering himself to being a councillor. Nevertheless, the general principle of amendment No 2 is one that we would find acceptable.

I will wait to hear what will be said about amendment No 4, which was tabled by NI21, but it seems, on the face of it, to be a reasonably sensible amendment. I will wait until Mr McCrea has spoken because I may well change my mind and go against it on that basis. Certainly, however, on the basis of what has been put forward, which is to do with producing an order, it is a follow-through on intentions

indicated by the Department, which seems to be relatively sensible.

Similarly, although there has been a little bit of discussion on it, amendment No 3, tabled by the Ulster Unionists, seems to be a reasonably sensible amendment. We have seen in a number of places, even in my constituency and council area — and the individuals have done no wrong — people who have been members of district policing partnerships (DPPs) and PCSPs who then, because a vacancy has arisen, have become a councillor. There should not be any bar on that person becoming a councillor. However, it does slightly undermine the principle that an independent can be somebody who is linked with a political party but has no links at all, but that there is a differentiation when that person becomes a councillor. With applications, that happened in the past, but I am not sure if anybody actually held the post.

Previously, in DPPs, there was nothing to stop a councillor who had not been selected by their council as a council representative from applying as an independent, and, on at least one occasion, that person was appointed. So, it actually happened the other way round. That seems to me to very much go against the spirit of the intention of setting up a mixture —

**Mr Elliott:** I thank the Member for giving way. He is absolutely right in the points that he is making. The guidance for application to the policing and community safety partnerships goes some way, but not the entire way, to prohibiting this. The spirit is there but the rules are not there to stop it, and that is what we are trying to do.

**Mr Weir:** Possibly in light of what has happened in the past, the door is starting to be closed but has been left ajar at present. That clearly is an anomaly, and, for example, if someone who is a member of a PCSP becomes a councillor because of a vacancy, it seems to me reasonably sensible for that person to then vacate their post as a member of the PCSP.

I was involved a long time ago in selections of people for local policing partnerships through the DPP. I assume that the general selection process is the same. Normally, when selections are made in various areas, there are then categories of substitutes that are willing. In north Down, when a couple of vacancies occurred, substitutes were put on to the DPP and, presumably, could also be put on to the PCSP. It would not leave the PCSP at a disadvantage because someone of a similar background can fill that post. So, amendment No 3 seems relatively sensible in closing an anomaly that is there.

I will turn to the other amendments. Lord Morrow has given great detail on amendment No 1, and I do not want to add a great deal to that. The slightly wider issue is Members of the House of Lords being Members of the Assembly, and, to the best of my knowledge, that has happened in Wales and Scotland, where Members of the House of Lords have also been Assembly Members and MSPs. So, a further level of extension would simply take us further away from the United Kingdom.

There is an argument about anomalies with the issue of disqualification on dual mandate, and a certain amount of anomalies are there at present. The argument made some time ago was that, if we are effectively barring people from the idea of getting two wages or salaries, should we almost go to the far end of Basil McCrea's amendment and

say that it would also be wrong for anybody who is working for the public sector? There is arguably a direct conflict of interest there.

When I was on North Down Borough Council, because of the somewhat unusual seating arrangements at that stage, I sat with a member from another party who worked for the public sector and was a highly paid consultant. I suspect that that person largely made their money from the private sector but may well have been on a five- or six-figure salary from the public purse. There seemed to be no problem with double wages in that case, yet there was with the idea of a dual mandate. I perfectly accept that, and I think that that is an anomaly.

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

**Mr Weir:** I will give way in a moment. I see Mr Agnew looking to intervene.

I perfectly accept that there should not be a bar on anybody from the public sector in that regard. Therefore, if you are to have a bar on the basis of dual mandate and somebody being elected to two positions and salaried from that point of view, you have to recognise that that is not the case with the House of Lords. It is a slightly grey area, and I appreciate the logic, from a legislative point of view, that Mr Allister outlined. I am not particularly persuaded by that argument.

11.45 am

**Mr Agnew:** I thank Mr Weir for giving way. On his point about sitting beside a member on the council who may have had other interests, does the Member agree that, at least, those interests would be transparent? We could have the situation where a member is sitting on a council judging on a planning decision and his party is receiving donations, and we would not know about that, but, with other job appointments, at least, we have transparency.

**Mr Weir:** It is good to see that Mr Agnew is sticking to the point on this issue and dragging in a certain level of irrelevancies. The reality is that the interests of the person who was sitting beside me were not necessarily transparent. He was a highly paid consultant, and his wage was, presumably, part private and part public. I did not know what level of wage it was. It is a fair assumption that if someone is a senior consultant, they will be in receipt of a fairly substantial wage, but his wage was not transparent. *[Interruption.]* I hear references behind me to legal aid barristers. I hope that is not a subtle dig at me, Mr Givan. I will give way to Mr McCrea.

**Mr B McCrea:** I take the point that Mr Weir has said, but he will be aware that there are provisions for people who have conflicts of interests in a wide area of local government to declare them openly and transparently and to absent themselves if they are dealing with any particular issue. So, I have sympathy with the point that he raises, if there is no transparency.

However, let us say that they could deal with the transparency by ensuring that people had to declare an interest. Could he take the opposite argument that many people would have an interest in government, as is their right as a citizen under article 10, and they would wish to get involved in the democratic process, but because they are seeking to win business from a local authority, the public purse or some other way, they would be deterred

from doing that for fear that that might influence the award of such a grant?

**Mr Weir:** I take on board that point, which, to be fair, is a very good argument against amendment No 23, because he is saying that there are strong bars to somebody in the private sector potentially becoming a councillor, and that is to say that we need to shift the playing field to make it a lot easier for those in the public sector to get involved in it while doing nothing about the private sector.

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

**Mr Weir:** I will give way in a moment. He makes the argument very persuasively against amendment No 23, and I thank him for that contribution. The point that I am making about council representation is that there is a degree of logical inconsistency as to where we draw the line on disqualification. However, there is a logical, defensible position where someone has a mandate that they should not have a dual mandate where, as part of that mandate, they are in receipt of two salaries from the public purse. That is not the case with the House of Lords. That is where there is a flaw.

**Mr B McCrea:** I thank the Member for giving way. Many people have spoken, including the Member, about the fact that there is an acknowledgement that there are at least some anomalies — I think that was the word that people used — and different levels of disadvantage. The principal argument seems to be, “Well, there is disadvantage, but there is more disadvantage over here.” Would the Member be supportive of a proposition to increase the democratic remit of this place and others to have a general encouragement? In other words, if we were able to overcome the issues in the private sector that he raised, would he be supportive of such an amendment?

**Mr Weir:** No. Putting forward parts of legislation that talk about a general encouragement does not strike me as being the appropriate way to use law. We had a debate yesterday — there can be different views on different aspects of this — on the issue of trying to ensure that there are more females in the Senior Civil Service. One issue raised, which I agreed with and highlighted in my speech — I think that it was Ms Fearon who raised it — was that mentoring is useful for that. Mentoring is a form of encouragement. It is a particular action that can be taken.

General encouragement is not something that you legislate for. We seem to have moved from amendment No 1 to amendment No 23, which strikes me as a poor amendment. It is not particularly sensible to say, “We have a poor amendment aimed at encouraging people from public bodies. If we balance it out with another poor amendment encouraging people from private bodies, it will create some level of balance.”

To finish on amendment No 1, the point I am making is that, if you apply a purely logical point of view, it is difficult to draw an entirely logical and consistent position on who should be disqualified in respect of mandates and who should not. If the best logical definition concerns those with a direct dual mandate who have been elected by the people and receive two salaries as a result, and if that is the dividing line, the House of Lords would fall outside it. That is why I am not entirely persuaded by what Mr Allister has said, notwithstanding his eloquent words about the definition of a legislature.

I move to amendment No 23 and the points that Mr Elliott and Lord Morrow made. Mr McCrea mentioned the legal cases and the bar in England. That issue is being dealt with elsewhere. Amendment No 23 is not about a bar on people being elected. There will not be a single person qualified or disqualified from standing for election as a result of this amendment because it does not go to the issue of disqualification. The Minister is tackling those issues in other ways in the Bill and, to some extent, amendment No 4 also deals with it.

There is a point of view that, if this does not pass, it will leave us legally vulnerable. I contest that and take the opposite view, because this does not go to the issue of disqualification. It does not prevent anybody from running. Indeed, one might make the argument that, because it gives particular provision and additional help to those employed by public bodies, but does not afford similar provision to private employers in actively seeking to overcome perceived conflicts of interest or offering three-week periods of leave, it creates a certain level of advantage for somebody in a public body who is running, as opposed to someone from a private body. It accentuates that difference.

If the amendment were equality-proofed, I suspect that it would not pass muster on the grounds that it gives an advantage to a particular group. As has been mentioned, there are already some provisions by which public bodies seek to accommodate their employees, but the idea that the onus is placed on the public sector body to actively seek to overcome perceived conflicts of interest is going a step too far. From that point of view, I am not sure that amendment No 23 is good law.

Finally, I turn to amendment No 28, which proposes to leave out "Regulations" and insert "Standing orders". Essentially, that arose from a Committee amendment. I think that it had been acknowledged that the Department had not really given proper consideration to the grouping of committees to produce a fair result. In effect, the wording of the legislation would have been interpreted to mean that it would be open to councils to simply repeat the exercise again and again, with the result that various parties would be excluded or, in some cases, over-represented. It would not simply have been the case that larger parties would have been over-represented. Because of the quirks of the quota greatest remainder process, you could have a situation in which some smaller parties would be over-represented, with the slightly larger parties not being given their fair share.

I think that it was opposed by the Minister, but the House passed the amendment that provided for regulations. Although quite technical, regulations of a common form could deal with that problem. This is an issue that, from a practical point of view, is dealt with in the Assembly; we have a formula that allows a distribution of Committee seats among the parties. That is, essentially, what is envisaged here. That might run to one or two pages in regulations. It will require a certain level of technical work, but I have to say that that situation is massively preferable to one in which that highly technical work is effectively devolved to 11 individual councils. We would be asking 11 councils to look at the issue separately and try to reinvent the wheel. Indeed, putting slightly different provisions in place runs the risk of having different interpretations of how that is done.

It is accepted that one of the issues with the local government legislation is the balance between what is prescribed by the Assembly and what is left to local government. We always try to strike a balance. However, it strikes me that, on those sorts of issues, we have consistently taken the view that the Assembly should set the rules. In the schedules, for example, we have a specific formula for how the d'Hondt mechanism should be applied across all the councils. I appreciate that, for various reasons, not everyone in the House is a fan of d'Hondt. However, it strikes me as perfectly sensible that, if we have d'Hondt, it is applied consistently and to the same formula across all the councils.

Similarly, even if the quota greatest remainder system in schedule 2 were to be applied to just one committee, it would be done on the basis of an exact formula that is applied across all 11 councils. So, other than simply ensuring that the Department of the Environment is spared a little bit of work, it seems ludicrous that we create a third leg in the tripod by saying that the formula, which distributes across a range of committees how we apply the quota greatest remainder mechanism, should simply be left to the standing orders to be individually drafted by each of the 11 councils. Even if councils were all of the same mind, the same task would be done 11 times by at least 11 different people. That would run the risk of having variations on the formula, which could suit one area or another and could be used for particular purposes, as opposed to having a common formula approved in regulations by the House. That seems to me to be very much in the spirit of what was proposed by the Committee and, indeed, eminently sensible. I see no good reason for amendment No 28, and I urge the House to reject it.

**Mr A Maginness:** I intend to be brief in relation to the first group of amendments.

My colleague Mr Eastwood referred to amendment Nos 1 and 2 and our support for them. We see those amendments as a logical outworking of our previous decisions on double-jobbing in councils and, indeed, consistent with the decision by Dáil Éireann to outlaw it in the Republic. Therefore, supporting amendment Nos 1 and 2 is a consistent political position, and I reiterate what Mr Eastwood said about them.

Amendment No 3 was tabled by the Ulster Unionists. As a party, the SDLP has sympathy for that amendment and supports the aim of that provision. However, as Members may know, there is a review of the membership of the policing and community safety partnerships. I respectfully put forward the view that it is inappropriate for us to be dealing with that proposition in the context of this Bill. It is primarily a justice issue and more properly addressed by the Department of Justice and, incidentally, the Justice Committee.

Therefore, for that reason, we are unable to support the Ulster Unionist amendment, despite the fact that we have sympathy with its aim and objective.

#### 12.00 noon

The Minister tabled amendment No 18, and we are happily supportive of it. It is a logical outworking of the amendment that the Justice Committee previously tabled. So, we are supportive of this consequential amendment. However, I repeat the criticisms that I made at Consideration Stage

about the amendments of the Justice Committee and other colleagues when I said that the position of the ombudsman is constitutional. It should be recognised in law, and we should be supportive of it. I believe that the way in which the House has chosen to deal with the proposition on the ombudsman undermines the constitutional position of the ombudsman. There may well have to be — I think that the Minister indicated this — a separation of the investigative power of the ombudsman from the adjudication function. That may have to be made by way of regulation or —

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

**Mr A Maginness:** Yes, indeed.

**Mr Weir:** I have some sympathy, although I have expressed the view that, at times, the ombudsman is being a little bit precious. Given the concerns that were raised and that the way of dealing with this was a separation of the powers — this is more directed towards the Minister than to you, Mr Maginness — why were amendments not tabled to separate them at Further Consideration Stage? Presumably, that would have been the neater way of doing it, rather than, at some future date, looking at whether some form of regulations will be needed.

**Mr A Maginness:** With respect to my colleague Mr Weir, I think that that is a matter that is more appropriately addressed by the Minister than me. I claim many things in the House but I do not claim ministerial status. It would be totally inappropriate for me to comment on that interesting point. I am sure that the Minister will address that issue in due course.

We are supportive of the ministerial amendment. It is a logical outworking of the House's decision at Consideration Stage.

Amendment No 23, which NI21's Mr McCrea and his colleague Mr McCallister tabled, is problematical. I think that we are dealing here with public bodies that are outside the remit of the Department of the Environment. I do not think that it is not appropriate for this provision to be in the Bill.

**Mr B McCrea:** On a point of order, Mr Principal Deputy Speaker. The Speaker has already ruled that this is the Local Government Bill and that it is entirely appropriate for me to raise these points. So, the Member is not correct in saying that it is outside the remit of the Department of the Environment.

**Mr A Maginness:** I hear Mr McCrea's point. I, as a Member of the House, do not believe that it is appropriate. I accept Mr McCrea's point, but my personal opinion is that it is not appropriate for us to deal with this issue in the context of the Bill when it applies to public bodies at large. Quite apart from that, there is evident disagreement in the House on the merits of this proposition. I am not saying whether I agree with this or not, but one of the arguments put forward is that it creates inequality for people who are not employed in the public sector.

**Mr Eastwood:** I thank the Member for giving way. On Mr McCrea's point, far be it from me to speak for the Speaker, but I think that the Speaker said that Members are, of course, entitled to put down any amendment in the House and Members are then entitled to vote on it. That does not equate to meaning that this is the best place for that amendment. That is the difference between the Speaker and Mr McCrea on this matter.

**Mr B McCrea:** On a point of order, Mr Principal Deputy Speaker. Perhaps you need to rule on this. The Speaker has already given an indication that this is the Local Government Bill. When I asked him, he responded with clarity that I was, in fact, correct, as the official record will show.

**Mr Principal Deputy Speaker:** Let me say this: I do not think that either your first point or the latter point were new points of order. The Speaker stated the situation as it is. The Member who is currently speaking has made it clear that he was expressing his own perspective, and, within that, there is no valid cause for concern for any Member. Let us stick to the debate. There was no challenge or anyone stepping outside the guidance given by the Speaker in the first instance. Any Member, as the Member who is currently speaking is doing, is free to express their own views about what is more suitable or more applicable in these matters.

**Mr A Maginness:** I emphasise the point that I am not saying that it is unconstitutional in some way. Of course it is a matter that can be brought to the House and dealt with by the House. What I am saying is that that is not the appropriate manner in which to deal with it, particularly when it deals with public bodies at large rather than public bodies that come under the remit of the Department of the Environment. I repeat that point, and I simply disagree with Mr McCrea's point.

My other point is that there is, in fact, a division of opinion here on the actual merits of this amendment. In the minds of some Members, it would create an inequality between those employed in the public sector and those employed in the private sector. I was employed in the private sector for many years, so I know the problems and difficulties for a self-employed person. I did not enjoy the support of the working environment of the public sector. The public sector gives more support to workers than self-employed people or other people in the private sector get. We have to look at the issues of equality, particularly in relation to elections. That is a very important point to bear in mind.

I am not giving a definitive view on the merits of this proposition. All I am saying is that it needs careful consideration and that, because it goes over and beyond public bodies within the remit of the Department of the Environment, it should, in fact, be more appropriately dealt with elsewhere in a legislative process.

**Mr Elliott:** I thank the Member for giving way. Does he agree that, wherever the legislative base for it is, it needs to be fair and equal, that we cannot give an advantage to one sector above the other, and that, in particular, we cannot be seen to give an unfair advantage to people just because they work in the public sector?

**Mr A Maginness:** That is a very reasonable point. Mr Stewart Dickson's point was about elections at large and people's right to obtain leave from their employers. He quite properly raised that issue, and perhaps it would have been better to look at all that rather than singling out one aspect and dealing with it separately. The provision lacks symmetry. I am not saying that it is not well intentioned — of course it is. I am not saying that I do not have sympathy with the ideas that are being proposed, but we have to be very careful about how we enact provisions in the House. That is all that I am saying. You have to apply a precautionary principle to the provision.

Mr Weir spoke about the final amendment in this group and the argument between regulations and standing orders. With amendment No 28, the Minister is attempting to devolve to councils, through the mechanism of standing orders, an opportunity to create a bespoke approach to the problem.

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

**Mr A Maginness:** Yes.

**Mr Weir:** On the creation of a bespoke solution, that seems to be inconsistent with the way in which we dealt with similar situations in the same legislation. I appreciate that the Member may be getting a briefing from someone sitting to his right. We prescribed how d'Hondt will be used and the range of offices on which it will be used. We prescribed the timescale, which is over the duration of the Assembly, because d'Hondt has been used in councils in different ways. We prescribed the formula for quota greatest remainder and how that would operate if there were a single committee. Why is there an exception that this suddenly becomes an opportunity for it to be bespoke in councils when it is simply being grouped together? That seems to run against another five or six decisions that we made on this area.

**Mr A Maginness:** I repeat: I am not the Minister. It is probably more appropriate for the Minister to deal specifically with the matter. The intention is to be flexible on what can be difficult issues at local council level. In any event, I assume that these matters will be set out in the regulations as mandatory elements of standing orders. In a sense, there is a synthesis between the regulations and standing orders.

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

**Mr A Maginness:** I will certainly.

**Mr Weir:** You are saying that the regulations will spell out what will be in standing orders but that we cannot have that in the regulations. That seems to be a fairly weak logical position. I appreciate that it is for the Minister to respond to many of these matters. By the same token, you are advocating amendment No 28, so one would hope that you can make a good argument, independent of the Minister.

**Mr A Maginness:** I say again that I am not the Minister, but I am presenting a view that I hope sheds light on the amendment.

The amendment provides the necessary flexibility. Yes, there will be a framework established in the context of the regulations that will inform how standing orders will be made by councils. I know that the Member is amused by my interpretation, but the amendment will permit councils a flexibility that I think is desirable. One size does not fit all, as we well know from our political experience, particularly in councils. Flexibility is necessary and desirable, and I would have thought that the Member would see it as desirable.

**12.15 pm**

**Mr Weir:** Will the Member give way, again?

**Mr A Maginness:** Well, yes. I will.

**Mr Weir:** Time is unlimited, so, to be fair, at least my intervention will not eat into the Member's time. Beyond what sounds a little bit like a cliché of flexibility being

desirable, will you give us any level of a worked example of how a difference between councils could be applied in practice?

**Mr A Maginness:** Let me say this to you: I will not give you concrete examples, but we are dealing with the principles that surround the amendment, which has been created to provide flexibility. We discussed those matters ad nauseam in the Committee and came to a collective view that it is better to have flexibility, and this is one way of importing flexibility in order to resolve what can be difficult problems for councils.

We should be sympathetic to the amendment that the Minister has tabled. He presents a bona fide approach to resolve difficult problems. He deserves our support on that, and I am sure that the Member recognises the fact that the Minister has gone out of his way to try to reflect, as much as possible, the political consensus that exists on those matters.

**Mr Weir:** I am not in any way questioning the Minister's bona fides. However, precisely in the same way as with your and Mr McCrea's good intentions, I think that they are equally wrong in their actions. When discussing bona fides, one remembers what Dante said about the road to hell being paved with good intentions or, in this case, ministerial bona fides.

There appears to have been a desire by the Department to shuffle the issue out of its remit and kick the can down the road. You mentioned the consensus that was reached in the Committee, but the Committee saw that there was a problem with the grouping together of committees not being considered in the legislation and raised it with the Department several weeks before we reached Consideration Stage. Indeed, I and, I suspect, most Committee members would have been more than happy if there had been a departmental amendment to deal with that, but none was tabled, and the Committee was forced to table an amendment that linked it to regulations.

For whatever reason, there seems to have been a reluctance to tackle the issue. That was maybe because of its complexity or for some other reason, such as the Department being so enamoured with the idea of flexibility on this one occasion. However, we have a situation in which no amendment was tabled despite the fact that the issue was raised. The Committee's amendment was then opposed by the Minister in the House and, when it passed, there was an attempt to water it down and shove it outside the remit of the Department by putting it in standing orders. While I do not doubt the Minister's bona fides, the willingness to take action in this area has been somewhat weak.

**Mr A Maginness:** I take the Member's point. However, the one thing that I am certain of is that the Minister does not avoid or evade political responsibilities. I know that there would be no attempt on the part of the Minister — he would certainly not encourage the Department — to evade or avoid dealing with difficult political issues. I think that that particular interpretation of what has happened is incorrect. I am quite happy to say that the Minister is dealing with it in a forthright and, I think, appropriate manner. I make that point to you and the House at large. That concludes my contribution on the amendments that I wanted to address.

**Mr B McCrea:** The two Members who previously spoke are, I believe, barristers, and therefore have some

cognisance of the legal profession, I suspect. I want to address the two amendments in my name and that of Mr McCallister. Amendment No 4 deals with a date that we want to put into the regulations. I will explain to the Assembly why it is important that we do so. The link between our two amendments is this: the very reason why we need to bring in amendment No 4 is that the principles in that amendment actually pertain to the second amendment.

Just for clarity, because I think Mr Weir mentioned that it was a UK judgement, it was not a UK judgement but a judgement of the European Court of Human Rights in the case of Ahmed and others v the United Kingdom. There are a couple of legal points that my learned friends may wish to consider.

The applicants in that case relied on article 10 of the convention, which provides that everybody has the right to freedom of expression. I will not go through the details, because they are in the judgement, but the Commission agreed with the applicants' arguments. The UK Government did not dispute that the applicants could rely on the guarantees contained in article 10, nor did they deny that the application of the regulations interfered with the exercise of their rights under that article.

People say that this gives the public sector an unfair advantage over the private sector. Let me make it quite clear that the Bill is subject to challenge under article 10 of the human rights convention. The court, for its part — not just the Commission — considered that there had been interference with the applicants' rights to freedom of expression and it accepted the Commission's summary of the situation.

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

**Mr B McCrea:** I will give way in a moment. I just want to set out the points, and then I will be interested to hear what the Member has to say. One of the key points in the judgement is that the court observed:

*"the local government system of the ... State has long rested on a bond of trust between elected members and a permanent corps of local government officers who both advise them on policy and assume responsibility for the implementation of the policies adopted."*

However, here is the real issue:

*"The Commission agreed with the applicants that the Regulations imposed far-reaching, inflexible and disproportionate restrictions on senior officers such as the applicants, even allowing for the duties and responsibilities which they owed to their respective local authorities and the margin of appreciation of the respondent State in the sector at issue."*

The Government responded:

*"the proportionality of the restrictions had to be assessed in the light of the following considerations: firstly, they only applied to at most 2% of an estimated 2,300,000 officers; secondly, the categories of officers subject to the restrictions were clearly defined in accordance with the duties which they performed and where both the fact and appearance of political impartiality were of paramount importance; thirdly,*

*the duties-based approach meant that the restrictions were applied as narrowly as possible"*

— that is a key point —

*"and exemptions given on as wide a basis as possible."*

I see none of these issues in the amendment. I will go through the legal judgement to show why the Bill is at risk, but, if Mr Weir wants to come in at this point, I am happy for him to do so.

**Mr Weir:** I do not disagree with anything said about the judgement. However, the problem is that amendment No 23 misses the point. The judgement essentially stated that there cannot be a blanket ban on council employees becoming councillors. That part of the legislation, albeit that it is coming a little late in the day, is being addressed. The judgement was that you can have disqualification provided that it is very limited and specific.

I have no problem with amendment No 4, which deals specifically with the situation of council employees. If amendment No 23 had addressed the issue of disqualification, I would have had no problem supporting it, but it does not. It addresses the ease or otherwise with which people can take up post. It is, more or less, about the removal of hurdles, which is not the same as disqualification.

Consequently, the law being proposed is compatible with European law. Amendment No 23 is largely an irrelevance. If anything, because it places additional provisions on the public sector that do not apply to the private sector, it is potentially discriminatory against people in the private sector and could be challenged on equality grounds.

**Mr B McCrea:** I thank the Member for his contribution. I have not yet moved on to amendment No 4, and I will deal with the issues raised in that. I accept that he has indicated a level of support for that amendment.

Let me just make the point to the Minister, and, through him, to the Department, that here is where I have an issue with the Bill as it stands: at Consideration Stage, we amended the Bill to say that a person shall be disqualified from being elected or being a councillor if he holds any paid office or other employment:

*"appointments to which are made by a council if it is a prescribed office or employment"*

The issue is that there is no definition of prescribed. Furthermore, the court in its judgement accepted there was interference under article 10 but states that such interference must be "prescribed by law". I am not sure whether putting one such line in the Bill prescribes it by law.

Time will beat me, I suspect, but I will look at the next point in the judgement, which is about the legitimate aim of any interference. I see nothing stating what legitimate aim you are trying to achieve by prescribing certain people. So the Bill, as it stands, is subject to challenge under article 10.

Look also at whether interference is necessary in a democratic society. The court looked at general principles, and stated:

*"Freedom of expression constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress"*

The amendment that we tabled seeks to ensure that we deal with a deficiency. As drafted, the Bill is deficient, and this clause will not stand. I accept, because the Minister mentioned it previously, that even if we got Royal Assent, we would not be able to deal with the elections on 22 May. However, I will deal with the issue by looking at the court's general principles. This is where we look to see what we are trying to do with the Bill. This is important, and it is why we need to place immediacy on amendment No 4: if we do not get these regulations in place, we will lose the Bill.

**12.30 pm**

The court's assessment was that article 3 of protocol 1:

*"guarantees individual rights, including the right to vote and to stand for election. Indeed, it was considered that the unique phrasing was intended to give greater solemnity to the Contracting States' commitment and to emphasise that this was an area where they were required to take positive measures as opposed to merely refraining from interference."*

It is at that point that, in linking the two amendments together, people have made arguments in the House that we have to do down one side because the public sector will get more rights than the private sector. Actually, we need to ensure that we all get sufficient rights. It is an article 10 obligation that people are permitted to stand for election. The Bill, in its current form, does not deal with that.

When I was looking at words in the Bill —

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

**Mr B McCrea:** I will.

**Mr Wilson:** Does the Member not find some contradiction between what he is saying now and what he has said on other occasions in the Assembly? For example, in the past he has argued that the more regulations we introduce to allow flexibility in the labour market etc, the more damage and disruption there is to employers. If he is saying that yet another introduction should be the right to three weeks off work for someone who decides to stand for election, how does he think that will go down with the private sector? Or, is he saying that only the public sector can afford to do that and that it should, therefore, be allowed to?

**Mr Principal Deputy Speaker:** Before you respond, let me say that I was very reluctant to interrupt the continuity of your argument, so can you indicate whether you are about to bring it to a close, because we are now infringing on the time that is allocated for the Business Committee?

**Mr B McCrea:** I have more to say, so please do whatever you have to.

**Mr Principal Deputy Speaker:** You will be the first Member to speak when we resume the debate.

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

*The debate stood suspended.*

*The sitting was suspended at 12.31 pm.*

*On resuming —*

**2.00 pm**

## Oral Answers to Questions

### Environment

**Mr Principal Deputy Speaker:** It is time for Question Time, and the Minister of the Environment is just on time. I inform Members that questions 2 and 8 have been withdrawn.

### Minority Rights

1. **Ms McGahan** asked the Minister of the Environment how the rights of minorities will be protected in the 11 new councils following the implementation of the Local Government Bill (NIA 28/11-15). (AQO 5903/11-15)

**Mr Durkan (The Minister of the Environment):** Go raibh maith agat, a Phríomh-LeasCheann Comhairle.

As I have stated on a number of occasions in the Assembly, I am committed to ensuring that the 11 new councils will work within a governance framework that provides for fair, transparent and efficient decision-making and protects the rights and interests of all people. Members will know from the Consideration Stage debate on the Local Government Bill on 18 and 19 March that the Bill includes the provisions required to give legislative effect to my commitment. Proportionality in the allocation of positions of responsibility across all the political parties represented on a council will be ensured through the council's use of one of the methods specified in the Bill. The Member will be aware that the methods that I am making available are the d'Hondt or Sainte-Laguë divisor methods or the single transferable voting system. As agreed by the Assembly at Consideration Stage, the d'Hondt method is specified as the default approach if a council is unable to agree the method to be used.

Provision is also made in the Bill to ensure that the membership of committees reflects, as far as is practicable, the political balance on the council. I have also introduced a call-in procedure to allow a number of councillors to join together to request that a decision under executive arrangements or a recommendation for ratification by the council under a committee system is reviewed. The call-in procedure would enable 15% of the membership of a council to request the review of a decision in specified circumstances. A further protection for the interests of minority communities in council decision-making is the introduction of qualified majority voting for a range of strategic council decisions that will be specified in regulations and in response to a valid call-in request on the grounds of a disproportionate adverse impact on a section of the community in the council's district. The support of 80% of members present and voting will be required for such decisions to be agreed.

**Ms McGahan:** Go raibh maith agat. I thank the Minister for his response. He has touched on my supplementary question. Will the Minister give assurances that the issue will be monitored very closely?

**Mr Durkan:** Go raibh maith agat as an cheist. Gabh mo leithscéal, a Phríomh-LeasCheann Comhairle; bhí mé

mall. Excuse me, Mr Principal Deputy Speaker; I am sorry for being late.

I certainly assure the Member that it will be monitored very closely, not just by my Department but, one would imagine, by the Assembly as a whole. It is evident through the debates today and at Consideration Stage that the House is receptive to the measures that have been brought forward and the safeguards that come with them to ensure that what is here to protect minorities is not then used to block progress unnecessarily in the work of councils. It will be closely monitored and subject to close scrutiny.

**Mr Campbell:** The Minister talked about the default position and minority protection. How will he safeguard issues, particularly around the border, where some communities may feel that they could be disadvantaged because they are in a minority position? They may find that d'Hondt is actually not the preferred method to safeguard their position but will find themselves being blocked by others who insist on trying to go another route, knowing that they will have the default position of d'Hondt to fall back on.

**Mr Durkan:** I thank the Member for that supplementary question. The Bill contains safeguards, one of which we are talking about and another about which the Member raises a valid question. It is incumbent on all of us, as elected representatives and leaders, if you like, to allay the concerns of communities and to work with councillors from our own parties and from all parties to ensure that they operate as fairly as possible so that the views not just of their citizens but of their elected representatives of all hues are reflected in the make-up of committees and in positions of responsibility in the new councils.

**Mr P Ramsey:** With regard to d'Hondt and the mathematical formula, what protection is in the Bill to ensure that power sharing is enshrined for responsibilities and positions in each council?

**Mr Durkan:** The importance of sharing power and giving smaller parties and independent members the opportunity to hold positions of responsibility that they are not, unfortunately, afforded in the current system was the subject of some debate at Consideration Stage. One method of doing that, which is enshrined in the Bill, is to allocate positions of special responsibility at the start of a council's four-year term. D'Hondt is the default for the allocation of those positions, and it will be run for the four years. That will give opportunities to smaller parties and independents that they do not currently have.

**Ms Lo:** As the Minister knows, at Consideration Stage, the Alliance Party put forward STV as the default position rather than d'Hondt. Does he not agree that STV is a better mechanism for sharing power?

**Mr Durkan:** I thank the Chair of the Committee for her question. Unfortunately, I do not agree with her, as I did not agree with her and as the Assembly did not agree with her at Consideration Stage. As, I think, Mr Weir clearly illustrated, d'Hondt is the method that is more favourable to smaller parties as the new mechanism to allocate positions of responsibility at the start of the four-year term.

**Mr Elliott:** Minister, given the potential for gridlock with the call-in and qualified majority processes, how do you feel that both of those will impact on the day-to-day running and decision-making of councils?

**Mr Durkan:** Local government reform is about making local government more effective and efficient, so the last thing that we want to do is create a tool that will lead to gridlock, as the Member puts it. Regulations will be made under clause 37 to specify mandatory elements that must be in a council's standing orders. One of those elements will be the process to be followed for the practical operation of the call-in procedure. The regulations will also specify the decisions of a council that will not be subject to the call-in procedure. Those will be decisions connected with the regulatory or quasi-judicial functions and responsibilities of a council — for example, licensing decisions or decisions relating to development control. My officials have worked in partnership with senior officers from local government to develop the detail of the proposed process, including details on the time frames for receipt of a call-in request after a decision or a recommendation has been notified to the councillors, the administrative procedures to be followed by officers and the role of councillors in that process. The draft standing orders regulations will be issued for consultation later this week.

## Hydraulic Fracturing

3. **Mr Flanagan** asked the Minister of the Environment for his assessment of the risks of hydraulic fracturing to the environment. (AQO 5905/11-15)

6. **Mr Eastwood** asked the Minister of the Environment to outline his position on hydraulic fracturing. (AQO 5908/11-15)

**Mr Durkan:** With your permission, a Phríomh-LeasCheann Comhairle, I will take questions 3 and 6 together. As I am doing so, I would be grateful to get a wee bit of extra time.

As the Northern Ireland Minister responsible for the environment, I have made my position clear. Granting permissions relating to fracking operations will take place only when it has been supported by very strong evidence that indicates that fracking is safe for public health and the environment. Given the scale of ongoing worldwide research, it would be reckless and irresponsible to do otherwise.

I have directed my officials in the Northern Ireland Environment Agency (NIEA) to work with the Environmental Protection Agency (EPA) in Ireland to take forward a major programme of research to help to establish the facts and safety issues associated with fracking. This programme of research is at the tender evaluation stage.

I want to highlight that no decisions have been taken in relation to permitting fracking. No planning applications or applications for environmental permissions have yet been received by my Department. My Department will consider any applications that may come forward in future very robustly.

The hydraulic fracturing process has generated much debate here and around the world because of the potential detriment to the environment, particularly with regard to water quality, air emission issues and seismic impacts, as well as the general personal and public health concerns raised by communities. In an attempt to allay those concerns, specific divisions in my Department, primarily Planning NI and NIEA, are actively working to enhance

their knowledge of the fracking process by assessing emerging research, which includes case studies from other parts of the world, and liaising with colleagues in other environment agencies in Britain and Ireland and other countries where fracking is proposed or is taking place.

I emphasise to the Member that I have a longer answer here. I am conscious that I have been given a wee bit more time, but I would need a lot more time to get through the answer. I emphasise my position to the Member once again: in the absence of evidence that fracking is safe and sustainable, I would not approve any application to do it.

**Mr Flanagan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister. Surely, there is enough evidence now to allow him to make a decision that fracking is not in our best interests, either economically or environmentally. The report that he talks about from the EPA does not even look at the health aspects of fracking. If he were to give financial advice to people around the world who are considering investing in Tamboran, does he think that investing money in that company would be a prudent financial investment or would those people be better to keep their money in their pocket?

**Mr Durkan:** I think you would be better asking the Finance Minister that question; he might be better placed to give financial advice than I am. I also have to inform the Member that I cannot predetermine the outcome of any application, so I am not in a position today to say that any fracking application will be refused point-blank. It will, however, be refused in the absence of the evidence to which I referred. As yet, that evidence does not exist. You believe that there is sufficient evidence to the contrary to allow me to make a decision on fracking now, but it is up to the applicant in such an application, as with any application, to demonstrate that it is safe.

**Mr Eastwood:** Given that fracking has been of huge interest across the world, particularly in America, can the Minister outline what meetings he has had with groups here and in the States?

**Mr Durkan:** I thank the Member for the question. The issue has generated massive public interest and quite a degree of controversy. I have had several meetings and requests for meetings. I have done my best to meet anyone who has requested to meet me on the issue. Many of them have been constituents of Mr Flanagan, although not solely. This stirs passion in people and not just in the immediate area that is being mooted as a potential site for fracking. I have had meetings with constituents of Mr Flanagan, such as Dr Carroll O'Dolan and a representative group from the area — a cross section of the community, I have to say, and a cross section of interests. More recently, I met a group of six ladies, including Marilyn Trimble, from different areas and constituencies right across the North, all of whom had a common concern: fracking.

The Member referred to the United States. When I was in America a fortnight ago, I met the EPA there about the issue. It has spent millions upon millions of dollars on research, but its evidence is, in my opinion, inconclusive. I am not sure that the evidence will ever be conclusive or that the EPA wishes it to be conclusive. I have also spoken to quite a number of politicians from different areas, some of whom have different views. I am always open to hearing other points of view. I have heard from those who believe that fracking is a good thing. It is important that we take on

board all views in any consideration or when making any decision.

## 2.15 pm

**Lord Morrow:** I listened with interested to what the Minister had to say in reply to Mr Flanagan's question. If it transpires, after all these reports — I suspect there will be many — that this is a cheaper and safer source of energy, what would your position be then, Minister?

**Mr Durkan:** If.

**Mr Agnew:** The Minister referred to what would happen if evidence came forward that fracking was safe. I ask him to outline what he means by "safe". Given the recent IPCC report and the research from the University of Ulster that says that, if we are to avoid the most serious consequences of climate change, gas must stay in the ground, does he agree that, in respect of climate impact, fracking can never be safe?

**Mr Durkan:** When I refer to "safe", "safety" or "safeness", I refer to a range of issues, including personal and public health and, obviously, the danger or risk to the planet and the environment to which Mr Agnew referred. Those are all issues that I consider when I speak of safety and the need to ensure that any application for any such venture demonstrates that it is safe.

**Mr Cree:** The Minister will be aware of all the anecdotal information and misinformation. He mentioned that his officials were looking at this. When do you think you will have best international practice on fracking?

**Mr Durkan:** I thank the Member for his supplementary question. Yes, my officials are looking at this. They are doing so in partnership with the EPA in the Republic. When will we be in a position to make a judgement? I am not entirely sure. Next year, I or whoever is Environment Minister will get a report on that. As I outlined in answer to Mr Flanagan and Mr Eastwood, I recently met the Environmental Protection Agency in the United States. It has spent many years and many millions carrying out research on the subject and, in my opinion, still seems far from a conclusion.

## Coastal Communities Fund

4. **Mr Campbell** asked the Minister of the Environment what assistance and advice is available to organisations in coastal communities seeking to apply for the third round of the coastal communities fund. (AQO 5906/11-15)

**Mr Durkan:** On 7 March 2014, I announced the launch of round 3 of the coastal communities fund. The Big Lottery Fund administers the fund on behalf of my Department. Organisations seeking to apply are advised to check the coastal communities fund page on the Big Lottery Fund website, where they will be able to access stage 1 and stage 2 application forms, help notes, questions and answers, as well as various other guidance documents, such as guidance on measuring economic outcomes and state aid guidance. Applicants can also contact the Big Lottery Fund by telephone or email to find out if their project is eligible. In addition, in the case of capital projects, applicants can arrange a telephone interview before applying.

The Big Lottery Fund organised an application workshop online seminar on 18 March, with a focus on key requirements for capital projects involving land and buildings or other construction-related work. Nine local organisations attended the webinar, and the Big Lottery Fund has so far received 18 queries from 16 organisations seeking information and advice on round 3 of the fund, which closes at midday on 30 April.

**Mr Campbell:** I thank the Minister for his response. He will be aware that we have one of the most beautiful coastlines in western Europe. Not only do we need to defend, improve and promote it but the communities who live there and commute from and to there must be enhanced and promoted in their attempt to defend the coastline and heritage. Will his Department canvass the Big Lottery on the Northern Ireland coastline so that the applications that are in stand a good chance of success?

**Mr Durkan:** I thank the Member for that supplementary. The Department, along with the Big Lottery Fund, which runs the process with and for us, will, as I outlined, actively engage with coastal communities across the North. I concur with the Member's assessment of our coastline's beauty and the need to preserve, protect and promote it. That is why, in this one year, I have allocated three years' budget to attract bids that will, I hope, display more ambition than would be the case for one year's funding. I hope to get more ambitious projects and give those responsible for them more time to ensure that they are carried out to their full potential.

**Mr McCarthy:** I welcome the Minister's response, particularly his "preserve, protect and promote" message. My village of Kircubbin is a small coastal community, and its harbour is disappearing into Strangford lough. In the interest of the environment, will the Minister indicate his support for money from the coastal communities fund to protect my village's small harbour?

**Mr Durkan:** I thank the Member for his question. I have received written correspondence on the issue from Members of this House and, indeed, the House of Commons. Projects aimed at preventing flood risk or at repair after floods are eligible, if they support the coastal communities fund outcome, which is sustainable economic growth through the creation and safeguarding of jobs. So I would certainly not say no. However, any application to carry out such repair and maintenance would need, I believe, to be quite creative about by whom and how it was to be carried out.

**Mr A Maginness:** I do not know whether the Minister is particularly happy with the level of applications. Can he suggest any way to improve awareness of the fund?

**Mr Durkan:** I thank the Member for the question. Although I said that we had a bigger budget this time round, we have plenty of applications as well. The door is open for applications until 30 April, and I look forward to a wide and varied selection of applications. In January, I announced that the fund would open. On 7 March, I opened it and referred potential applicants to the coastal communities fund website. In my opinion, there is wide awareness of the fund, as demonstrated by the 65 applications received from all coastal council areas from Derry to Kilkeel since the fund opened in 2012. They include proposals from Limavady, Coleraine, the Causeway Coast, Larne,

Carrickfergus, the Ards peninsula — you will be glad to hear — and Newcastle.

## Local Government Reform: Costs

5. **Mr McGimpsey** asked the Minister of the Environment for the latest estimated costs for the reform of local government. (AQO 5907/11-15)

**Mr Durkan:** In 2009, PricewaterhouseCoopers (PwC) estimated that the cost of local government reform would be in the region of £118 million over five years. Further work has been undertaken since then. In 2013, my predecessor secured Executive agreement to provide councils with a reform funding package of £17.8 million over the 2013-15 period. Based on the estimated costs of some elements of the reform programme, the package will cover: £5.2 million for new councils in the shadow period; £4 million for systems convergence; £3.5 million for councillor severance; £3 million for capacity building; £1 million for change management; £0.6 million for staff induction; and £0.5 million for winding up existing councils. A commitment was given for an additional £30 million for rates convergence post 2015.

Over recent months, senior local government officers have undertaken a detailed financial assessment of the additional transitional work streams that are unavoidable and are not covered by the funding package provided by the Executive. The four transitional work streams identified that fall to councils to fund over the 2014-18 period are staff severance; alignment of services; councils operating in shadow form; and other transition costs. A total upper limit for those costs likely to be incurred during the transition period, excluding the Executive funding package, has been estimated at around £33 million. These costs have been calculated at a regional level and are based on the transition cost data capture exercise completed by the local government sector.

**Mr McGimpsey:** I thank the Minister for that comprehensive answer. Given the large investment that is going into reform, is the Minister confident that, when they are established, councils will have the necessary resources available to them? Will he have the resources available to him to invest in councils to ensure that they can enforce the regulations and responsibilities that fall to them, particularly environmental protection, which we talked about earlier? Will he ensure that normal council business will not suffer as a result of such large demands on cash and revenue coming from him and from the ratepayer?

**Mr Durkan:** The Member rightly identifies that this is a huge investment. The reform of local government is not just about doing things differently; it is about doing things better. I assure the Member that I am committed to ensuring that councils are equipped to do things better and that my Department and the Assembly are equipped to ensure that councils do things better as well.

**Mr Milne:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Will the DOE allow councils permissible forms of borrowing to fund local government reform?

**Mr Durkan:** Go raibh maith agat as an cheist sin. We have been approached by some of the statutory transition committees about what scope will exist for the new councils when it comes to borrowing and how they can

best meet the transition costs. I am determined that we do everything that we can to make this as easy as possible for the councils, and, to that end, we have permitted councils to have any borrowings they make in order to meet the cost of reform capitalised, which is something that was asked for by the local government sector.

**Mr Dallat:** The Minister has taken some time to tell us about the costs. Bearing in mind that the 11-council model was not his preferred choice, can he tell the Assembly whether there will be any savings from it?

## 2.30 pm

**Mr Durkan:** I would like to think that this is an investment to save. In my original answer I outlined PwC's appraisal, which suggested that the cost of reform would be £118 million over five years. The same study suggested that we can achieve savings of £438 million over 25 years, which is a huge saving indeed. As I said, it is not just about cutting costs and doing things more efficiently; local government reform is about doing things better and bringing power closer to people.

**Mr Principal Deputy Speaker:** That ends the period for oral questions. We now move to topical questions.

## Area Plans

1. **Mr Buchanan** asked the Minister of the Environment what action his Department has taken to ensure the area plans are brought up to speed in line with the new super-council areas. (AQT 961/11-15)

**Mr Durkan:** I thank the Member for that question. Area plans are extremely important documents. We usually talk about one in particular in this House, so I will be glad to speak about area plans more generally. Local government reform offers a tremendous opportunity to new councils to sit down with my planning officials to draw up their new area plans.

Indeed, work has already commenced on area plans in the 11 new council clusters. A grade 6 planning manager has been appointed to lead the work programme across the Province, and principal planning officers have also been appointed in each area office. The teams will be supported by five or six staff per council cluster. The Department had hoped the teams would be fully staffed at this stage; there has been some delay, but staff are currently being appointed to take part in this process.

The development plan staff have already met most of the council transition management teams to discuss council priorities and agree a forward work programme for this year. This work, importantly, is being taken forward adopting a collaborative approach with planning staff, local councils and DSD. The preparation of the area plan will provide the future framework for councils to shape their areas and inform their planning decisions in future, so it is an extremely important piece of work.

**Mr Buchanan:** I note that the Minister says that the area plans are important documents. Given that the area plan for Omagh has been out of date for the past 14 years, in that it was up in 2002, will the Minister indicate when the new area plan for the Omagh and Fermanagh council will be in place? How many years are we going to have to wait until we get that document?

**Mr Durkan:** I would like to think that the dates on the current area plans are "best before" dates rather than "use by" dates. I have assured the House that work is already under way on the preparation of these plans. Obviously, the timescale for the finalisation of these plans will be determined by the new councils and their determination to get them done.

I imagine it is something that the councils will be keen to get done as quickly as possible. Many of them will be commencing work very soon in their shadow period on this very important piece of work, given the importance it has for future housing provision, economic development and retention of areas of special scientific interest and natural beauty. It is extremely important work, and I am sure that the new councils will agree with that and treat it accordingly.

## Coastal Communities Fund: Rathlin Island

2. **Mr Storey** asked the Minister of the Environment, following his earlier answer, to give an assurance that Rathlin Island will be fully engaged with the coastal communities fund process, and, given its strategic importance to many elements of the tourist industry, particularly to the people who live on the island, will he give an update on how the fund will be of benefit to that community. (AQT 962/11-15)

I have taken the Minister from the wilds of Fermanagh and Tyrone to the north Antrim coast, but I am sure it is a journey that he would enjoy.

**Mr Durkan:** I am not entirely sure how Rathlin Island has been engaged in the process, although I imagine that it has been. I will check that as soon as I leave the Chamber tonight, or it may be tomorrow morning by the time we get through the Local Government Bill.

The Member quite rightly outlines the importance of Rathlin to tourism in the North, and, counter to that, I fully appreciate the importance of tourism to Rathlin. I know that there are issues with the construction of new paths there and the fear that that could be detrimental to the ornithological tourism that the island depends on so greatly. I am keen to see an application from the area for the fund.

**Mr Storey:** I thank the Minister for that. As my colleague Mr Campbell asked earlier, will his Department be actively involved in ensuring that communities such as Rathlin engage in the process? Given the prevailing issues and the concerns of some on the island, will everything be done to ensure that Rathlin maintains its status and is built on as one of the most idyllic parts of the United Kingdom and as somewhere that every Member should visit, including the Minister? I invite him to join me on a visit to Rathlin Island.

**Mr Durkan:** I will certainly go to Rathlin. I do not know if I will go with Mervyn. *[Laughter.]* I assure the Member that my staff will follow up that option with those charged with tourism development on Rathlin. I also assure him that NIEA staff are liaising and working closely with people on Rathlin Island on that very issue, and I have quite a bit of correspondence to prove it.

## Exploris

3. **Mr McCarthy** asked the Minister of the Environment to advise what progress has been made to date to keep Exploris in Portaferry open, given that he, his staff, Ards Borough Council, Friends of Exploris and many other people have been working extremely hard to secure the future of this wonderful regional aquarium. (AQT 963/11-15)

**Mr Durkan:** I thank the Member for the question and commend him for his determination to see Exploris saved. Like me and, hopefully, many in the House, he recognises the importance of Exploris to our tourism product in the North, particularly in the Member's constituency. Indeed, I referred earlier to the fact that, when I was in the United States a few weeks ago, I came across a brochure promoting Northern Ireland, and Exploris had pride of place on, I think, page 7.

Progress has been made despite people thinking that it has not, and a lot of work has been done. I appreciate that the Member recognises that, although progress has, unfortunately, been slower than we would like. My officials have liaised closely and laboriously with council officials and with Friends of Exploris, particularly on the business case that I have asked for. In turn, I can then take that business case to the Executive to seek financial assistance. There are still a couple of outstanding questions about the business case, and, when I bring it to my colleagues, I want it to be as robust as possible. Following a meeting with the Member and some councillors from the area last week, I am confident that those questions will be answered and that the gaps will be filled in the coming days.

**Mr McCarthy:** I sincerely thank the Minister for his update and welcome his determination to see Exploris flourish into the future. When the business case comes to the Executive table, will the Minister encourage the Minister of Enterprise, Trade and Investment to recognise Exploris as a premier tourist destination and attraction and seek assistance from her Department to promote Exploris well into the future?

**Mr Durkan:** Exploris is a tremendous facility; it is tremendous for tourism and education, and it has a fine environmental aspect. That is why, outside the business case process, I have given a commitment to fund all reasonable costs associated with the seal sanctuary at Exploris. When I present the business case, I will raise the points that the Member iterated in the House today. I believe that it has tremendous tourism potential. I believe that the Minister responsible for tourism must believe that as well; otherwise it would not be adorning glossy brochures in other parts of the world promoting Northern Ireland as a tourism destination. Therefore, I believe that it is worthy of her, and other Ministers', support.

**Mr Principal Deputy Speaker:** Mr Paul Girvan is not in his place for his question.

## DVA: Staff Redeployment

5. **Mr G Robinson** asked the Minister of the Environment whether he will support Driver and Vehicle Agency (DVA) staff being given local priority in redeployment within the Northern Ireland Civil Service. (AQT 965/11-15)

**Mr Durkan:** I thank the Member for the question. I will support DVA staff in any way that I possibly can. I have written to all Executive colleagues asking them to look for any opportunities that might exist for the redeployment of the staff, but, more importantly, the relocation of work to Coleraine, given the immobility of many of the grades employed there. I have also prepared, in advance of our next Executive meeting, a paper with my colleague the Minister of Finance and Personnel, outlining the situation throughout the DVA, most notably in Coleraine, and the need for us as an Executive to take action to assist those affected immediately.

**Mr G Robinson:** If the worst comes to the worst, can the Minister let us know what will happen to the DVA building in Coleraine?

**Mr Durkan:** I am not sure that I am in a position to answer that. What has happened is nearly the worst thus far, but, as yet, I have no future plans for that building. However, I will fight for the workers to stay in that building for as long as possible.

## DVA: Transfer of Responsibilities

6. **Mr Ó hOisín** asked the Minister of the Environment whether he has made any preparations for a potential transfer of DVA responsibilities to his Department. (AQT 966/11-15)

**Mr Durkan:** I will answer that question by saying yes. My predecessor and I both made representations — and have correspondence to prove it — with our counterparts in Westminster. However, it seems that we are hitting a brick wall. There is no appetite there to devolve it, and I am not sure of the appetite here — I am not talking about right here where I am standing — in this Assembly and in Northern Ireland to have it devolved.

**Mr Ó hOisín:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas don Aire as ucht an fhreagra sin. I thank the Minister for his answer. Does the Minister agree that, in order to save the jobs, he must pursue this continually with the British Government? Will he commit to doing that?

**Mr Durkan:** For some time now, my predecessor and I have been trying everything that we can to save those jobs. That has been recognised and applauded by the staff there. It is an option that I will continue to pursue. However, what the staff do not want to see is people playing politics with the issue.

2.45 pm

## Finance and Personnel

**Mr Principal Deputy Speaker:** Question 6 has been withdrawn.

## Health: Additional Resources

1. **Mr Beggs** asked the Minister of Finance and Personnel what level of additional resources were allocated to address pressures within the Department of Health, Social Services and Public Safety as an out-turn of the headroom within the 2013-14 budget. (AQO 5918/11-15)

**Mr Hamilton (The Minister of Finance and Personnel):** The Department of Health, Social Services and Public Safety was allocated an additional £57 million in resource departmental expenditure limit (DEL) during the 2013-14 monitoring round process. I can confirm that there has been no further allocation to the Department since the January monitoring round. I expect that the Health Minister should be able to manage his financial pressures to ensure that he stays within the budget control totals set by the Executive.

**Mr Beggs:** I welcome the belated recognition by the Minister of the considerable financial pressures that exist in our health service. However, the Minister indicated this morning that he might be proposing to remove £68 million from the current year. Have the Minister and the Executive considered what the cost would be to patients if £68 million were removed from the health service?

**Mr Hamilton:** If we have to proceed down the route that I have suggested, which is that reductions of 1.5% will have to be made to every Department's budget — every Department having to take a 1.5% cut — that will equate to a reduction of close to £70 million in the health budget. Ultimately, if the Executive agree to go down that route because of non-progress on welfare reform, the exact and precise handling of that would be a matter for the Health Minister.

I am pretty sure that, whatever way the Health Minister would deal with in-year reductions of £70 million in a budget that, as the Member acknowledges, is already under pressure, the cuts could be devastating. For patient care, a reduction of £68 million next year is the equivalent of nearly 12,000 knee procedures, the equivalent of just over 10,000 hip procedures and the equivalent of just over 115,000 weeks in nursing home care for the elderly. I could go on and on because, as I am sure the Member will appreciate, whatever way you dice and slice up £68 million of reductions in the health budget, it is vulnerable people who will suffer, be they elderly people, people who are waiting for hip or knee replacements or people who are getting domiciliary care. Whatever the service, there will be an impact of not progressing with welfare reform. If we get those penalties and have to make those adjustments to the health budget, the impact could be devastating for very vulnerable people here in Northern Ireland.

**Mr I McCrea:** I commend the Minister for going on the radio this morning and outlining the difficulties that will come about as a result of the House not agreeing welfare reform. Will he outline whether he expects any money to be surrendered to Her Majesty's Treasury at the year end?

**Mr Hamilton:** In the context of the issue that Mr Beggs raised and which the Member has touched on, we, obviously, lost around £15 million of our ability to spend in the past financial year, which ended yesterday. A new financial year starts today. That is £15 million that could have been spent on services, including health and social care, and right across the Executive's Budget. That has gone; it will be taken off our Budget. Beyond that, however, I do not expect that any other money will be lost to the Treasury. As the Member will appreciate, and as the House will know from previous updates, over the past year, since the introduction of the Budget exchange scheme, which replaced the old in-year flexibility scheme, we have some flexibility in our ability to roll forward 0.6% in resource expenditure and 1.5% of in-year capital

expenditure into the following year, and we have not lost any money to the Treasury. Of course, however, the inaction and lack of leadership of others in the House has already seen us lose £15 million and risks us losing close to £100 million next year and, indeed, close to £1 billion over the next five years.

## Driver and Vehicle Agency

2. **Mr McKinney** asked the Minister of Finance and Personnel to outline any discussions he has had concerning the redeployment of the Coleraine Driver and Vehicle Agency staff within the public sector. (AQO 5919/11-15)

**Mr Hamilton:** This matter was the subject of discussion at a recent Executive meeting, and I, along with my colleague the Minister of the Environment and the head of the Civil Service, have been asked to prepare a report to the Executive on the Driver and Vehicle Agency (DVA) jobs. I have also discussed the situation on a number of occasions with the MP for the area, Mr Gregory Campbell.

I can also confirm that my officials are working closely with DOE to establish the details of staff affected by the decision and are collaborating with other Departments across the Northern Ireland Civil Service to ensure the effective operation of the policy and procedures to manage staff surpluses, redeploy staff to other duties and avoid the need for compulsory redundancies.

**Mr McKinney:** Is the Minister confident that all staff will be redeployed within a reasonable travel-to-work area?

**Mr Hamilton:** I was able to catch some of the responses of my colleague the Minister of the Environment to similar topical questions that he was asked before my questions started. I echo what I heard him say. We need to be exceptionally careful that we do not build up hopes. People who work in Coleraine and right around Northern Ireland — we must not forget that there are other offices from which DVA operates right across Northern Ireland — have had such a bad experience over the past number of weeks that it is important that my colleagues and I do not overhype the situation and build up expectation needlessly.

Every effort will be made to redeploy staff elsewhere in the Department of the Environment or in other Departments where work might be available. As the Minister suggested, perhaps we could move work to Coleraine. The Member makes a very salient point about staff mobility, which will become a crucial issue in dealing with this. He will appreciate that some members of staff are considered mobile within the system, others non-mobile. A survey is being carried out by DOE to examine the attitudes of the staff in Coleraine. However, I understand that the vast majority fall into the non-mobile category. Clearly, that complicates things much more than if they were mobile.

**Mr Campbell:** I agree with the Minister about not raising expectations unnecessarily. In the discussions that he will have about what can be done, will he take account of the fact that 70% of the existing staff are female and many of them have caring responsibilities that restrict their mobility? Will he also step up the campaign to try to get other Civil Service jobs relocated to Coleraine?

**Mr Hamilton:** I agree with the Member. I commend him for the swiftness of the contact that he made with me in the aftermath of the very bad news a couple of weeks ago.

Indeed, I commend other representatives from the East Londonderry area for their efforts as well.

The complexion of staff mobility is being analysed by DOE. Even if we consider staff members, officially and technically, to be non-mobile, just exactly how mobile they are is a matter for DOE to take forward in what it considers to be an acceptable travel-to-work area for staff based in Coleraine, in the Member's constituency. As a considerate employer, we have to be mindful of people's caring responsibilities. Without trying to build up expectations or deliver false hope, in the Department of the Environment, my Department and right across the Executive, we will make every effort to see whether there are posts available elsewhere, or whether work that is being done elsewhere in Northern Ireland could be done in Coleraine by DVA staff.

**Mrs Overend:** If it is not possible to redeploy the personnel in the public sector, will he confirm whether the current compensation scheme, which has the highest benefits, would apply?

**Mr Hamilton:** The compensation scheme is subject to passage through the House. My understanding is that it does not apply until its various regulations go through. However, we should not, at this stage, be contemplating the worst case for redundancies. Every effort will be made on my part, that of the Environment Minister and other Executive colleagues to ensure that we do not get to the situation that the Member talks about, or, at the very least, that we minimise the redundancies that might have to take place.

**Mr Allister:** In order that it is clear to the House and the workers in Coleraine, Minister, have the Executive given up the battle to save the DVA office in Coleraine? Is that the conclusion that we should reach? If that is so, are there any barriers to giving priority to the Coleraine workers in redeployment in the Civil Service?

**Mr Hamilton:** On the first point, we have to be somewhat realistic. I commend the staff, trade union representatives, local political representatives and community representatives in the East Londonderry area and further afield who made very sterling representations to make the case to the Transport Minister that, although the people in Coleraine wanted to centralise and modernise the service — that is something that I have been supportive of in the past — there was a distinction to be made between the service improvement and where the service is carried out. A very robust case was made to the Department for Transport that that work could be carried out in Coleraine. Unfortunately, that argument fell on deaf ears in the Department for Transport. One has to be somewhat realistic in looking at the prospects of it rowing back from the decision that has been made. If I thought that there were a chink of light that would allow the Department for Transport to re-examine the situation and us to make a robust case for work to be redeployed to or kept in Coleraine, I would certainly want to seize that. However, there is no indication at this stage that that is the case.

In giving priority to DVA staff, although we are clearly sympathetic to the situation in which people find themselves, we have to be mindful of the law and procedures in place. At the minute, disabled staff with requirements under the Disability Discrimination Act would be top of any priority list for redeployment. It is then staff who have been declared surplus. That might be a bracket

into which the staff in Coleraine and the other offices might fall, but not until DOE takes a decision to declare them surplus. I do not think that that is anticipated for another couple of months.

## Capital Budget

3. **Mr Weir** asked the Minister of Finance and Personnel to outline the Executive's capital budget for the 2014-15 financial year. (AQO 5920/11-15)

**Mr Hamilton:** I am pleased to say that, for the first time since 2010-11, the Executive will start a financial year with a capital budget in excess of £1 billion. Following the recent Budget announcement by the Chancellor, our capital DEL budget now stands at £1.04 billion. When we take into consideration planned capital receipts and reinvestment and reform initiative (RRI) borrowing, the Northern Ireland Departments are now planning to spend nearly £1.6 billion next year. That will provide a huge boost for our construction sector and will mean that we can invest in our economy to promote faster long-term growth.

**Mr Weir:** I thank the Minister for his response and the good news contained in it. Will he give us some detail of his recent meeting with the European Investment Bank (EIB)? Could its funding assist in our capital spend?

**Mr Hamilton:** I thank the Member for his supplementary question. I had a very productive engagement last week with senior officials from the European Investment Bank. It is fair to say that they are incredibly keen to do more business in Northern Ireland to build on the very successful loan that it gave to the University of Ulster to allow it to relocate the bulk of its Jordanstown campus to the centre of Belfast. A loan of some £150 million was given for that. It is very keen to build on that.

There are other opportunities across a range of infrastructure areas for which that we might be able to avail ourselves of funding from the European Investment Bank. A note of caution, however, is required: there may be a perception that we can put that sort of money into road, hospital or schools infrastructure, for example. We certainly could, but there would be ramifications elsewhere in the Budget of getting European Investment Bank funding, such as having to pay back a loan. I think that I have mentioned this in response to Mr Cree in the past: the money that we would raise via a loan would have to score on our Budget. We would see a commensurate drop in our capital budget coming from Treasury, and we would also have interest to repay on any loan. We have to be incredibly careful about where we would deploy any finance we were to get from the European Investment Bank. However, I am very keen to follow up on the positive engagement last week and to scope out what other opportunities might be there.

**Mr McKay:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for his answer, particularly his comments about the European Investment Bank. Does he see anything in the delivery of possible projects coming out of the EIB that will, in the short to medium term, impact on our economic recovery? Also, what opportunities does he see in working with the new councils to try to draw down some of those funds from the EIB?

**3.00 pm**

**Mr Hamilton:** There are some. We had a good discussion about some projects that are already working their way through the early stages of the pipeline and that would have a very positive impact on the economy in Northern Ireland. A lot of energy infrastructure projects are already being discussed between network and grid companies and directly with the EIB. That underscores the point that it is not just central government trying to raise money, perhaps using the European Investment Bank. This is money that is also available to the private or non-public sector. I very much encourage the energy companies to try to take up the opportunity that might well be there. Obviously, there is a huge range of experience elsewhere in Ireland and the United Kingdom and right across the European Union. There are opportunities for energy that can be availed of quite quickly through the European Investment Bank.

The Member is right to highlight the opportunity that is presented by our local councils, particularly after reorganisation and the RPA, which will, of course, create much bigger councils with bigger rate bases. There will also be a change towards better borrowing powers and, importantly, more powers, including a power of regeneration. I held a seminar in the Department a couple of weeks ago with senior officials, chief executives and finance directors from a large number of the local councils. I am keen to continue that type of engagement to try to make them aware of the opportunities that EIB funding and financial transactions capital funding potentially present. Into the future, our councils, given their greater powers post-RPA, should be an increasing driver of infrastructure investment in Northern Ireland. I am keen, at these early stages, to use the good offices of the Department of Finance and Personnel to encourage them down that path.

**Mr Dallat:** I listened carefully to the Minister. One billion pounds is a lot of money — enough to make the Minister as popular as Santa Claus. Does this mean that there might be some additional funding for new schools, which are badly needed?

**Mr Hamilton:** To reiterate the point that was made to Mr Weir: we could certainly use the money from the European Investment Bank or other sources in the private markets to invest in schools infrastructure, just as we could use it to invest in roads or health. The complicating factor is that schools projects, for example, are taken forward by our Education Minister. The way that those are treated in our budget means that they would have to be done in a private finance initiative-type format, which is actually quite expensive at the minute and would require the expenditure of current resource expenditure to pay back the interest over 20 or 25 years or whatever the term might be. As the Member will appreciate, our budget is tight because of cuts coming from London that are particularly focused on our expenditure budget. So, given the price and the reducing current expenditure budget, it is not as attractive an option now as it might have been 10, 15 or 20 years ago. That does not mean that it might not come back in vogue in the longer term.

The benefit of accessing funding from the European Investment Bank or others is that, if we can fund some of the projects that we might have done ourselves through central government funds and capital funds, and that is done perhaps through local government — to pick up on the point from the previous Member who spoke — that

might release some funds in our conventional capital budget that could instead be spent on new schools, hospitals, healthcare centres or road infrastructure. It might free up resources elsewhere that we could deploy for some of the projects that the Member talks about.

**Mr Copeland:** What provision, if any, has been built into the capital budgets so that, should a major project not be in a position to proceed, a further range of projects are at an advanced stage and may proceed?

**Mr Hamilton:** The Member makes a very good point that I am increasingly mindful of. We have had the recent experience of the A5 not moving forward. The A5 was probably the biggest road project that we have ever undertaken in Northern Ireland, and its not proceeding saw over £200 million suddenly released that had to be spent on capital projects. Thankfully, through a trawl that was undertaken with other Departments last year, we have some good projects to spend that money on. I think primarily of the A26 extension. That is a very good project, and I see that it is under way. The new regional children's hospital at the Royal Victoria Hospital site in Belfast was able to spend some of the money. There are other projects, but those are two of the biggest. We were fortunate to have those projects to spend it on, and they were sufficiently advanced so that the money could be spent in the time that we wanted it to be spent in.

The Member is right to highlight the fact that, if there were such an eventuality again, and the Executive did not have other such projects that were down the line and could be hastened up and progressed, we could be in a position whereby capital money might be at risk of being lost and going back to the Treasury. With that in mind, I have asked the subgroup of the procurement board to look at a whole range of issues for the delivery of major capital projects. On this issue, I favour an approach whereby the Executive as a whole take a decision to prioritise certain projects. That will be difficult, and I am sure that it will create some political difficulties, but I think that, to address the type of problem that the Member identifies, we absolutely need projects that are down the line or are procurement-ready. If such an eventuality arises or we get more money from the Treasury, we can start to spend the money and get good projects on the ground.

**NAMA Loan Book**

4. **Mr Milne** asked the Minister of Finance and Personnel for an update on any proposed sales from the National Asset Management Agency loan book. (AQO 5921/11-15)

**Mr Hamilton:** I have no responsibility for NAMA's activities and cannot account for or report on its activities.

**Mr Milne:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire go dtí seo. I hear what the Minister said. Will he have regular contact with NAMA in the months ahead to insure against the risk of a fire sale or any decisions that might adversely affect the economy in the North or to minimise those effects?

**Mr Hamilton:** The Member makes a good point. I am not responsible for the day-to-day operations or, indeed, any operations for NAMA. It is perhaps a question that is best put by one of his colleagues in Dáil Éireann to the relevant Minister down there. Obviously, I have a continual interest in NAMA and what it is doing in Northern Ireland.

I agree with the Secretary of State's comments today that we have to avoid the possibility of a fire sale. Many of us had that big fear when NAMA was created a number of years ago. Thankfully, that has not materialised, although I think that there is a danger that, as NAMA's mandate starts to run out towards the end of the decade, we may see less benign situations over the next couple of years. I absolutely assure the Member and the House that I will keep in regular contact, as I do, with the chairman of NAMA and the Northern Ireland advisory committee to ensure that the very situation that the Member outlined does not happen.

**Mr McGlone:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. As the custodian of the public purse, what efforts has the Minister made to nurture links between not only his Department and NAMA but DSD and NAMA to ensure that, when there are reasonably priced sites for social housing development, those opportunities are availed of?

**Mr Hamilton:** It is my understanding that part of NAMA's remit or constitution — however one would describe it properly — is that its work must have a social aspect or conscience. In the conversations that I have had with NAMA, its chairman said that it is very keen to look at a range of sites in Northern Ireland on which social housing could be developed. I think that there is one in north Belfast that it has already taken forward. It has also developed some private housing, and it has put around £140 million into its assets in Northern Ireland to build on them or to start construction so that value is added to the sites. Obviously, that could also include social housing. The Clannmil Housing Association today announced a £120 million loan from Danske Bank and Barclays, so that sector is quite buoyant and is attracting investment from the private market from banks and financial institutions. I am sure that NAMA will be conscious of that and see it as an opportunity not only to tick that box in its constitution but to get a good return for it.

**Lord Morrow:** I listened carefully to what the Minister said and would like to take him a wee bit further. Will he explain the relationship between NAMA and the Department of Finance here to the House?

**Mr Hamilton:** I thank Lord Morrow for his question. As I pointed out to the Member who asked the original question, I am not responsible for NAMA, nor do I want to be. I think that that is well understood, and I do not envy anybody who is. However, it is essential for me, or for anybody who holds this post, to have a very good relationship with NAMA.

My predecessor was the Minister when NAMA was created, and he certainly used his good relationship with the late Brian Lenihan, who was then Finance Minister in the Irish Republic, to ensure that Northern Ireland's interests were at the forefront of what it was doing. As a result, our initial fears of a fire sale were not realised. Many of us feared that that would be the case because that organisation was in another jurisdiction and had no particular concern — I hear a phone ringing; maybe that is somebody from NAMA with a bit of news, or maybe somebody has just bought or sold something — and the risk was that, because it had no say in this jurisdiction, it would just sell the assets here and make a fast buck. That has not been the case because of that good relationship.

As I said, I meet the chair of NAMA and the Northern Ireland advisory committee regularly. I think that the engagement that we have developed over the past couple of years will be vital in the future.

As I said earlier, I think that we are getting towards what could be described as the business end of what NAMA does. It has, perhaps, been scoping out possibilities over the first couple of years, and we are now getting into a phase when it will have to start to realise the value of some of its assets. Although we have not had the horror stories that we feared, as that starts to happen over the next number of years, I am concerned that we might start to hear some. NAMA will have to do its job and wind down its operations by the end of the decade.

It is important that nothing is done with Northern Ireland, with individuals or with the overall Northern Ireland portfolio to upset that hard-earned, positive relationship that we have developed over the past number of years. I think that that view is shared right around the House.

**Mr Principal Deputy Speaker:** I know that that was a very important topic, but the two-minute rule does apply.

**Mr McNarry:** Will the Minister share any concerns that he may have about the possibility of hedge funders taking over the NAMA properties in Northern Ireland? Will he also tell the House whether those concerns would lead him to be worried about a fire sale, which we have all been very anxious should not happen?

**Mr Hamilton:** There is a well-publicised process under way, and NAMA has gone to the market to test the overall Northern Ireland portfolio. I have seen the name of only one potential buyer attached to that process. I am not aware of what other buyers may be interested or whether they are, as the Member described it, hedge funders.

The one firm that I saw associated with NAMA in the public domain was an insurance firm. If that insurance firm, another insurance firm or a pension fund investor was successful, I think that the result would be quite the opposite of what the Member and the rest of us are concerned about. Instead of what might happen over the next number of years, which is NAMA starting to try to crystallise those assets and trying to get them out the door much more quickly than the market might be ready for them, an insurance firm or the investment arm of an insurance company or a pension fund might take a much longer view. As the Member will appreciate, they tend to take a longer-term view and invest the proceeds of pensions or insurance to get a return over a much longer period. They are not in it for a fast buck. In fact, it may be quite a positive thing if the portfolio was sold to such a company.

However, I appreciate that there could be less desirable buyers, either because they want to flip things very quickly or do not have the quantum of assets in their own balance sheet to add value to the assets in Northern Ireland.

**Mr Principal Deputy Speaker:** That brings us to the end of the period for oral questions. We now move on to topical questions.

## Economic Data: Treasury Challenge

1. **Mr Boylan** asked the Minister of Finance and Personnel why his party seems to be holding back on challenging the

Treasury on economic data, which would definitely benefit the local economy, given that the Government in Scotland are not afraid to make such a challenge. (AQT 971/11-15)

3.15 pm

**Mr Hamilton:** I begin by sympathising with the Member. I think this is about the third or fourth time that he has been drawn for a topical question to me. I am sure that he cringes every time his name is drawn.

I know that there has been some conversation over the past number of days about the quality of the economic data that we produce in Northern Ireland. I think it is fair and true to say that both the timeliness and the quality of the economic data that we produce in Northern Ireland is similar to if not actually better than that produced in most of the other jurisdictions and regions within the United Kingdom. A wide range of official economic statistics from Northern Ireland have been independently assessed and designated as national statistics.

We produce a broad range of publications and we always try to make those as accurate as we possibly can. Although the Treasury, which is ultimately responsible for taxation, does not routinely publish actual regional tax data, my Department produces estimates of regional tax revenues as part of the net fiscal balance report. It is only us and the Scots who produce that. The methodology that we use to produce our net fiscal balance report is very similar to the Scottish equivalent. Wales does not do that and nor does any English region, so, in many respects, rather than catching up with the Scots, we are absolutely in tune with what they are doing.

**Mr Boylan:** Go raibh maith agat. I do not mind getting up to ask the Finance Minister any question. Given that you continue to abuse the fiscal balance report, is it not about time that we got proper economic data, Minister? When are you going to push to get proper economic data?

**Mr Hamilton:** I do not accept the premise that we do not have proper economic data. We are not responsible for a lot of the data that is out there, particularly the tax data, as I mentioned. That point was acknowledged by Mr McKay, the Chairman of the Finance Committee, who was in a slightly mysterious situation last week when he put a press statement out that attacked DFP initially, and then that was replaced on his party's website by one that was principally attacking the Treasury.

**Mr McKay:** I am happy with both.

**Mr Hamilton:** They are not both there. If the Member wants to check, he will see that one has been replaced by the other, which was an interesting U-turn over a 24-hour period by the Member.

He is right to turn his attention principally towards the Treasury, which, at the end of the day, given the national Government, is the recipient of most of that data, so we are reliant on it to produce some of that data. However, we make the best efforts that we possibly can in a way that is consistent with, for example, what the Scottish do.

I point out to the Member and his party colleagues that it is the same data on which his party, my party and other parties are content to pursue the devolution of corporation tax to this place. So, it is good enough to pursue that policy, yet sometimes, when it does not suit Sinn Féin's agenda, it does not seem suitable.

## Vacant Properties: Dungannon District

2. **Ms McGahan** asked the Minister of Finance and Personnel whether he has had any discussions with other Ministers, including the Minister for Social Development, about the figures from Land and Property Services (LPS) that show that there are 1,520 vacant domestic properties in the Dungannon district and whether any of these properties might be retrofitted to address the area's housing shortage. (AQT 972/11-15)

**Mr Hamilton:** I have not had any direct discussions with any other Minister about the point that the Member raises, but I am content to do so. I do not accept that all of those 1,520 properties will require some degree of work to make them accessible. The Member is right that it is probably primarily a DSD issue in relation to housing allocations, but I am more than happy to do whatever we can through LPS, if required, to work with DSD to highlight the opportunities for the owners of those properties to get them let and into operation, which is obviously potentially of financial benefit to them.

**Ms McGahan:** Go raibh maith agat. I thank the Minister for his response. Is he aware of the scale of the problem of vacant domestic properties right across the North?

**Mr Hamilton:** I am. I do not have the precise figures in front of me, but I can certainly furnish the Member and, indeed, the whole House with those. I recall an exercise being done a few years ago in advance of the rating of empty domestic properties to identify the precise number. It was an issue that DSD was involved in and it was sort of a movable feast. The number fluctuated up and down.

One ramification of the downturn and recession and the pressure that they have placed on people is that there are many more vacant properties. That is not just because people are vacating them; buy-to-let properties in some areas are not as attractive as they were. Given the potential for those houses to be let, perhaps to social housing tenants, we do not want them to lie empty and not be maximised. The Minister for Social Development is looking at that carefully as part of his housing strategy.

**Mr Principal Deputy Speaker:** I call Mr Michael Copeland.

**Mr Copeland:** Thank you very much, Mr Principal Deputy Speaker. Question 3. *[Interruption.]* After last week, I most profoundly and sincerely apologise.

## Civil Service Pay

3. **Mr Copeland** asked the Minister of Finance and Personnel whether there are any provisions in the Budget that will affect Civil Service pay in Northern Ireland. (AQT 973/11-15)

**Mr Hamilton:** I was just going to say yes to the first one. Guidance has been issued by the Treasury on the 2014-15 financial year pay restraint for civil servants. I understand that the advice is a 1% rise for public servants. Although we do not have to follow that strictly, we have previously mirrored what has been done in the rest of the UK. I have still to consider the issue in discussion with officials.

**Mr Principal Deputy Speaker:** I call Mr Copeland to ask a supplementary to question 3.

**Mr Copeland:** Thank you very much, Mr Principal Deputy Speaker. Given the Minister's comment on mirroring events in GB and the fact that there is chatter there about consideration being given to removing progression pay, is that under consideration here as well?

**Mr Hamilton:** I have heard the Chancellor at this a couple of times. This is not the first time that it has been talked about; I think that, in last year's Budget statement, he also talked about looking at progression. Progression is where, in addition to whatever pay increase there is, civil servants move up various stages within their current grade. That happens as a matter of course, and their pay goes up accordingly.

The coalition Government are keen to look at it, obviously driven by an agenda of reducing costs across the board. It would have ramifications for Northern Ireland, but it has been discussed at Finance Minister quadrilaterals with our Scottish and Welsh counterparts. The legal advice that my Department has received, which was similar, I think, to that in Scotland and Wales, suggests that progression pay is part of the contractual obligations that we have to civil servants and is therefore not as easy to get rid of as the Chancellor might think.

### Banks: Recent Discussions

4. **Miss M McIlveen** asked the Minister of Finance and Personnel what discussions he has had with local banks in recent weeks. (AQT 974/11-15)

**Mr Hamilton:** I meet local banks regularly, formally and informally. Even this morning, I was informally chatting to officials from Danske Bank and Barclays at the announcement of their £120 million loan to Clanmil Housing Association. Minister Foster and I recently concluded our latest round of meetings with the big four local banks, as well as Santander, Barclays and HSBC. As recently as last Wednesday, as part of the latest meeting of the joint ministerial task force in London, Minister Foster, the Secretary of State, business Minister Matthew Hancock, Treasury Minister Sajid Javid and I met officials from the British Bankers' Association (BBA).

**Miss M McIlveen:** I thank the Minister for his answer. I am aware that he has been pressing local banks to provide him with better lending data. Has any recent progress been made on acquiring that?

**Mr Hamilton:** This has been a long-standing problem, Mr Deputy Speaker, that you will recall from the Finance Committee. The problem in the past was that we had absolutely no sight of any data on lending in Northern Ireland. More recently, the British Bankers' Association, with which I had a conversation last week, provided to the Executive, on a confidential basis, high-level data on new lending, average loan values and approval rates. Although I am not allowed to divulge the precise figures, all the data has started to move in a positive direction over the past quarter, which is a sign that the banking system is at least starting to work better.

We have been pushing in more recent times, and I have reported this to the House, for sectoral data on lending to various sectors of the economy in Northern Ireland. I was concerned that very slow progress was being made in that regard, but I am happy to confirm to the Member and the House that BBA presented to the joint ministerial task

force last week an enhanced data set — an improved set of statistics — which included sectoral lending.

It also extended the figures, which had just been for the four main local banks, to include lending by Barclays, HSBC and Santander in Northern Ireland. I am glad to be able to say that it is BBA's intention, after some refinement, to publish that data before the summer. That will be most helpful to us, as an Executive, in directing policy and interventions that we might want to make to increase small and medium-sized enterprises lending. It will also give us all a better sign of how well the banking system in Northern Ireland is doing.

**Mr Principal Deputy Speaker:** Mr Paul Girvan is not in his place, so I call Mr Daithí McKay.

### Air Passenger Duty

6. **Mr McKay** asked the Minister of Finance and Personnel whether, to prevent other airports on this island continuing to have an unfair tourism advantage over airports in the North and its tourism operators, he will now seek the transfer of air passenger duty powers, given that, in the recent Budget announcement, the British Government again failed to deliver what we need. (AQT 976/11-15)

**Mr Hamilton:** As the Member well knows, an air connectivity study has been undertaken between my Department and the Department of Enterprise, Trade and Investment. The point of conducting studies like this is to scope out the range of options that might be available, the possible way forward and the Budget consequences of doing it, showing where there is a downside and where there are some benefits. In advance of seeing that report, I do not want to commit myself to a position one way or the other.

**Mr McKay:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for his answer. The review has been ongoing for a considerable period of time. It seems to be one of those reviews that takes place just to put off making a decision. Does the Minister not recognise that we in the North will continue to lag behind while he and the Minister of Enterprise, Trade and Investment fiddle their fingers rather than deal with the issue of air passenger duty? While this is not in place, we do not get the tourism revenue that would come in if we had a single policy across this island.

**Mr Hamilton:** As the Member well knows, far from fiddling our fingers, we have already devolved air passenger duty (APD) powers for direct long-haul flights into Northern Ireland. By doing that, we have secured a route that is not just a tourist route direct to north America but is critically important for business investment in Northern Ireland. That is one of the many factors that explain why firms like Citi, Allstate and the New York Stock Exchange have not just a presence but a growing presence in Northern Ireland.

I am sure some of the Member's party colleagues in Dublin will be less than complimentary about the language that he has chosen in talking about competitor airports south of the border. It is easy for him to sit and say, "Just devolve this, and to hell with it." There are consequences of devolving the power, which people in my position and the Enterprise Minister's position have to consider very carefully. One of my primary considerations as Finance Minister is the fact that devolving air passenger duty for

band A flights, which are short-haul flights, comes at a price: it is not a pain-free or price-free option. It would come at an initial price of £60 million, rising over the next number of years to £90 million.

We have already lost £15 million from our Budget because of Sinn Féin fiddling its fingers in respect of welfare reform. We face reductions of close to £100 million this year because of non-progress on welfare reform because Sinn Féin is fiddling its fingers. Where would the Member find the additional £60 million reduction in our Budget because we have devolved APD powers? It is easy for the Member to ask for these things but it is much more difficult for him to come up with the answers for how we are going to pay for them.

3.30 pm

## Executive Committee Business

### Local Government Bill: Further Consideration Stage

#### **Clause 3 (Disqualifications for being councillors)**

*Debate resumed on amendment Nos 1, 2, 3, 4, 18, 23 and 28, which amendments were:*

No 1: In page 2, line 8, at end insert

*“(d) the House of Lords;”.— [Mr Allister.]*

No 2: In page 2, line 8, at end insert

*“(e) the legislature of any other country;”.— [Mr Allister.]*

No 3: After clause 3 insert

#### **“Disqualification of councillors for being independent members of policing and community safety partnerships**

**3A.—(1) The Justice Act (Northern Ireland) 2011 is amended as follows.**

*(2) In Schedule 1, in paragraph 9 (disqualifications) after sub-paragraph (2) insert—*

*‘(2A) A person is disqualified for being an independent member of a PCSP if that person is a councillor.’.*

*(3) In Schedule 2, in paragraph 9 (disqualifications), after sub-paragraph (2) insert—*

*‘(2A) A person is disqualified for being an independent member of a DPCSP if that person is a councillor.’.— [Mr Elliott.]*

No 4: In clause 4, page 2, line 14, at end insert

*“(2) In section 4 of that Act, after subsection (1) insert*

*‘(1A) The Department must by 30 September 2014 make an order under subsection (1)(a).’.— [Mr B McCrea.]*

No 18: In clause 59, page 35, line 39, at end insert

*“(10) An appeal under subsection (9) may be made—*

*(a) against the suspension (or partial suspension);*

*(b) against the length of the suspension (or partial suspension).”— [Mr Durkan (The Minister of the Environment).]*

No 23: After clause 117 insert

*“Public bodies to support employees seeking election to council*

#### **Public bodies to support employees seeking election to council**

**117A.** *A public body, other than a council, must to the extent that it is reasonably practicable, support and facilitate any employee, other than its chief executive or directors, in seeking election as a councillor including—*

*(a) offering unpaid leave for the three-week period prior to local government elections;*

*(b) actively seeking to overcome perceived conflicts of interest.” — [Mr B McCrea.]*

No 28: In schedule 2, page 80, line 5, leave out “Regulations” and insert “Standing orders”.— [*Mr Durkan (The Minister of the Environment).*]

**Mr B McCrea:** I got a chance to say a few words before the break. I will attempt to be fairly concise in my points, hoping to make people actually think about the amendments that we put forward.

(*Mr Speaker in the Chair*)

If I can deal first, Mr Speaker —

**Mr McCallister:** Large crowd from the DUP.

**Mr Allister:** They are boycotting you, Basil.

**Mr B McCrea:** It is a little disappointing that my best audience is the back of Ms Lo’s head. The Benches on the other side are strangely silent. So, let me say to Peter Weir what I really wanted to say to Peter Weir.

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

**Mr B McCrea:** I will indeed give way.

**Mr McCallister:** Should we go, Mr Speaker, to the vote straight away? [*Laughter.*]

**Mr B McCrea:** I have two amendments that I wish to address. I will try to proceed fairly briskly on my points on amendment No 4, because the DUP Members did say that they were happy to support it, and I think I got indications from other sides of the House that they thought it a reasonable idea.

The position, as it stands, is that the Bill was amended at Consideration Stage, creating an enabling clause to allow the Minister, via subsequent regulations under the 1972 Act, to define “prescribed offices”. Amendment No 4 will mean that the Minister would have to make said regulations by September 2014; that is to say, very quickly, and to clear up what I have to say is a pretty significant mess. Unless we get some form of regulations, as I understand it — perhaps the Minister will clarify — no one is going to be excluded from running for council, because we have put in the amendment to the Act that it is only if it is a prescribed role. Since we have no prescribed roles, there will be no exemptions. It really is important that we sort that out.

I also say to the Minister that I remain particularly concerned about the election on 22 May. Regardless of what happens, and the Minister talked about this at Consideration Stage, the Bill will not reach Royal Assent before the close of nominations for council candidates for the forthcoming elections. With the law maintaining its current position, there will be a blanket ban on any council employee running for office. That is really serious.

I personally know of people who want to run for council who are employees of a council. Those people and those parties are being discriminated against in a way that has already been found to be unlawful by the Supreme Court under article 10 of the Human Rights Act. I really do wonder, and perhaps the Minister will explain, why he cannot use the powers that he has under the ‘72 Act to make some form of regulation that would attempt to sort the situation out. Surely there must be something that we can do. If not, I do not know what the implications are. Perhaps the Minister will tell us what the implications are if somebody does decide to run and is debarred because

they are a council employee, even though the Supreme Court has found in their favour.

I have read the official record on the issue, and I know that the Minister is sympathetic to the situation and has admitted that a major mistake has been made. I would like him to tell me why that happened, because maybe we can resolve the matter. It is not just that we have had late legal advice; I got that bit from the previous conversation. It is this: why has it taken us so long to amend the Act in the first place? Scotland, Wales and England have been able to do it. I have quoted examples of how the prescribed situation works in Scotland. I just do not understand why it took so long. Perhaps the Minister will explain why he was let down so badly by the Department. Was it previous Ministers, or what was the issue? We are in a really serious issue.

In bringing forward the amendments, and if the House finds favour with our amendment, I would like an undertaking from the Minister, because it is in the judgement by the court, that he needs to properly set out the aims of the amendments. Why are we going to prescribe people getting involved in council elections, because it is a very serious curtailment of their rights? Therefore, we need to set out the case. It is not that we do not know it, but we do need to set out the case that we wish to maintain the highest level of impartiality at the highest levels of local government. However, I think that we need to make that case. Perhaps he would give an undertaking that, instead of just doing it by some order, which is the minimum that we asked, we will get the opportunity to discuss the matter on the Floor of the House.

Will he also give an undertaking to talk about what appeal procedure there would be? If your job were to be prescribed, you may wish to say that you would like that to be amended. Perhaps we could discuss how that might happen.

Finally, with regard to the role of democracy, I would like him to reiterate his earlier statement:

*“I think that it is incumbent on all of us, and really on me as Minister, to encourage people from every background and as many different professions as possible to participate in local democracy.”*  
[*Official Report, Bound Volume 93, p165, col 2.*]

I would like to know from the Minister, obviously not in this Bill, how we might see that coming forward in the future in some way that we can debate the matter. Those things, Minister, would go a long way to deal with some of the concerns that people have. Nevertheless, I think that amendment No 4 is finding favour with the House, and I will, therefore, leave it at that point.

I move on to address amendment No 23. One of the issues about politics in Northern Ireland — perhaps I do not need to say this in the House — is that it is particularly divisive. I can understand why employers are reluctant to let employees get involved in politics. It is a particular problem for those in the public sector where impartiality must be demonstrated. Every single person knows that they go around saying, “We are not showing favour to one side or the other.” Therefore, that runs against the grain where individuals are entitled, under article 10, to express

a political opinion and to have freedom of expression. I think we have a serious issue here.

It is even more problematic for those engaged in trying to do business with the public sector. We are all aware, and we have all said it in the Chamber today, of the whispers about, "Oh, I would not do that if I were you", or, "It is important that you do not get too involved in things". That is not good for democracy, and it is not good for our institutions. We should be addressing the matter.

In preparing the case for amendment No 23, I was struck by a document called 'Democracy Max', which is from the Scottish Executive and talks about how they would increase voter participation. It had this rather telling comment, which is why we want to introduce amendment No 23:

*"It is increasingly evident that falling turnout in elections is not an apathetic response of a disinterested public. To many it is a very rational response to their increasing distrust in and alienation from traditional politics. For the political elites"*

— that is us, I guess —

*"For the political elites declining turnout is a rare glimpse of the hopelessness many feel about the democratic process."*

In bringing forward amendment No 23, I concur with the sentiments expressed by the Minister in the previous debate on the issue when he said:

*"I think that it is incumbent on all of us, and really on me as Minister, to encourage people from every background and as many different professions as possible to participate in local democracy."*  
[Official Report, Bound Volume 93, p165, col 2.]

That is why I am surprised that Mr Maginness and other members of the SDLP were opposed to this amendment. Some people brought forward concerns that, I gathered, were along the lines that we cannot be unduly supportive of the public sector because we will not be able to do the same thing for the private sector. Let me say to all and sundry here that just because I bring forward an amendment does not mean that it is a bad idea. There is merit in our trying to work out how we encourage more people into the democratic process. It is an issue that we must address collectively as a political body.

Therefore, when we look at why I suggested the public sector only as opposed to the public and private sectors, we see that it is because it is eminently doable in the public sector: we can do it now. It is not that I do not want to address the private sector — I do. However, I recognise that there are different levels of scale, it would require more work and there are other issues. We can do it in the public sector now.

**Mr Wilson:** Will the Member give way on that point?

**Mr B McCrea:** I will certainly give way.

**Mr Wilson:** What is doable in the public sector is equally doable in the private sector. For example, we have paternity leave in the public sector, and we extend it to the private sector. We have maternity leave in the public sector, and we extend it to the private sector. It is eminently doable if that is what the Member believes should be

done. However, first of all, we have to ask whether it is a reasonable burden to place upon employers, whether they are in the public sector or the private sector. If it is done only for one sector, there is the issue of equality for people who work in that sector as opposed to people who work in the other sector and the opportunities that are available to them.

**Mr B McCrea:** I thank the Member for his intervention. I am surprised that he is actually asking the question about whether we would want to increase democratic participation. I would have thought that it was something that all elected Members would want to support and that we would all want to ensure that the democratic mandate that we all hold was as legitimate as possible. I can tell you that there is a problem in the falling turnouts that we have. If they go below 50%, which seems likely in the next elections, that will start to undermine democracy as a whole.

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

**Mr B McCrea:** Just hold on. I will develop the point and Mr Wilson can come back in if he wants.

The reason why I think that we should start with the public sector is that there is an issue of scale. Certainly, maternity leave, trade union time off, magistrates and all of the provisions that we have are more problematic for small and medium-sized enterprises (SMEs) than for larger public sector organisations. Although I would encourage all public sector and private sector employers to facilitate people's taking part in the democratic process, provided that there is no conflict of partiality, I think that we can make a statement now and show the direction that we would like to go down. That would send a very strong signal.

Let me tell you why I think that the public sector has to be dealt with in particular. First of all, as Mr Wilson will know, it is a particularly large sector. It is 27.6% of our entire workforce, which is nearly 215,000 people. It is the biggest single employer. It is the sector that we can influence and have control over. I have less concern about the deleterious effect that it might have on those individual businesses because of their scale. As regards the argument that was put to me just before we broke for lunch, I am completely convinced that it is really important that we support democracy and encourage democratic participation and that that is a trade-off worth making.

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

**Mr B McCrea:** I will give one last set of figures. Then, I will let the Member in.

I will also say that it is not just about the direct workforce that is employed: 65% of our GDP is public sector spending. Therefore, you can take the direct workforce and double it — maybe even triple it — for people who are involved in public sector procurement, supplying services, providing contracts and those sorts of things.

All those people will feel that they are under pressure of being disenfranchised not only to vote but to stand for council. That is why we need to deal with this issue. I give way to Mr Wilson.

**3.45 pm**

**Mr Wilson:** The Member has made two arguments. The first was that this would encourage turnout. I do not know how giving candidates three weeks off before an

election would encourage turnout. That is certainly not an argument that you can make. His second argument was that, since the public sector is so large, it can absorb this. He knows full well that, if this were to be introduced in the public sector, there would be huge pressure to introduce it in the private sector. Since he is the champion of business or claims to be the champion of business in the Assembly, I want to know whether he believes that the private sector would welcome that burden. Indeed, has he even considered how small and medium-sized employers could facilitate it?

**Mr B McCrea:** I am grateful for Mr Wilson's intervention, because it makes the argument for amendment No 23. I absolutely think that there is a burden on any employer who says to employees, "If you wish to get involved in democracy, we will assist you". However, I think that that is a price worth paying. Every business that I talk to is dissatisfied with the progress that this place is making. I say to businesses all the time — no more recently than at last night's Northern Ireland Assembly and Business Trust meeting — "You must get involved in the democratic process. It is not sufficient to look on from the side, wring your hands and say, 'Those people on the hill are not doing a very good job'", which, regrettably, is what they say. They are wrong: they must get involved and have a fair share in providing for a democratic society, because that is to the benefit of us all.

**Ms Lo:** Thank you for giving way. Members have talked about the private sector and public bodies: what about the voluntary sector, which is very large? Would the Member think of extending similar support to the voluntary sector? When I stood for the Assembly in 2007, I remember going out every night after work at 5.30 pm to knock on doors, and nobody gave me any leave. I just want to remind Members that there is a third sector here as well.

**Mr B McCrea:** I am grateful to the Member for her contribution because it reminds me to address one of the issues that Mr Wilson brought up. There is evidence that you can increase voter participation through more active campaigning. That is the result that came back from Democracy Max in Scotland. Although some Members such as Ms Lo may be prepared to go out in the evenings, there will be others who want to do so during the day. What we are trying to do here is to send a signal of encouragement that this is a good thing. I feel that Members here do not understand how much disdain there is for the political classes among the general public and businesses. That makes it extremely difficult to make the decisions that we all know are important. The amendment is designed to increase democratic participation by particularly encouraging those in the sector that we have direct control over — the public sector — to come forward. I hope that the Minister, in following up on his earlier words, will consider that. Some consultation and work will be needed to see how we spread that to the private sector.

I will answer Ms Lo's question. It is particularly important that the third sector is fully involved. She may not be aware of this, but I know of an employee working for a third sector employer who wishes to stand for council in Northern Ireland. The employer is the NSPCC. They have had difficulties in the past, notably with Esther Rantzen's campaign and other issues, because they do not know whether, as a charity, they should be involved in politics in any shape or form. However, people at a certain level are

entitled — we made the same argument on amendment No 4 — to protection under article 10 of the European Convention on Human Rights. We have to find a balance between the rights of individual citizens and concerns about impartiality. That is what the amendment would do.

I say clearly to everybody here that there are difficulties, not just with Invest NI, the NSPCC or councils. I hold here a newspaper clipping about a teacher who is a Sinn Féin councillor who was forced from her job at the Boys' Model School. Despite the fact that she had the support of the pupils and the school, she regrettably had to leave her job. That is the divisive nature of the politics in which we in Northern Ireland live. If we want more people to stand for council — we do — if we want more new faces in our political establishment — we must — we will have to find a way of encouraging others to stand. It does not matter, because, as, I think, Members on the Benches opposite said, a councillor's role is part-time. People should be facilitated to do their civic duty, if that is what they want, and employers, be they public, private or third sector that can facilitate them to do so should be encouraged to do that. I will conclude on the issue —

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

**Mr B McCrea:** I give way to Lord Morrow

**Lord Morrow:** I want the Member to clarify a point that he made. He referred to a Sinn Féin councillor: was that person a councillor at that time, or did she become a councillor after that event?

**Mr B McCrea:** The issue here, which I am just taking from the newspaper, is that she was a Sinn Féin councillor representing Lurgan on Craigavon Borough Council. The issue is that her political affiliations became known because being a councillor is very public, and she suffered a disincentive through that, as other members of other parties will have done. It has caused her a problem. What I really want to convey to everybody and to every party here is that we should protect people who want to be a councillor. We should protect people who want to get involved in the democratic process. It is not easy in our society, as you will know only too well, Mr Speaker, to try to do the right thing, to come forward. Yet, if we are to normalise politics, we will need to have more people —

**Lord Morrow:** I thank the Member for giving way. Whatever faults he has, refusing to give way is not one of them; he normally tries to accommodate those who want to intervene. Does he not see that his amendment will make some more equal than others? In paragraph (a), he is calling for:

*"offering unpaid leave for the three-week period prior to local government elections".*

What about those not in the privileged position of saying, "Legislation states that I am entitled to three weeks' unpaid leave here, while my running mate will do what Anna Lo did: they will work in the evenings or on a Saturday and they will go out and canvass"? Does Mr McCrea not acknowledge that there would be an uneven playing field here? He is a man who makes much dance about equality; there would be no equality with the introduction of that legislation.

**Mr B McCrea:** I am not sure how you can charge equality at me, Lord Morrow. I prefer equity and fairness, which

are what I am really after. It may be that you do not recognise the argument that I am putting in respect of your area, but I know that, when you were a councillor in what was a fairly tight area, there were some difficult and onerous responsibilities. It was a time when being a councillor was not such a great career prospect because of the unwarranted and unwanted attention that it brought. Above all else, Lord Morrow will be aware of that issue, as, indeed, will some of his colleagues on the council. My point is that two wrongs do not make a right: if we want to increase democratic participation and if we have the ability, as we do, to influence public bodies, we should take that opportunity now. I would be more than happy, at a future stage, hopefully led by the Minister, to discuss ways in which we might increase democratic participation across our entire society.

I do not know whether I am the only person in the Chamber who recognises it, but it seems to me that politicians and politics are not terribly well regarded at the moment. Years of sleaze, years of poor performance and years of talking but not doing have brought our political institutions to the brink. This Bill is an opportunity, as I had it set out to me, to increase democratic participation, make democracy and politics more relevant and get new faces in. I thought that was the point of changing the requirements for eligibility. I thought that was what the whole structure was about. Why stop there? Why not just expand it and say that the more people we have involved in politics, the more they will realise that there are difficult decisions to be made; that it is not easy; that we do not just sit up here on the hill doing nothing; that there is some really hard work being done; and that some really hard decisions are being taken? If we are to normalise politics, we need to encourage people who are no longer engaged in the political process to become involved.

I hope that people will look kindly on the amendment. Many Members have said that they understand the motive behind it and that it is a good idea. It is worth supporting, and we can address other issues in the fullness of time, hopefully led by the Minister.

**Mr McCallister:** I will start by addressing Mr Allister's amendment about membership of the House of Lords. I noticed during the debate that there seemed to be some confusion on the DUP Benches about what the position was and whether they would challenge or accept the amendment. Maybe that is why there is a larger than usual turnout.

The argument that Lord Morrow put forward was that membership of the House of Lords, being unpaid and unelected, was separate. It is still the upper House in our system of government and, from NI21's perspective, Mr Allister's amendment is sensible. Lord Morrow's argument was that we would be out of step with the rest of the UK, but he is happy to be out of step with the UK on other issues. I note that we are probably the only part of the UK that will not have equal marriage. We pride ourselves at the minute that we will do something slightly different on welfare reform — we are not going to break parity, but we will make changes. The argument for that is that it is devolution working, but here we dare not challenge the idea that we would stop a peer of the realm becoming a councillor. I think that those should be separate roles. You cannot be in two places at once.

Lord Morrow congratulated himself and his party for addressing the issue of double-jobbing or, as Mr Elliott said, triple-jobbing or multiple-jobbing, as it sometimes went further than double-jobbing. However, we must remember that that party was the main practitioner of it. On the Benches, we still have Mr Wilson MP, MLA and former Minister. Indeed, Lord Morrow admitted that, for a good while, he has been a Member of this House, he has been in the Lords and he has been a councillor. Jeffrey Donaldson, when he was a Member of this House, was a junior Minister, an MP, a councillor and some thought he maybe drove a taxi at the weekend.

**Lord Morrow:** I thank the Member for giving way. Lord Morrow does not have to admit to anything. It is a known fact. I did not hide anything. I want to put that to you very clearly.

I did not admit anything. Deal in facts.

#### 4.00 pm

**Mr McCallister:** I point out to the noble Lord that he is not in a police station, so he does not need to be quite so defensive. Yes, it is a matter of public record that he was a councillor, an MLA and a peer all at the same time. That is the point: being in three places at once is not easy. Being in Dungannon —

**Lord Morrow:** Were you a farmer at the same time, too?

**Mr McCallister:** I am sorry; I missed that point.  
*[Interruption.]*

**Mr Speaker:** Order.

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

**Mr McCallister:** Yes, certainly.

**Mr Wilson:** Is the Member saying that while he is a Member, his farm is being neglected? Should we send the inspectors to make sure that his animals are not being neglected, or is he capable of being in the fields and in the Chamber?

**Mr McCallister:** I am glad that Mr Wilson brought that up. It would probably be quite easy for him to find out that I sold my dairy herd to facilitate my being a full-time Member of this House. I look forward to him doing the same and either resigning from here or taking up an unpaid office to facilitate his leaving Westminster.

**Lord Morrow:** Will the Member give way? Did you sell your farmland too?

**Mr McCallister:** No, of course I did not. Were I to sell my farmland, I am sure that I would have the DUP making the sort of allegations that it made, in a rather difficult way, against Mr Allister. It is a matter of — *[Interruption.]*

**Mr Speaker:** Order.

**Mr McCallister:** Mr Speaker, the Members opposite seem to think that it is wrong for me to own land and put it in the declaration of interests, to enter a share farming agreement or to have any other interests outside the House, so do they have any property interests to declare? Do they own any other property? Have they any other incomes that they would like to divest themselves of? I am sitting listening to that from a peer and an MLA; and from an MP and MLA who only recently stepped down as a Minister. That is why this amendment is important.

Everyone else in the House will see the hypocrisy of the DUP when it resorts to the tactics of asking whether people still own land, whether they sold their farm or did this or that. The DUP does that while its Members own property and have incomes from other sources. They sit in other places and pretend to be interested in the issue while voting for it in the House of Commons and still insisting that the House of Lords would want to do it.

**Lord Morrow:** I thank the Member for giving way. I think that he protests too much. After all, he was the one who raised the issue, but now it transpires that he owns land — I do not know how many acres — and he is quite happy with that. I suspect that it has to be looked after. Did he buy any livestock recently, for instance, or in the past 12 months? He might want to answer that.

**Mr Speaker:** Order. I am afraid that we are well outside the amendments that we need to be discussing. It would be very difficult to tie in Members' interests, whether farms, property or whatever, so let us please get back to the amendments.

**Mr McCallister:** Thank you for that direction, Mr Speaker. That is why amendment No 1 makes sense: we are getting into a debate about who owns what, who is the director of certain property companies, who is taking on different outside interests and so on. That is why it should be clear and why the amendment should be included.

Amendment No 2 is primarily about members of the Oireachtas. It seems rather bizarre that a member of the Oireachtas could be a councillor in Northern Ireland but would be barred from being a councillor in the Republic of Ireland. Therefore, the amendment is eminently sensible and should have been included in the Bill.

I think that amendment No 3, which stands in Mr Elliott's name, has garnered widespread support, and many Members will be fit to cite examples of where the lines have been blurred between those bodies. Therefore, that amendment is getting much support.

I am pleased to say that amendment No 4, which stands in my name and that of Mr McCrea, seems to be gaining support. It is gaining support because, quite frankly, as Mr McCrea highlighted, we have known about some of these problems. We have had the court cases and the changes in legislation in other parts of the UK, and we have looked at this. We have also had elections since that court case and since changes were made in other parts of the country. I am not directly blaming this Minister, because he is not in post that long, but I think that he should be asking tough questions of officials about how we got into this position. He might even direct some of that to, dare I say it, his predecessor and maybe even to some of his predecessor's predecessors and ask how we got into that position.

He might also ask why, since we have restored devolution, we have been doing reform of public administration for what now seems like forever and why, even though the election is seven weeks and a couple of days away, we have arrived at this point and do not have complete clarity on what we are doing. The Minister is asking us to pass legislation that could be challenged and that might well be challenged by people who will not be able to stand because it will not be passed. Amendment No 4 at least puts the pressure on the Department to sort this mess.

It is worth warning other Departments that they should look at the issues, take cognisance of judgements that come through and of actions from other parts of the UK and other places in the European Union. They should not get into a place where, at the eleventh hour, the Assembly is in such a place that it has to put the legislation through, even though the Minister, in the previous debate, admitted that it was a very unsatisfactory place to be. I think that it puts the Assembly in a bad place and in a bad light when we cannot get our house in order. I am pleased that amendment No 4 is gaining that level of support, because it is necessary to do that and to move on.

The next amendment that I want to speak about is amendment No 23. Most of the arguments that I hear against it are about the differences in the public and private sectors and whether we can do that. Mr McCrea quite rightly talked about equity and fairness. Is it fair for someone to be in a position where they cannot stand for local government? What support should we give to facilitate that? Should our public sector not aim to be an exemplar of employers? Should we not be raising the standard higher?

The arguments that I have heard are about the public and private sectors and the community and voluntary sectors. It is about choice and about giving the electorate —

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

**Mr McCallister:** Just one second.

It is about giving the electorate choice and giving those who want to serve the opportunity to do so. I will give way to Mr Wilson.

**Mr Wilson:** We now have a new twist in the argument. First of all, Mr McCrea said that this would increase turnout. We are now told that, if we do not do this, people "cannot stand". Those are the words; I noted them down. They are saying that, if we do not do this, people could not stand.

I stood for election to Belfast City Council for 28 years while being a teacher. Most people who stand for councils are in other jobs. So, do not present it as an argument that if we do not have this amendment to the Bill, people will not be able to stand for local councils. They are quite able to stand for local councils. Indeed, as Ms Lo indicated, she was working and was still able to stand for the Assembly. She simply had to do it in the evenings. By the way, if people are going to take on what is essentially a part-time job, they will have to get used to balancing their full-time job with their public representative commitment.

**Mr McCallister:** I am glad that Mr Wilson brought that up. I am sure that it is no surprise that the First Minister probably wishes that he had stayed in teaching.

The point that he makes is the very point that Mr McCrea and I have been making. Not everyone has the opportunity that was afforded to him. That is the very essence of this amendment. He was able to do that from a teacher's perspective. He stood for council, was successful and got elected. He was able to balance the two. The point of this is that not everyone is allowed to do that, because we are effectively banning certain categories of people from doing that. Also, the point that Mr McCrea was talking about that was that we are quietly telling people —

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

**Mr McCallister:** In a minute, Lord Morrow. We are quietly telling people, "Look, I understand that, but it really would not be great. We would prefer that you did not do that." That sort of nod and a wink and closed shop scenario is a danger for our democracy. That is the argument: that we cannot be surprised when people get disillusioned with this Chamber and our councils when we do not give people who want to stand that choice to stand.

**Lord Morrow:** You nearly nailed it at the end there — do not give people the choice to stand. However, if you are a member of the House of Lords, you are not going to give them that choice.

**Mr McCallister:** Yes, because you are a member of the legislative Parliament of the United Kingdom. You are a member of the upper House. I notice that you support the ban on members of the Oireachtas standing. Are you in favour of that? Are you in favour of an elected second Chamber?

**Mr Speaker:** Order. Let us have remarks through the Chair. Let us not have a debate across the Chamber.

**Mr McCallister:** I remind the Member that, as an MLA, I am also banning myself from standing for council. I am talking about members of other public bodies. I think that the whole House will agree that that is significantly different from people who already hold an elected office or a non-elected appointment in a legislative Assembly or Parliament. Everyone accepts that, when we get into the term about double-jobbing, dual mandates or triple mandates, that is what is meant. This is completely different, as Lord Morrow well knows.

If the DUP is so driven by this sudden, great, new-found urge for equality that it has discovered today between the public and private sector, you have to ask why then, when Mr Wilson was Finance Minister, he did not try to do something to level up private sector pensions with the public sector, instead of probably dumbing down public sector pensions. Why do we have different levels of sick pay?

When Mr Elliott and I first stood for election, we were self-employed farmers. We were not entitled to any holiday pay at any point. We were entitled to statutory sick pay of about £60 a week or something. If a Member of the Assembly is sick, they get six months' full pay and six months' half pay. Suddenly, I am not hearing huge chants from the DUP about equality. There are differences between the public and private sector and the community and voluntary sector.

I will go back to Ms Lo's point. I happen to know, because I also served in that office, that Mr Swann resigned as president of the Young Farmers' Clubs of Ulster to facilitate standing as a candidate in North Antrim in the 2007 election. People make different choices, and it was his choice to do that.

#### 4.15 pm

What we are proposing with this amendment is to get out of the place we are in. It is a case of, "We're not sure you want to do that; we're not sure you want to get involved in politics. We might know privately how you vote, or your political affiliations, but we don't want somebody talking about it out loud. We don't want to see you in the local paper every week as a councillor or a council candidate."

That is effectively what we are saying, and many people are being disenfranchised.

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

**Mr McCallister:** Yes.

**Mr B McCrea:** Does the Member agree that we are looking for an open, transparent system in which everybody knows where they stand, and one that encourages democratic participation, enhances the reputation of the political classes and tries to address the absolute cynicism in the public about this place, these politicians and the political body? If you do not do something, you will not have to worry about who is going to stand for politics, because there will be no politics in this place.

**Mr McCallister:** My colleague makes a valid point. That is the position we are heading to. Politics are not held in high regard. We want to encourage people to take up the civic mantle, the part-time job that is not overly glamorous, well remunerated or any of those things. We are encouraging people to have a civic responsibility. I think that to say, somehow, that we should not let public bodies try to encourage that is wrong.

I support doing it for other things. If the question today was, "Should councils and public bodies support members of the Territorial Army getting time off to train and serve?", I would say, "Absolutely", and I know some private sector employers who facilitate that. That is a good thing. It is good for society, and it is good for democracy.

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

**Mr McCallister:** Yes.

**Mr Dickson:** I join the list of Members in the Chamber who were employed by a public body. When I sought permission from that public body to stand for election as a councillor, and it considered the matter, I was delighted that it allowed me to do so.

Equally, I know that questions were written and freedom of information requests were made about my paid status during my time as a councillor. I was entitled to time off. I had to seek permission from my employer to stand for election. The very thought that I should then be given unpaid leave — which actually has a value to it, because my employer was not getting any work out of me during that time — in order to campaign for a political party would have meant that the Members of Parliament, who were writing questions about Stewart Dickson's employment in the Labour Relations Agency and about whether he was getting any benefit by being a local councillor, would have gone through the roof.

I had a right to stand for election, and many civil and public servants, quite simply, in accordance with their contracts of employment, do not have that right. Traditionally, members of the Civil Service have had to resign their positions in order to stand for election, and they have no guarantee of re-employment if they are not elected.

**Mr B McCrea:** Is that not wrong?

**Mr Dickson:** No, it is not wrong. It is absolutely not wrong. It very clearly demonstrates that if I wish to stand for a political party, my employer has to give consent for that, and I have to do the campaigning in my own time. If I get elected to a local council, I will work out the arrangements for the appropriate time — paid and unpaid leave —

with my employer, in accordance with my contract of employment. Many employers in the private sector simply refuse to allow people to stand.

This is a nonsensical argument. It is perfectly reasonable to put strong argument to allow people in the public sector and elsewhere who are elected representatives in a part-time capacity to have appropriate resources to do the job, and for employers to be flexible in the amount of time that that person is contributing to their community, but it is highly biased and highly suspect to allow someone time off to campaign for a political party.

**Mr McCallister:** The real question that that raises is this: what would Mr Dickson's response have been if his employer had said no? Therein lies the problem that faces the Assembly today. What do we do with that? I will give way if Mr Dickson wants to respond.

**Mr Dickson:** I am happy to answer that question. The simple answer is this: I would have had to resign myself to the situation that I did not have their consent to stand for election, and I could not have done so; or I would have had to resign my position and look for a job somewhere else. *[Interruption.]* Yes. That is exactly what would have happened.

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

**Mr McCallister:** Yes.

**Mr B McCrea:** Will the Member allow me to educate Mr Dickson about the judgement in Ahmed and others versus the United Kingdom? It stated:

*"The Commission agreed with the applicants that the Regulations imposed far-reaching, inflexible and disproportionate restrictions on senior officers"*

despite allowing for the duties and responsibilities that they carried out. The only defence that was offered against article 10 of the European Convention on Human Rights is that the Government stressed the proportionality of the restrictions.

You cannot have a blanket ban. It is not correct to say that every civil servant should not be allowed to do it. That is absolutely wrong, and the Member misses the point of the argument on that issue.

What we are arguing for here is that we should make sure that it is open to all and everybody; it should not be at the whim of people. We want to encourage democratic participation. Where would we be, in this House, without the contribution of Mr Dickson? That is what we need to have, and we need more of it.

**Mr Speaker:** Let me just remind the House that Mr McCallister has the Floor. He decides whether he wants to give way.

**Mr McCallister:** I just want to back up my colleague's point. Had Mr Dickson not entered public life, it would have been a huge loss to the Assembly. I give way to Mr Dickson.

**Mr Dickson:** If Mr McCrea and Mr McCallister were making this argument with regard to the right of a public servant to stand for election in virtually all circumstances — I can think of certain circumstances where it would be totally inappropriate for senior civil servants to stand — and if they were arguing that public sector employers

should allow people to stand for election, I would have no difficulty with it, and, indeed, in broadening that in accordance with what they are saying. However, that is not what is in front of us. What is in front of us is, "Can you have a holiday to stand for election?". I am not prepared to support allowing a holiday for a candidate to stand for election for a political party.

**Mr McCallister:** I am at least pleased that Mr Dickson accepts the principle. It is very important that at least some Members accept the principle that it is not wholly right and proper that there are people who are ineligible to stand for election. Certainly senior grades, and I understand that, in the Republic of Ireland, they tend to allow it according to pay grades.

However, the principle that, as a democratic society, we should encourage and facilitate as many people as possible to stand for election is good. It is a good thing that, in the case of Mr Dickson, he sought and got that permission. However, that goes to the very nub of the problem. Had Mr Dickson not been given permission, he would have been faced with a very difficult choice, of giving up a career or position with no great certainty about the future. That is difficult for people to do. That is why my party ended up supporting this amendment.

I accept that we do not appear to be garnering huge support in the House for the amendment, but it is important to place on record that we believe firmly that election and:

*"government of the people, by the people, for the people"*

is an important part of our democracy and that we should limit, where possible, the exclusions that we place on people from holding office.

We should get into a position where we are encouraging people to get into politics. As we try to drive politics into a normal place, we should encourage people to take up politics and civic responsibilities and to want to be on councils. We should facilitate that. I worry that, if we do not adopt this amendment, we will send out the very negative message that, "Because we cannot do this for you, we will stop it for everybody." It will end up with politics going, where it very often does in this place, into a zero-sum game.

**Mr Agnew:** For the sake of relative brevity, I state at the outset that, given that amendment Nos 2, 3, 4 and 18 seem to have consensus, I will not deviate from that. I note that the SDLP expressed some concerns about amendment No 3. My understanding is that they are about whether it is an issue for an environment Bill or a justice Bill. I think that I am right in saying that the Minister's party is happy with amendment No 3. I do not see any problem with it, so I will be happy to lend my support to those amendments.

Considerable concern has been raised, seemingly from across the Chamber, about amendment No 28. We have yet to hear the Minister's response, so I will await it before I decide which side of the fence I come down on.

I will speak on amendment Nos 1 and 23, which are the two that seem to have caused the most debate. Amendment No 1 is about whether it is appropriate for a peer also to be a councillor. There are three aspects, two of which have largely been discussed and one that has not. There is the question of remuneration and whether it is appropriate for someone to receive allowances as a

councillor as well as the allowances that can be claimed as a peer, and whether that is the best use of public money. That ties in with the second issue, which is time: can you adequately fulfil both roles to the best of your ability? There is certainly an issue.

The point was raised about the differing levels of activity of our peers. I think that Lord Morrow said that there were some 1,000 peers, and there is no doubt that some will be more active than others. That will also be true of our councillors, even with their new increased role. In my experience, it has always been the case that there are those who treat their council role as almost being full-time and, in some cases, more than full-time hours. There will be those who, because of other commitments, give less time to it, the nature of it being part-time.

A third issue has not been discussed, which goes to the heart of Green Party principles: power in the hands of the many versus power in the hands of the few. I do not want to make judgements on any individual in the House or on previous Members, but there have been cases of people holding multiple mandates. There is no doubt that, in the past, we had councillors who were MLAs or MPs, or MLAs who were MEPs and whatever else. It is about the concentration of power. It also touches on amendment No 23.

I very much believe that it is a good principle to work towards power in the hands of the many, which can happen through making this a genuine participative democracy. It can also be through ensuring that we entitle as many people as possible to participate in our democracy. I react against people holding multiple political mandates. I accept some of the arguments, such as councillors holding other jobs. In some cases, those will be full-time, quite onerous and high-level positions that will undoubtedly impact on the amount of time they can give as a councillor. However, the difference is that the House of Lords is a legislature and a political decision-making body; that perhaps goes back to Mr Allister's contribution. That is why I believe that you decide the level at which you work, and you should not work in a number of political institutions with different levels of power.

I wanted to make that point, because, although it had been alluded to by others, it had not been made explicitly. It is for that reason that I support Mr Allister's amendment No 1. It adds to the Bill along with amendment No 2 about public representatives in other jurisdictions. It completes the intent of the original Bill by ensuring that we put an end to double-jobbing in the political sphere.

#### 4.30 pm

There have been a number of different aspects to the debate on amendment No 23. I go back to Mr Maginness's point about whether this is the right place for this amendment given that this is a Bill that has come from the Environment Minister. Mr Maginness is more experienced in the political realm than me and, as a barrister, has plenty of understanding of the law. So, I may be incorrect, but my understanding is that, although the Bill was originally brought by the Minister of the Environment, once it comes to this House, it is a Bill of the Northern Ireland Assembly and it is for us to legislate for amendments to be brought forward.

I agree that it would be wholly inappropriate for the Minister of the Environment to legislate for public bodies

outside his Department without agreement from Executive colleagues. However, my understanding is that this House, as a legislative body, is perfectly entitled and empowered to legislate for a number of Departments regardless of the origin of the Bill. It will never remain on statute as a Department of the Environment Bill. That is its origin, but it will be an Act of the Northern Ireland Assembly and a piece of Northern Ireland law. In that respect, I believe that this is the appropriate place for the amendment. This is the Bill that we are discussing. It may not be the only vehicle or the most suitable vehicle, but it is the vehicle that we have to address a current issue. In that regard, it is a suitable vehicle.

As regards the principle of the amendment, we have to recognise that we have a problem. Mr McCrea gave a more exact figure, but we have close to 30% of people employed in the public sector. Another aspect that has not been mentioned is that women are more likely to be in the public sector. My experience, since I have been a member of the Green Party, is that a number of people whom we have approached, or who have approached us, about standing for election have been restricted because of their role in the public sector.

The first thing that we have to recognise is that we have a problem. It is possibly a historical problem. Politics was very divisive, and someone standing for election could be seen to be making a statement that could cause division in the workplace and affect the perception of an organisation, whether public or private. If you stood for a particular party, your organisation might be dubbed a unionist or nationalist organisation. Although those are legitimate political positions, in the past, given the level of violence that we had, it may have been undesirable for your organisation, whether public or private, to have those associations.

As part of the process of normalisation, we need to start challenging that mindset. There is no doubt that it exists in our public sector, our NGO sector and our private sector. The fact that this amendment might not do everything that we would want it to do is no reason not to support what it seeks to do. Opening up the ability to stand for election to more people is welcome. I see the amendment as having identified a problem. It is not the whole solution but it might be part of the solution. For that reason, I welcome it.

There has been criticism — I do not know whether it comes simply from political commentators or extends to a considerable number of members of the public — of a kind of political class and that the way that you get elected is that you work for a political party and then you stand for election. I have gone through that process, so I do not want to say that that in itself is a bad thing, but I certainly do not think that it should be the only route to getting elected. I do not think that we want it to dominate our politics. As I said, it is not inherently bad, but we need diversity. We need people in our Assembly Chamber and our council chambers and each of our Parliaments from different backgrounds, and it should not be the only or the main route into political life that you have to go through the employment of politicians to some day become a politician. There are societal benefits in seeking to open up who can stand for election.

Undoubtedly, in some jobs, there will be a conflict of interest. I cannot speak for the proposers of the amendment, but perhaps that was part of the motivation for the three-week period of unpaid leave, which asks of

the employer but also asks of the employee, who gives up a wage for that period. I think, to some extent, that could help to address perceived conflicts of interest. If you are not currently receiving money from a public body while you are campaigning, to some extent you are a step removed from the organisation. If you are receiving money from a public body and are seen to be standing for election, that might raise questions. Either way, I think that it raises problems because the alternative, of course, is that you can take paid holidays, but you are still tied to your employer. A three-week unpaid leave period could be seen as a career break, giving you a degree of separation from your employer.

I said at the outset that I am minded to support this amendment, and nothing has changed my mind. Perhaps we need legislation to achieve culture change. For me, it highlights the fact that we need to move towards a situation where it is assumed that, in any organisation, whether public, private or an NGO, you can stand for election and the burden of proof is on the employer to show that there is good cause for you not to have that freedom and that right, which, as Mr McCrea outlined, is afforded to us by article 10. The burden should be with the employer. No matter what job you are in, the assumption should be that you can stand for election unless the employer can meet the burden of proof that there is a genuine rather than simply a perceived conflict of interest.

If we are going to deny such a democratic right, we should not do so without good grounds. It should not be on the basis of maybe a quiet word in the ear or the kind of pressure that can be applied by an employer. As I said, employees and workers should have that freedom unless their employer can prove that there is a good reason why that right should be withdrawn.

**Mr Wilson:** I was not going to speak in this debate at all until I drifted into the Chamber. It seems to be a trait in the Assembly that, if there are corny ideas to be put forward, we can be absolutely sure that that corner of the House will supply them. In fact, the more that I listened to the arguments, which were contradictory and flimsy, the more that I was convinced that I had to say something about this. If I am staying here this afternoon, at least I will have participated in some way.

The central argument from NI21 was that politics is not held in high regard, which was the reason for amendment No 23. I will not mention amendment No 1, because people know my attitude to it. I do not believe that it is impossible to do more than one job. In fact, as I have mentioned, for nearly all the time that I have spent in public life, I have had one, two or three jobs. As far as I know, it has not had any effect, although when I listen to Mr Agnew, I sometimes wonder whether it affected my teaching and whether any of the economics that I tried to teach him ever got through.

Even the proposer of the amendment admitted that he has two jobs. He sits here and he has a farm. Presumably, he has animals on that land. The USPCA has not yet been on to him about the neglect of those animals, so obviously —

**Mr Allister:** Me?

**Mr Wilson:** No, sorry. Before Mr Allister has a heart attack, I was talking about the proposer of amendment No 23.

The USPCA has not been on to him for neglect, so I presume that he looks after the farm and is capable of

looking after the animals on it. I also presume that he is capable of coming in here, albeit that he does not do his homework too well because he is too busy looking after the calves that he has on the farm. Hence the kind of arguments that we have had today.

The argument for amendment No 23 is this —

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

**Mr Wilson:** Of course I will.

**Mr McCallister:** I was going to suggest that he should perhaps get himself some sort of pet. It would be very therapeutic for him.

**Mr Wilson:** He is encouraging me to take on another job. He criticises me for having two jobs and then says that I should get something else to look after.

The argument for amendment No 23 is that politics is not held in high regard and that, by supporting the amendment, that will be transformed. Turnout will go up, regard for public representatives will soar and public confidence in the political class will improve. If there was some justification in the arguments put forward, maybe the amendment would have been worthy of some note, but there has not been one shred of evidence given for any of that.

I note that everybody, apart from the chief executive or the directors of a public body, ought to be allowed to stand for election. Does that mean that the higher grades in Departments — people who are, for example, involved in drafting policy — should be permitted to stand? Should those who interface with politicians daily be permitted to stand? There does not seem to be any curtailment at all. In fact, even the language used — “chief executive or directors” — seems more relevant to councils than to many public bodies, certainly Departments. There does not seem to be any restriction.

There are good reasons for restrictions on the higher levels of the Civil Service standing for election. That is because of the kind of positions they hold, their daily interfaces with politicians and the work that they are involved in, whether it is drafting policies, proposing policies or putting forward ideas for policies. There is a good reason why there is that separation, yet this sloppy amendment does not appear to give any cognisance to that.

The second thing is that, if we make the changes proposed in the amendment, such as “offering unpaid leave” or:

*“actively seeking to overcome perceived conflicts of interest”*

somehow or other, that will magically transform people's view of politics. My contention is that conferring further privileges on those who seek political office will do the exact opposite of increasing people's regard for politics; it will persuade them that there is a group of people who stand for political office and want to be cosseted and have privileges that would not be afforded to others.

#### 4.45 pm

For example, there are people who give just as much time in a voluntary capacity. I can think of people in the church that I attend who give as much time as any councillor would give doing good for their community,

yet they would not be cosseted in the same way as the amendment proposes. So, I think that, leaving aside the cost, we have to be very careful when we ask for additional privileges. I know that Mr McCrea and Mr McCallister made much play about my argument about whether this should be extended across all sectors. Leaving aside the difficulties of extending it across all sectors, I believe that additional privileges will undermine the very things that Mr McCrea and Mr McCallister said would be improved as a result of this.

The connection between voter turnout and people being able to take time off at election time, whether paid or unpaid, seems to me to be rather tenuous, if it exists at all. Those of us who canvass will know very well that, when you canvass during the day — in the morning and the afternoon — it is often difficult even to find people in the house. You are canvassing empty houses.

**Mr Nesbitt:** They are just hiding from you.

**Mr Wilson:** It may well be. The leader of the Ulster Unionist Party has suggested that maybe people are hiding from you. Maybe that is what they do when he goes around the doors; I do not know. *[Laughter.]* However, the truth of the matter is that canvassing during the day is not really going to increase voter turnout and get more people flooding into the polling booths at election time.

The Member's second argument was that it would help those who are not engaged to become engaged. I have to say that, if people who do not participate or who are not engaged in elections can be pushed over the edge by having three weeks unpaid holiday coming up to the election, I would ask what their commitment to public representation is. Anybody who has been a public representative, especially at council level, will know — despite the image that might be portrayed, councillors do work hard on the ground — that it requires being out almost every evening at residents' meetings, community meetings and all those kinds of things. If those who are disengaged from politics at present can be engaged only by —

**Mr Speaker:** I apologise for interrupting the Member, but I have been told that he is not being picked up on the broadcast, so perhaps he could bring his mic closer. *[Interruption.]* I have to say that Mr Wilson is normally picked up, no matter where he is.

**Mr Wilson:** That might be an advantage for the people who are listening to the broadcast.

**Mr McCallister:** Are you going to go back to the start?

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

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

**Mr B McCrea:** I just want to know whether you are going to start again because we missed the beginning of the contribution, and I am sure that it is really worth listening to.

**Mr Wilson:** Given that, like a pair of bad schoolboys, they have been sitting chatting at the back of the room the whole time that I have been speaking, I doubt that they are too worried about what they have missed or what they are going to miss in the remarks that I have to make.

If those who are disengaged from politics can somehow or other be engaged simply by having three weeks off coming up to the election, the truth of the matter is that, once they get down to the hard work of being a councillor and public

representative, when they will not have time off but will have to do it in conjunction with their current job, they are not going to make very good public representatives and are not going to stay the course for too long. Mr Agnew said that at least they would not be getting paid during that period, and that that might, in some way or other, enable them to make a justification to the public that, "I am not doing this just for the free holiday or whatever". The important point is that, if that is what people need as an incentive, I do not believe that they will stay the course.

The other point made in defence of this is that it would attract people who currently cannot be attracted to be public representatives. Mr Dickson made the point for me anyway, but I have to say that in most cases — apart from the higher echelons of the public sector, where we probably would not, for very good reasons, want to permit those people to stand for election anyway — there are no restrictions that are insurmountable, at present anyhow, for those who wish to stand for public election, whether they work in the public sector or the private sector.

The argument made was that sometimes employers will not like people standing for election because of the adverse publicity that it might attract and the stigma attached to it. If that is the reason why an employer would not be happy with somebody standing, the added disadvantage that anyone who wishes to stand for election will not be presenting themselves at work for three weeks makes it even more difficult and presents yet another barrier as to why employers might not wish people to stand. Anyway, it is not the election campaign that may put employers off. It is what comes afterwards, when those employees who become public representatives perhaps find themselves embroiled in whatever controversies people may be embroiled in once they get into a public forum.

I do not believe that this amendment even addresses the problems that the Members who put it forward suggested. If anything, it would make the situation even worse. It would once again reinforce the minds of those who believe that all of us are involved in politics for selfish reasons — that people who stand for election do it only because it confers special privileges on them. Within the workforce, it would cause resentment — and I am not even going to deal with the argument about the inequality of not having this extended across all sections of employment or whether it should initially be kept to the public sector.

I do not think it is a good or well-thought-out amendment. It is certainly not an amendment that any argument has been put forward in defence of. Mr Agnew, talking about the first part of the amendment and the double-jobbing, as he referred to it, said that he did not like to see the concentration of power in fewer and fewer hands. He made a distinction between people holding more than one position of public office and people who had other jobs. An even more toxic concentration of power would be the one that he appears to support, in which people in the higher echelons of the public sector are permitted to stand for election. If elected, those people would be in charge of, and working in, Departments where they would be drafting laws and doing all of those kind of things. At the same time, they would be public representatives and would be voting on those things and making representations on what those laws should look like. That is a much more toxic concentration of power than the one that he condemned.

He advocates a situation where Lord Morrow, who is a member of one of the most exclusive retirement homes in London, is not allowed to stand for the local council. I am sure that Lord Morrow would contest that, though I notice that he has not so far. The situation that I described is a much more toxic concentration of power than the one that exists when people hold two positions of elected office. That is why I cannot understand the logic behind his support for that part of the amendment.

I have no doubt that the amendment will be overturned, as it properly should be. If the proposers of this amendment have some respect for the House, and the kind of issues put forward in it, they ought to think a bit more before putting forward the kind of nonsense that we have heard here today, and for which they have given very little defence.

**Mr Durkan (The Minister of the Environment):** Before I offer my view on the proposed amendments to the Bill tabled by the other parties, with your permission, I will deal with my amendments in this group. Some specifically address issues that have arisen as a consequence of the amendments agreed at Consideration Stage.

At Consideration Stage, the three amendments relating to the provision of an appeal mechanism in the ethical standards framework, as proposed by the Environment Committee, were accepted. They included a provision for an appeal to the High Court for persons who are censured, suspended or disqualified as a result of a report by the commissioner and a provision that identifies the grounds upon which an appeal can be made.

An amendment was also made to provide for an appeal to the High Court for those persons who are suspended, or partially suspended, by notice as a result of an interim report. However, the grounds for an appeal were not specified. Therefore, amendment No 18 will provide the grounds for an appeal. The amendment will specify that such an appeal, following an interim report, can be made by a person against their suspension or partial suspension or against the length of that suspension or partial suspension.

The Bill, when introduced, stated that the new ethical standards framework, relating to the investigation and adjudication, was to be the responsibility of the Northern Ireland Commissioner for Complaints. With the provision of an appeal to the High Court now included as part of the ethical standards framework, the constitutional position of the commissioner is called into question. That issue was raised and discussed at length at Consideration Stage.

I am committed to the early establishment of the ethical standards framework, but I am also mindful of how the current provisions affect the constitutional position of the commissioner. Mr Weir asked why amendments were not just brought forward at this stage to separate the investigation and adjudication elements of the ethical standards framework. Unfortunately, this is not just a simple matter of adding an enabling power or substituting the words "Commissioner for Complaints" with "adjudication panel" on the face of the Bill. We are talking about substituting a fundamental element of the new ethical framework.

Setting up an alternative adjudication framework will require further policy development and consideration of how the adjudication will be carried out, including the setting up of an adjudication panel and case tribunals

to deal with individual cases; how an adjudication panel would be set up, including such issues as recruitment, membership, qualifications; and the additional costs of a new framework and how it will be funded. I will also need to liaise with the Courts Service and the Department of Justice, particularly on the interface between the adjudication panel and the High Court and the arrangements for appeals. I will need to consult on the new framework, and, of course, all that will be subject to the consideration of the Executive.

#### 5.00 pm

This is an important part of the ethical framework, and it is essential that we get it right. It was not possible, between Consideration Stage and Further Consideration Stage, to fully scope out all the issues to ensure that any amendments were appropriate and comprehensive. Therefore, Mr Speaker, I intend to bring forward a further Bill — a much shorter Bill — to provide for a separate adjudication process within the ethical standards framework, which will be outside the remit of the Commissioner for Complaints. The commissioner will still retain responsibility for receiving all complaints and undertaking all investigations. Subject to Executive agreement, the new Bill will establish an independent body with responsibility for adjudications within the ethical standards framework. It will make provision for the appointment, terms of office and qualifications of members. It will specify the manner in which the adjudication process will be undertaken. The additional costs to set up and operate the new body will also be addressed. I remind Members that, as I stated at Second Stage, the ethical standards framework was to be reviewed in three to four years' time. Following the proposed introduction of a separate adjudication provision, I would still intend to review the framework.

I turn now to amendment No 28. At Consideration Stage, the House accepted an amendment brought forward by the Committee for the Environment to make provision for regulations to provide for the procedures for the allocation of membership of a committee specified in schedule 2 to apply in the circumstances where a council decides to appoint more than one committee. I reiterate the support that I expressed during Consideration Stage for the principle underpinning that provision standing part of the Bill. However, again, as I stated during that debate, I consider that it would be more appropriate to provide for the necessary arrangements to be specified in a council's standing orders, just as the provisions relating to the membership of Committees of the Assembly are specified in our Standing Orders. That is the purpose behind my tabling the amendment. In my view, the use of standing orders provides for greater flexibility in specifying the detail of the arrangements. I assure Members that, in adopting that approach, I do not intend leaving it as a matter for individual councils, as I am aware of the potential that that would create for the development of an inconsistent application across councils. The provisions will be specified in regulations as a mandatory element of a council's standing orders using the power provided for my Department in that regard by clause 37.

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

**Mr Durkan:** Certainly.

**Mr Weir:** I listened to the Minister on that point and I am a little confused. The Minister seems to accept that we need to have something that is standardised on this issue. If the idea is that regulations are going to be put through, which would then make it mandatory in a particular prescribed form in standing orders, I wonder why there is a need to amend in the first place. Surely, the regulations could permit that in standing orders. It seems to me, at best, a meaningless amendment or, at worst, something that opens up the opportunity for a wide range of diverse applications. It seems to me to be almost trying to avoid making the regulations specific, for no good reason.

**Mr Durkan:** I am not doing it for the craic. I thank the Member for his intervention. The rationale behind the amendment is to provide for all the issues that are to be mandatory elements of a council's standing orders, most of which relate to governance, to be covered in a single set of regulations, which would be clearer for councils. It will be part of the mandatory standing orders. My colleague Mr Maginness spoke earlier of councils then having flexibility. They will be able to add to what is mandatory. However, they will not be able to take away anything that is. I appeal to Members to support my amendments.

I move on to the amendments proposed by other political parties. Amendment Nos 1 and 2, tabled by Mr Allister, seek to add to the list of legislatures of which membership would disqualify a Member from being a councillor. Amendment No 1 seeks to add the position of a member of the House of Lords to the list. The House of Lords, as the second Chamber of the UK Parliament, clearly has a significant role to play in the scrutiny and passage of legislation that could and does apply to Northern Ireland and, in certain circumstances, to the operation of councils here. The Bill will disqualify councillors from holding the position of MLA, MP or MEP to address the conflicts of interest that could arise if those institutions were considering matters that would impact on the operation of councils. Therefore, I see no major difference in the position of members of the House of Lords and, in principle, I certainly support amendment No 1.

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

**Mr Durkan:** Certainly.

**Lord Morrow:** Does the Minister see the significance of keeping Northern Ireland, which is a region of the United Kingdom, on the same par as the rest of the United Kingdom on this issue? Why should this part of the United Kingdom be fundamentally different to the other regions of the United Kingdom? Can he give the rationale behind that?

**Mr Durkan:** I thank the Member for his intervention. I wonder whether the Member can tell us why this part of the United Kingdom, as he puts it, should be fundamentally different from the other parts on other issues as well, one of which — equal marriage — was referred to earlier by a Member sitting behind me.

There could be less obvious conflicts of interest from being a member of a legislature that has no jurisdiction over councils in Northern Ireland. The awarding of a significant contract, for example, in one jurisdiction could bring benefits to a council in another jurisdiction. For that reason, I also support, in principle, amendment No 2, tabled by Mr Allister.

Amendment No 3, tabled by Mr Elliott and Mr Kinahan, seeks to effect a change to the Justice Act (Northern Ireland) 2011 on membership of a policing and community safety partnership. The amendment would disqualify a councillor from putting his or her name forward to be an independent member of such a partnership. I understand the rationale behind the amendment, and Mr Elliott pointed out a few recent examples whereby, rather than a councillor becoming an independent member, independent members were being co-opted onto councils. However, that would lead one to question how independent those members were in the first place. This latest amendment seeks a change, not to the Bill but to an Act introduced by the Minister of Justice and agreed by the Assembly. The proposed change, through the amendment tabled by Mr Elliott, would take place without proper consultation with the Justice Committee and other stakeholders. Therefore, I urge Members not to support this amendment. However, I sympathise with the rationale behind it. It is a worthy proposal, but just not here.

To some degree, I can understand the rationale for amendment No 4, tabled by Mr McCallister and Mr McCrea, on the specification of those offices and employments in a council that would continue to act as a disqualification condition for an employee being elected or being a councillor. Although the provisions removing the blanket prohibition on council employees being councillors in the Bill will not come into effect until after the forthcoming elections, the provision of early clarity for employees and political parties will be important. My officials are preparing advice for my consideration on the offices and employments to be specified in the relevant order.

The proposed amendment, however, does not recognise the time frame needed for the making of an order, particularly one that is to be subject to the draft affirmative procedure in the Assembly. Following my consideration of the advice provided by officials, a full public consultation on the draft order will be required prior to scrutiny by the Committee for the Environment. It will be only at that stage that the draft order can be scheduled for debate in the House. More than six months is needed to ensure proper consultation and Assembly scrutiny. For those reasons, I urge Members not to support the amendment.

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

**Mr Durkan:** Certainly.

**Mr B McCrea:** I did say that a lot of issues need to be considered in the discussion. Perhaps, if there were some indication on that point about the breadth of that, it might go some way to ensuring that we could have a proper discussion. In particular, I am interested that the Minister is saying that there will be affirmative rather than negative resolution. After consultation, does he plan to bring those matters to the Floor of the House for debate because not all of us are on the Committee?

**Mr Durkan:** I am happy to have as wide a debate as possible. As regards discussion — I was going to come to that when I address a further amendment — it is very important that we have it. Earlier, during his speech or one of his few interventions, Mr McCrea mentioned the need for such a wide discussion on how we move that issue forward. Mr McCrea quoted me from the debate on the previous stage of the Bill when I emphasised the

importance with which I view maximising participation in elected politics and democracy in general. I think that we all share that view in the House. I suggest perhaps even setting up a working group on that very issue.

I am afraid that I cannot recommend support for amendment No 23 either, which was tabled by Mr McCallister and Mr McCrea, on placing a duty on a public body other than a council to support employees who seek election to council. That is clearly a matter for each public body to consider in its own terms and conditions for employees. The introduction of such a duty would need to be the subject of consultation. However, I reiterate that we need to look at how we can maximise participation in that process. It is important that we talk to employers from the public, private and voluntary sectors about how they do that. We need to make politics attractive to people. We might have a more difficult job making politicians attractive to people, but we have to make politics attractive. That is some of the rationale that informed my consideration of councillors' remuneration. There is also work to be done with the media on that issue because they are determined to scare people away from public office.

**Mr B McCrea:** Will the Minister give way on that point?

**Mr Durkan:** Certainly.

**Mr B McCrea:** My colleague, Mr McCallister, indicated that we understand that there is not universal support for amendment No 23. However, I think that there is general support for the discussion and the principles. Will the Minister consider a working group or some other way to deal with the issue? I think that it would be good for a cross-party group to take that on board. I agree with the Minister that we need to explain certain facts to the media. We need to engage in that area because it is important. Perhaps the Minister could clarify how we might take forward something on which we appear to be in agreement. That would be helpful.

**Mr Durkan:** One issue that we need to be mindful of while doing that is our competence: what we can do within the competence of the Assembly. I know that one of my colleagues, and perhaps another, who contributed earlier questioned whether it was in my remit as Minister of the Environment to specify what other public bodies can do.

What I can tell the Member is that I have received legal advice —

**Mr B McCrea:** You have?

**Mr Durkan:** Yes. The advice is that the amendment relates to elections and is therefore not a matter that falls within the competence of the Assembly.

**Mr B McCrea:** Will the Minister give way on that issue?

**Mr Durkan:** Yes.

**Mr B McCrea:** We keep hearing about this legal advice. When will we challenge that legal advice? Some faceless person comes along and says, "I think this, that and the other." Surely to goodness this is a legislative Assembly. Whatever it is, why do we not occasionally take a risk and just legislate and see what happens?

**Mr Durkan:** I thank the Member for that further intervention. *[Interruption.]* I think, however — *[Interruption.]*

I think that I have demonstrated previously that I do not always take the legal advice that I receive.

In the short term, Mr McCrea specifically raised the issue of an Invest NI employee who had been told that he or she could not run for council because there might be potential conflicts of interest. One way round that might be if you get him or her to run for election in the north-west, because Invest NI has little or no interest there. *[Laughter.]* In fact, there are some areas of my constituency, Mr Wilson, where you can canvass during the day and get everyone in. *[Laughter.]* Given the legal advice that I have received and the other issues that I and other Members have outlined, I cannot support that amendment either.

**5.15 pm**

**Mr Allister:** I am grateful for the relative support across the House for amendment Nos 1 and 2. As I said this morning, there is an intrinsic link between the two. The link is that, like the list already in the Bill of MLA, MP and MEP, it completes the circle of the common denominator of exclusion, as a qualification, in regard to being a member of a legislature. That is the fundamental logic of excluding an MLA, an MP or an MEP. The same logic inevitably applies to the other legislatures in the nation and other legislatures of which people could be a Member, yet, under present law, be qualified to be a councillor. There is an intrinsic link.

The only serious voice of dissent on the matter came from Lord Morrow. He lamented the fact that this is some significant departure from how things are done in the United Kingdom. I have to say this to Lord Morrow: where has he been? Has he ever looked at this House when it comes to departing from how things are done in the rest of the United Kingdom? We only have to look at the fact that, in this House, we are not even allowed an opposition and, in this House, we have a mandatory coalition, so the people do not have the right to even vote a party out of government, to discover just how distant we are from the standards in the rest of the United Kingdom.

Sometimes, it reminds one of the ease with which some swallow the camel but strain at the gnat. Here is Lord Morrow, chairman of a party that swallowed the camel of mandatory coalition and a guaranteed place for Sinn Féin in government, yet he tries to make this an issue, as if he is a great defender —

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

**Mr Allister:** In a moment.

He spoke as if he is a great defender of fundamental constitutional arrangements in Northern Ireland, when he has played his part in subverting them, as is evident in the perversion of democracy that we have in this House.

**Lord Morrow:** I thank the Member for giving way. I think the point that Mr Allister is trying to make here today is that two wrongs make a right. What he is actually saying is that this House has departed from fundamental values and no longer cherishes its position within the United Kingdom. He is saying, "Since this House has done those things, I will go further now. I will further alienate Northern Ireland from the United Kingdom by ensuring that no one can sit in the House of Lords and sit on a council at the same time". If all the issues that he raised are right, why is he bent on taking it further? I would have thought that he would be

the last person in the Assembly to go down that road. As I said, I would have expected that from Sinn Féin, but I certainly did not expect it from Mr Allister.

**Mr Allister:** I am saying none of the things that the noble Lord seeks to ascribe to me. I am saying that it is a bit late for Lord Morrow to worry about preserving the integrity of governmental arrangements in this part of the United Kingdom when he has been a party to subverting those arrangements, as evidenced in this House. What I say to the House is that we need to extend the inevitable logic of saying that you cannot be a councillor and a legislator in another place. It has nothing to do with constitutional arrangements; it is to do with double-jobbing, and that is the mischief that is being addressed.

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

**Mr Allister:** Just a moment. That is the mischief that is being addressed. I know that Lord Morrow has been, in his time, a triple-jobber: two legislatures and a council. However, I think that even he recognises that the time has arrived in politics when that is no longer tolerated by the public and that we need to bring this matter into line, as the amendments will do through extending what the Bill already seeks to do.

**Mr Wilson:** I thank the Member for giving way. May I take him back to when he was swallowing camels a moment ago? Does he not accept that he is just as much part of this establishment, which has Sinn Féin Ministers in the Executive? He questions Sinn Féin Ministers; he sits in Committee with Sinn Féin Members; he talks to those Sinn Féin Members in Committees when he has to discuss the issues; and he is here discussing legislation with Sinn Féin Members present. When it comes to swallowing camels, he already has both humps down his throat.

**Mr Allister:** I have seldom heard a more fatuous point. Here I am, a Member of the House elected on a mandate to oppose and not facilitate Sinn Féin, unlike some who made a career out of attacking others who had facilitated Sinn Féin. They were going to be the tough guys who would never accept mandatory coalition and never facilitate Sinn Féin. Yet it is courtesy of them that Sinn Féin sits and is sustained in government in Northern Ireland. The people of Northern Ireland know that, when Jim Allister stands in the House, he is not a facilitator of Sinn Féin; he is an opposer of Sinn Féin. The key determinant is who sits in government with Sinn Féin, not who sits and practises opposition to Sinn Féin.

**Mr Speaker:** Order. We are well outside what is to be discussed this afternoon — the amendments. That goes even for interventions, from wherever they may come. Interventions must be close to the Bill and particularly the amendments.

**Mr Allister:** I am sorry, Mr Speaker. It is not the first time that I have been misled by the DUP. *[Laughter.]*

**Mr Wilson:** I take it that such will be the Member's disdain for Sinn Féin that, when it comes to support for his amendment No 1, he will tell Sinn Féin that he does not wish to walk through the Lobby with them.

**Mr Allister:** I thought that the last intervention was fatuous. Whatever the next extension of fatuous is, that was this one. It is an absolutely absurd proposition, and it is really scraping the bottom of the barrel of attempted argument to say that, because Sinn Féin says that the sky

is blue — maybe not today — I should say that it is red. Let us be real: I will vote according to my conscience. The interesting thing will be how the DUP votes on amendment No1. Mrs Cameron told us that she had reservations about it but the DUP was not for dividing the House on it. Then, Lord Morrow, after whatever trouble he had in Armagh this morning, comes into the House and furiously tells us that he will divide the House. We will see, but I will certainly walk through the Lobby as I always do: not dictated to by a party Whip or to facilitate colleagues in government but according to my conscience.

**Mr McCallister:** I thank the Member for giving way. I thought it important to clarify that the camels that the DUP is now swallowing were never on my farm. *[Laughter.]*

**Mr Allister:** I will return directly to the issues. I commend amendment Nos 1 and 2 to the House. They are complementary in presentation and logic. Just as I would not suggest for one minute that the DUP wants to allow TDs to be councillors because it did not table an amendment to prevent that, as I have done, I think that it is disingenuous for Lord Morrow to suggest that, by tabling an amendment to complete the circle of logic on the basis of not having double-jobbing in the House of Lords and the council, I am in some way selling the pass. I think that anyone inside or outside the House knows who has sold the pass.

*Question put, That amendment No 1 be made.*

*The Assembly divided:*

*Ayes 59; Noes 31.*

## AYES

*Mr Agnew, Mr Allister, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mrs Cochrane, Mr Copeland, Mr Cree, Mr Dickson, Mrs Dobson, Mr Durkan, Mr Eastwood, Mr Elliott, Dr Farry, Ms Fearon, Mr Flanagan, Mr Gardiner, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lunn, Mr Lynch, Mr Lyttle, Mr McAleer, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Ms McCorley, Mr B McCrea, Dr McDonnell, Ms McGahan, Mr McGimpsey, Mr McGlone, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Nesbitt, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan, Mr Swann.*

*Tellers for the Ayes: Mr Allister and Mr McCallister.*

## NOES

*Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mr Frew, Mr Givan, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mr Poots, Mr G Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wilson.*

*Tellers for the Noes: Mr McQuillan and Mr G Robinson.*

*Question accordingly agreed to.*

*Amendment No 2 made: In page 2, line 8, at end insert*

*“(e) the legislature of any other country.”.—  
[Mr Allister.]*

**New Clause**

Amendment No 3 made: After clause 3 insert

**“Disqualification of councillors for being independent members of policing and community safety partnerships**

**3A.—(1)** *The Justice Act (Northern Ireland) 2011 is amended as follows.*

*(2) In Schedule 1, in paragraph 9 (disqualifications) after sub-paragraph (2) insert—*

*“(2A) A person is disqualified for being an independent member of a PCSP if that person is a councillor.”*

*(3) In Schedule 2, in paragraph 9 (disqualifications), after sub-paragraph (2) insert—*

*“(2A) A person is disqualified for being an independent member of a DPCSP if that person is a councillor.”—*  
[Mr Elliott.]

New clause ordered to stand part of the Bill.

**Clause 4 (Power to exempt offices and employments from disqualification)**

Amendment No 4 made: In page 2, line 14, at end insert

*“(2) In section 4 of that Act, after subsection (1) insert*

*“(1A) The Department must by 30 September 2014 make an order under subsection (1)(a).”—* [Mr B McCrea.]

**Clause 14 (Disqualification for membership of committees)**

**Mr Speaker:** We now move to the second group of amendments for debate. With amendment No 5, it will be convenient to debate — [Interruption.] Order, Members, Order — amendment Nos 22, 24 to 27 and 30 to 34. I call the Minister of the Environment to move amendment No 5 and to speak to the other amendments in the group.

**Mr Durkan:** I beg to move amendment No 5: In page 6, line 11, after “Section” insert

*“6 of the Local Government Act (Northern Ireland) 1972”.*

The following amendments stood on the Marshalled List:

No 22: In clause 111, page 63, line 17, at end insert

*“(2C) The Department must within two years of the making of an order under paragraph (2A) lay before the Assembly a report on the operation of any transitional rate relief scheme under that paragraph including—*

*(a) the Department’s assessment of the likely or actual percentage increase in district rates payable by ratepayers in each affected district as a consequence of the termination of the scheme; and*

*(b) consideration of possible further mitigating measures.” —* [Mr Elliott.]

No 24: In clause 125, page 70, line 17, leave out “and 123” and insert “, 123 and 126”.— [Mr Durkan (The Minister of the Environment).]

No 25: In schedule 1, page 78, line 22, leave out “nomination is made” and insert

*“member is nominated or elected, as the case may be.”—* [Mr Durkan (The Minister of the Environment).]

No 26: In schedule 1, page 78, line 26, after “nominated” insert “or elected”.— [Mr Durkan (The Minister of the Environment).]

No 27: In schedule 2, page 79, line 21, at end insert

*“(6) If the figures given by sub-paragraph (5) in relation to two or more parties are equal, the nominating officer of whichever of those parties is the party for which the greatest number of first preference votes was cast at the last local general election is to be treated as the nominating officer of the party with the greatest remainder for the purposes of sub-paragraph (4), then the nominating officer of whichever of those parties is the party for which the next greatest number of first preference votes was cast at the last local general election and so on.”—* [Mr Durkan (The Minister of the Environment).]

No 30: In schedule 9, page 93, line 8, after “6” insert

*“of the Local Government Act (Northern Ireland) 2014”.—* [Mr Durkan (The Minister of the Environment).]

No 31: In schedule 10, page 93, line 27, leave out “Schedules 1 and” and insert “Schedule”.— [Mr Durkan (The Minister of the Environment).]

No 32: In schedule 10, page 93, line 29, leave out “6.”.— [Mr Durkan (The Minister of the Environment).]

No 33: In schedule 10, page 94, line 6, leave out “and (3)”.— [Mr Durkan (The Minister of the Environment).]

No 34: In schedule 10, page 94, leave out line 29.— [Mr Durkan (The Minister of the Environment).]

**Mr Speaker:** I ask Members to leave the Chamber quietly. [Interruption.] Order. The Minister must be heard.

**Mr Durkan:** The amendments in this group are mainly technical. However, there is one financial amendment in the group, tabled by Mr Elliott and Mr Kinahan, which I will speak to first and which I urge Members to oppose.

As part of the Executive’s funding package of £47.8 million, which was agreed in 2013, a commitment was given of up to £30 million to cover the cost of rates convergence following the creation of the 11 new councils in 2015. Clause 111 amends the Rates (Northern Ireland) Order 1977 to provide, by subordinate legislation, a transition scheme for rates convergence that distributes that funding to ratepayers who otherwise would face sudden and excessive increases as a direct consequence of local government reform.

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

Amendment No 22 would place a duty on the Department of Finance and Personnel to lay a report, two years after subordinate legislation is made, that should include that Department’s assessment of the likely or actual percentage increase in district rates payable by ratepayers and considerations of possible further mitigating measures. In my opinion, the amendment is ill advised. It requires DFP to assess the likely or actual increase in district rates once the rates relief scheme has terminated.

There are varying factors that determine the level at which councils set their rates, including the budget required to deliver on the business plans agreed by elected members, efficiencies —

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

**Mr Durkan:** Certainly.

**Mr Wilson:** Does the Minister agree that, if amendment No 22 were passed, it could allow for very lax financial management in councils, and the excuse could then be given that these are transition costs rather than lax management of the budget by councils? It would remove any kind of financial discipline from councils, if the amendment were to be allowed to go through.

**Mr Durkan:** I thank the Member for that intervention. I certainly agree with him. That is one of the fears that we have and one of the reasons why I urge Members to oppose the amendment.

Other considerations or factors that account for the rates set by councils are efficiencies that they, hopefully, will have found and the potential that they have to use their resources, reserves and borrowings to finance plans. The rates relief scheme will not be one of those factors. It should have no impact on the setting of the district rate, as any relief will be paid not to councils but directly to ratepayers.

The commitment of £30 million by the Executive was made on the basis that this would provide a period for the new councils to bed in and start to make the real savings that the reform of local government can and should bring. The amendment proposes that further mitigating measures should be considered. I believe that that is the wrong direction of travel. Local government reform is about giving councils greater powers and independence. With that comes greater responsibility and accountability. Councils need to take responsibility for their spending decisions and be accountable to their ratepayers for those decisions. Further intervention from central government would not encourage that, and it will be for local government to consider what measures it needs to take to mitigate unacceptable increases in the district rate.

Furthermore, the amendment assumes that the ratepayer should be protected at the expense of the taxpayer, as if taxpayers' money is somehow free. The Executive face further challenges, with ever greater demands from a reducing Budget, and expecting yet more subvention for local government would be a tall order. I, therefore, urge Members to oppose this amendment.

As I have stated, the remaining amendments in the group are minor technical amendments required mainly as a result of changes following Consideration Stage. I shall, therefore, be brief. At Consideration Stage, amendments were agreed in relation to appointments to a cabinet-style executive or, as a representative on an external body, being excluded from the annual selection.

However, the Consideration Stage amendment would apply only if the d'Hondt or Sainte-Laguë methods are used to allocate positions of responsibility. Amendment Nos 25 and 26 ensure that those arrangements will also extend to the single transferable vote (STV) method, should it be adopted by a council for the sharing of positions.

## 5.45 pm

Schedule 2 specifies the procedures to be followed for the allocation of committee places across the political parties on a council. Amendment No 27 seeks to provide clarity by providing the means of determining the order of selection for the filling of any unfilled committee places, if the remainders for two or more political parties are equal and the number of unfilled places is less than the number of such parties. The order of selection will be on the basis of the number of first preference votes cast for each of the relevant parties at the last election.

Those are the group 2 amendments.

**Mrs Cameron:** I will speak on the financial and technical amendments in group 2, and I will be brief. I am content to support amendment No 5 proposed to clause 14 by the Minister, as it is a technical amendment by the Department and is required as a consequence of clause 5, the penalties for acting as a councillor while disqualified, having been opposed at Consideration Stage.

I am not minded to support amendment No 22, as I believe that the arrangements for managing rates convergence are transitional, and to hold out a promise of further measures and considerations might give false hope to ratepayers and councils alike. I would rather that the responsible bodies would address the matter promptly without the need for further considerations to be given.

I am happy to support the technical amendment Nos 24 to 27 and also amendment Nos 30 to 34.

**Mr Boylan:** Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom labhairt i bhfabhar na leasuithe sa ghrúpa seo, agus ba mhaith liom cúpla focal a rá. I will speak in favour of the amendments in group 2. Most of them are technical, but I want to say a few words on amendment No 22. The Minister has asked us not to support it. Members are speaking on the amendment without having heard the debate or the rationale behind it. Clearly, you can read the wording of the amendment and understand what it expresses. I will listen to the proposers of the amendment when the time comes for them to speak and argue for it.

We are moving into a new dispensation. There has been a lot of discussion about rates and rates convergence, and this also happened in Committee. The amendment places an onus on the Finance Minister to prepare a report and a scheme. I will listen to the arguments against that, but, at the minute, my party proposes to support it. Given that we are moving into new local government arrangements, there are concerns about rates convergence, and, at this point, we have no opposition to the amendment.

**Mr Wilson:** First, does the Member accept that this is a transition scheme? To have it perpetuated for longer than the transition period seems a bit odd. Secondly, if councils do not take decisions to make the savings that are available to them as a result of the amalgamation of councils and new council structures being set up, that cost should not then fall on the Executive's Budget. Councils should bear the consequence of that. The amendment encourages councils to decide not to make the savings that the new councils are capable of because they know that there is a safety net. At the end of the period, they will come back and look for more money from the Executive

rather than make the decisions that they should make during the transition period.

**Mr Boylan:** I thank the Member for raising the point, and I agree with him. I want to listen to the arguments. We have an initial view on it. The Bill is about empowering local government. If you are saying that its premise is that it is a get-out clause for them, questions certainly have to be asked about going down that route in the first place.

We heard arguments earlier about camels, animals and selling land. I am glad that the Speaker brought it back to the Local Government Bill. The Bill is about empowering local authority. You asked me a question. I will listen to the rationale from the Members pushing the amendment forward, and we will see then. As I said, however, my initial thought is to oppose it. I do not see any harm in the Minister having to bring forward a report. The issue was discussed over a long period at Committee Stage. The rates convergence issue is a major one for some local councils. I will certainly listen to the arguments.

That is the only issue that I see in this group of amendments. I am supportive of all the technical amendments and those that are a consequence of the previous stage of the Bill.

**Mr Eastwood:** I said in the debate on the previous group, somewhat optimistically it turns out, that we could be moving through this a lot more quickly than some had suggested. That does not seem to have materialised. In this group, we will be supporting the ministerial amendments. I do not think that I am allowed to say anything different. They are largely technical.

The issue that has been discussed is to do with amendment No 22. It is clearly well meaning, but it may have an effect that was not envisaged when it was written. The Minister and Mr Wilson have made the case very well that support for the amendment would be ill advised. The report has been talked about. I do not see a problem with anybody bringing forward a report. The difficulty is with clause 111(2C)(b), which talks about "possible further mitigating measures".

Local government reform is about empowering councils. When you get new powers, you have to take new responsibilities. There will be a substantial transitional fund for councils to ensure that people are not hit with the difficulties that will be created around rates convergence. However, as has been pointed out, there is no excuse for that to continue; there is no excuse for taxpayers to be forced to bail out ratepayers. Councils need to take responsibility for their own finances.

The rate relief scheme was mentioned, but that is paid directly to householders and ratepayers. It is not paid to councils, so I do not quite understand how that would have any impact on the finances of councils. As the Minister said, budgets need to be set. When councils decide on what kind of priorities they have, they have to be mindful of their capital reserves and borrowing situation.

There are so many situations around this, but the bottom line is that councils have to continue to become responsible for their own financial situations. Saying, "You might get it wrong here, but we're just going to come in and bail you out" would be a bad legacy to leave them. It would be a mistake. We need to encourage and empower

councils and hold them to that responsibility. I think that councils will be well capable of doing that.

**Mr Elliott:** Most of the discussion so far has been on the Ulster Unionist Party amendment No 22. I am quite happy to discuss that. The other amendments are quite technical from the Department.

I listened to the arguments mainly against amendment No 22. I appreciate that Mr Boylan said that he wanted to hear both sides of the argument. I totally accept that. If people study the amendment, it should become clear. Even Mr Eastwood, who is not in his place now, indicated that there is no problem with bringing back a report. That is exactly what this amendment is saying: bring back a report on the progress of the rate convergence after two years. Can anybody tell me what the difficulty with that is?

I listened to Mr Wilson, who said that it would encourage councils not to be efficient and not to put in place the measures that are required to bring efficiencies to those councils. The report could highlight that. The report could flag up where those councils have not made efficiencies — where, in the words of Mr Wilson, they have been "lax", need to be brought into line and told, "Look, you are not doing your job efficiently here." I do not see the problem.

Mr Eastwood referred to subsection (b) in the amendment, which refers to:

*"consideration of possible further mitigating measures".*

What is wrong with considering them? That does not say that we will put anything further in place. All that it is saying is that the report will give consideration to further mitigating measures. There will probably be no further mitigating measures required. There may even be councils flagged up as not having put in place reasonable efficiency mechanisms. That is what the report should be about.

We must be clear that there are a number of councils and ratepayers who will be hit very dramatically during this transition period. There is a significant difference between the rates in some councils that are merging. Once you have a 25% rate differential, that will create a significant problem in the first number of years for councils that are currently on the lower rate. At some stage, their rate will have to rise significantly to meet that of the other councils. The other councils' rates may come down to some extent, but I assume that they will not come down dramatically enough to meet the lower rate base. By and large, the direction of those rates will be up. Those ratepayers will be significantly hit.

I do not see the taxpayer v ratepayer issue that the Minister highlights. We are talking about the ratepayer being hit at the moment. Why should ratepayers in the council areas that have been very efficient up to now be significantly penalised because they are merging with other councils? That should certainly not happen in the initial years. Fair enough, at some stage, their rate bases will have to merge totally. However, all that we are saying is that a report needs to come back to give the Assembly the detail of where the councils have gone to great lengths to make the efficiencies; how well some councils are doing; and how badly other councils are doing in not meeting those efficiencies and savings and keeping their rate base down.

All that this amendment is aimed at is to have a report brought back. We are not being definitive about that report. We are not making any judgement on the content of the report. We are not making a judgement that more finances will be required from central government after two years. What we are saying is that consideration should be given to all those aspects. All that we are asking for is a report.

I can tell you that there are many councils out there that believe that their ratepayers are going to find a significant difference in their rate base in the initial years, compared with what they are used to. We even have some councils merging where there is not a significant differential. They are asking, "What is in the convergence rates for us?" I point to the example of Dungannon, Cookstown and Magherafelt, where there is not a huge differential in the rate bases at the moment. They are saying, "It is possible that we will get no benefit out of this rate convergence money." There is not a huge difference in the rate bases there. Some councils that have been efficient for years and kept their rate base very low are now merging with councils that have a very high rate base. Those ratepayers are the people who need protected at this time.

#### 6.00 pm

**Mr Wilson:** If the previous amendment on which we had an extensive discussion was silly, this one is particularly dangerous. The more I listened to the proposer's speech, the more I was convinced that it is dangerous, for a number of reasons. First, we are introducing a transition scheme that will cost the Executive a substantial amount because of the differences in rates between councils that are merging. The transition period was chosen because it was believed that, during that period, sufficient savings could be made and sufficient action taken to gradually merge the rates burden of councils that would be joined.

I listened carefully to what the proposer said, but let us look at the amendment. His interpretation of it is very different from the wording, which is very heavily loaded towards believing that the transition scheme will not work, as a result of which an extension will be required. The amendment states:

*"The Department must within two years of the making of an order under paragraph (2A) lay before the Assembly a report ... including—*

*(a) the Department's assessment of the likely or actual percentage increase in district rates payable by ratepayers in each affected district as a consequence of the termination of the scheme".*

Immediately, in the first part of the amendment, there is almost an assumption that there will be some consequences —

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

**Mr Wilson:** I will give way in a moment or two.

There is an assumption that there will be financial consequences for ratepayers as a result of the amalgamations and there being no more support after the transition period.

**Mr Eastwood:** I thank the Member for giving way. Will the Member agree that all councils — and some of them have been — should have been working together before now?

They have known for a long time what the make-up of the new councils will be, and we had the ICE scheme and everything else. Councils should have been doing a lot of this work before now. Thankfully, some have, but I do not think that that has been the case across the 26 councils.

**Mr Wilson:** No, it has not, and he brings me to a point that I want to make in a moment or two when I finish looking at the wording of the amendment. The first part of the amendment makes an assumption that this report is likely to identify, as a result of the termination of the transition scheme, that there will be consequences for ratepayers. It is then quite explicit in going on to propose "mitigating measures". The point has been very well made that some councils, and some councillors, have been dragged kicking towards the new arrangement. I know that, even with transition committees being set up etc, some still resist it. Until the Assembly passed the legislation, a large body of councillors still believed that, somehow or other, this was not going to happen. It is against the background of resistance to council reform that we have to judge this amendment.

**Mr Elliott:** I thank the Member for giving way. Does he accept that, although the amendment states:

*"including—*

*(a) the Department's assessment of the likely or actual percentage increase in district rates payable by ratepayers",*

the report is in fact quite open-ended? There is nothing to stop it identifying councils that have not been efficient or have not met the criteria expected of them in relation to better efficiencies and, indeed, keeping the rate base low?

**Mr Wilson:** I do not accept that, because nowhere in the amendment is that said. In fact, the amendment is very specific:

*"a report on the operation of any transitional rate relief scheme".*

He should read his own amendment. It is a report:

*"on the operation of any transitional rate relief scheme."*

What should it include? It should include the consequences for the ratepayers of the termination of the transitional arrangements. So, the amendment does not require an open-ended report; it is a very specific report about the transitional rate relief scheme, its termination, the consequences that it will have for ratepayers and, on top of that, any mitigation —

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

**Mr Wilson:** I will give way in a minute. The report will also include any mitigation that will be possible.

I have to say that this is a most loaded amendment with an assumption behind it. Indeed, even in his speech, the Member reinforced that assumption when he said that many people believe that, although there is support for the initial years, the consequences will run on for years afterwards. So, even in his speech, the Member accepted that there is reluctance, suspicion and concern about what will happen after the transitional rate relief period is over. I do not believe that those concerns are founded, by the

way, but, nevertheless, that is the whole thrust of it and why I think that this is a very dangerous amendment. It is specific, narrow and puts forward certain expectations that it is not just a transitional relief scheme but that there may be something beyond the transition period. I will give way now.

**Mr Elliott:** Thank you for giving way, Mr Wilson. I am not sure where you are reading in the amendment that it precludes any aspect when the report is brought back. All that it says is that the report will be:

*“on the operation of any transitional rate relief scheme ... including—”*

It includes certain aspects, but it does not preclude any other aspect of the transitional rate relief scheme, including — I keep repeating this — an indication of where councils have not met what we believe to be efficiencies.

**Mr Wilson:** If that is what he means, it is not what the amendment says, because here is what —

**Mr Elliott:** It does. It is in there.

**Mr Wilson:** No. The word “including” is then defined. What does it include? What it includes is listed under paragraph (a) of the amendment, and the only thing that it can include is the:

*“assessment of the likely or actual percentage increase in district rates payable by ratepayers ... as a consequence of the termination of the scheme”.*

That is what it includes. It does not include the words “and anything else”. It does not say that, and nor does it use the words, “how well the council has performed in the transition period”. That is what the report will include, and, of course, the Member reinforced that point.

I know where this is coming from. It is because of the particular issues and concerns that there are in the Member's area.

If we pass this, when he comes to bring forward a report, the Minister will be bound by what is in the legislation. That would only be about the effectiveness of the rate relief scheme, the consequences of its termination and what mitigation measures might be taken.

That brings me to my second point. First, the danger is that there is a reluctance by some councils to enter fully into the spirit of the amalgamations of councils. Secondly — let us be blunt about it — there are some decisions that will have to be made to deliver the savings, which councillors will not like. There will be resistance. We have already seen it, and, indeed, Mr Eastwood referred to it. There is resistance in some places to entering into agreements on shared services, which are a way of making savings, and there will be resistance to cutting certain posts in councils, because that is not very popular. Of course, the easy way out is to simply say, “Let's not make those tough decisions, and let's not be inventive about how we might share services or make economies. Let's just keep on doing the old thing, because, after all, at the end of the transition period, there is going to be a report and it is going to be drastic, because some ratepayers are going to get a huge increase in their rates because we have not made the savings that we ought to have made, but, anyway, that will be borne, because the report cannot overlook that and is going to have to bring forward mitigating measures.”

That is the real danger of it, or, indeed, it might not be a case of making savings or refusing to make savings. Councils might simply be profligate in spending in other ways and, at the end of the transition period, because they have been profligate in other ways and because of the way they have set their budgets, there will be a consequence of big rate increases. I know that the Member could argue that it could be identified that those are not increases as a result of the ending of the transition relief scheme but as a result of the bad budgeting or bad spending by councils, but, nevertheless, all those things tend to get mixed up. What is the increase in the rates due to the amalgamation of the councils? What is the increase in the rates due to the fact that we did not make the savings that we ought to have made? What is the increase in the rates because we were profligate in our spending or made some unwise spending decisions?

If, at the end of the transition period, there are big rate increases, the danger is that, at least at local level, councillors can sell it to ratepayers on the basis that, “Stormont did this to us. Stormont made us amalgamate, and they gave us support for a year or two. They wiped our eye, but you are going to have to bear the consequences for the rest of the period”. Although there is transparency and everything else, those things are not always easy to identify.

For all those reasons, I think the Minister is right that the amendment ought to be resisted because I believe that it will impose, first of all, financial discipline on councils. Secondly, it will ensure that councils get into the spirit of what is intended with local government reform; ie, that they look at new, more efficient structures that deliver the kind of long-term savings that we expect and that, at the end of the day, will benefit ratepayers. To continue with the idea that our transition scheme might become a transition-plus scheme is a bad notion, and, for those reasons, I believe that the amendment ought to be rejected.

**Mr McCallister:** Like colleagues, I will focus primarily on amendment No 22, as the others are largely technical in nature and do not seem to be causing much debate.

On amendment No 22, at Consideration Stage, I spoke about the dangers of the issues around rates convergence and the difficulties with an increase. I listened intently to Mr Wilson's argument there. On the one hand, he seemed to be saying that we need to make sure that councils are almost forced into, “Right, this is where you are now: the 11-council model.” To be fair to Mr Elliott, I think it is fair to say that he has never been a supporter of the model of local government that we now have. It seems that, as I have warned before, we are devolving some of our dysfunctionality down to those councils.

Mr Wilson is right if his argument is that, if we make amendment No 22, it will somehow give councils an easy get-out and they will just say, “Oh, Stormont didn't do that.” It almost reminds me of the arguments that you would hear in this place for not doing things and just handing them on — “Well, Westminster didn't give us the money”, or, “The peace dividend didn't come through”. One party here in particular is blocking welfare reform, and the Finance Minister has talked about the costs of that. We seem always to push the thing further up the line. If that is the worry about councils, I do not quite get from Mr Wilson's argument why a report, which Mr Elliott is suggesting in the amendment, would be so dangerous to have. In fact,

from Mr Wilson's argument, I probably got that that might actually be a good thing to force so as to shine a light on whether councils are delivering on the savings agenda and what they have to do.

#### 6.15 pm

There are huge concerns in different council areas as to what way this is going to work. Mr Elliott's area is, maybe, one of the starker ones in Fermanagh and Omagh. This is where I have some sympathy with this amendment. We are probably at a stage, as I keep warning the Assembly, where we are devolving some of the dysfunction of this place and building in some of those concerns.

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

**Mr McCallister:** I will in a second. We are not entirely sure whether councils can make the projected savings that this entire project is meant to deliver.

**Mr Wilson:** This is not a case of devolving dysfunction. This is a case of introducing reform that should lead to the economies of scale and savings that have already been identified. All we are saying is this: let us make sure that those savings are realised. The safe and sure way of realising them is for councils to know that there is no safety net beyond the generous transition period. Beyond that, they will have to have made the decisions that will realise the kind of savings that will benefit ratepayers. This is not about devolving dysfunction. It is about giving opportunities to make real savings in the cost of administration.

**Mr McCallister:** I am grateful to Mr Wilson for that, but there does seem to be a certain nervousness and uncertainty, even from parties in the Executive, as to whether those projected savings are going to be delivered or whether something is going to have to give. I hear people talking about whether the burden falls on ratepayers or taxpayers. Quite frankly, most of us fall into both categories. We may or may not be lucky, depending on which council area we happen to live in, as to whether this is a big issue.

I do not agree with Mr Wilson that it would be dangerous to have a report saying, "This is the reality of what is happening in various council areas". He has not quite made the case as to why it would be so dangerous to have that report laid before the Assembly and that uncertainty to be looked at. Councils will have a challenge to make the savings and to buy into this entire project. Some councils seem to be managing that in the transition and in getting geared up for that better than others.

However, huge issues remain over where rates will be in certain council areas when you get all the convergence and take all the existing debt into consideration, with no review mechanism. If I understand Mr Elliott's amendment properly, it is about laying a report in front of the Assembly. Mr Wilson's argument seemed to be against us having to extend the transition period that amendment No 22 would do. What it actually states at (b) is:

*"consideration of possible further mitigating measures."*

The Minister, or the Assembly, at that time might well give consideration to further mitigating measures and might well say, "No, it is up to councils to face that down".

However, when there is a general nervousness around the Executive as to whether these savings are deliverable and about how rates and ratepayers will be affected in certain districts several years from now, surely it is sensible to build a report and review mechanism into this legislation that will say, "This is where we are. These are the councils that have delivered their part of the savings and these are the councils that are going to have to make changes".

It is not uncommon across other parts of the UK for central government to step in to direct local government or put a limit on what it can do. The Minister might have to do that at some point if some councils do not meet their obligation and deliver the very savings that Mr Wilson talked about.

**Mr Durkan:** I thank Members for the issues that they have raised in the debate on the second group of amendments. Fortunately, there have not been that many, but I will address in turn a few of the points that were made.

I am glad to say that Mrs Cameron concurred with my view on the amendments.

Mr Boylan said that he was supporting all the amendments, I think. He said that the jury was still out on amendment No 22: I just wonder whether it is now. I will speak about amendment No 22 as that is where all of the debate was focused.

In answer to the issues raised by Mr Boylan, I say that there are huge concerns about rates convergence, and they have been listened to. That is why the Executive have agreed to allocate £30 million to deal with that very issue. Councils are ultimately going to have to stand on their own feet, and this legislation is about empowering and enabling them to do so. Giving them stabilisers for another year will not assist them in the long term, assist us or, indeed, assist the ratepayers. This is also about ensuring the accountability of councils to ratepayers. I am not sure that the amendment does any of those things.

Mr Eastwood spoke of the need for councils to be responsible. That is very obvious, but it can very easily be missed. Councils will need to be more responsible: they are getting increased powers, and with those powers comes increased responsibility.

Mr Elliott asked where the difficulty was in bringing back a report. The difficulty is not so much with the tabling of a report. There is every likelihood that there will be a mid-term report or review carried out anyway: we will have to see how much of the £30 million has been spent and where the remainder of it will be left, because it is important that we do not go over the £30 million. So, the "report", as Mr Elliott calls it, will be taking place anyway. There will be increased scrutiny and auditing of the new councils in their formative years by all Departments, one would imagine. The difficulty is not, therefore, with bringing a report: the difficulty is, as pointed out by Mr Wilson and Mr Eastwood, more with the wording of the amendment.

Mr Elliott spoke of the difficulties caused by convergence. As I stated earlier, we accept that it will cause difficulties.

Mr Wilson warned of the danger of passing the amendment. The amendment does, as Mr Wilson pointed out, almost predetermine the failure of the approved transitional rate relief scheme. Mr Wilson and Mr Eastwood highlighted the fact that this process is not just coming out of the blue: councils have had ample time and

ample opportunity to prepare for the amalgamation and to collaborate.

Both Members said that there has been “resistance” — they used that term — in some areas and alluded to the ICE programme. In some areas, you could say that the speed of the ICE programme has been glacial. That is largely due to the voluntary nature of the ICE programme and such schemes. Some councils have demonstrated that, if they do not have to work together to achieve savings, they will not. We cannot perpetuate that. The last thing that we want to do is disincentivise a collaboration that will ultimately deliver the savings that local government reform is all about.

Mr McCallister spoke in favour of amendment No 22. The point that I was going to make to him is similar to that which I made to Mr Elliott about the actual report. A report will be done anyway, and there will be a review. We will have to see where the £30 million was spent. Hopefully it will not all have been spent by that time, but, if not, we will have to see where the remainder of it will go.

*Amendment No 5 agreed to.*

### **Clause 18 (Permitted forms of governance)**

**Mr Deputy Speaker:** We now come to the third group of amendments for debate. With amendment No 6, it will be convenient to debate amendment Nos 7 to 13 and amendment No 29. These amendments deal with the executive arrangements in councils, council structures and decision-making.

**Ms Lo:** I beg to move amendment No 6: In page 7, line 19, at end insert

*“(1A) A decision to operate executive arrangements or prescribed arrangements must be taken by a qualified majority.”*

*The following amendments stood on the Marshalled List:*

No 7: In clause 26, page 13, line 23, at end insert

*“(2A) For the purpose of dealing with a matter of concern to more than one overview and scrutiny committee of the council, Standing Orders may provide for the council to appoint an ad hoc overview and scrutiny committee or for the relevant committees to sit concurrently.” — [Mr McCallister.]*

No 8: In clause 27, page 13, line 40, after “may” insert “not”.— [Mr McCallister.]

No 9: In clause 27, page 13, line 40, leave out from “only” to the end of line 3 on page 14.— [Mr McCallister.]

No 10: In clause 31, page 16, line 19, at end insert

*“unless, in accordance with Standing Orders, the overview and scrutiny committee deems the notice to require a prompt response in which case the notice must require the council or the executive to comply within one month”.— [Mr McCallister.]*

No 11: After clause 38 insert

#### **“Multi-option referendum**

**38A.** *If more than two options have been proposed for a decision of the council, the council may take that decision by multi-option referendum in accordance with paragraph 9A of Schedule 5.” — [Mr Agnew.]*

No 12: In clause 40, page 21, line 39, leave out from the beginning to the first “council”.— [Mr Elliott.]

No 13: In clause 40, page 22, line 1, leave out paragraph (b).— [Mr Elliott.]

No 29: In schedule 5, page 83, line 39, at end insert

#### **“Decision by multi-option referendum**

**9A.—(1)** *If a council decides to use a multi-option referendum to take a decision, the clerk will provide all members with a ballot paper setting out the options proposed.*

*(2) The chair will ask members to mark the ballot paper to rank the options in order of preference.*

*(3) In circumstances where there are n options and a councillor has ranked all options, preferences on a ballot papers are scored as follows—*

*(a) a first preference gets n points;*

*(b) a second preference gets n-1 points;*

*(c) a third preference gets n-2 points,*

*and so on.*

*(4) Where a councillor does not rank all options, preferences on a ballot paper are scored as follows—*

*(a) if a first preference only is indicated, this scores 1 point;*

*(b) if first and second preference are indicated, these score 2 points and 1 point respectively,*

*and so on.*

*(5) The chair will announce the scores for each option and the option which has scored the highest number of points shall be the decision of the council.*

*(6) In the event that two or more options score the same number of points the decision may be made between those options by simple majority.*

*(7) The Department may by order amend the procedures in this paragraph.” — [Mr Agnew.]*

**Ms Lo:** Amendment No 6 follows on from the amendment passed a fortnight ago that makes the committee system the default system for operating a council. During that debate, I outlined the reasons why I felt that the committee system was a preferred model because it better represents the outcome of elections and ensures that smaller parties have a say in governance, ensuring that the whole community is involved. The decision to move to the executive or prescribed arrangement is so significant that we must ensure that it is not used to exclude smaller groups from the running of a council. That is why the qualified majority vote is appropriate for that decision. It is important that any such move is sanctioned by the council in a way that ensures that minority groups are not deliberately excluded from governance. It is therefore essential that an executive model should be subject to wider consensus across the council and reflected in a majority vote.

We will support the NI21 amendments relating to forbidding an executive member from sitting on a scrutiny committee to make sure that the executive is not involved in any way in the scrutiny process and stands apart from it.

An executive model poses difficulties for a council in a divided society such as ours. It is, in our view, essential

to make sure that a move towards one is backed up by political consensus and that the executive is not allowed to dominate scrutiny procedures.

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

**Ms Lo:** I have just finished, Sammy. You are a bit late.

**Mrs Cameron:** I will reserve judgement on amendment No 6 to clause 18 from the Alliance Party, which relates to permitted forms of governance. I will listen carefully to the debate on the amendment. Amendment Nos 7 to 10 on clauses 26, 27 and 31 offer enhancements to scrutiny and corporate governance. I will listen further to the debate on those amendments but suspect that there are no real issues with them.

I am afraid that I cannot support amendment Nos 11 and 29, which would, I think, be completely unworkable and would surely lead to complete confusion, if, indeed, anyone was ever capable of managing to conduct the process in reality. I have visions of councillors blinking in the daylight after two days of counting and eliminating, wondering what it was that they were actually voting for in the first place.

### 6.30 pm

**Mr Agnew:** I thank the Member for giving way. The difficulty with this type of issue is that you do not get to move your amendment before people discuss it. However, it is not a single transferable vote: preferendum is the shorthand for it. It is one, two, three, score: if you have three options, there are three points to be divided out. It is primary-school mathematics. It is really not as complex as it might look in the amendment, but I will explain it in more detail when I get to speak.

**Mrs Cameron:** I thank the Member for his intervention and look forward to the greater explanation. However, it seems to me to be incredibly and unnecessarily complicated. For that reason, I cannot support those amendments.

Amendment Nos 12 and 13 from the UUP would amend clause 40, and I am minded to support those amendments and look forward to hearing more detail on them. That is all I have, Deputy Speaker, on this group.

**Mr Boylan:** Go raibh maith agat, a LeasCheann Comhairle. I propose to speak for only a few minutes. Obviously, a number of the issues have been debated before.

I propose to support amendment Nos 6 and 7. Obviously, I will wait for clarification on some of the amendments, in particular the suggestion by Mr McCallister. I have some concerns with regard to the executive arrangements, because we agreed the last time that the mayor and deputy mayor would be able to sit in on scrutiny committees as the mayor is the first citizen of the council area. I do not think that a sitting-in and listening brief would cause any impact, but I await the narrative from the Member in relation to how he proposes to deal with that issue. We felt very strongly about that in Committee, because the first citizen could go out and explain to the community, and they were the first port of call. There may not be any issues with it, but I will seek clarification on the matter and the amendments associated with it.

Mr Agnew is completely right: bar I were to put myself last on the list to speak, I find myself speaking before I hear any of the rationale and debate in relation to some of the amendments, and maybe the Chamber will look at

how we go about doing business in the future. However, I will certainly listen. On the face of it, it is about making decisions. I know that you explained that it may not be a complicated process with regard to ticking a box or whatever. However, I just wonder about the whole issue of being part of a decision-making process and whether we need to go down that route. I do not intend to support it at the minute, but I will certainly listen to the explanation from the Member on his amendments.

With regard to the other amendments proposed by the Ulster Unionists, it seems that we have agreed some sections of the Bill already and, although these amendments are supposed to refine it, they may undermine what we are trying to do. At the minute, that is all that I have to say in relation to these —

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

**Mr Boylan:** OK. I was nearly finished, but go on ahead.

**Mr A Maginness:** My point relates to Mr Agnew's amendments and some of the other amendments. There is a general point that must be made here. The strategic leadership board is representative of all the parties involved in councils throughout Northern Ireland, and it made certain important decisions in relation to the basic political structure and framework in which the Bill has taken shape and form. Although one may be interested and find Mr Agnew's preferendum idea intriguing, it is not an idea that was tested in the strategic leadership board. To bring that into the equation at this late stage would undo the good political work that was done and the political consensus that was arrived at.

**Mr Boylan:** I thank the Member for his intervention. I was nearly finished. I agree with him. However, I will give the Member a fair hearing, but I agree as to whether we need it for this decision-making process at this time. However, I certainly take on board the Member's intervention.

**Mr Eastwood:** For the purposes of the debate on this group, I intend to speak on amendment No 6 and Mr Agnew's amendments. Colleagues will deal with the other amendments.

On amendment No 6, I do not disagree that issues such as how we structure the political governance of local councils should be decided by qualified majority. The Minister has already committed — in this House, I believe — to that. It will be done via the mandatory element of standing orders. Therefore, our opposition to the amendment is really that it is kind of pointless. It has already been stated that it will be dealt with. I am satisfied that it will. I think that that is the best way to deal with it.

As for Mr Agnew's amendments, I, like others, would have preferred to have seen it tested. There has been a lot of discussion on all these types of issues. I do not doubt that it is probably a novel and interesting idea. I do not know enough about it to say that it is what we should do. It would have been far more sensible to have had it go through the motions and processes that exist. It strikes me that it is probably a complicated system that may be unnecessary.

Having sat on councils, one of my concerns is that, at times, when there is a very controversial issue that nobody really wants to take responsibility for, council officers will try their best to avoid making a firm recommendation. I think that could be the kind of thing that happens more often if that system were put in place. It is important that

councillors take power and responsibility. However, council officers, who are the full-time professional people, also need to make firm recommendations and not give a list of choices every time there is a difficult issue.

Because we did not go through this at the Committee, or in any other Committee, we have not had the time or opportunity to go through it and test it. I do not think that it is a sensible way to go forward. The system that is provided for will probably allow us to deal with the issues that we need to deal with. Thank you very much.

**Ms Lo:** Sorry; will the Member give way?

**Mr Eastwood:** Yes. I will try to think of something to say —

**Ms Lo:** I wanted to get in before you sat down. I did not want to stop you mid-flow.

On amendment No 6, you said that a qualified majority vote will already be dealt with by mandatory regulations. What do you mean? Can you remind us where we can find that?

**Mr Eastwood:** I think that the Minister stated during the previous stage of the Bill that that would clearly be part of the standing orders of councils. It would be part of the mandatory element of those standing orders. I am sure that the Minister will jump in if I cannot remember.

**Mr A Maginness:** It is dealt with in clause 39.

**Mr Eastwood:** Yes, and it will be subject to draft affirmative resolution. The Minister has already said that. My point is not that I oppose qualified majority voting for dealing with the political governance structures; it is that it is already being dealt with. That is where that sits. With that, I will finish.

**Mr Weir:** I want to address a number of aspects. There are probably two main areas and three amendments that are of interest or concern. Perhaps I will deal with the less controversial ones first. Certainly, subject to what is said by NI21, its amendment Nos 7 to 10 probably put in place what is likely to happen anyway. They seem to be reasonably sensible amendments. It is possible, however, that, when I have heard Mr McCallister speak — he may well be leading on them — I may change my mind. I will reserve my position.

Having a situation in which there is clear division between the executive and a scrutiny committee seems relatively sensible. Similarly, ensuring that, where decisions are being made, they are brought in fairly quickly also seems to be sensible. I am certainly minded to support amendment Nos 7 to 10 on that basis.

Similarly, although I note that no one from the Ulster Unionist Party seems to be here to explain amendment Nos 12 and 13, putting in place a call-in mechanism for an issue to go straight back to the council seems a reasonable enough suggestion. Unless there are particularly contrary views, it is reasonable to argue that amendment Nos 12 and 13 should be supported.

The amendments that will attract most attention are the Alliance Party amendment No 6 and the Green Party amendment Nos 11 and 29. Amendment No 29 is, in effect, consequential to amendment No 11.

I agree with the previous Member to speak, Mr Eastwood, that amendment No 6 is a little unnecessary. If memory serves me right, when this was discussed at Consideration

Stage, the issue was raised of what would be put in guidance and regulations. At that stage, the question was whether the Minister would make any regulations on flags, and he indicated that he was minded not to. Indeed, he said that he saw a range of matters, including methods of governance, that would be part of mandatory regulations, so there is already a clear commitment there.

I have two qualifications about amendment No 6. In one sense, I am not sure that it is necessary and from the point of view of the signal that it sends out I doubt that any council will go, certainly in the foreseeable future, for executive arrangements. However, it suggests a mindset that the current committee system will simply be replicated in the new councils, which is naive and perhaps sends the wrong signal to councils. I think that, as things develop, it will be part of a spectrum or a continuum; it will not be just the system as is or an executive arrangement.

From the legislation and what has been said, I understand that there will be a need for council agreement on prescribed arrangements before getting agreement from the Department. Alliance Party Members have indicated that they regard this as a very good model, and one could argue that we have had what might be described as prescribed arrangements in North Down Borough Council for many years, under which the main parties have agreed a division of responsibility. That counts, effectively, as prescribed arrangements. It strikes me that having a barrier to that is perhaps a little ill-advised. Also, there is concern that this will in some way be used to exclude very small minorities.

The problem with qualified majority voting is that any fairly small minority could simply be excluded. So it does not, in that sense, provide a safeguard for everybody on the council anyway. Therefore, I am not sure that amendment No 6 is necessary or, in many ways, desirable. I also think that it sends out the wrong signal, although I can at least understand the thinking behind it.

Amendment Nos 11 and 29 have been criticised for being a little late in the day. Generally, I have no particular problem with that because the purpose of Consideration Stage and Further Consideration Stage is to enable people to table amendments, so I make no criticism. I suspect that this is quite an old idea that has been resurrected. I may be corrected by Mr Agnew, but I suspect that its author may be Mr Peter Emerson from the de Borda Institute, because I remember his waxing lyrically about it in the mid-1990s. Older Members in the Chamber may have put forward preferendum options even before then.

I read on Twitter today about something on the UTV website suggesting that the Belfast Lord Mayor, Máirtín Ó Muilleoir, hoped to have some sort of superhero convention, at which he would potentially dress as Batman and be accompanied by Councillor Jim Rodgers, who had volunteered to dress up as Robin.

One assumes that that is an April Fool, although, given the individuals concerned, one cannot be entirely certain. However, as an April Fool, it has been somewhat trumped by amendment Nos 11 and 29, which seem to stand good governance on its head. Councils are about taking proper decisions. It is not some local variation of the Eurovision song contest, where we have points coming in. Perhaps in deciding on those three capital build options, we are waiting for the verdict from the Copenhagen jury to come in.

I agree with Mr Eastwood that, when you are taking decisions in council, it is useful that there is guidance and that officers make recommendations where possible. It is obviously up to the councillors, who take the ultimate responsibility for taking a decision for or against a particular proposal or making choices that, on many occasions, can be overturned or amended —

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

**Mr Weir:** I give way to Mr Agnew.

#### 6.45 pm

**Mr Agnew:** I thank the Member for giving way. This is a way of ensuring that decisions can be made and that you can move on. With a simple “Yes”/“No” vote, you can get a tie or deadlock. We see a lot of deadlock at the Assembly because of our mechanisms. This is a way of making a corporate decision through a consensus-based decision-making process. The decision gets made, and then you move on. To some extent, nobody can divorce themselves from that decision, because everybody who votes is effectively part of that decision.

**Mr Weir:** With respect, I suppose there are two aspects to this. I will come to the second aspect later. I agree with Mr Eastwood that this is an opportunity, in many ways, for officers to take the easy way out and not to make any recommendations or give any guidance to people. It would simply present councils with an à la carte menu of options. I do not think that that would be helpful for good decision-making.

With respect to Mr Agnew, he said that this was a way to avoid a tie. In any voting system, there is always the possibility of a tie. That is generally provided for, whether it is in standing orders or regulations. I presume that about half our councils have an even number of councillors, so it is perfectly possible that there have been occasions on which there has been a tie. That is generally dealt with by saying that, if there is a tie, the motion falls or, alternatively, the casting vote is given to the mayor. To suggest that tied votes would be a major problem seems to be setting up a straw man to be knocked down.

Where this also falls down is that councillors are there to take decisions and to give civic leadership. This is an ideal opportunity for people to hide behind decisions. If memory serves me right, it is done by a secret ballot, and, from the point of view of a council decision, that means that there is no particular attachment to or scrutiny of any individual position. Indeed, if there was a secret ballot, it would be perfectly possible for a councillor, if there were competing interest groups, to tell each group that they had backed a particular proposal. In this Chamber, it is recorded how people have voted in a Division, and it is important, both in central and local government, that that proper accountability exists. If decision-making at councils is done simply by secret ballot, this would seem to abrogate that. It would also be an easy way for people to get out of making a decision, because they would not have ownership of it.

You can have a formula system, but that can be manipulated, as you can throw options on the table to skew a result relatively easily. If that has been thought of in the few days between the amendment being selected and today, one can imagine some of the contrivances that could be put in. You could throw in an additional option that

would help to skew the votes. When decisions are made either by simple or qualified majority, we need decisions that, at the very least, councillors are willing to stand over. We do not want a situation where, if something goes wrong a couple of years down the line, a councillor can say, “This was not my preference; I was stuck with my second preference. I take no responsibility for this; I did not vote for it. It was not my first choice”.

At the end of the day, government is about people standing up, taking decisions and standing over those decisions. This almost game-show formula of voting, in which we have points attributed as “n-1” or “n-2” seems to me to be a cocktail for poor decisions and for decisions ultimately being fudged for things on which councillors and officers take no responsibility. Indeed, there is no sense of accountability or ownership.

**Mr Agnew:** I thank the Member for giving way. Surely the present system, whereby everybody who objects simply says that the decision was nothing to do with them and that they opposed it, gives councillors the opportunity to simply opt out, meaning that there is no corporate decision-making by the body. In this decision, whereby everybody would vote, everybody would be implicated in the decision, and it is more likely that there will be corporate decision-making and corporate responsibility.

**Mr Weir:** It somewhat beggars naivety in that regard. Take a controversial example, without rehearsing the merits of it. If one takes, for example, the flying of the flag at Belfast City Council. Does that mean, for example, that councillors who say that the flag should fly 365 days a year are implicated in that decision because they have taken part in the ballot, even though they strongly oppose the final outcome? The same could apply on the opposite side. This idea that it implicates everybody in a decision, even if they voted completely the opposite way, seems to me to be perverse in the extreme.

I will give way to the Member.

**Mr Agnew:** To some extent, that is the thinking of a yes or no decision; you oppose or you support. The whole point of a multi-option system is that you give preference. You state your highest preference and your lowest preference, but what you are giving is preferences; you do not oppose and support, you give preferences. It is a different way of thinking because it is a different system.

**Mr Weir:** I am sure that it is quite clearly a different way of thinking. It does not strike me as one that will produce good decisions or give a degree of ownership. Take the example of the City Hall vote: all it would take to skew the vote would be for one side or the other to throw in half a dozen other options that will, effectively, weight the thing in a particular direction.

At the end of the day, rightly or wrongly, people have to take decisions and they have to stand over them. Councils are not like a body corporate where, in a public body, you take a decision and you are bound by it. People are there on a democratic mandate; they reflect that mandate and vote according to what they believe to be the best possible outcome for their area.

Anyone should be able to turn round and say, “Well, actually, no. I opposed that decision. I did not believe that it was the best use of resources. I didn’t believe that such-and-such a project should get the go-ahead.” They

are perfectly entitled to do so and to take their view to the electorate. Essentially, it will mean that people have taken a stand either for or against a particular decision. This manufactured fudge of decisions emerging that, to be honest, nobody particularly wants but which they dislike less than other decisions, strikes me as not a particularly productive way of having a multi-option referendum.

Local and central government are, and should be, ultimately about people taking decisions, standing over them, being accountable and being publicly tied in with a particular position. That is the proper way to offer leadership, rather than this element whereby councillors will, effectively, act a little bit like Pontius Pilate, wipe their hands of a decision and say, "Nothing to do with me, gov. I did not give that my first preference. I am stuck with whatever was their second or third preference on a particular thing." That does not strike me as a recipe for good governance, and I urge the House to reject amendment Nos 11 and 29.

**Mr A Maginness:** I want to, in some way, address some of the issues that were raised by Anna Lo when she spoke in support of the Alliance Party's amendment No 6. I think that Mr Eastwood captured the essence of this amendment, in that it is unnecessary, given the fact that if one looks at clause 39 and the related clause, which is clause 37, one can see that decisions will be specified as a mandatory element of standing orders in the regulations being made by the Department, and that the Department will use the power provided by clause 37. So, in fact, you reach the same sort of decision through that mechanism. That is to be preferred, and that is the procedure that I believe the Committee for the Environment recognised and supported.

With regard to the proposition made by Mr Agnew in relation to amendment Nos 11 and 29, we have gone through a fairly intense period of political negotiation and scrutiny in relation to how councils are to be governed. I have referred to the strategic leadership board's policy development panel on governance and relationships. The panel's hard work in reaching consensus — and this was by no means an easy task — in relation to governance was very important. If we were to go in the direction of preferenda, we would be departing from something that has been achieved, and something that I believed could not be achieved; but we have achieved political consensus. I think that is very important, and Mr Agnew should take that on board.

Mr Agnew may be presenting these particular amendments in order to exhibit the referendum idea and expose it politically in the Assembly. I accept that as a legitimate purpose, despite the fact that I have raised criticisms of the referendum idea. It may well be that, in the future, we will start to experiment in relation to further types of decision-making, but I am persuaded by what Mr Weir said in relation to decision-making, that people will not buy into a decision that is so compromised and so far detached from their primary position that a decision made on that basis will be effectively worthless. It is very important to remember that in relation to the referendum idea.

The referendum idea is posited on the achievement of political consensus through that mechanism. I think that we have achieved political consensus through the strategic leadership panel. That is a major achievement, which, I believe, was difficult to achieve, and it is one

that I did not believe could be achieved. If we have that sort of consensus, let us be supportive of it. To achieve consensus through referendum is, I think, in present political circumstances, well-nigh impossible.

I will also look at amendment Nos 7, 8 and 9, tabled by Mr McCallister and Basil McCrea.

Again, I believe that amendment No 7 is unnecessary. We should await the development of guidance in relation to how the system has operated in England, Scotland and Wales. I believe that there will be guidance forthcoming that will cover the role of overview and scrutiny and will outline aspects that a council will wish to consider. It is important, therefore, to await that. Essentially, the legislation, as currently presented to the House, gives some flexibility. It is important that we support that flexibility. You can see that in clause 27, which relates to the overview and scrutiny committees. It is important that that flexibility be maintained and supported.

If a person was a member of the executive, the legislation would permit that person also to be a member of an overview and scrutiny committee, but they could not be a member of an overview and scrutiny committee that is scrutinising decisions in which the member had a role. In other words, if the executive was subdivided into different responsibilities and functions —

**7.00 pm**

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

**Mr A Maginness:** Yes.

**Mr McCallister:** I am grateful to the Member. Does he not accept that it is much more desirable to have the complete separation of executive responsibility and scrutiny committee, as we have in this House? We are talking only about the executive model of council here, but it is a much more desirable place to be.

**Mr Deputy Speaker:** I ask all Members to ensure that they speak into a microphone, so that their comments can be picked up by Hansard.

**Mr A Maginness:** Sorry, yes. In an ideal world, that should be the position, but we will have councils that have 40 members. If you had that type of council, it could well be that, in a streamlined executive with four committees, for example, you could use so many members of the council that you would have a deficit in respect of those given over to scrutiny in the council. The legislation currently provides for flexibility in the membership of that council, and it is important to maintain that. I accept the Member's point on the desirability of the separation between an executive and a scrutinising role, but, given the political circumstances and the limited numbers, it is important that we provide that degree of flexibility. Amendment Nos 8 and 9 tabled by NI21 would preclude that arrangement being permissible, and they would present difficulties for the councils. It is important to make those points, and it is important that the Assembly takes them on board when considering the amendments that have been put forward by NI21.

Amendment No 10 would amend clause 31 to make provision that an overview and scrutiny committee can, if it considers it appropriate, require the council to respond to issues that it has raised in a report in a shorter time frame. That is desirable, and therefore the SDLP will support that amendment.

Those are my views on the amendments. I conclude there.

**Mr McCallister:** Four amendments in this group stand in my name and that of my colleague Mr McCrea.

I turn first to the Alliance amendment on qualified majority voting. I do not have a major objection to it or to amendment No 11, in the name of Mr Agnew of the Green Party. I do not think that it is desperately dangerous or subversive to have a referendum or a choice. One of the big failings of this place is that it is much easier to stop things happening than to make things happen. We might want to look at that, particularly given what Mr Agnew spoke about. If you cannot have your first choice, you could still facilitate other choices. I am certainly open to Mr Agnew's arguments.

**Mr Agnew:** I thank the Member for giving way. He says that the amendment is not overly dangerous or subversive: it also says "may". It is a power that a council would have but would not have to use.

**Mr McCallister:** That is important. It could be another option for a council. It may be useful in the cases that I referred to if it were used to break a deadlock and get decisions through. All of us who have been Members for a number of years realise how easy it is, with petitions of concern, to stop things happening, and they are then just parked. We have not built in any great way of facilitating change. The original design was that we would set up an Ad Hoc Committee to work through the issues on which petitions of concern were used. At least the option in amendment No 11 might give that option to councils.

I turn to amendment Nos 7, 8, 9 and 10. I am grateful to colleagues for their consideration and indications of support, and I will certainly try not to put Mr Weir off his thinking that he will support the amendments and say only nice, charitable things about him. I will address some of the concerns that were expressed, mainly, by Mr Maginness and Mr Boylan — he is not now in his place — who expressed some of Sinn Féin's concerns.

The amendments relate to councils that have opted for executive or cabinet-style governance. My difficulty with Mr Maginness's contribution is that he agreed with me that it was desirable to have that separation of powers. We just have to look at aspects of the way in which we do business here. I know that the SDLP ran into difficulties when Mr Eastwood was a member of the Environment Committee and was also Assembly Private Secretary to Minister Attwood. That is exactly the type of conflict that I am talking about and which we should separate out. Indeed, if we were following the Westminster model, private secretaries would not sit on any scrutiny Committees because they have access to Executive information. That is the type of separation that, as Mr Maginness acknowledged, is desirable. It leads directly into the arguments that I and others have put forward on the Bill at various stages. In the debate on membership of the Oireachtas or the House of Lords, it was argued that you are in another legislative body and a different Chamber, and it is not desirable that you should also sit in a council chamber. Once you get into that council chamber — this is what these amendments are about — it is not desirable that you should sit in judgement on a scrutiny committee. We would not do it here. Members of the Executive do not sit on scrutiny Committees.

I would like to see us going a lot further and changing to a government-and-opposition system. The nearest thing we have at the minute to an opposition is a scrutiny Committee, where the Chair has to be from a different party from the Minister. What if Executive members sat on scrutiny Committees? Even if they did not have direct Executive responsibility, as Mr Maginness pointed out, they would have access to a certain amount of information on an issue, or they may have had some discussion about it. It just muddies the water when you want a clear and distinct separation between the executive responsibility of a council and a scrutiny committee.

There is an argument about the number of members. If there were a 40-member council with a six-member executive and possibly the chair and deputy chair, that leaves 32 members. It is a little like the 12 Executive Ministers and two junior Ministers out of the 108 Members here. It leaves enough Members for everybody to be on a scrutiny Committee. I do not quite accept Mr Maginness's argument when, basically, he tells us that he agrees with the principle of separation. It is desirable, and I am pleased that it seems to be gaining support.

I will address some of the concerns that Sinn Féin Members raised about the amendments. They expressed concern about the chair and deputy chair, because they were ex officio members of the executive, being excluded from a scrutiny committee. They would not be excluded from either having the report or having conversations with people. However, if you are in the executive, you are privy to the information. You might not have been involved in the decision, but it is desirable to have that separation. Given that the chair and deputy chair are representative of the civic embodiment of a district and have a role as first citizen of a district, I am not convinced that it would be desirable for them to have even a scrutiny committee role as they try to independently chair the full council and represent it through their civic responsibilities. I hope that that addresses some of the concerns of the Sinn Féin Members.

**Mr A Maginness:** I thank the Member for giving way. What I am saying is that division between the executive and scrutiny is desirable. However, in certain circumstances, that strict division may not be possible. By your amendment, you exclude that possibility altogether. That is all that I am saying. Ordinarily, in councils, if there is an executive type of governance, you will see that fairly strict division of labour, as it were, between the executive and the scrutiny function. There is nothing to worry about there, but it is important to allow some flexibility.

**Mr McCallister:** I am grateful to Mr Maginness for that intervention. With the greatest of respect, I say to him and his colleagues that flexibility in many areas is a good thing. When it comes to the standard of governance that we should all expect not only in this House but in our councils, we should not sell ourselves short. We should not accept the broad hope that it will all work itself out. We should not say, "You're probably right. That's the way it'll happen". I hope that that is the way in which it happens, but I have tabled the amendments to say that I do not think that that is good enough. This is the standard that we set ourselves in this House. It is a standard set in other parliaments, councils and legislatures around the country and around the world. Why should we expect and accept anything less in our councils? I do not have an issue with flexibility on

certain things, but the standards of governance are just too important not to set the standard very high. That is why we have tabled the amendments.

**7.15 pm**

**Mr Agnew:** I will speak primarily on the amendments in my name on behalf of the Green Party.

There will be some lack of understanding of any proposal around voting systems and electoral systems. I hold my hands up, having learned the lesson that it would have been beneficial to make more effort to let Members understand the amendment ahead of the debate. There are clearly some who understand the system and oppose it; that is fine. However, I will briefly explain the system for the benefit of those who feel that they cannot support it because they do not understand it.

It is a fairly simple system. On each of the amendments tonight, most of the votes will take the form of a simple "Aye" or "No". I will outline some examples where there are more than two options. Rather than simply having "Yes" or "No" on every option, allowing a system of preference can be, forgive me, preferable. We are used to voting 1, 2, 3 in Northern Ireland. I know that Mrs Cameron had concerns that we would have to transfer somehow. The difference is that the preferendum or, to use Peter Emerson's preferred term, the modified Borda count — I do not want to complicate things any further by using the various names — is simply a points system whereby, if there are three options and you vote down your list 1, 2, 3, your first preference will get three points, your second preference will get two points, and your third preference will get one point. The system is designed, in part, to encourage you to vote down the ballot and thereby actively participate and take ownership of your vote. If you do not vote for all three options and vote for only one option, for example, your first preference will get only one point. There is an incentive to vote down the ballot and to give consideration to each proposal, whether it is from your party or an opposing party, and give your preferences accordingly.

I will give some examples of where that might be a desirable approach. It is a system that we have used in the Green Party. The first time that it came to my attention that it could be applicable to this House was when the Standards and Privileges Committee had to make a decision on how to sanction a Member. Given the nature of the Standards and Privileges Committee, I will not use a specific example but generalise the type of scenario that we could face. Three proposals could be put to the Committee on how to sanction a Member who is found to have breached the code. The party that put in the complaint, assuming that it was a party, might first make the proposal that we should seek the ultimate sanction, whatever that might be. Exclusion from the Chamber for a week, for example, is seen as a serious sanction. The party whose Member is being reprimanded might say, "No, we think that the judgement that they broke the code is sufficient. We wish to go no further than report that there was a breach of the code". Someone who is more moderately minded might make a third proposal of something in between. That might be a letter of censure to recognise that an error has been made or to call for an apology — something that sits between the two extremes of doing nothing and doing the maximum.

If such a scenario arises in the Standards and Privileges Committee, we have to make a decision. You might think, "The Member deserves some form of censure. The moderate option is choice 3, and I do not want not to vote for the extreme, hard-line option because I definitely do not want the Member to be let off with a slap on the wrist". So the potential is there for people to vote for the more extreme option but perhaps not the best option and not the option that they prefer. However, a preferendum would allow Committee members to state their preference.

**Mr Weir:** I thank the Member for giving way. I have to say that that example is not one that would come to pass particularly often in local government. Leaving that aside and using that worked example, when it came to option 3 in normal circumstances, one half of the Committee might say, "We think this is a ridiculous suggestion because it goes too far", and the other half of the Committee might say, "We regard this as not going far enough". I do not know whether the Standards and Privileges Committee is an 11-member Committee, but I assume that it is. In your preferendum situation, 10 of its 11 members might regard a proposal as unacceptable, yet, with your preferendum, that is what would pass because it was seen as the midway point between the two extremes. If that were writ large into a council situation, 90% of a council — 39 of its 40 members — might regard a proposition as unacceptable, but, because it was pitched between two other options that, objectively, may well be a lot better one way or the other, the option that pretty much everyone opposed would be adopted by the council. That does not seem to me to be particularly good decision-making.

**Mr Agnew:** I thank the Member for his intervention. Unless I misunderstand him, I think that he might misunderstand the system. If everyone across the council is opposed to a certain option, they will put that least-preferred option as their third choice, and it will get fewest votes. However, if the Member is saying that it is no one's first preference but the one that finds the greatest consensus, yes, that is the one that will be chosen.

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

**Mr Agnew:** Yes.

**Mr Weir:** I think that the Member misunderstands me. The middle option may not be the one on which there is consensus; it may be regarded as very marginally better than the worst possible option. Indeed, given the choice of yes or no, 38 of 40 members might oppose the middle option, with only the proposer and seconder in favour. The 38 members may say that they regard it as unacceptable but slightly less unacceptable than one of the other options. However, that means that what is put in place may well be something that the vast majority — virtually every member of the council — regards as something that should not have gone ahead. That has the potential to be, in certain circumstances, a recipe for passing almost the worst possible option or, at least, very poor decision-making.

**Mr Agnew:** I disagree with the Member. I do not think that it brings out the worst possible option. Sometimes, it might bring out what could be seen as the middle option between two extremes. I do not accept that, if there was objection on such an scale, the maths would work out that way.

At the start of my speech, I accepted that some Members might not fully understand the system or, as some have

said, it may not have been sufficiently tested. I accept that criticism, but I think that the strongest objection to a system designed ultimately to bring compromise is coming from one of the parties that, historically and consistently, has failed to compromise. For that reason, it has failed to —

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

**Mr Agnew:** In one second.

That party in particular has ensured that deadlock would continue when presented with a system that would have allowed compromise decision-making.

**Mr A Maginness:** I thank the Member for giving way. His point is that his proposal is an attempt to achieve compromise by going through different options and, ultimately, achieving a compromise. My point is this: if there is not the appetite for consensus and compromise in a council or whatever political context you are operating in, you will not achieve it through a mechanism that is more or less imposed on people. It is desirable to reach political compromise and consensus, but they must be created through other political dynamics.

**Mr Agnew:** I accept the Member's point that a voting system alone does not create compromise, although it can create a compromise decision. I suppose the example of that is Belfast City Council. I do not think that I am arguing against my amendment by saying that, but I accept his point. If we had had that system during the flags debate, we would have reached an outcome that all parties had contributed to. However, it might not necessarily have meant that all parties were willing to compromise on the issue. If we had a situation in which people could have voted for flying the flag 365 days a year, designated days and no days, they could have given their preference, rather than the system we have in which a proposal and an amendment were tabled. There may have been other proposals that could have been included in that vote, and the whole broad range could have been explored. In that sense, it might have been beneficial had there been the possibility to consider and put forward other options. I do not think that we should fear choice in our democracy.

I will now come to some of the other objections that were raised. Mr Weir raised a point — I am trying to find it in my notes. Mr Maginness talked about the system being imposed. It is a “may”, and it would give councils an option. Many, if not most, council decisions will be an either/or option, and the simple majority vote is there for that.

Mr Weir made the point that, somehow, it would be a dangerous form of decision-making. That was maybe Mr McCallister's term, but Mr Weir certainly felt that it was a bad road to go down. We could begin with the assumption that what we have is perfect, and I do not believe that the proposed voting system is any more perfect than any other. However, we cannot say that majority rule, with a 50%-plus-one system whereby 50%-plus-one want something and everybody else objects, is a good way to make decisions. Mr Maginness made the point about consensus. We are even less likely to get consensus in an oppositional system when you are either for or against. Indeed, you could have a near 50:50 split in the council chamber and in the community. I do not think that that is a good system for achieving consensus. My proposal would be another option for councils, should it be needed and if other options need to be considered.

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

Mr Weir also said that the system could be used as a way of skewing votes. I would argue that the either/or or “Yes” or “No” majoritarian system does just that. If we look at the example of the Scottish referendum, we see that that is exactly what the Government did. It was the SNP's public preference to have the options of full independence, devo max, devo plus or whatever the options were called while retaining the status quo. The Government very much felt that a step in the direction of devo max, which was maybe a more likely outcome, would take Scotland a step closer to independence. They said no and that it was a case of being either in or out.

That was designed, I believe, to skew the vote the way the Prime Minister wanted it to go. Any system can be used by political parties to work in their favour, or they can attempt to skew it to work in their favour, but I think that giving options and preferences gives more debate. I think it gives more potential for different options to be considered and, at the very least, I think we should look at different systems.

**7.30 pm**

I do accept that there has been no opportunity to test this, but, in a system that may be used by council, I think that is something that could be done subsequently before it is used. Having used it myself, I can certainly stand over it as a system. Indeed, having counted the ballots, I know that it is a system that works, but I appreciate that there is no consensus on that issue. Maybe if we had a range of voting systems to vote by referendum we could get such a consensus, but we will not get consensus on that.

**Mr Weir:** The Member mentions the system. We may find that, on a straight yes-or-no vote, 90% plus of people may actually go against your proposal. We may find that, if there were a range of options, by some quirk it would actually emerge as the middle option, and we would have a situation in which 90% of the Assembly was hostile to it but it still became law. That seems to be the flaw in that.

The Member makes reference to the limitations of a majority vote, but, again, what could emerge in real-life examples of council is that what is seen and pitched as the middle option, because it is maybe disliked less than others by a number of people, but which perhaps only has the support of 5% or 10%, is approved. Whatever the limitations of something with only 51% of the council's support being approved, surely a situation in which 5% of a council approve something and it then being approved is far worse.

**Mr Agnew:** Again, I come back to what I said earlier. If you are in a mindset you either approve of something or oppose it, but the point is that it is a spectrum. There are many shades in between. The Member made the point that it is the option that people dislike least. I am not necessarily sure that it is a bad outcome if people do not get something that they dislike. If 90% of people do not dislike it, as opposed to 49% of people utterly opposing a decision that would be made under a majoritarian decision, I am not sure that that is a worse outcome.

The Assembly will obviously make its decision on this under the majoritarian system. I will respect the will of the Assembly, but I am glad to have had the opportunity to at least get Members to consider that there are different ways in which decisions can be made. I hope it is something

that can be looked at again in the future, because where there is gridlock and failure to move because we have two diametrically opposed positions, between those two poles there is often a lot that could be considered and compromised on, which could help us move forward.

On the NI21 amendments, I accept the principle of separating responsibilities and making a clear distinction between executive and scrutiny powers. I think that is a sensible way forward. I have no objection to amendment No 6, proposed by the Alliance Party. On amendment Nos 12 and 13, I will listen to the debate further and hear from the Minister. Obviously, having proposed them, I support amendment Nos 11 and 29.

**Mr Elliott:** First, I apologise to the Minister and some of the earlier contributors for missing their contributions, but I had to go out to another meeting just briefly.

On Mr Agnew's amendments first, he indicated that maybe if his options were in the Belfast City Council when the flags vote was being taken, all parties could have contributed to it. My understanding is that all parties did contribute to it and that there still was no agreement, so I am not so sure how he is making the case for his amendments on that particular point.

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

**Mr Elliott:** I still believe they made a contribution but did not agree. I am happy to give way.

**Mr Agnew:** Perhaps "contribution" was the wrong word, but there is more likelihood of a corporate responsibility, although in that sense it may be a bad example. If you put designated days as your second preference, then it is not a simple case of saying, "I voted for it" or "I voted against it". It was not my first preference, but we think it is a least worse option than, for example, having no flag.

**Mr Elliott:** I thank him for his attempt at clarification. I am still not sure that I take the point that people did not have an option to contribute.

Moving on, the Ulster Unionist Party amendment Nos 12 and 13 are about reconsideration of decisions by the call-in mechanism of councils. This is quite a simple proposal. We are merely trying to ensure that call-ins, or reconsideration decisions, go back to the full council and that reconsideration is not by a committee of a council, whether executive or formal. Reconsideration must take place in full council.

If people on a council feel strongly enough about a call-in, then it should be up to the full council to reconsider such decisions in the final analysis. We are trying to simplify the process and ensure that when decisions are taken, particularly when call-in decisions are reconsidered, as many people as possible have the opportunity to discuss them, make that decision and do that reconsideration, and that means the full council. All we are trying to do is make it as broad as possible. I hope that there will be no significant opposition to the Ulster Unionist Party amendments, simply because we are trying to ensure that the process on councils is as open, transparent and inclusive as possible.

Regarding other amendments, we do not have a significant problem with the Alliance Party's qualified majority to operate executive arrangements. We believe that the more mechanisms that can be built into the executive process,

the better, simply because the executive process, if any councils implement it, will mean that a small number of councillors will operate a council.

On that point, and although it is not in these amendments Mr Deputy Speaker if you will bear with me, it is an anomaly in an earlier amendment in clause 20, whereby the chair and deputy chair are now allowed to be non-voting members of an executive. However, we increased the minimum number of members on an executive from four to six. To me, you have not actually increased that number because now the chair and vice-chair will count as two of those members. Even though they are non-voting members, they are still members. It is an issue that the Minister needs to take away and look at in a further stage or maybe even in regulations. I am happy to discuss that further with him.

What the NI21 amendments are trying to do, by and large, is similar to what we are trying to do in our amendment, which is to have more accountability in councils and ensure that executive members do not sit on oversight and scrutiny committees. We support that proposal because it would be helpful. We do not think it is right that executive members, who are small in number when compared with the entire council, should have the option to sit on scrutiny committees.

We do not see difficulty with instructing councils to consider decisions or respond to reports that are urgent within, I think, one month as opposed to two. The issue will be what is urgent and what will fall into that category. That is one of the queries we have but maybe that will be decided by standing orders or regulation. I will leave it there.

**Mr Durkan:** Amendment No 6, tabled on behalf of the Alliance Party, seeks to place in the Bill a requirement for a decision on the political governance structure to be adopted by a council to be taken by a qualified majority. As I stated in the House at the Bill's Second Stage and subsequently, the decisions that will be required to be taken by a qualified majority vote will be specified in a council's standing orders, as provided for in clause 39. Those decisions will be specified as a mandatory element of standing orders in the regulations to be made by my Department using the power provided by clause 37. Those regulations will be subject to the draft affirmative procedure in the Assembly.

One of the strategic decisions a council will make, which will be specified in the regulations and, therefore, its standing orders, will be on the political governance structure it adopts. For those reasons, I urge members not to support the amendment. There is nothing wrong with it; it is just unnecessary.

An integral aspect of the introduction of executive arrangements, which will provide for more efficient and effective decision-making in the new councils, is the accompanying establishment of overview and scrutiny arrangements. Recognising the local democratic autonomy of the councils, clause 26 provides a framework for overview and scrutiny arrangements and specifies the functions to be undertaken.

It is a matter for each council that adopts executive arrangements to determine how it wishes to structure overview and scrutiny. A council may choose to have a single overview and scrutiny committee, as is the case currently for Armagh City and District Council, or it may

choose to establish a number of thematic overview and scrutiny committees, particularly if it adopts the streamlined committee executive structure.

Whilst amendment No 7, tabled by Mr McCallister and Mr McCrea, does not alter the underlying principles of providing freedom of choice for a council, neither does it strengthen those provisions. In my view, it is an unnecessary amendment.

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

**Mr Durkan:** Certainly.

**Mr McCallister:** I disagree with the Minister. I think that the amendment does strengthen the provisions. As Mr Elliott said, it provides that very clear separation between executive responsibility and scrutiny, which is vital. The Minister should know the importance of that, being an Executive Minister and knowing the level of scrutiny that the Chair and her colleagues on the Committee apply to him.

**Mr Durkan:** I thank the Member for that intervention. I have no doubt that he believes that the amendment will strengthen the provisions. However, I will come in due course to my rationale for why I deem it to be unnecessary.

My officials will be engaging with senior officers from local government to develop guidance to support the operation of executive arrangements, taking account of the lessons learned in England, Scotland and Wales. That guidance will cover the role of overview and scrutiny and outline aspects that a council will wish to consider, including the arrangements to be adopted if the work programme of an executive cuts across two or more committees. I urge Members to not support the amendment.

Clause 27 makes supplementary provision in relation to overview and scrutiny committees, particularly the membership of such committees. The clause recognises that a council may wish to adopt the streamlined committee executive structure and have a number of thematic overview and scrutiny committees to match the functions and responsibilities of the executive committee.

In order to ensure that sufficient flexibility exists in the membership of each committee, in such circumstances a member of the executive may be a member of an overview and scrutiny committee. I will reverse the example that Mr McCallister gave: in a 40-member council that decides to adopt a streamlined executive with four committees, each with eight members, only eight members of the council would be available to undertake the overview and scrutiny role.

Whilst I am providing that flexibility, the legislation is clear that a member of a streamlined committee executive may not be a member of an overview and scrutiny committee that is scrutinising decisions in which the member has had a role. Amendment Nos 8 and 9 tabled by Mr McCallister and Mr McCrea would preclude that arrangement from being permissible. That would present difficulties for a council and remove the flexibility necessary to allow it to consider adopting the streamlined committee executive structure. For those reasons, I cannot accept those amendments.

**7.45 pm**

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

**Mr Durkan:** Certainly.

**Mr McCallister:** The Minister's objection does not provide for good governance. Even Mr Maginness, in interventions, talked about desirability. It is not desirable and it should not be permitted to have people on the executive and on scrutiny committees. It is just not good governance.

**Mr Durkan:** Again, I thank the Member for his intervention. I accept his point of view, but we are where we are. There is a possibility that a council could go with the streamlined committee executive structure and end up with the difficulty of having only eight members out of a 40-member council who could then take part in the scrutiny and overview role. If you take the mayor and the deputy mayor or the chair and the vice-chair as being two of the eight members who are not on the four committees, that leaves you with six.

As I said, amendment Nos 8 and 9, tabled by Mr McCallister and Mr McCrea, would preclude that arrangement being permissible. That would present difficulties for a council and remove the flexibility necessary to allow it to consider adopting the streamlined committee executive structure. For those reasons, I oppose those amendments.

Amendment No 10 amends clause 31 to make provision that an overview and scrutiny committee can, if it considers it appropriate, require the council or the executive to respond to issues that it has raised in a report in a shorter time frame. That strengthens the provision and supports my policy objective of improving the efficiency and effectiveness of council decision-making. I therefore support the amendment.

I will now address amendment Nos 11 and 29, tabled by Mr Agnew, which have the combined effect of introducing a further new voting mechanism for council decision-making. The introduction of a qualified majority vote for specified strategic decisions and in response to a call-in on the grounds of a disproportionate adverse impact was agreed by the political parties on the strategic leadership board's policy development panel on governance and relationships. It was supported by the Committee for the Environment during its scrutiny of the Bill as one of the mechanisms to provide protection for the interests of minority communities in council decision-making. I cannot recommend support for the introduction of a further complicated voting methodology for the consideration of options for a decision of a council. Mrs Cameron mentioned the scenario of councillors emerging two days after a debate started and not remembering what the debate was about in the first place. That reminded me of Consideration Stage of this Bill. The identification of support for a particular course of action can be achieved in a simpler manner than that which Mr Agnew has proposed. Mr Weir described it as a Eurovision approach before giving it a resounding "nul points".

In closing, I will comment on amendment Nos 12 and 13, tabled by Mr Elliott and Mr Kinahan. The combined effect of those amendments to clause 40 would be to require the reconsideration of each decision that is the subject of a call-in to be undertaken by a council. That would mean that the committee making the original decision or recommendation would not be afforded the opportunity to reconsider that decision or recommendation to take account of any additional information that has been identified and the views of the relevant overview and

scrutiny committee. The process for the reconsideration of decisions or recommendations was agreed, again, by the policy development panel on governance and relationships and was supported by the Environment Committee. I therefore urge Members not to support those amendments.

**Ms Lo:** We have support for amendment No 6 from Sinn Féin, NI21, the Green Party and the UUP. I know that the Minister, Mr Weir, Mr Maginness and Mr Eastwood said that it was pointless and unnecessary because clause 37 already provided that mandatory element in standing orders for councils. However, we do not think that there is any harm in specifying in the Bill that we need that qualified majority for an executive system. It is important to make it very clear that this needs consensus in the council for that governance structure to be set up. Therefore, I urge Members to support the amendment.

*Amendment No 6 agreed to.*

**Clause 26 (Overview and scrutiny committees: functions)**

*Amendment No 7 made:* In page 13, line 23, at end insert

*“(2A) For the purpose of dealing with a matter of concern to more than one overview and scrutiny committee of the council, Standing Orders may provide for the council to appoint an ad hoc overview and scrutiny committee or for the relevant committees to sit concurrently.” — [Mr McCallister.]*

**Clause 27 (Overview and scrutiny committees: supplementary provision)**

*Amendment No 8 proposed:* In page 13, line 40, after “may” insert “not”.— [Mr McCallister.]

*Question put, That amendment No 8 be made.*

*The Assembly divided:*

*Ayes 50; Noes 38.*

**AYES**

*Mr Agnew, Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Mr Frew, Mr Gardiner, Mr Givan, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lunn, Mr McCallister, Mr McCarthy, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wilson.*

*Tellers for the Ayes: Mr McCallister and Mr B McCrea.*

**NOES**

*Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Dr McDonnell, Ms McGahan, Mr McGlone, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Miine, Ms Ní Chuilín, Mr Ó hOisín,*

*Mr O’Dowd, Mrs O’Neill, Mr P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.*

*Tellers for the Noes: Mr Flanagan and Mr Rogers.*

*Question accordingly agreed to.*

*Amendment No 9 made:* In page 13, line 40, leave out from “only” to the end of line 3 on page 14.— [Mr McCallister.]

**Clause 31 (Duty of council or executive to respond to overview and scrutiny committee)**

*Amendment No 10 made:* In page 16, line 19, at end insert

*“unless, in accordance with Standing Orders, the overview and scrutiny committee deems the notice to require a prompt response in which case the notice must require the council or the executive to comply within one month”.— [Mr McCallister.]*

**New Clause**

*Amendment No 11 proposed:* After clause 38 insert

**“Multi-option referendum**

**38A.***If more than two options have been proposed for a decision of the council, the council may take that decision by multi-option referendum in accordance with paragraph 9A of Schedule 5.”— [Mr Agnew.]*

*Question, That amendment No 11 be made, put and negated.*

**Clause 40 (Power to require decisions to be reconsidered)**

*Amendment No 12 proposed:* In page 21, line 39, leave out from the beginning to the first “council”.— [Mr Elliott.]

*Question put, That amendment No 12 be made.*

**Mr Deputy Speaker:** Order. I have been advised by party Whips that, in accordance with Standing Order 27(1A)(b), there is agreement that we can dispense with the three-minute rule and move straight to the Division.

*The Assembly divided:*

*Ayes 44; Noes 44.*

**AYES**

*Mr Agnew, Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mr Frew, Mr Gardiner, Mr Givan, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCallister, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wilson.*

*Tellers for the Ayes: Mr Elliott and Mr Kinahan.*

**NOES**

*Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mrs Cochrane, Mr Dickson, Mr Durkan, Mr Eastwood, Dr Farry, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Ms Lo, Mr Lunn, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann,*

*Mr McCarthy, Mr McCartney, Ms McCorley, Dr McDonnell, Ms McGahan, Mr McGlone, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.*

*Tellers for the Noes: Mr Rogers and Ms Ruane.*

*Question accordingly negatived.*

*Amendment No 13 not moved.*

#### **Clause 41 (Admission to meetings of councils)**

**Mr Deputy Speaker:** We now come to the fourth group of amendments for debate. With amendment No 14, it will be convenient to debate amendment Nos 15 to 17 and 19 to 21. The amendments deal with the use of social media during council meetings. *[Interruption.]* I will stop for a second because there is a lot of noise, and I cannot be heard. Will Members please leave the Chamber quietly?

The amendments deal with the use of social media during council meetings; audio recordings of Committee meetings; and good relations as an objective of community planning. Members should note that a valid petition of concern has been tabled in relation to amendment No 19. Therefore, the vote on that amendment will be on a cross-community basis. Members should further note that amendment No 19 is mutually exclusive with amendment No 20, and amendment No 21 is consequential to amendment Nos 19 or 20.

**Ms Lo:** I beg to move amendment No 14: In page 23, line 15, at end insert -

*“(7A) But a council shall permit during proceedings the use of social media by councillors, members of the public or journalists, to the extent that its use does not disrupt proceedings.”.*

*The following amendments stood on the Marshalled List:*

No 15: As an amendment to amendment No 14

After the first “proceedings” insert

*“which are open to the public”.— [Mr Weir.]*

No 16: In clause 45, page 26, line 8, at end insert

*“and*

*(d) for the purposes of sections 43(3) and 44(6) the council’s website is treated as the website of the committee or sub-committee”.— [Mr Durkan (The Minister of the Environment).]*

No 17: In clause 46, page 26, line 20, leave out subsection (2).— *[Ms Lo.]*

No 19: In clause 65, page 39, line 5, leave out “in accordance with” and insert

*“and good relations between the categories of persons listed in”.— [Ms Lo.]*

No 20: In clause 65, page 39, line 6, at end insert

*“without prejudice to this, having regard to the desirability of promoting good relations; and”.— [Mr Durkan (The Minister of the Environment).]*

No 21: In clause 65, page 39, line 22, at end insert

*“(7) For the purposes of this section the reference to good relations shall involve, in particular, having regard to the need to a) tackle prejudice and b) promote understanding between the categories of persons listed in section 75(1) of the Northern Ireland Act 1998.” — [Mr Durkan (The Minister of the Environment).]*

**Ms Lo:** Amendment Nos 14 and 17 relate to openness and transparency. I thank all Members who, a fortnight ago, voted for my amendment to require the audio recording and online publication of council meetings. I outlined my reasons for supporting that at the time, but, in summary, I wanted to make sure that members of the public and ratepayers could have access to what was happening in their local council. I also felt that a public record of who said what would perhaps help to reduce bad behaviour among councillors and make it easier for the commissioner to investigate complaints. At that time, the amendment contained an exemption for committee and subcommittee meetings, in effect limiting the requirement to full council only. I was, however, impressed with the arguments made by Members from several parties who remarked that they would support a wider duty.

Given the size of the initial majority, I feel that I can now bring forward a wider duty without undermining the initial amendment. I am aware that many of the key decisions of councils are taken on committees, and I feel that it is right that importance be attached to these amendments too. That is why I have sought to amend a clause created by the Alliance Party at Consideration Stage. I hope that Members will carry their support over to this new amendment too.

My amendment No 14 also raises the issue of transparency. In this case, it relates to social media, a medium that is growing in influence and, for all its flaws, is a useful way to communicate directly with members of the public. Using these tools is usually discreet and quick. Therefore, I propose that the council should have a duty to allow members to use them so long as they do not disrupt the meeting when doing so. To me, that is an important step towards making sure that our councils reflect the changes in the ways in which people engage with politics. We will also vote for amendment No 15, which clarifies our amendment. I thank the Members for tabling that amendment.

The other amendments in the group relate to good relations and how important we, in the House, believe that those are. My amendment No 19 and the Minister’s amendment No 20 offer two visions of how equality and good relations work. Alliance believes that good relations and equality are part of the same issue and should not be placed in a hierarchy. One is as important as the other. The Minister’s amendment states that good relations should be made inferior to equality; that is my interpretation of it. We believe that that misunderstands the relationship between the two. They are part of the same process. The challenge for SDLP members today is to explain why they think that good relations matter less than equality. They must also justify why they are vetoing the placing of good relations on an equal footing with equality and why they feel that the idea is so wrong-headed that it cannot be decided by a majority. Those of us who believe otherwise must support amendment No 19. We must move

on from the idea that equality considerations and good relations considerations are separate and competing. We must accept that they are both part of the package that aims to ensure that all citizens in Northern Ireland are treated in a way that respects human rights and promotes tolerance and integration. That cannot occur if we pick one over the other. It must be both.

We will also oppose amendment No 21, which provides a definition of good relations that, we think, is limited and flawed. We are not convinced that a definition is required, if no definition is required in the Northern Ireland Act and as there has already been 15 years' worth of good work with the legal framework that exists. More than that, I am deeply concerned that the amendment makes no reference to reconciliation, integration or sharing. Those must all be part of our approach to good relations, and we cannot leave them out. To do so would be to roll back valuable good relations work and would limit good relations work far too narrowly. A comprehensive definition is needed if one is to be applied at all. This definition is not good enough and could undermine work done so far.

**Mr Weir:** There are seven amendments in group 4. I will pick up where the Member who spoke previously left off.

The DUP is happy to back Alliance amendment No 19. I appreciate that there are arguments about contradictions with amendment No 20. However, if amendment No 19 were not successful, we could live with amendment No 20. Others have been at the eye of the storm in this, but I still have not entirely grasped why people feel that amendment No 19 or indeed its predecessor at Consideration Stage is so poisonous that it requires a petition of concern. From that point of view, we are happy to back amendment No 19, but, in its absence, we will support amendment No 20.

We share some of the concerns of the Member who spoke previously about amendment No 21. We spent a considerable time at Consideration Stage debating definitions of good relations and equality. One of the many things that was said is that one person's good relations could be another person's inequality. Indeed, it could also be argued in particular cases that what is seen by one person as contributing to good relations may be seen by someone else as taking away from them. Consequently, this seems a little bit packaged and limited as a definition. More work needs to be done on it, and, from that point of view, we oppose amendment No 21.

Amendment No 16, proposed by the Department, is largely a consequential amendment, and it seems to be quite sensible about the definition of the website.

That leaves three amendments. Amendment No 17 is an extension of an amendment that went through at Consideration Stage that we voted against. In part, that was because we were concerned about the cost. Costs include not only the provision of capital equipment but the work of recording it consistently, having a member of staff to deal with it, storage and production. If that argument was used in a general sense against it happening simply at council meetings and its mandatory application, this amendment takes recording one stage further, as would be acknowledged by its proposers. It states that recording has to be done for every committee and subcommittee meeting that is held. That seems to us to add an additional burden, and we think it excessive. Let me make it clear, as I did at Consideration Stage, that I have no problem if a council

decides that it wants to record everything. The problem with both the earlier amendment and this amendment is the level of prescription. As I mentioned, with much of this legislation a balance must be struck between how prescriptive we are at Assembly level and how much flexibility we allow at local government level.

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

**Mr Weir:** Yes, I am happy to give way.

**Mr Dickson:** I have listened to what Mr Weir is saying, and, to a certain extent, I acknowledge that it is for individual councils to make that decision. Sadly, with local government at the moment, some councils see the value not necessarily of recording meetings but of doing things in a particular way. Others become totally intransigent about ideas and working methodologies, whether that involves openness to the press or whatever. Therefore, it is a matter of some regret, but it is important that we have to set the baseline. It sadly comes on the back of the track record of some authorities that have not acted in the best interests of the public whom they serve.

### 8.30 pm

**Mr Weir:** Amendment No 17 smacks a little bit of Big Brother; it goes a step too far. Although we opposed it, the Assembly has decided that there will be a recording of all council meetings. To take that a stage further and say that every committee or subcommittee meeting will be recorded because the provisions of clause 46 apply to it will mean that all those recordings will be available on the website for two years and will be stored for six years.

At present, structures vary from council to council. Most councils will have, I suspect, five or six committees and probably a number of subcommittees. I suspect that that is likely to increase as we move to greater responsibilities. Therefore to say that the requirements may be multiplied 10-fold because they are applying to eight, 10 or 12 meetings — not merely full council meetings — seems excessively prescriptive. If the Assembly is minded, as clearly it was, to make that provision purely for councils, it is, personally speaking, taking it a step too far and being too prescriptive.

Turning briefly to the other two amendments, we accept the broad thrust of amendment No 14. However, it is important to put the qualification in that it should not disrupt meetings. It is important that, if social media is used, it does not cause disruption, although I appreciate that provision has already been made for photographs.

I think that we all accept that it is commonplace in the Assembly or in council meetings that those spectating and, because of the use of electronic devices, those attending meetings are, quite rightly, perfectly at liberty to indicate when decisions have been taken and to try to share that information. I have no problem with that. However, the vast bulk of business — indeed it is the presumption in the legislation — in councils at present, and more so in future, will be open to the public, and it is important that it be openly scrutinised. That is the basis for our amendment No 15.

There will, however, be occasions, and the legislation quite properly provides for them, on which, either because there is a discussion of a commercial nature — perhaps a contract is being discussed or awarded or tenders are

being discussed — or a staff issue that is pertinent to an individual, perhaps the successful or unsuccessful applicant for a job, the council rightly decides that the matter should be discussed in camera or in committee and that the public and the press should be excluded. That deals with two elements of the provisions in amendment No 14: if people are not present, they will not be able to post the proceedings on social media. In meetings dealing with confidential business, the vast majority of councillors will, in my experience, respect that confidentiality, and that is the right thing to do.

However, I have also been in council meetings that, while a decision is being taken, or has just been taken, on the awarding of a contract or the appointment of a member of staff, I have seen the results of decision posted on Facebook or Twitter by another councillor. Sometimes, that can be done innocently: perhaps they want to be the first to congratulate the individual, and I can understand that. However, whether the reason is benign or malevolent, if something is to be decided in confidence, that confidence should be respected by everybody.

Consequently, we have added the caveat that amendment No 14 should apply where such meetings are public because it could undermine the position of a council if commercially sensitive material were immediately released. It could lead to, for example, the leaking of a progress report, and that could damage the opportunity for ratepayers to get the best value for money. For example, if Ms Lo, the Chair of the Environment Committee, was being appointed or head-hunted as the chief executive of a new council, it could be that everything was being kept under wraps until it had been formally approved by the council. Indeed, quite often, director or other posts, with the exception of the chief executive, will require at least that ratification. Occasionally, that can go awry. It may be that official word is being held back until the decision has gone through. If I were up for a job, whether successful or unsuccessful, it would be wrong if the first that I saw of the decision was when it suddenly appeared on my Twitter account that I had got the job or, even worse, that someone else had got it. There needs to be a level of decency when we are dealing with staff.

Although I think the vast majority of councillors are self-regulating, unfortunately there are some who do not seem to know the boundaries of confidentiality and who, in the past, have been willing to tweet or put on Facebook or other social media things that were decided confidentially. That is wrong. When you accept something as confidential, it should be treated as such.

That is a relatively minor constraint on amendment No 14. Taking the two together provides a more harmonious picture. As with any of these things, there is no guarantee that anybody will abide by it. However, it is, at least, sending out a clear signal about what is acceptable and what is not. By all means, let us be as transparent as possible and involve and inform the public as much as possible, but let us not, where we have issues around commercial sensitivity —

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

**Mr Weir:** Yes, I am happy to give way.

**Mr Allister:** Has the Member any concern that a lazy councillor who does not bother to contribute very much to council business could, in fact, create the aura of being

quite busy and involved in the work of the council simply by tweeting what is happening here and there, without actually contributing anything?

**Mr Weir:** There is always that danger. I am not sure how, with the best will in the world, we can prevent that. Even if amendment No 14 does not go through and there is a prohibition on the use of social media during a council meeting, there is nothing to stop the lazy councillor, five minutes after they have left the meeting, tweeting or Facebooking what has gone on. I will not attribute this to any individual or party, but I am sure that we have all received leaflets through the post claiming that a councillor, or even an MLA or MP, has achieved the heaven, moon and stars when it may have been nothing to do with them at all. That happens occasionally. I am not sure how we build into the legislation a clause on the veracity of public claims; that may be beyond the competence of the Assembly.

It strikes me that, to at least keep people informed, social media is, in general, a good tool. As with any form of communication, it can be abused. There is no guarantee that what is put there is correct. However, our amendment, at the very least, gives some level of safeguard that it should not be abused when there is a decision to be taken in committee in camera or in confidence. It gives councillors an indication that they should not abuse that by Facebooking or tweeting it. Amendment No 15 is a relatively straightforward amendment that complements amendment No 14.

**Mr Boylan:** Go raibh maith agat, a LeasCheann Comhairle. This reminds me of travelling in the back of the car on a long journey, when we used to ask, “Are we there yet? Are we there yet?” We are getting very close to the end of tonight’s debate. I just want to say a few words on some of the amendments.

With your indulgence, Mr Deputy Speaker, I want to put on record that Barry McElduff, who spoke at Consideration Stage, is suffering a family bereavement. I want to offer my condolences and prayers to him at this time. The reason why I brought up Barry’s name is that he spoke on good relations. I may reflect some of the stuff that he commented on at that time.

On amendment Nos 14 and 15, we went through the debate about meetings being open to the public and what could be recorded. Mr Weir articulated the point about tweeting and the use of other social media. We are content to go down that line with meetings that are open to the public. I do not see any issue with that, but I am certainly not in favour of opening up the type of meeting at which commercial sensitivities and other issues need to be discussed. I do not want something to come out of such a meeting that could give rise to the public getting the wrong impression of the discussions that took place. This argument has been well rehashed. I know that the Member has won the argument about audio recording. That is not a problem. We support public meetings being recorded, and we do not have a problem with the use of social media at any meetings open to the public.

In this group of amendments, the main issues for Sinn Féin are with the Alliance Party amendments. Once again, these issues have been brought to the Floor for debate. I am still of the opinion, as my colleague articulated at the previous stage, that the amendments would diminish what

is in the NI Act 1998. I do not believe that what the Alliance Party proposes would help.

The Minister tabled amendment Nos 20 and 21, and I look forward to his clarification of promoting understanding, tackling prejudice and good relations. I think that he has tabled fairly reasonable amendments and will listen to his remarks on them.

Mr McElduff articulated Sinn Féin's points on this matter last week, and I thank him for that. Our thoughts are with him at this time.

**Mr Eastwood:** No one is as happy as I am that we are getting towards the end of the debate and that, largely, we have got through it in a pretty mild-mannered way. However, I have to say that I was deeply disappointed to hear the remarks of the Committee Chair in her role as an Alliance Party spokesperson. We are not really surprised because we watched some of the Alliance Party conference last week. I got bored halfway through, so I turned over, but there was a stinging attack on us and Sinn Féin for not supporting the Alliance Party's perspective on good relations. Let me tell the Alliance Party that it does not own good relations or community relations. They are not the only people in the North of Ireland who are concerned about good relations. From my party's perspective, we are very, very serious about good relations and have been since our foundation. I am sure that Mr Morrow will disagree with that — indeed, I can hear him speaking from a sedentary position. There were lots of very strong words about our amendment being flawed. Our amendment was based on the Equality Act 2010, which made an attempt — a very good attempt, in my view — to define good relations to ensure that there was a relationship between good relations and equality on the basis of objective need. The Alliance Party, despite having plenty of opportunity over the past two weeks, made no real attempt to define good relations. That is why we and the Minister have made the effort to do so.

This society has been through a lot in the past 40 years, in the past 400 years and in the past 800 years. People in here and people outside of here, many of whom are not here today, have fought very hard in a democratic way to ensure that we have a rights-based approach to our society.

**Mr McCallister:** I am grateful to the Member for giving way. If the Alliance Party does not own good relations, surely the SDLP does not own equality. It is rather difficult and, quite frankly, slightly patronising to talk about the democratic way, having signed a petition of concern against an amendment.

**Mr Eastwood:** We signed a petition of concern because we thought that there was a better way, and we now have the DUP signing up to amendment No 20. I am not sure that it would have done so had it been up to the Alliance Party and maybe you.

I do not pretend that the SDLP owns equality. The SDLP is very strong on equality and good relations. It is not a case of one over the other. It is equality and good relations, and they are too important to play with in this way and to tell us that we are trying to ensure that good relations are inferior to equality. They are not equivalent. They are different, and both are very important. One should not be allowed to trump the other, and one should not be allowed as a veto over the other.

**8.45 pm**

**Ms Lo:** Will the Member give way?

**Mr Eastwood:** I will, yes.

**Ms Lo:** What you are doing with your amendment is trumping good relations with equality. We agree with you: one is as important as the other. Another point that we agree with you on is that good relations is what you said it is in the amendment. However, it needs to be more. It needs to be about reconciliation and bringing people together to have good relations.

**Mr Eastwood:** I would have loved to have read your definition of good relations, but you made no attempt to define it in the Bill. We did, and we did it on the basis of ensuring that objective need and equality will not be trumped by good relations or anything else. However, we stand by the principles of community relations and good relations, and we will not allow them to be used to veto policies on the basis of need and to stop equality becoming a central part of our society and this Government.

People fought very hard to ensure that we have a rights-based approach in this society and that we can develop that. All the work around the Good Friday Agreement — not everybody in this room says they agree with it, but they are all here — was about ensuring a rights-based approach. That was because we have a history in this society of not having had that approach. People in this city and in the North of Ireland had to fight and march in a peaceful and democratic way even to be allowed to use their vote. I think that people very clearly understand why equality is an essential part of this.

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

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

**Mr Eastwood:** You are up first. Go ahead.

**Lord Morrow:** I listened intently to what Mr Eastwood said. Quite frankly, you will need to do better because you are not cutting it. Normally, actions speak louder than words. You chastised the Alliance Party, maybe with some degree of accuracy, about what it has not done, but let us take a look at what you have done to promote community relations. Let us, for a moment, put the spotlight on Mr Eastwood and Co. Newry: do you remember it? Do you remember the children's play park and the sign that went up in honour of a terrorist? Is that your definition of good community relations? Is that what you claim that you and your forefathers fought for? I think that you went back 800 years. Is that your definition of good community relations? Is that the outworking of it? I would like to hear you on that.

**Mr Eastwood:** I think that there must be something wrong with the microphones on this side of the Chamber. That has been put to bed. It has been said a number of times that that was not the best thing to happen. Alasdair McDonnell stood there and explained what happened.

**Lord Morrow:** He did nothing about it.

**Mr Eastwood:** You know, I am listening to the DUP —

**Mr Deputy Speaker:** Order. This gesture of good community relations has gone too far across the Chamber. Remarks must be made through the Chair.

**Mr Eastwood:** Apologies, Mr Deputy Speaker. It is interesting to be lectured to by the DUP on good relations. However, I am glad to see that it is now on the pitch on good relations and, hopefully, on equality.

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

**Mr Eastwood:** I will, yes.

**Mr Dickson:** Rather than lecture Mr Eastwood, I have a question for him.

Listening to what he said, it would appear to me that he has a fear that good relations in some way dilutes the standard of equality. Equality is enshrined in our legislation in all the ways that you have described it — the struggle to get there and where it is on the law books today. However, good relations is not about diluting equality but enhancing it and taking the next step. I am concerned that the SDLP seems to be stuck in some sort of Good Friday groove. They have not been able to move on. You need to join the rest of us, take the next step forward and add and embellish equality with the whole concept of good relations.

**Mr Eastwood:** The SDLP is not stuck in a Good Friday groove. We would love to see the sentiment behind the Good Friday Agreement and, actually, some of the structures around the Good Friday Agreement that have not yet been implemented. We would love to see the sentiment of that, which does not allow one to trump the other. It does not allow good relations to be used as a veto for equality; it says that they are both different and that they can both be achieved. Your amendment is not the way to do it. I think the Minister has made a very good attempt and a very good piece of law, based on other laws, to ensure that we can have good relations and equality but that we do not allow projects to be vetoed on the basis of good relations. I do not see any difficulty around that.

A rights-based approach is one that we have all signed up to. During the Haass proposals, unionists talked about freedom of assembly, and I think that is a fair point. We have to understand that there are rights and responsibilities, which I think some people on the other side did not hear. We talked about rights-based approaches in different ways. We have to get back to that. The Minister's attempt with the amendment is to enshrine good relations in law. I think that is what we are doing here. We are enshrining good relations in law, but we are also enshrining the connection to all nine categories referenced in section 75 with regard to community planning.

I think it would be better for us to work together on that. I did say that at the last stage, but we were not really taken up on our offer. What we got instead was David Ford lambasting the SDLP and Sinn Féin for not signing up to good relations, even though that was not the tenor of the debate. The debate was around finding a solution and a definition. We have made an attempt at finding a definition. Others have tried to create political point-scoring around it. We have not done that, but we will not be lectured by people about good relations or equality. We will not be lectured by anybody from the DUP or the Alliance Party.

**Mr Elliott:** It is interesting to hear. We thought that we were getting on quite well in this group of amendments, and Mr Eastwood got up and praised how well we were getting on, just to almost tear it all apart within a few minutes of being on his feet. I think it is fair to say that absolutely

nobody in this House can claim to have ownership of good relations or equality. I think that, if everybody looks at their past, they will realise that there may be some issues that they need to look at in more depth. It is almost demeaning for the rest of us to hear the SDLP attempt to claim that aspect of it. It is very unfortunate that they have attempted to do that.

Mr Eastwood indicated that he believed that others were political point-scoring. If ever I heard political point-scoring, it was coming from Mr Eastwood. It is unfortunate because this had the opportunity to be a good, positive debate and discussion. It is unfortunate that it has turned into what it has. I am not going to dwell on it except to say that, on the issue around amendment No 21, I will be happy to listen to the Minister's view about how they came up with the meaning of good relations in that respect. At least they have made an attempt at it. My view is that it may be a bit narrow and a bit too focused. I appreciate that section 75 has been brought in, and I fully support that, but I am just concerned about the narrowness of it and how that will reflect on other pieces of legislation, because, quite often, once a piece of legislation is made and a criterion or a meaning is put into it, it is used as an example for other pieces of legislation. However, I will listen to the Minister's view and interpretation of that. I am quite happy to do that.

In relation to the other amendments, the Alliance Party's amendment around social media and the DUP's amendment to the Alliance amendment, I have some concerns about how widely it is used, but, in broad terms, I support the concept of getting the message out and of councillors being allowed to put that message out from council meetings, provided that it is not sensitive information. Mr Weir dealt with that. I acknowledge the point that Mr Allister made. I think he spoke about a lazy councillor not doing much but tweeting from a council chamber as if they were active. Maybe the same could be said of this Chamber, where I see regular tweets going out from Members. Far be it from me to suggest that they are not doing anything, but that is up to them and others to decide and make an assessment on.

The Alliance Party's amendment on audio recordings of committees is that party amending its own amendment from Consideration Stage. In fairness, I have sympathy because I went through the same issues at Consideration Stage. It is useful to have recordings for the public to access if required. My main concern goes back to the issue I raised last time, which is about the cost. I have not yet heard Alliance make the case. I supported it last time, and, at this stage, I do not see me doing anything different, although I would like to hear a much more definitive cost put on this, because last time we heard so many costings and estimates for recordings. It would be helpful if we got more specific information on that. In general, I do not oppose the principle, but I am quite happy to listen to other arguments on it as well.

Broadly, that brings us back to good relations and we have dealt with that, so I am happy to leave it at that.

**Mr B McCrea:** I want to make a couple of points. The issue with amendment No 14, with regard to the use of social media, is that that is, in principle, part of our society now, whether it be social media, texting or whatever. We will be supporting that amendment, although I guess we do accept that it can be quite irritating from time to time and people should use discretion. We agree with the DUP in

amendment No 15 in that social media should be used in only those sessions that are open to the public. That seems eminently sensible.

We are happy with the Minister regarding amendment No 16. When it comes to amendment No 17, which says, "Leave out subsection (2)", we are firmly of the opinion that that should be supported. We made this argument before to our colleagues from the Alliance Party. I heard Mr Weir speak at the start of the debate, and we had the issue about cost. Cost is not a substantive issue in this matter. What is at stake here is democracy and letting the people know what is going on in their name in their premises. There is an additional benefit, which I know from my time as a councillor on Lisburn City Council, and here, in that you get a better type of debate if there is a recording of the information. It means that people are more careful about what they say and talk in more measured tones. If for no other reasons, although there are other reasons, that is the right thing to do.

I appeal to the bigger parties, just to say to them, that the challenge for a real democracy is how it treats its minorities. In councils, you will have minorities that will want to speak. They should not be shouted down. They have a mandate and that should be respected. I dismiss the argument about cost and implore my colleagues here to support this amendment, which removes the restriction on subcommittees and makes audio recording available for all committees and subcommittees.

We are happy with amendment No 18. Amendment No 19 is subject to a petition of concern. We are extremely unhappy about the use of petitions of concern. There must be a better way to do business. You cannot have a veto just because your interpretation leads you to a particular area.

We do not agree with them.

We also have a problem with the issue about good relations. I remember talking at some length to Mr Eastwood at Consideration Stage, and he said that he thought that he could come forward with a definition of good relations. I think that Lord Morrow agreed with me that it was unlikely that he would get agreement on a definition of good relations. I am still of that opinion. So, we will not support amendment No 19, because we cannot define good relations in that way. We need a proper, full and detailed debate — maybe many such debates — at some stage.

**9.00 pm**

**Ms Lo:** Will the Member give way?

**Mr B McCrea:** I will indeed.

**Ms Lo:** It is amendment No 21 that contains the definition, not amendment No 19. You said that you could not support amendment No 19, but you meant amendment No 21, which defines good relations. Is that right?

**Mr B McCrea:** Thank you for the clarification. Never mind tweeting or anything like that, I was getting two audio sources in my ear.

Good relations needs to be discussed in a proper, detailed and separate manner. You cannot just tag it on at the end. To support what Ms Lo was saying, I have some difficulties with amendment No 19 as well, but that is

irrelevant because of the petition of concern. The definition in amendment No 21 does not have sufficient support or depth for us to support it.

I have given an indication of how we will vote, but, in the interests of brevity, which I trust you will all appreciate, I will finish there.

**Mr McCallister:** I promised everybody that I would be remarkably short. I will respond to amendment Nos 19, 20 and 21 and to Mr Eastwood's point and the idea that somehow everybody has fought for this rights-based approach and defended democracy. I find it a bizarre situation for someone to be defending democracy and signing a petition of concern in the one breath. The two are not consistent. On issues like this, we should let the House decide. I would be as critical of the DUP abusing the petition of concern as I would be of the SDLP and Sinn Féin. It is wrong and unnecessary, and it should not be used on something like this. They ought to reflect very carefully about using a petition of concern in a debate about good relations.

As my colleague said, we should not be tagging on good relations at this stage of a Bill's passage; it needs a much bigger focus. However, to put in a petition of concern is wholly wrong and completely floors any argument about democratic accountability that they put up.

**Mr Agnew:** I also intend to be brief and will do my best to stick to that.

In amendment Nos 14, 15 and 17, there is an attempt to provide greater transparency in councils. With the social media clause, I accept the sensible amendment from the DUP. I hope that that does not make the DUP re-evaluate its position. *[Laughter.]*

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

**Mr Agnew:** Yes.

**Mr Weir:** The Member has accused us of tabling a sensible amendment. I ask him to withdraw that accusation. *[Laughter.]*

**Mr Agnew:** I am sorry to disappoint Mr Weir: I will have to support his amendment. Hopefully, I will get through this quickly, and we can both get to support our shared football team.

**Mr B McCrea:** Will Mr Agnew give way?

**Mr Agnew:** I give way again.

**Mr B McCrea:** It is a double whammy, because I also support it. That is real trouble for you.

**Mr Agnew:** Back to the point about transparency. Whilst we all might hope and believe that councils will act in an open and transparent manner, we have seen in our existing councils different standards, ranging from those that are very open and invite the media in to those such as Castlereagh council, which kicked out the journalist Rebecca Black because she tweeted what was, essentially, a public meeting. It is important that we have scrutiny of our councillors and councils and do everything to make them more open, transparent and accessible to the public. If North Down Borough Council is anything to go by, councils do not get vast numbers of people attending council meetings. If they were easily accessible through audio, that would be a benefit.

I do not accept the concerns about cost. Mr Weir will be thankful that I am back on the path of disagreeing with him. He made a point about the cost of storage. We live in the digital age, and storage is no longer a large room with audio tapes. With digital files, storage does not have to be an issue. Whilst councils will make their own spending decisions about what recording equipment they use, technology today allows us to record relatively cheaply. Allowing councils to make decisions on their spend but saying that there must be audio recording is achievable without any great expense to the public purse.

I certainly have no problems with amendment No 16 on the issue of websites. On the issue of good relations, I fail to understand why amendment No 19 is so objectionable that it requires a petition of concern. Although there is a debate to be had about the right wording between amendment Nos 19 and 20, it seems a blunt instrument to use.

I recall that, in a previous debate on planning, I was seeking to define sustainable development. When I looked at defining sustainable development, I realised that, in trying to define it, you could narrow and undermine what sustainable development was. Therefore, I share some of the concerns of others around amendment No 21 and seeking to define good relations. It is important that, when something is in legislation, you try to be clear about what the intent is, but sometimes a definition can narrow what is a complex issue. I fear that amendment No 21 needs broader consideration. Maybe it should have been considered at Committee Stage, with more input and greater consideration. Perhaps then it would have been easier to support, but I share the House's concerns about it.

**Mr Durkan:** Before I offer my view on other Members' proposed amendments to the Bill, with your permission, Mr Deputy Speaker, I will deal first with my own amendments in the group.

Amendment No 16 is consequential to an amendment to clause 43 that was agreed at Consideration Stage. Clause 43, as amended, provides that a council must, as soon as is reasonably practicable, put on its website any minutes of council meetings that are open to the public. The provision is applied to committees and subcommittees by clause 45. Amendment No 16 is necessary to clarify that any such documents relating to the business of a council's committees or subcommittees should be put on that council's website, rather than on another website relating specifically to the business of the committee or subcommittee itself.

Amendment Nos 20 and 21 add to clause 65, which places a duty on all councils to deliver community planning. At Consideration Stage, Members agreed an amendment to clarify that improving the social well-being of a district will include promoting equality of opportunity and that improving the economic well-being of a district will include tackling poverty, social exclusion and deprivation.

Amendment Nos 20 and 21 provide additional detail in relation to the consideration of good relations in this context, in response to comments made at Consideration Stage. As Members will see, amendment No 20 is framed to ensure that the type of existing safeguards between equality and good relations in section 75 of the Northern Ireland Act 1998 are maintained. Clause 65(3) as it stands already makes it clear that equality of opportunity is to be interpreted in accordance with the Northern Ireland Act,

and amendment No 20 makes it clear that regard to the desirability of promoting good relations is to be considered without prejudice to the equality considerations.

Amendment Nos 20 and 21 seek to maintain the spirit of section 75. Local councils are bound by section 75, and that should be a principle underpinning everything that they do, including good relations. Good relations, therefore, in the context of community planning, are intended to be interpreted in line with the definition of good relations that has been in legislation in Great Britain for a number of years under the Equality Act 2010 as meaning across the grouping in section 75 and as primarily being about tackling prejudice and promoting understanding. That is the intention of amendment No 21.

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

**Mr Durkan:** Certainly.

**Mr Boylan:** I would like some clarity on amendment No 20. Are you talking about all the equality categories with regard to tackling prejudice and promoting understanding?

**Mr Durkan:** Yes, it is all the groupings under section 75.

Amendment Nos 20 and 21 are, therefore, clearly linked, and I urge Members to support them.

I move on to the amendments proposed by other Members. As you heard, amendment No 14 would require that, during council meetings, a council must allow the use of social media by councillors, members of the public or journalists, provided, obviously, that it does not disrupt proceedings. Amendment No 15 will alter amendment No 14 to ensure that its provisions applies only to council meetings that are open to the public. I ask Members to accept both amendments so that the Bill provides for the use of social media in council meetings that are held in public session. The making of both amendments would bring into effect a provision that supports the public's right —

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

**Mr Durkan:** Certainly.

**Mr Elliott:** While the Minister was debating the issue, I just wondered whether there is anything in the Bill as it stands that prohibits the use of social media at the moment.

**Mr Durkan:** Not now. There were issues around access to information, access to council meetings and taking information out of council meetings into the public domain.

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

**Mr Durkan:** Certainly.

**Mr Elliott:** I go back to a point that I made earlier. I do not think that there are any rules, Standing Orders or legislation that allow Members in this Chamber to use social media, but they still use it. I am not opposing the amendment; I just wonder how effective it would be.

#### 9.15 pm

**Mr Durkan:** I thank the Member for his intervention. I think that it is to encourage councils that may be reluctant to permit such interaction with the public in their meetings to do so. Currently, there is an inconsistency of approach across councils. However, it is important that we support this, which in turn supports the public's right to access information without conflicting with the need to allow council business to be conducted in specific

circumstances. There are concerns, and Mr Weir and others raised a few. However, it is important that we try to reach — democracy tries to reach — as wide an audience as possible.

Perhaps we could look at the code of conduct, which is currently out for consultation, and see whether there is anywhere in it where we might be able to look for safeguards or restrictions on how social media can be used. Amendment No 15 addresses confidential meetings, which would cover staffing and commercially sensitive issues. I know that there are other issues, such as when people perhaps tweet prematurely in an attempt to be first to hit the headlines with something. We also need to look at that issue.

Clause 46 was inserted at Consideration Stage. It places a requirement on a council to make, as far as is reasonably practicable, an audio recording of the parts of a council meeting that are open to the public and make the recording available on the council's website for a period of two years from the date of the meeting.

Amendment No 17 would remove subsection (2), which states:

*"This section does not apply in relation to meetings of any committee or sub-committee of the council."*

The amendment would require councils to ensure that, again, as far as is reasonably practicable, audio recordings of meetings of a council's committees and subcommittees would also be made available on its website in the same manner as meetings of the full council. In the interests of promoting openness and transparency across all council business, I ask Members to support the amendment.

Amendment No 19 is designed to emphasise the need for the community planning process to take account of good relations when identifying long-term objectives for improving the social well-being of a district. I give full acknowledgement to the importance of the issue, and that is why my amendment Nos 20 and 21 propose similar provisions with regard to good relations. I have already asked for support for my amendments. For that reason, I urge Members not to accept Amendment No 19.

That is it, Mr Deputy Speaker. Thank you.

**Ms Lo:** It is getting late in the day, so I will be brief. I want to thank Members for being very brief and succinct in their comments on this group of amendments.

*(Mr Speaker in the Chair)*

There is general agreement on amendment Nos 14 and 15, except to say that social media should be allowed to operate in public meetings specifically. On amendment No 17, again there is general agreement. Mr Elliott and Mr Weir mentioned that they did not want it to be a burden on councils. They also mentioned cost. On amendment No 19, a number of Members expressed concern about the use of the petition of concern to veto an issue as important as good relations in the Bill. That is all that I want to say, Mr Speaker. Thank you.

**Mr Speaker:** Order, Members —

**Ms Lo:** I have one more. Sorry, Mr Speaker. On amendment No 21, although it is not mine, I want to say that a number of parties also queried the definition that it puts forward.

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

**Ms Lo:** Yes.

**Mr Attwood:** The Member's last point was that the definition in amendment No 21 was queried. Can she explain why her amendment No 19 is utterly silent on the issue of a definition? It makes no reference to reconciliation, prejudice or anything other than the concept of community relations. Does that not create uncertainty and doubt, and, therefore, in this instance, it is not the best way in which to proceed?

**Ms Lo:** I am happy to remind the Member. Maybe he did not hear what I said, which was that we are not convinced that a definition is required. No definition is required in the Northern Ireland Act, and there has already been 15 years of work on good relations and a working definition from the Equality Commission. We think that that is good enough.

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

**Ms Lo:** Yes, of course.

**Mr Attwood:** It seems that the Member's argument is that, because a concept is named in the Northern Ireland Act 1998, there is no need to create a further definition in the primary legislation, in the primary authority in the land, as a guide and a lead to courts when they come to interpret how councils conduct their responsibility for community planning. Somehow, we now have the situation that, because something is not defined in 1998, it does not need to be defined in primary legislation in 2014. I suggest that that is a curious way of making law.

**Ms Lo:** I suggest to the Member that it is such an important issue that we cannot just tack it on to a section on community planning in the Local Government Bill. We need to have a wider discussion. I think that someone else mentioned that we needed to have a debate and consider it further rather than tacking it on to the end of a section of a Bill that is not specifically about community relations.

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

**Ms Lo:** Yes, I will give way.

**Mr B McCrea:** I reiterate the point that I made earlier, to which the Member referred. We had this debate at the previous stage. If the matter is so important, we need to have a proper debate and a proper decision; you cannot just tag it on here or through one statement. I am sorry, but I warned that I thought that you would have difficulty getting that through. I support the position that Ms Lo has put forward.

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

**Ms Lo:** Yes.

**Mr Attwood:** I find it an even more curious approach to law-making that the Member argues that you do not tag on legislation at the end of a Bill, yet that is what amendment No 19 does. If we are going to scope this out, it is better to do it in a substantive rather than a tokenistic way. That is the difference between amendment No 21 and amendment No 19.

**Ms Lo:** If you put the definition in the Bill without proper debate or people agreeing to it, you are not doing any good; you are limiting rather than enhancing the scope of good relations. Mr Speaker, I have finished. Thank you.

**Mr Speaker:** Amendment No 15 has already been debated and is an amendment to amendment No 14. It must, therefore, be disposed of before the amendment to which it relates.

*Amendment No 15, as an amendment to amendment No 14, made:* After the first “proceedings” insert

“which are open to the public”.— [Mr Weir.]

*Amendment No 14, as amended, made:* In page 23, line 15, at end insert

“(7A) But a council shall permit during proceedings which are open to the public the use of social media by councillors, members of the public or journalists, to the extent that its use does not disrupt proceedings.”  
— [Ms Lo.]

**Clause 45 (Application to committees and sub-committees)**

*Amendment No 16 made:* In page 26, line 8, at end insert

“and

(d) for the purposes of sections 43(3) and 44(6) the council’s website is treated as the website of the committee or sub-committee”.— [Mr Durkan (The Minister of the Environment).]

**Clause 46 (Audio recording of meetings)**

*Amendment No 17 proposed:* In page 26, line 20, leave out subsection (2).— [Ms Lo.]

*The Assembly divided:*

Ayes 34; Noes 52.

**AYES**

Mr Agnew, Mr Allister, Mr Attwood, Mr D Bradley, Mr Byrne, Mrs Cochrane, Mr Copeland, Mr Cree, Mr Dickson, Mrs Dobson, Mr Durkan, Mr Eastwood, Mr Elliott, Dr Farry, Mr Ford, Mr Gardiner, Mrs D Kelly, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lunn, Mr McCallister, Mr McCarthy, Mr B McCrea, Dr McDonnell, Mr McGlone, Mrs McKeivitt, Mr McKinney, Mr A Maginness, Mr Nesbitt, Mrs Overend, Mr P Ramsey, Mr Rogers, Mr Swann.

*Tellers for the Ayes: Ms Lo and Mr McCarthy.*

**NOES**

Mr Anderson, Mr Bell, Mr Boylan, Ms Boyle, Ms P Bradley, Mr Brady, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Ms Fearon, Mr Flanagan, Mr Frew, Mr Givan, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr I McCrea, Ms McGahan, Mr D McIlveen, Miss M McIlveen, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr McQuillan, Mr Maskey, Mr Milne, Lord Morrow, Mr Moutray, Mr Newton, Ms Ní Chuilín, Mr Ó hOisín, Mr O’Dowd, Mrs O’Neill, Mr Poots, Mr G Robinson, Ms Ruane, Mr Sheehan, Mr Storey, Mr Weir.

*Tellers for the Noes: Mr Milne and Mr G Robinson.*

*Question accordingly negatived.*

**Clause 59 (Decisions on interim reports)**

*Amendment No 18 made:* In page 35, line 39, at end insert

“(10) An appeal under subsection (9) may be made—

(a) against the suspension (or partial suspension);

(b) against the length of the suspension (or partial suspension).”— [Mr Durkan (The Minister of the Environment).]

**Clause 65 (Community planning)**

**Mr Speaker:** Amendment No 19 has already been debated and is mutually exclusive to amendment No 20. I remind Members that a valid petition of concern has been tabled in relation to this amendment. Therefore, the vote will be on a cross-community basis.

*Amendment No 19 proposed:* In page 39, line 5, leave out “in accordance with” and insert

“and good relations between the categories of persons listed in”.— [Ms Lo.]

*Question put, That amendment No 19 be made.*

*The Assembly divided:*

Ayes 37; Noes 50.

**AYES**

**Unionist**

Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mr Frew, Mr Givan, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mr Poots, Mr G Robinson, Mr Spratt, Mr Storey, Mr Weir, Mr Wilson.

**Other**

Mr Agnew, Mrs Cochrane, Mr Dickson, Dr Farry, Mr Ford, Ms Lo, Mr Lunn, Mr McCarthy.

*Tellers for the Ayes: Ms Lo and Mr McCarthy.*

**NOES**

**Nationalist**

Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Dr McDonnell, Ms McGahan, Mr McGlone, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O’Dowd, Mrs O’Neill, Mr P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

**Unionist**

Mr Allister, Mr Cree, Mrs Dobson, Mr Elliott, Mr Gardiner, Mr Kennedy, Mr Kinahan, Mr McCallister, Mr B McCrea, Mr Nesbitt, Mrs Overend, Mr Swann.

*Tellers for the Noes: Mr Byrne and Mr Milne.*

Total Votes	87	Total Ayes	37	[42.5%]
Nationalist Votes	38	Nationalist Ayes	0	[0.0%]
Unionist Votes	41	Unionist Ayes	29	[70.7%]
Other Votes	8	Other Ayes	8	[100.0%]

*Question accordingly negatived (cross-community vote).*

*Amendment No 20 made:* In page 39, line 6, at end insert

*“without prejudice to this, having regard to the desirability of promoting good relations; and”.— [Mr Durkan (The Minister of the Environment).]*

**Mr Speaker:** Amendment No 21 is consequential to amendment No 20.

*Amendment No 21 proposed:* In page 39, line 22, at end insert

*“(7) For the purposes of this section the reference to good relations shall involve, in particular, having regard to the need to a) tackle prejudice and b) promote understanding between the categories of persons listed in section 75(1) of the Northern Ireland Act 1998.”.— [Mr Durkan (The Minister of the Environment).]*

*Question put, That amendment No 21 be made.*

*The Assembly divided:*

*Ayes 38; Noes 49.*

**AYES**

*Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Dr McDonnell, Ms McGahan, Mr McGlone, Mr McKay, Mrs McKevitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O’Dowd, Mrs O’Neill, Mr P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.*

*Tellers for the Ayes: Mr Byrne and Mr Milne.*

**NOES**

*Mr Agnew, Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Mr Ford, Mr Frew, Mr Gardiner, Mr Givan, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lunn, Mr McCallister, Mr McCarthy, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wilson.*

*Tellers for the Noes: Mr McQuillan and Mr G Robinson.*

*Question accordingly negated.*

**Clause 111 (Transitional rate relief in consequence of changes in local government districts)**

*Amendment No 22 proposed:* In page 63, line 17, at end insert

*“(2C) The Department must within two years of the making of an order under paragraph (2A) lay before the Assembly a report on the operation of any transitional rate relief scheme under that paragraph including—*

*(a) the Department’s assessment of the likely or actual percentage increase in district rates payable by ratepayers in each affected district as a consequence of the termination of the scheme; and*

*(b) consideration of possible further mitigating measures.” — [Mr Elliott.]*

*Question put, That amendment No 22 be made.*

*The Assembly divided:*

*Ayes 43; Noes 42.*

**AYES**

*Mr Agnew, Mr Allister, Mr Boylan, Ms Boyle, Mr Brady, Mrs Cochrane, Mr Cree, Mr Dickson, Mrs Dobson, Mr Elliott, Dr Farry, Ms Fearon, Mr Flanagan, Mr Gardiner, Mr Hazzard, Mr G Kelly, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lunn, Mr Lynch, Mr McAleer, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr B McCrea, Ms McGahan, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Mr Nesbitt, Ms Ní Chuilín, Mr Ó hOisín, Mr O’Dowd, Mrs O’Neill, Mrs Overend, Ms Ruane, Mr Sheehan, Mr Swann.*

*Tellers for the Ayes: Mr Elliott and Mr Milne.*

**NOES**

*Mr Anderson, Mr Attwood, Mr Bell, Mr D Bradley, Ms P Bradley, Mr Buchanan, Mr Byrne, Mrs Cameron, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mr Frew, Mr Givan, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr McCausland, Mr I McCrea, Dr McDonnell, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKevitt, Mr McKinney, Mr McQuillan, Mr A Maginness, Lord Morrow, Mr Moutray, Mr Newton, Mr Poots, Mr P Ramsey, Mr G Robinson, Mr Rogers, Mr Spratt, Mr Storey, Mr Weir, Mr Wilson.*

*Tellers for the Noes: Mr McQuillan and Mr G Robinson.*

*Question accordingly agreed to.*

**New Clause**

*Amendment No 23 proposed:* After clause 117 insert

*“Public bodies to support employees seeking election to council*

**Public bodies to support employees seeking election to council**

**117A.** *A public body, other than a council, must to the extent that it is reasonably practicable, support and facilitate any employee, other than its chief executive or directors, in seeking election as a councillor including—*

*(a) offering unpaid leave for the three-week period prior to local government elections;*

*(b) actively seeking to overcome perceived conflicts of interest.”.— [Mr B McCrea.]*

*Question, That amendment No 23 be made, put and negated.*

**Clause 125 (Interpretation)**

*Amendment No 24 made:* In page 70, line 17, leave out “and 123” and insert “, 123 and 126”.— [Mr Durkan (The Minister of the Environment).]

**Schedule 1 (Positions of responsibility)**

*Amendment No 25 made:* In page 78, line 22, leave out "nomination is made" and insert

*"member is nominated or elected, as the case may be."*— [Mr Durkan (The Minister of the Environment).]

*Amendment No 26 made:* In page 78, line 26, after "nominated" insert "or elected".— [Mr Durkan (The Minister of the Environment).]

**Schedule 2 (Appointment of councilors to committees, etc.)**

*Amendment No 27 made:* In page 79, line 21, at end insert

*"(6) If the figures given by sub-paragraph (5) in relation to two or more parties are equal, the nominating officer of whichever of those parties is the party for which the greatest number of first preference votes was cast at the last local general election is to be treated as the nominating officer of the party with the greatest remainder for the purposes of sub-paragraph (4), then the nominating officer of whichever of those parties is the party for which the next greatest number of first preference votes was cast at the last local general election and so on."*— [Mr Durkan (The Minister of the Environment).]

*Amendment No 28 proposed:* In page 80, line 5, leave out "Regulations" and insert "Standing orders".— [Mr Durkan (The Minister of the Environment).]

*Question put, That amendment No 28 be made.*

*The Assembly divided:*

*Ayes 50; Noes 35.*

**AYES**

*Mr Allister, Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Cree, Mrs Dobson, Mr Durkan, Mr Eastwood, Mr Elliott, Ms Fearon, Mr Flanagan, Mr Gardiner, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Kennedy, Mr Kinahan, Mr Lynch, Mr McAleer, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr B McCrea, Dr McDonnell, Ms McGahan, Mr McGlone, Mr McKay, Mrs McKevitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Nesbitt, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan, Mr Swann.*

*Tellers for the Ayes: Mr Byrne and Mr Milne.*

**NOES**

*Mr Agnew, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Craig, Mr Dickson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Frew, Mr Givan, Mr Hilditch, Mr Humphrey, Mr Irwin, Ms Lo, Mr Lunn, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mr Poots, Mr G Robinson, Mr Spratt, Mr Storey, Mr Weir, Mr Wilson.*

*Tellers for the Noes: Mr McQuillan and Mr G Robinson.*

*Question accordingly agreed to.*

**10.15 pm**

**Mr Speaker:** I will not call amendment No 29 as it is consequential to amendment No 11, which has not been made.

**Schedule 9 (Minor and consequential amendments: general)**

*Amendment No 30 made:* In page 93, line 8, after "6" insert

*"of the Local Government Act (Northern Ireland) 2014"*.— [Mr Durkan (The Minister of the Environment).]

Schedule 10 (Repeals)

*Amendment No 31 made:* In page 93, line 27, leave out "Schedules 1 and" and insert "Schedule". — [Mr Durkan (The Minister of the Environment).]

*Amendment No 32 made:* In page 93, line 29, leave out "6". — [Mr Durkan (The Minister of the Environment).]

*Amendment No 33 made:* In page 94, line 6, leave out "and (3)". — [Mr Durkan (The Minister of the Environment).]

*Amendment No 34 made:* In page 94, leave out line 29. — [Mr Durkan (The Minister of the Environment).]

**Mr Speaker:** That concludes the Further Consideration Stage of the Local Government Bill. The Bill stands referred to the Speaker.

## Assembly Business

### Standing Order 42(1): Suspension

**Mr Durkan (The Minister of the Environment):** I beg to move

*That Standing Order 42(1) be suspended in respect of the passage of the Local Government Bill.*

When I introduced the Local Government Bill in September last year, the Assembly took the final major step towards delivering the most significant change in local government in over 40 years. The scope and complexity of the Bill's provisions represented a challenge that I was confident that we could meet.

Mr Speaker, I want to place on record my appreciation to you and your deputies, the Business Committee and your officials for making the necessary arrangements for the Consideration Stage of the Bill to be taken on 18 and 19 March, and for the Further Consideration Stage to be completed today. This has put us in the position that, subject to the Assembly passing the Bill at its Final Stage, we can have the legislation on the Northern Ireland statute book prior to the new councils being established following the elections on 22 May.

At Second Stage, I urged the House to support this critical element of the local government reform programme to deliver stronger councils that have the needs of everyone at their core. That is what we have done. The Bill has been scrutinised thoroughly by the Committee, for which I commend it. I also commend Members for the amendments that they tabled at the Consideration Stage and today.

I want the Bill to complete its passage through the Assembly before the Easter recess, and, as Members will be aware, the Final Stage has been scheduled for next Tuesday, 8 April. However, the date for the Final Stage means that there will be less than the five-day minimum interval required under Standing Order 42(1) between Further Consideration Stage and the Final Stage of the Bill. To allow the Final Stage to proceed next Tuesday, which is the last scheduled plenary sitting before the Easter recess, the Assembly must agree to the suspension of Standing Order 42(1). That is the purpose of bringing this motion to the House today.

I appreciate that you, Mr Speaker, also have certain obligations under statute and Standing Orders before the date of the Final Stage of a Bill can definitely be determined. I acknowledge that, should the Assembly agree the motion, you will be left with less time to carry out your duties, and I beg your further indulgence in that respect. However, subject to those important provisos, the passage of the Bill at Final Stage next Tuesday will complete a significant step towards delivering the Executive's vision for the future shape of local government.

I acknowledge that there is still work to do, but the passage of the Bill will allow my Department and the Assembly to move forward with the extensive programme of subordinate legislation and guidance that will be needed for the new councils to operate effectively at the earliest possible opportunity.

Consideration of the Bill is nearly complete. It has taken some time to reach this point, but most of the hard work

has been done. Let us take it to the next stage and provide the new councils with the tools that they need to deliver benefits to all our people.

Therefore, subject to your consideration of the Bill, Mr Speaker, I seek Members' support for the suspension of the Standing Order to allow the Final Stage of the Local Government Bill to take place next Tuesday.

**Mr Elliott:** The Minister indicated that it has taken us quite a while to get to this stage. I think that it is about 14 years, all told. That is why I am not overly content, nor is the Ulster Unionist Party, that we have to rush through to the Final Stage within a few days. We appreciate that a huge amount of work has gone on behind the scenes. A huge amount of work has been done in the Committee and a massive amount in the Department. I appreciate the work and commitment of a number of Ministers and the Department. However, I want to put on record our disappointment that the passage of this has taken so long and yet it is being rushed at the last moment. I raised the same issue when the Consideration Stage was brought forward to a much earlier date than was required. We are not going to divide the House on this, but we want to put on record our disappointment about it.

**Mr Durkan:** I thank Mr Elliott for his contribution and for saying that he will not divide the House. I thank you, Mr Speaker, for your consideration.

**Mr Speaker:** I remind Members that the motion requires cross-community support.

*Question put and agreed to.*

*Resolved (with cross-community support):*

*That Standing Order 42(1) be suspended in respect of the passage of the Local Government Bill.*

**Mr Speaker:** As there are Ayes from all sides of the House and no dissenting voices, I am satisfied that cross-community support has been demonstrated. Standing Order 42(1) is suspended in respect of the passage of the Local Government Bill, and the Final Stage may take place on Tuesday 8 April, provided that the statutory duties that the Speaker is required to carry out under section 10 of the Northern Ireland Act 1998 have been completed.

*Motion made:*

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

## Adjournment

### Northern Regional College: Ballymoney

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

**Mr Storey:** It is not hard to know who your friends are when it comes to 10.25 pm and Members begin to leave the Chamber. I thank those Members who are staying to take part in a debate on what is a very important issue for those from North Antrim, particularly those from the town of Ballymoney.

I pay tribute not only to those who currently work in the regional college, but to those who, down through the years, have made a contribution to the education of young people in the Ballymoney area in what was previously Ballymoney tech, which then became the Causeway Institute, and, subsequently, the Northern Regional College (NRC), which came into existence as a result of the mergers on 1 August 2007.

Last night, I left home, at about roughly the same time as it is now, and walked up to my office. I picked up some papers and decided that it was time to head back home. When I was going past the regional college, the caretaker was going through the building. The closer I got to the regional college, more and more lights kept going out. I trust that that is not an omen, not that I am superstitious. When I eventually got past NRC, I looked behind me; the lights were all out and the caretaker had left. I thank the Minister for being here this evening and I say to him sincerely that there is real concern in the community, and among the staff and all those who have been associated with the existence of NRC, that we are seeing that very process being played out in front of our eyes. The lights are gradually going out, and we are getting to a point where the decision has been made that the long-term future of the college is not going to be in Ballymoney.

The regional college in Ballymoney has played a pivotal and successful role in the education of post-16 students in the Ballymoney area for many years. Its range of vocational and creative courses has served many hundreds of young people in achieving their professional goals in life and in ensuring that those students have made successful progress in their future careers. It is, however, much more than just a stand-alone educational establishment. At this stage, I want to say that we appreciate very much the fact that we have outstanding provision in the regional college, from Ballymena right through to Coleraine. I know that my colleagues will make reference to the provision in Ballymena. Although the focus of the debate is on the access between Ballymoney and Coleraine, we should not lose sight of the access that there is between Ballymoney and Ballymena or of the outstanding provision in Ballymena and the way in which that has developed over the years.

We have, in Ballymoney, three other partners in the provision of the regional college. Those partners are our local schools: Our Lady of Lourdes, Ballymoney High

and Dalriada. They all, with one accord, are very fearful and concerned about the long-term implications of NRC not having a physical presence in Ballymoney. One only has to read the comments that appeared in the local press from Tom Skelton, the current principal of Dalriada. He said that the move would leave Dalriada as the only post-16 education provider in the town and that that should strengthen the case for joint post-16 provision. He made that pitch to the Department of Education. Rodney Scott, the principal of Ballymoney High, went on to say that NRC helped to deliver the entitlement framework, particularly with Key Stage 4 occupational and vocational courses. He said that it is a good facility in the town and something that is valued. That gives you a flavour of the thoughts of the local principals from the schools that benefit from the college. They clearly have concerns for its long-term future.

To get an understanding of where we have come from and how we got to this point, we need to go back to decisions that were made, not by this Minister, and that is why I welcome the fact that we have the current Minister with us this evening in the House.

### 10.30 pm

We have to go back to the previous Ministers in the Department who, unfortunately in my opinion, took their eyes off the ball with regard to the long-term provision in Ballymoney and the regional college. Over a period of time I asked questions of Sir Reg, who was one of the previous Ministers, and Danny Kennedy. On 15 February 2011 in a question for written answer to the then Minister, Danny Kennedy, I asked for an update on the future of the Ballymoney campus of the regional college. The answer was as follows:

*“that the Coleraine and Ballymoney campuses would be replaced by a new college in Coleraine.” —*

It is quite clear that, even in 2011 and probably prior to that, a decision had been made that would ultimately bring the existing presence of the regional college out of the town of Ballymoney and into Coleraine. What was the plan? We all know now that it was to build a new facility at Wattstown. Let us remember that, in their thinking, the people in Ballymoney are tired of seeing everything heading out of the town. Had it not been for some of us and the interventions that we made, we would not have a new police station in Ballymoney. However, the effort was made and we were able to secure that provision.

Let us remember what happened with regard to the future of the Route Hospital. We were told that we would get a new provision in the Causeway and that it would be an enhanced provision, and it has been. I pay tribute to the fact that we have a facility in the Causeway that local people look upon as their own. However, they still remember that to get what they now have, they had to sacrifice the Route Hospital.

The council will be going as a result of what took place in the House today. Now, we are being told that access has to be towards the greater geographical area of Coleraine, and that we are going to Wattstown because that would help with regard to access for people and students from Ballymoney. There is an element of rationale in what was the then proposal for Wattstown. It is on the Ballymoney

side of Coleraine, and it is a shorter distance. At that stage, I talked to the Minister about having an integrated transport link to ensure that we had a railway halt that would facilitate students and all of that.

However, now we discover that Wattstown is no longer the preferred location for this provision. The preferred provision is now a town-centre location. That is obviously based on the fact that you would have a greater number of people, and there would be economic benefits. You can see that many of the arguments for making the decision are rational and reasonable. However, it removes the college further and further into the centre of another town and further away from the people and the students in Ballymoney. Therefore, there is an issue around the current proposals on where the college would be located.

In response to questions from other Members in the House yesterday, when the issue was raised, the Minister tried to convince us all that a final decision has not been made. That is not how it is with regard to the outline business case; that is not how it is with the arguments that are being made by the regional college. I believe that the decision has been made by them in that process that the only logical, sensible thing to do is to amalgamate the two colleges, as was the case under the previous Ministers. Regrettably, no action was taken by them to hinder that process, and it has been allowed to continue.

There is an economic argument for Ballymoney. I am proud to live in Ballymoney town, and I have lived in it all my adult life. I came to live in Ballymoney when I was 15. I am an adopted son of the town and was educated at Ballymoney High School, and I declare an interest as a member of the board of governors of that school.

Ballymoney has suffered. Ballymoney is now a commuter town for areas between Coleraine, Ballymena and further afield. It has excellent educational provision. However, there is no doubt that if that, full-time provision is removed, it will have a knock-on effect on Our Lady of Lourdes High School, Dalriada School to a lesser degree, and Ballymoney High School in particular.

Let me just say something on location. I have written to Deloitte, which was doing the business case, and the Minister. I thanked the Minister for the meetings and discussions that we have had with him and for his answers to questions that we have asked. When I was at school, Christie's was the main occupier of Linenhall Street in Ballymoney. That was over 30 years ago. The site has sat in dereliction for all of that time since Christie's closed. That whole area, over an acre of land, is sitting in a state of great need, despite all the council's efforts to tidy it up with artwork and all that has been done. The site at that location in Ballymoney could facilitate new provision.

When I spoke to senior people in the NRC, I was reassured that what could happen would most likely be the same as what happened in Antrim. As you know, there was closure in Antrim, but there is now provision in Parkhall Integrated College and other places. It is not full-time provision; it is part time. So, the full-time element of educational provision would go to a new location in Coleraine. With great deference to my colleagues in East Londonderry, I, along with the MP for the area and my colleagues, had a meeting with the Minister. He can report on how amicable that meeting was, even though I was still

clear that I was ensuring that Ballymoney would not be left out of the situation.

There is no greater signal that the current Minister could give to the people and students of Ballymoney and the outlying areas of Rasharkin, Loughguile and Ballycastle — let us remember that Ballymoney does not just serve the local borough; it goes beyond that and serves a wider area — than to tell them that we will provide them with something that reflects how we value them as individuals and that we do not buy into the idea that, somehow, everything has to go towards Coleraine.

There is much more that we could say about benefits. The economic benefits for Ballymoney of the retention of that provision would be immense. Equally, the economic downturn that it would suffer due to staff and students being taken out of the town and sent to some new location in Coleraine would be immense.

Let me also say this: I have, for some time, been speaking to the Minister and the Education Minister about a 14-to-19 policy. At long last, although we may not have a document, at least we have a commitment to the delivery of a 14-to-19 policy. There are proposals to spend capital in DE and DEL. I ask the Minister and the Education Minister to sit down together and give us a comprehensive education plan in policy terms and also in capital terms that will deliver for Ballymoney educational provision that takes into account the post-primary provision of Our Lady of Lourdes, Ballymoney High School, Dalriada and the NRC in a way that proves, as I believe those institutions have done, that they can deliver for the pupils and young people they serve.

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

**Mr Storey:** Let us not continue to see the lights go out. Let us put the lights back on so that the NRC's full-time presence in Ballymoney remains.

**Mr McKay:** Go raibh maith agat, a Cheann Comhairle. I thank the Member for bringing this issue to the House. Having served on the council previously, I know that the gradual closing down of many sources of employment and activity in general in Ballymoney is something that we have been almost unable to affect, regardless of the many representations from different parties over the years to try to prevent it. I think that there is a general attitude and assumption that everything has to go to Ballymena or Coleraine and that somehow Ballymoney has nothing to offer. We need to continue to challenge that before it is too late, certainly in this case. Otherwise, it will get to the stage where, instead of making a more rounded assessment, the powers that be simply dismiss towns such as Ballymoney and Ballycastle.

There is already an excellent service at the Ballymoney campus, which accommodates approximately 1,000 students on 61 courses and has full-time, part-time and evening provision. There is a feeling not only in the town but in the Ballymoney district that there is a general squeeze between the larger hubs of Coleraine and Ballymena. However, the other way to look at it is that Ballymoney is within a short distance of Coleraine and Ballymena and is itself a large hub, so why could it not facilitate this kind of provision, given its closeness to the other large population centres?

There is no doubt that we need a modern estate, but that does not mean that everything has to be centralised. Even in Ballymena town, where I went to technical college, there were two different colleges — Trostan Avenue and Farm Lodge. Even then, there was no need to site everything in one building or one set of buildings. There does not have to be a single centralised unit in this case either. There is a good service in Ballymoney and more than enough opportunities to site the facility in the town. The Minister should take cognisance of that.

The Member, rightly, referred to the sense that the lights are going out, not only for the college but people sometimes get that feeling about Ballymoney itself. Every time that another business, manufacturer or service closes, the Ballymoney economy is left weaker and more exposed. We should consider the other educational facilities in the town, including Our Lady of Lourdes, Dalriada and Ballymoney High. The Minister should be mindful of the effects on education, not only in the town but on the rural community around Ballymoney.

The Member referred to the likes of Rasharkin, Dunloy, Ballybogy and Ballycastle. Ballymoney is very much a rural town in north Antrim that facilitates many members of the rural community in that central strip of the county. People in Ballymoney and Members who represent it know that they have to fight for everything that they hold and achieve there.

I remember the debate and long discussions about Ballymoney police station. Before the newbuild was achieved, it was raised at the Policing Board, and, as budgets were squeezed in the past five or six years, there was certainly a train of thought that the police station would not go ahead. Fortunately, that was not the case and it is now in place. However, it goes to show that we cannot take anything for granted in Ballymoney. The town is well serviced. Unlike many towns across the North, it has a train station and good access to Coleraine and Ballymena. It has a lot going for it, which I feel that Departments and others, even in the wider business community, ignore.

I conclude by asking the Minister to consider Ballymoney as a serious option. We should not go ahead with this decision without taking cognisance of its possible domino effect. Siting the college in the town would provide not only educational provision but economic activity through footfall for local businesses. The effect on the town of not doing so could be quite damning, some might say almost fatal. The Minister should consider that and the views of Members here today that we cannot be left with a situation of Ballymoney having an economic and educational deficit. We must guard against the danger that Ballymoney could become a ghost town. Ballymena and Coleraine are big, modern towns that we want to progress in equal measure, but, at the same time, Ballymoney cannot be left behind.

**10.45 pm**

**Mr Dallat:** You may well wonder what somebody from East Derry is doing taking part in this Adjournment debate. I am glad that I came because I wanted to put right a few things that I have heard.

I came here as someone who owes their education to the technical schools of the past, as I attended in Coleraine, but I had great admiration for my student friends who went to Ballymoney, in their lovely brown uniforms in those days,

who were constantly winning gold medals and all sorts of things. This debate should not be about Ballymoney or Coleraine.

Four years ago, technical education marked its 100th anniversary. I was looking forward to some kind of great celebration, but it passed with a whimper. Over the past few years, we have talked a lot about integrated education and the benefits that it may have. As someone who went to a technical college when the Troubles were beginning, we had the best integrated education at those colleges. They were not cultivated, they were natural.

Technical education gives a second chance to thousands of people across Northern Ireland that they would otherwise not have. The colleges promoted vocational education when it was not the flavour of the month and, for whatever reason, they had the most outstanding teachers that the education system could ever hope for. I know young people who attended Ballymoney technical college and Coleraine who went into second arts in Queen's, such was the standard of preparation of those young people. Interestingly, many of them who I have remained friendly with down through the years played a major part in keeping sanity alive in Northern Ireland when others were trying to destroy it.

This may sound like nostalgia, but some things are better built on than dismantled. I honestly believe that it would be a major mistake to take the presence of the further education college out of Ballymoney, not just because of the reasons I have heard, but because I think that the reasons stand on their own. The reasons are solid, they are good and they are 104 years old.

Let us move on. The education partnerships have been mentioned, and Mr Speaker, you will know that those were developed in the north-west and are outstanding. However, central to them is the key role of the further education college. As a former pupil of Our Lady of Lourdes in Ballymoney, because we do cross the Bann occasionally and shop in Ballymoney as well, I know and support the belief that the college of further education is critical to Our Lady of Lourdes, Ballymoney High School and Dalriada in continuing to develop a level of education that ensures that every child benefits from it and hopefully has a job to go to.

I know that the Minister has got his prepared speech here. I was encouraged when I saw him writing because I hope that he is rewriting it. I hope perhaps out of this Adjournment debate, we might have rekindled something of the benefits of an education system that failed nobody and benefited everybody. Whilst some things need to be centralised, I know, although perhaps Mervyn does not appreciate it, that Coleraine feels left out as well since that centralisation plan took place. It did not help staff morale, and certainly the long, drawn-out indecision about what should happen in the future did not help either.

In the interests of Ballymoney and Coleraine, and, God knows, they are only eight miles apart, there surely must be a better plan than to simply condense everything into one geographical area, which may well be Ballymena.

In conclusion, the colleges of further education are probably the best models of community colleges that anyone could hope for. Those are talked about as something new and all that, and they are there. I agree with Mervyn and Daithí: do not take the heart out of any community, whether it is Coleraine or Ballymoney, by

taking away the presence of the college, and acknowledge that each of these colleges has specialised.

Ballymoney is outstanding in promoting the arts, music, catering and those things; do not rob it of that. If we are to move forward together, let us do it with some kind of equality — we heard that word earlier — and with a generosity. Do not be blinkered by what the consultants might tell you.

**Mr Swann:** I congratulate and thank Mervyn for securing this debate. I know that he has campaigned on the issue for quite some time. Moving on from what John said, I hope that the Minister realises that this is not just a plea from North Antrim Members about keeping a college in Ballymoney; it is also a call from East Londonderry Members about looking at the correct solution for the Northern Regional College.

Earlier, Mervyn mentioned Wattstown, which was looked at by previous Ministers. I am fully aware from our meetings and conversations with the Minister that he has not yet received the business case from NRC and that he still has time, when that business case comes forward, to have an influence on it and an input into it. However, that concern has always been there, and Mervyn highlighted earlier that this was something that NRC has been planning for some time, since the Training for Success courses began to move away. It got to a stage where bricklaying, joinery, paintwork and plastering courses were no longer provided in Ballymoney and you had to go to Ballymena or Coleraine to source those. There was a feeling then among the staff, in the wider community and among employers who were looking to those training courses and those apprentices, that there was a plan already in place. I do not think that anything until now has changed that. However, I hope that the Minister can have an influence to do that.

Ballymoney Technical College, which we are looking at at this time, has 1,000 students, which Daithí referred to earlier, 22 full-time courses and 39 part-time courses. Now, those 1,000 students are based mostly around performing arts, music and the media. On Friday, I was lucky enough to go down to the South Eastern Regional College, which was hosting a Northern Ireland performing arts competition for the technical colleges, and I can honestly say that I was proud of the NRC students who were on stage that day because their abilities and the skills they are being taught in Ballymoney were second to none.

Minister, it is really about ensuring that there is a wider provision for further and higher education in the town itself. We are looking now at the need for more part-time courses, more supported courses, more adult learning and more evening learning — something that the technical colleges were always able to supply to a local community. The current provision comprises BTECs and diplomas in the full-time courses; even the part-time courses are BTECs and diplomas. I think two GCSEs are supplied there now.

We need to ensure that the people of Ballymoney and the wider community have access to higher and further education, which is the Minister's responsibility. As we look at evening classes and the people who we are trying to get in to further education, there are people who cannot travel to Ballymena or Coleraine in the evening, so we need to make sure that there is provision there. We need

to support it through our area learning plans. We are also looking for that post-16 provision, and adult learning as well. I know that the Minister is looking to develop policy in those areas. There is an opportunity here for the Department to take a strategic approach across the entire provision to make sure that Ballymoney can provide something, supported by DEL and the NRC, as a part of a wider education and learning community.

The Minister has a big push on in his review of apprenticeships, and there has to be provision. Daithí and Mervyn talked about the businesses and employers that are leaving the area.

If we were to create the correct apprentices and apprenticeships, supported by the technical college in that area, we could attract employers. That has been proven by the representations we have received through the Committee and heard elsewhere. If we have the skilled workforce, the employers will follow. We will look at that in respect of the job losses in Coleraine and the surrounding area. Many people who have lost jobs in the DVA are from Ballymoney and the surrounding areas.

So, we need to support adult provision and apprenticeships and look to Ballymoney as a source. The estate there at the minute needs major refurbishment; there is no doubt about that. Part of NRC's strategic plan was to allow that estate to run down, but, as Mervyn said, it is about looking to other locations, sources and premises in the greater town and area that can be utilised by the Department.

All I want to say now to the Minister is that the business case has not been brought forward. The Speaker will recognise that we are standing here at 10.55 pm on a Tuesday night, after what has been a long day, and there is still enough representation here from two constituencies to make the case for proper provision for further and higher education in Ballymoney and the surrounding area. I support the proposal.

**Mr Frew:** I congratulate my colleague Mervyn Storey for bringing this Adjournment debate on this very important issue to the Floor of the House and to the ears of the Minister. There is no doubt that this is a very important issue, and I am glad to see Members from other constituencies also speaking on behalf of their constituents and the town of Ballymoney. That is refreshing and good. This should not be about one town versus another town. If it is that argument, it is the road to no town.

Mervyn covered all the bases, but I will cover some of the issues. What we have learnt from area planning in the education world is that there seems to be an obsession with an empty seat, as opposed to a young person sitting on a seat. Some officials look at pounds and pence. When are we going to start considering what is best for the young person in the seat rather than the estate and how much it costs to run or heat an estate? We should centre more on the facilities for the young people and how we treat them and provide the service to them. I would not want the Department and the Minister to fall into that same trap where they become obsessed with pounds and pence, with the estate and with the empty seat, rather than with the child or young person.

That brings me to my other point. There is absolutely no doubt that the people of Ballymoney feel vulnerable and defensive when we talk about services. They are

competing between two bigger population centres. You can sense that when you talk to Ballymoney folk and the losses that they sustained over the years with regard to services. When you speak to Ballymoney people, they fear more losses. It should not be the case that bigger is best. It should be the case that, when you are looking at services, especially when it comes to further and higher education, you look at the linkage and do not look at higher education as an island or on its own.

There is no doubt that higher education and further education is just a pathway, and at the start of that pathway are the schools. We have very good schools in Ballymoney. They have all been mentioned: Ballymoney High; Dalriada, and Our Lady of Lourdes. They do great work for our young people. There is also the truth that we are probably sending far too many people to university at present. As someone who was educated at the Farm Lodge campus of Ballymena NRC, I saw what were probably the best artisans to come out of the education system. They learnt trades and went on to make massive contributions to the built form in this country. They have been very successful in business, made lots of money and provided lots of income and employment for people. It is very important that further education is given the respect and resource that it deserves.

#### 11.00 pm

I fear that it was decisions that were taken previously to move trades out of Ballymoney that have put it in a vulnerable position. I know that it was not this Minister's decision; it was others who made those decisions. I regret that those decisions were made. I believe that that was a mistake, because at the other end of this link are business, industry and manufacturing. Ballymoney has held its own to a degree, but it could do much better. However, it cannot do any better unless the links are there with the schools and NRC, providing those people who have those talents. It is not fair to ask schools or businesses to link with a college that may well be on the other side of a town, albeit eight miles away. If it is at the other side of the town, it may as well be 100 miles away, because, logistically, those links are hard to put in place.

It is also the case that further education and higher education cater not only for young people but for adults. As John Dallat said, it is, in some cases, a second chance for people. Those adults will already have a family, in some circumstances; they may well be tying down a job; they may well have dependants; they may well have families; they may be single parents. Even if it is only eight miles to travel to a place to learn and study, it is not always the easiest thing to do —

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

**Mr Frew:** — with all the pressures that it brings.

So, along with my colleagues, I make this appeal to the Minister: please, consider this very, very carefully, Minister. You do not want to lift any more services out of a town that already struggles, because the NRC campus may be the one thing —

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

**Mr Frew:** — that helps this town and brings it up out of the recession.

**Mr D McIlveen:** The hour is late, so I will curtail my comments as much as I can.

Yesterday, in Question Time, this issue was raised to the Minister by my colleague Mr Frew. The Minister referred to Ballymoney as a market town. I accept that he is accurate in his description, but, when I look at how Ballymoney is performing, I have to say that I believe that its performance is much greater than the average market town around the Province. Of course, the Minister represents a large market town in his constituency. I think that he will envy the figure that I am about to tell him, when it comes to his own constituency. At present, Ballymoney has an unemployment rate of 4%, which is well below the United Kingdom average of 7.5%. I believe that that is largely due to the private sector that exists in Ballymoney. Despite the very difficult times, which my colleague talked about, and the mass exodus, in many cases, that Ballymoney has suffered as a result of the recession and, obviously, other services being centralised to larger towns, there has been an ability to innovate and for the companies in Ballymoney to hold their own and to punch above their weight. That has been largely as a result of having a local, high-class further education establishment on its doorstep.

It is so easy to stand here and say that it is only a short distance to Coleraine or Ballymena, but the local ties and links between our further and higher education establishments and local business on their doorstep are vital. I believe that, if such a facility were to be torn out of Ballymoney, those links would be severed, and it would be very difficult to re-establish them, even with an establishment in Coleraine or Ballymena. As well as that, we have to accept that the infrastructure, particularly down to Ballymena, still leaves something to be desired. We are glad, obviously, that improvement has been planned, and that is under way to part of the road to Ballymena. However, the infrastructure is still not sufficient to make the journey from Ballymoney to Ballymena a pleasurable experience. We are dealing with students who, as it is, are scraping money together to make ends meet, and for them to have to take a laborious journey to Ballymena every day, whether by bus or train, is something that may not be particularly attractive.

Let me close with this. I believe that there is a risk of creating a perception of sectarianism here as well. I am not suggesting that you are being sectarian; I am just saying that the perception could be there. Demographically, whether we like it or not, Ballymoney is predominantly a town of people from the unionist community. It is 80% Protestant. We see the Department's failure to deal with, for example, the issue in St Mary's University College; there is an over-provision for teacher training and a failure on the part of some people in the Department to have the courage to stand up and deal with that issue. I believe that there is a risk that, if we close down a highly used, proven establishment with a good track record, such as NRC in Ballymoney, yet we fail to deal with the issue in St Mary's, it sends out a very damaging message. We have to be careful about the perceptions that can be created as a result of that.

I will leave my comments at that, and I look forward to hearing what the Minister has to say.

**Mr Allister:** I commend the Member for bringing the matter to the House.

For those of us who have the privilege of representing Ballymoney, one of the great sadnesses, as we survey what has been happening in the town on a number of fronts, particularly in regard to community provision, is that it has amounted over the years to what could be described as asset-stripping. We have seen so much employment stripped out of the town. We have seen hospital provision stripped out of the town. Now we have a live threat to a key component of post-16 educational provision. Added to that, at the same time, we have a threat to residential care provision in the town. Little wonder that there are many people in and about Ballymoney who think that their town is becoming the Cinderella of the north-east and that, if something has to go, it will disappear first in Ballymoney. Other places, they think, are more important.

Minister, the choice that faces you is whether you are going to continue that cycle of asset-stripping from Ballymoney or will you take a stand in defence of a key component of our educational provision. Make no mistake about it: the regional college is key to the economic future of Ballymoney. That is not just in the sense that it has 1,000 students who come and go; 1,000 students who bring commerce to the town. At lunchtime and afterwards, they go down the town and spend money in the shops. You have only to visit the High Street and the surrounding streets in Ballymoney to see the dearth of investment and dereliction that there is. If we take another 1,000 spenders out of Ballymoney and rob the town of that facility, what will we do to its economic heart, and what will we do to the prospect of attracting new businesses that will be reliant upon skilled staff, apprentices and all that? So, I say to you, Minister, that you have to act. My fear, and the first Member who spoke reflected this, is that you have all but already decided against Ballymoney. I say that because we have seen play out before us for some years a long-term strategy, whereby the scheme has been to take the college totally out of Ballymoney, suggest that it will be in a convenient place in Coleraine and then even Welsh on that. However, there seems to be an underlying desire, which I do not understand, to rob Ballymoney of that key component of its education provision.

The point was made that many people talk admirably, as do you, Minister, about integrated education. The regional colleges are integrated education in action, and here we have a proposition that the town of Ballymoney should be robbed of that, too. I say to you, Minister, that Ballymoney has suffered more than it can bear and that you have to face the fact that, if you continue down the road that you seem to be headed, you will add greatly and unnecessarily to the further pain and diminishing of the town of Ballymoney and that you will further strip it of assets that are vital to its survival. I trust, Minister, that you will turn and that you will not do that, because the people of Ballymoney deserve better.

**Dr Farry (The Minister for Employment and Learning):**

First of all, I thank the Member who proposed the topic for the Adjournment debate this evening. I recognise that we have a full turnout from the North Antrim constituency and, indeed, a Member from the neighbouring constituency. That reflects the interest in the debate. I fully acknowledge that.

Let me say at the outset that I have taken no decisions on the future provision of colleges in the Northern Regional College area. I will also say for the record that the Department formally received the outline business case

last Friday, but it has not yet been presented to me for my consideration. So, at this stage, I have yet to formally read the outline business case, never mind take any decisions on it. Although Members will know the history of the strategic outline case and its recommendations and may well suspect what the current outline business is saying and recommending, let me reassure them that I will fully reflect on all the comments that have been made from all sides of the House this evening and will take them fully into account when making decisions on the way forward.

I think that it is also important to recognise that we are here primarily talking about investing in the future of our economy. That means investing in the right skills, which in turn means investing in the people who will have those skills and in the development of their ability to implement those skills in a productive manner for our economy. In saying that, we also have to recognise that the world of work is changing dramatically, so we need different forms of education and training. Members spoke tonight about apprenticeships, and I welcome their commitments to those. In saying that, we also have to reflect on the critical role that the FE sector plays as a key delivery partner, and, in many instances, it is the first point of call for the delivery of those innovative solutions and for the supporting mechanisms that will take forward the appropriate training.

**11.15 pm**

In providing that service, it is important that we have a modern FE estate and that the infrastructure is of high quality, with state-of-the-art technical facilities, including modern equipment. As such, over the past number of years, my Department has made a considerable number of investments in the FE estate across Northern Ireland. Many Members will be familiar with the high-quality campuses that have been delivered.

With respect to the Northern Regional College, in recent years we have seen, in 2004, £2 million for a replacement building at Larne and, in 2010, £10 million for refurbishment and a newbuild project at the Newtownabbey campus. There were also minor works of about £2 million. To put that into perspective, that is less than has been invested in many other parts of Northern Ireland, so NRC has not yet benefited from the degree of investment that we have seen elsewhere. It is important that we ensure that the quality of the FE estate in that part of Northern Ireland is as good as if not better than other parts of this region.

Three years ago, NRC commissioned a condition survey of the buildings in its estate. Deficiencies highlighted included high maintenance levels, poor appearance, constrained layout and outdated and inefficient buildings. In essence, the existing estate is not fit for purpose, nor is it in keeping with the wider vision and aims of the college and my Department. So, we do need to consider change.

A high-level strategic outline case (SOC) was presented by the college and gained the Department of Finance and Personnel's approval to proceed to the next phase, which is the outline business case. The SOC identified that the buildings at the Ballymoney, Coleraine and Ballymena campuses were most in need of improvement, and it concluded that the outline business case would examine that in more detail and identify the value-for-money options for new accommodation in those areas. A number of core issues will underpin how we examine that.

The first issue is infrastructure capacity and the ability to provide modern accommodation and equipment that is up to industry standards. At times, that can be quite costly, particularly in engineering, construction and catering.

The second issue is student capacity. Given the wide and varied range of courses in the FE sector, we need to ensure that there is a sufficient number of a students to make classes viable and that, as we look to build a shared future, FE provides a shared experience, not just in respect of people occupying the same building but in the sharing of teaching and learning, as Members have recognised.

Experience in the FE sector is that students are willing to travel to ensure that they get access to their preferred courses. In the Ballymoney learning community, we already have examples of young people from schools coming together to participate in courses not just at the Ballymoney campus but the Ballymena and Coleraine campuses. Those experiences are shared with pupils from other schools across the North Antrim area. We need to ensure that we meet the wider needs of the entitlement framework and, as Mr Storey outlined, provide a wider 14-to-19 strategy in the most strategic and economical manner. Before concluding what the best option would be in the North Antrim area, the business case has been examining current student flows.

The third issue is teaching capacity. Many tutors in the FE sector have significant industrial experience. That is valued because of the expertise and resource that they bring, which gives the sector a very distinctive feel. To ensure that the teaching resource is fully utilised, there needs to be an optimum capacity of students and accommodation.

Those three issues in particular need to be considered in the outline business case. The business case has been developed by the college itself, with the assistance of Deloitte. At present, my Department's economists and accountants are liaising with the college on that. Once my officials and I are content with the business case and any decisions and recommendations that we wish to make, we will submit that to the Department of Finance and Personnel for approval. Experience tells us that the timescale could be a number of months.

After the approval stage, I will be in a position to share with you the full detail of the value-for-money option that we are recommending be taken forward. I am hopeful that we will be able to secure funding for further investment in the NRC area over the coming years. That has to be taken into account alongside demands in other parts of Northern Ireland for investment in colleges, but I clearly understand the need for further investment in the North Antrim area.

Before looking at any further provision, I want to stress that, wherever the permanent provision is located, it will be done on an economical and strategic basis and provide for a wide catchment area. Where we do not have a permanent FE campus, there will be consideration of how we can provide community provision at other public sector buildings, leased accommodation or, indeed, through partnership with existing schools. It is also worth stressing the importance of the entitlement framework and how the FE sector can play a full role in that. It is important that schools do not seek to replicate what can be offered in the FE estate. Rather, we must look to make full use of further education, and I took considerable encouragement from

how Members reflected on the importance of the FE sector and the almost unique offering that it brings to the table.

**Mr Storey:** Thank you, Minister, for giving way on that point. That is a very big issue, given that the entitlement framework funding will run out very shortly, so there is a real risk of entrenchment. However, the Department of Education overlooked that when, recently, a home economics department was built at Dalriada School. That, ultimately, meant that the FE provision was lost. There was no strategic thinking or long-term plan. Clearly, that is a very serious issue in how we deliver the entitlement framework.

**Dr Farry:** I thank the Member for those comments. I am acutely aware of such dangers, and, indeed, I will meet Minister O'Dowd next week to discuss those issues. Taking the Member's example, I agree that there is a world of difference between the teaching of home economics in a school setting and the teaching of catering in an FE setting. To provide for the very successful tourism and hospitality sector in Northern Ireland, we need people who are skilled in that area.

I appreciate that time is against me, but I again place on record that we will fully take on board the comments that Members have made this evening. We will reflect fully on what has been said and factor it into our decision-making over the coming days. I fully appreciate the importance of the college to Ballymoney town. Members will appreciate that this has to be a rounded decision that is not based simply on the interests of particular towns; it must be based on the needs of the economy, whether on a subregional basis or across Northern Ireland. We need to ensure that we invest in people across the age spectrum to ensure that we are investing in the right skills for the economy. In doing that, we need to have proper, modern facilities, and we are committed to investing in the Northern Regional College area over the coming years.

*Adjourned at 11.23 pm.*



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# Northern Ireland Assembly

Monday 7 April 2014

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

*Members observed two minutes' silence.*

## Matter of the Day

### Lough Ree Fishing Boat Tragedy

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

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

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

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

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

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

It is at times such as this that you realise just what community spirit is really like. I have witnessed an amazing outpouring of sympathy, compassion and love, and I know that it is something that the families greatly appreciate. I

have spoken to some of the family members and I cannot find words to express the depth of grief and despair. Their hearts are totally broken and our hearts go out to them.

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

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

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

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

In the coming months, perhaps some lessons might be learned about the tragedy and how to prevent such things happening. However, accidents do happen and,

unfortunately, that family has suffered a huge loss. On behalf of the SDLP, I offer my sympathy, and I think it would be remiss if I did not also express our thanks to the emergency services and, indeed, the many volunteers who helped in the rescue and the search.

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

The unimaginable pain of the family, which comes from waiting, can never be described. Following the confirmation of David's tragic death, we in the community, alongside the family, held our breath for any news from the site, hoping against hope, yet knowing in our hearts that, with each day that passed, the outlook became bleaker.

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

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

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

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

As others have said, the emergency services have been tremendous in their work and in rallying round. Eventually, they found Daryl's body, so that it can be laid to rest by the family. As has already been said, a tragedy like this brings communities together. Our thoughts are with the families at this dreadful time.

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

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

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

#### 12.15 pm

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

**Mr McCallister:** I wish to associate myself and my party with the words and thoughts of condolence to the families. There have been many touching tributes today, particularly from people who knew the victims very well. It is important that we stop for a moment, as the whole House does on occasions such as this, and think of how quickly joy and pleasure can turn to tragedy, and to think of those left behind. It will be so difficult for those families to come to terms with their loss, and young children will have to grow up without the influence of a father figure. As Mr Allister rightly pointed out, we should think about John Trimble and the Trimble family and all those who are suffering the consequences and repercussions of this awful event, which will live on with them for many years to come. We think about them, and I am quite sure that the community

will continue to support them not only in these difficult days but in the weeks, months and years that lie ahead.

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

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

**Mr Irwin:** I concur with the Members who have already spoken. The tragedy that unfolded in Lough Ree, which claimed the lives of David Warnock and Daryl Burke, has shocked the community in County Armagh and further afield. In the aftermath of that awful tragedy, we have witnessed a huge coming together of the community to assist in providing help and supplies, including donations, for the families who are struggling with this ordeal. The efforts of all those involved in the search have been commendable and, indeed, deeply moving.

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

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

## Ministerial Statement

### Review of Public Administration: Rating Issues

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

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

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

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

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

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

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

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

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

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

Another issue that I wish to mention is the mechanism for funding the new responsibilities that local government will have, including local operational planning, regeneration and community development, physical regeneration, some housing functions and a number of local economic development and tourism activities. That will all need ongoing finance. Recent work by my Department has estimated the total transferring costs to be in the order of £80 million, although I hasten to add that the final cost is still being worked up by the donor Departments in discussions with local government. My Department is, therefore, not in the lead in taking forward that difficult process, which looks as though it will take a few more months. Ultimately, it will have to be agreed by Ministers.

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

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

To that end, DOE introduced a clause into the Local Government Bill at Consideration Stage to enable a new grant mechanism to fund councils in a similar fashion

to the derating and rates support grants. It will allow a supplementary net annual value (NAV) to be associated with each of the new councils, which will be set out in regulations early next year. The amount of grant that each council will be paid will be worked out simply by applying the prevailing district rate to that NAV figure. In effect, the new rate base supplement would lead to the same financial boost for a council as a new large office block or shopping centre being bequeathed to it in April 2015, generating the extra revenue needed to pay for the new functions.

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

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

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

### 12.30 pm

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

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

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

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

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

**Mr Hamilton:** I thank the Member for his questions. There may be no more left after Mr McKay's three-parter. I thank him for welcoming the £30 million for rates convergence. His first question was whether that was enough. Ultimately, that will depend on decisions taken at the end of the consultation that I intend to launch after Easter. However, initial analysis by my Department, based on the rate struck by the outgoing 26 councils, suggests that £30 million is enough to do it in the way that we have envisaged, which is over, perhaps, a three-year period, with a stepped decrease in transitional relief. However, if the consultation throws up various issues that we consider valid, and if the appetite is there, it may be necessary to extend that, which may involve some additional cost. I point out, though, that with budgets under pressure, in not just the coming year but future years, for a host of reasons, there would need to be significant reasons why we would want to extend the quantum of funding beyond £30 million, which, in the context of where we are, is quite generous.

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

to happen. It must be avoided, and I will do everything that I can to avoid it.

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

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

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

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

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

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

Although I think that there has perhaps been some cynical application of this in past years, where councils have taken decisions in advance to invest in something because they perhaps fear that a new, bigger council might swallow them up and outvote them, I understand that they would want to ensure that that capital investment is there so that it will remain. He is right that performance in developing reserves and prudence in the management of ratepayers' money at a local government level has been different and has been patchy across the Province. I agree that it would do well for all of us, whether at local or central government level, to have that prudent long-term view of our public services and to ensure that we do not spend money foolishly when we have it and regret it at a later stage.

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

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

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

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

The Member will recall that under the Local Government Finance Act, which was passed some years ago, borrowing powers for councils were greatly extended. They

are able to borrow much more, and I encourage them to do that prudently by investing in their area.

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

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

**Mrs Cochrane:** In welcoming the statement I should, perhaps, declare an interest as somebody who currently lives in Castlereagh and will fall into Belfast. Currently, it would appear that some councils decide the rate burden that they will place on constituents, make a wish list and then prioritise it in line with their agreed rate budget, whereas others seem to make a wish list and simply say to their constituents, "Foot the bill". Whilst it is important that councils have financial independence, all Northern Ireland ratepayers should expect similar consideration of the burden that it will place on them. Does the Minister see any opportunities for his public sector reform division to bring innovative ideas to councils to help improve their efficiency?

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

**12.45 pm**

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

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

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

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

**Mr Boylan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Cuirim fáilte roimh ráiteas an Aire. I welcome the Minister's statement. It talked about the European

investment banks. With the practices for borrowing, there is obviously a borrowing element but also a repayment element. What financial practices will be in place to ensure that ratepayers are protected in respect of loans and repayments?

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

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

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

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

One of the biggest opportunities is, as some other Members have picked up on, the ability of our councils to be conduits for investment in local infrastructure. Councils already invest in infrastructure, but it is principally around leisure and community expenditure. There is a possibility, particularly with the transfer to local government of powers around regeneration, for them to become serious level investors in infrastructure. It also presents opportunities for us, in the context of their community planning powers, to work with central government, whether it be in health, education, libraries or other public services, to see how that could more neatly fit with local government's plans to invest in infrastructure in their areas. There are huge opportunities. That is why I have wanted, at the early stage, to start a conversation with local government officials. I had a meeting last month with between 20 and

30 senior officials, chief executives, finance directors and development directors from right across Northern Ireland to start to whet their appetite about the opportunities, including opportunities such as the European Investment Bank, which was at that meeting to brief them, and financial transactions capital, which I mentioned to Mr Cree, and generally to raise ambitions and extend the horizons and the vision that local government has, stemming from the greater powers that it will have. There are huge opportunities. I am prepared to work with local government in a constructive way to help it to realise that and to give whatever assistance, whether that is through the public sector reform division or whatever, to help it, through DFP, to realise those opportunities.

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

**Mr Hamilton:** I know that it is an issue that causes great concern, probably particularly in the Fermanagh and Omagh area, but, as Mrs Cochrane mentioned, there are issues in respect of not just mergers but boundary changes in and around the Belfast area, particularly around Castlereagh. I know that the issue has caused concern. That is why I hope that today's statement, which, I hope, Members will communicate to their constituents, will offer a reassurance that there will be no sudden and excessive rate increases as a result of the merger of councils and reorganisation through the RPA. I am happy to communicate that in whatever way I can, particularly to businesses that are going through revaluation at the same time.

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

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

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

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

**Mr Hamilton:** I agree with the Member that it is good news; it was intended to be good news for ratepayers. There has been much public speculation, even in this House — in fact, I have heard black propaganda spread by some — that RPA and the reorganisation and merger

of councils will result in huge increases in individuals' rates. The intention is to give the House an update on the thinking on rates convergence, borrowing and funding mechanisms and, at the same time, ensure that people and Members understand the rates convergence scheme and the fact that the £30 million that has been set aside by the Executive will ensure that there will be no sudden and excessive increases in rates bills for the next number of years.

We have not finalised the scheme. The Department intends to start a consultation after Easter that, I am sure, will reveal issues that we expect it to reveal and some that we had not anticipated. We have not come to a hard and fast judgement that this is absolutely the way that we will do it. One way that the scheme might be done is through a stepped decrease in support, as has been the case with other transitional schemes. At the time of the change from rental values to capital values, there was a stepped decrease in the support that was offered to the ratepayers who were hit the hardest, so that sort of scheme might be used. We talked about it being done over three years, and we know our quantum of money. We also know the final rates for the outgoing 26 councils. A basic analysis of that and what it means for convergence, as well as a stepped decrease in support, which is, traditionally, what we have done with transitional schemes, has given us confidence that the £30 million will be sufficient to cover the needs of domestic and non-domestic ratepayers as a result of the RPA.

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

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

#### 1.00 pm

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

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

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

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

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

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

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

There is one area in which I am keen to assist local government. I think there is a huge opportunity for local

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

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

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

## Executive Committee Business

### Licensing of Pavement Cafés Bill: Final Stage

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

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

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

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

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

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

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

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

**Mr Maskey (The Chairperson of the Committee for Social Development):** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Speaking as the Chair, I, first, thank the Minister for bringing the Final Stage to the House. The Bill was referred to the Committee for Social

Development in accordance with Standing Order 33(1) on completion of its Second Stage on 25 June 2013.

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

*"place strong emphasis on putting the access needs of pedestrians at the heart of the licensing regime." — [Official Report, Bound Volume 92, p295, col 1.]*

Indeed, it is fair to say that the Committee was given good support from the Department's Bill team throughout its consideration. That is reflected in the Minister's broadly positive response to the Committee's suggested changes. As the Minister said during Consideration Stage, the more significant amendments addressed concerns raised by members at Committee Stage. In addition, the Committee was content to support a number of technical amendments that the Minister put forward. It is encouraging to see the positive impact that scrutiny by a Committee can have on legislation when a Department is prepared to work on a collaborative basis to establish in a positive way what can be done rather than providing reasons not to effect changes. Hopefully, this approach can and will continue.

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

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

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

**Ms P Bradley:** There is not really an awful lot left to say as we said most of it at the various stages of the Bill. On

behalf of the DUP members of the Social Development Committee, I join the Chair in offering our thanks to the Committee Clerk and staff, the Assembly officials and, probably more importantly, the many witnesses who brought us lots of information that enabled us to make suggestions and changes.

### 1.15 pm

I want to highlight the fact that, as an elected representative for North Belfast, I live and work on the periphery of what used to be a small village and has now grown into an ever-expanding town, and that is Glengormley. Anything at all that the Assembly can bring forward that will help our town centres, make them more attractive and bring in higher footfall and more tourism has to be applauded. I know that, in my town centre of Glengormley, DSD has provided a great deal of financial help to bring it up to a better standard and make it aesthetically better. Also, we have a very exciting master plan ahead in Glengormley. Anything at all that the Assembly can bring forward most definitely has to be praised, so I welcome the fact that we are now at the Final Stage of the Licensing of Pavement Cafés Bill.

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

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

**Mr McCarthy:** On behalf of the Alliance Party, I support the Bill at its Final Stage. As has been said today and, indeed, on previous occasions when we have debated this legislation, a cafe culture is beginning to emerge in our villages, towns and cities. It is important that we have the appropriate measures in place to regulate this welcome development. Although we will have to see how it works in practice, my party is satisfied that the legislation provides appropriate regulation while giving councils a degree of discretion and minimising bureaucracy. The safeguards that this legislation puts in place are important to ensure that pavement cafes are suitable for the surrounding area and will not negatively impact on traffic, pedestrians, the environment and public safety, including young mums and dads with prams. The same applies to wheelchair users and people with mobility issues and to people with a visual impairment. All our pavements must remain obstacle-free.

I am disappointed by the fall of my party's amendment at Consideration Stage. That amendment would have

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

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

We support the Licensing of Pavement Cafés Bill.

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

It is not something that even five or 10 years ago would have been regarded as attractive or desirable in many of our towns and villages. More and more, however, as we promote tourism and promote town centres as destinations, it has been acceptable and there has been demand for it. I remember a former Secretary of State, Mr John Reid, commenting on something similar when he was here. He said that, when he was in London, if you saw seats and tables sitting outside, you said, "Ah, a pavement cafe". If you saw it in Glasgow, you said, "Aw, there's an eviction taking place". I suppose that was the difference between urban centres in the south of England and other parts of the United Kingdom, but I think that it is catching on.

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

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

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

Does the Alliance Party really think that the owners of restaurants, bars etc are going to erect symbols on the pavement outside the place, saying, "By the way, we do not want customers from one tradition or the other"? That is how nonsensical the whole idea of building good relations into the Bill is. Good commercial sense will ensure that pavement cafes, what goes on in them and how they are designed, welcome customers instead of driving them away. Therefore, we do not need the kind of regulation that the Alliance Party has suggested.

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

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

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

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

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

The last thing that I want is non-smokers' enjoyment to be spoilt by smokers. As a smoker, an eater and a drinker, I do not like going into establishments that have been, or will

be, smoke filled. I just do not like that: I like the freshness of an area free from smoke. However, as a smoker, and smokers will be with me on this, if you want to have a smoke after your meal, it is nice to go outside to the area that is provided for you. That way, you have your smoke, come back in and maybe have a drink, refreshment or beverage of some sort.

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

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

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

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

### 1.30 pm

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

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

I want to pick up on the issue of good relations. I see that Mr McCarthy has left us, but he obviously feels very

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

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

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

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

*Question put and agreed to.*

*Resolved:*

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

## Assembly Business

### Extension of Sitting

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

*Resolved:*

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

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

## Committee Business

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

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

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

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

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

The Committee for the Office of the First Minister and deputy First Minister leads on European affairs in the Assembly, but each Statutory Committee has its own responsibility for scrutinising EU matters that fall within its remit. The report gives a significant indication of the breadth and depth of work being undertaken by our Committees on European affairs, which affect people in Northern Ireland. I take this opportunity to thank each of the Statutory Committees for their contribution to the report, and I look forward to hearing from Committee members during the debate.

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

Relations with the European Union are the responsibility of the UK Government. However, the implementation of EU policy often falls to Departments of the Northern Ireland Executive. The UK Government have already given a commitment to the devolved regions to involve them as directly and fully as possible in decision-making on EU matters that touch on devolved areas and on non-devolved matters that have a distinctive impact on Northern Ireland. I am sure that all Members will agree that it is vital that our Ministers and Departments work hard to ensure that the Northern Ireland voice is heard loud and clear in any UK negotiations in Europe with other member states. For that reason, the process by which Assembly Committees select their European priorities for scrutiny for the year ahead

from the annual European Commission work programme is a useful tool to identify policy and legislation planned by the European institutions that will have particular relevance to people here. It provides Committees with a look ahead to see issues on which they can scrutinise and support their Department. At this point, I take the opportunity to thank the Assembly Research and Information Service for the excellent work that it does in supporting the Committees in selecting key priorities from what can be, frankly, a daunting list of European policy initiatives.

The Committee for the Office of the First Minister and deputy First Minister has agreed three issues from the work programme as priorities for 2014. The first is a non-legislative initiative on tackling the gender pay gap. The initiative aims to promote and facilitate effective application of the principle of equal pay in practice and assist member states in finding the right approaches to reducing the persisting gender pay gap. The EU average pay gap between women's and men's hourly gross earnings is 17.8%. The Office for National Statistics measures the gap in the UK for all employees as 19.7%. Calculating the gender pay gap is not straightforward; there are different results depending on whether the mean or median average is used. There are different perspectives within and between industries and different outcomes for full-time and part-time work.

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

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

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

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

The Committee, in its remit on equality, will maintain a watching brief on developments with the proposed legislation. As the implications become clearer, the Committee will seek evidence from the Department on the impact that the Act will have on Northern Ireland and, where applicable, take evidence from stakeholders. As the proposals develop, the Committee will feed its views

into the European Scrutiny Committee at the House of Commons and the European Union Committee at the House of Lords, to ensure that a Northern Ireland viewpoint is included in the UK position.

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

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

The final European priority for the Committee for OFMDFM for 2014 is the Committee's inquiry into the work of the Executive's Barroso task force. The president of the European Commission, José Manuel Barroso, announced a European Commission task force for Northern Ireland on 1 May 2007. The first ever task force for a specific region in the European Union, it was created to support the peace process, with particular emphasis on how to support Northern Ireland in its efforts to improve its economic competitiveness and create sustainable employment. The task force comprises a group of representatives from the European Commission working with officials from the Northern Ireland Executive Departments to strengthen European engagement. President Barroso's term runs out in October this year, and the indications are that he shall not seek a third term. Therefore, the Committee has agreed to conduct a short inquiry to reflect on the work of the task force and what it has achieved. The Committee's call for evidence has just closed, and we will use that evidence to assess the outcomes from the work of the task force and identify lessons learned. The Committee will produce a report on the inquiry and, depending on the evidence gathered, may make comment on future structures of Northern Ireland Executive engagement in European affairs.

**1.45 pm**

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

I will make some brief comments on the work on EU matters that the Committee undertook during 2013. In the context of the ongoing scrutiny of performance against Programme for Government commitments, the Committee monitored progress against commitment 26, which is the Executive's commitment to increase the uptake of competitive European funding by 20% through to 2015. With the revised baseline drawdown of £13.4 million of competitive funding in 2010-11, the target for drawdown is £64.4 million over the four-year period. The Committee noted positive progress against the target and will continue to monitor the Executive's performance in that area, particularly with regard to the exciting opportunities offered by the new funding streams, including the €80 billion available under Horizon 2020. As each Department has a responsibility for that Programme for Government target, I encourage all Committees to closely monitor their respective departmental performance in this regard.

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

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

**Ms Lo:** Will the Member give way?

**Mr Nesbitt:** Briefly.

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

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

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

in peace building, and we liaised with Committees in the Houses of Parliament on matters of subsidiarity.

During 2013, the Committee took evidence from the Minister of State for Europe, the Rt Hon David Lidington MP, who was giving evidence to an Assembly Committee for the first time. We also hosted a visit by the Irish Minister of State for European Affairs, Paschal Donohoe TD. That was Minister Donohoe's inaugural visit to the Northern Ireland Assembly. We took evidence from the Minister on a range of issues, including the role of the Irish presidency of the Council of the European Union, the role of Parliaments within the European Union and the democratic accountability of the EU institutions.

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

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

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

I welcome such a report, as it gives a holistic, all-encompassing overview of where and what the Assembly is doing to ensure that the maximum is being done to draw down and utilise funding from Europe's extremely large budget. Unfortunately, the UK still puts a lot more into Europe than we get out. However, reports such as this help to guide us and give us confidence that we are working to improve our drawdown. Furthermore, the OFMDFM Committee has made it clear to the Statutory Committees that, each autumn, it will request that a report on activity on European priorities be provided so that a further report can be drawn up and submitted for plenary debate. It is not enough to outline our priorities as a Government; performance and success must be measured. In some instances, that will highlight weakness and areas where further work is needed.

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

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

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

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

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

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

*The debate stood suspended.*

*(Mr Speaker in the Chair)*

2.00 pm

## Oral Answers to Questions

### Health, Social Services and Public Safety

#### Meals at Home

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

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

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

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

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

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

cost inflation. Consequently, the providers' costs have been driven up.

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

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

## Older People: A&E Attendance

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

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

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

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

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

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

**Mr Poots:** The issue of residential care homes and how we make best use of them is something that we have been looking at over the past year. One thing that I have asked the Health and Social Care Board to consider is the ability

to use residential care homes as step-down facilities to enable what I referred to earlier as the consultant at home care model to be used in those circumstances. I hope that that will be investigated over the next months.

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

**Mr Poots:** Of course, there has not just been one pilot scheme across the trusts; a series of schemes have been taking place. The integrated care partnerships (ICPs) have now been established and will be key to delivering reform in the health service by bringing together all the key players across the 17 ICP areas to enable that to happen.

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

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

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

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

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

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

## Meningitis B Vaccination

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

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

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

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

**Mr Speaker:** Question 7 has been withdrawn.

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

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

## Antrim Area Hospital: Waiting Times/A&E Pressures

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

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

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

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

The emergency department in Antrim Area Hospital has seen an increase in attendances and admissions for emergency care in 2013-14 compared with the previous year, with attendances up by around 2% and non-elective admissions by 5-6%. Despite this, there has been a significant improvement in performance. In 2013-14, performance against the four-hour emergency department standard was 70.7% compared with 64.5% in 2012-13. In 2013-14, 884 people waited longer than 12 hours in Antrim Area Hospital's emergency department, compared with 1,811 in 2012-13; a reduction of more than 50%. Although Antrim Area Hospital's emergency department is not yet meeting the targets I have set for emergency care, there is clear evidence that considerable progress is being made.

### 2.15 pm

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

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

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

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

**Dr McDonnell:** Does the Minister agree that pressures at the Royal Victoria Hospital are having a knock-on effect, right into Antrim? Does he also agree that some

investment in primary care would siphon off a considerable amount of that? Primary care gets less than 4% of the NHS budget, yet it handles 90% of contacts. Are there any plans to fund a project in that direction, perhaps a pilot, that might allow a realignment or a redirection of a lot of the demand that goes to A&E into primary care?

**Mr Poots:** Transforming Your Care is all about how we best use and support primary care. Indeed, TYC identified that there should be a 5% shift in overall funding from hospital care to primary care. Primary care does not get 4%; I think that it gets at least double that, so we need to get our facts right. Primary care is a key element of ensuring that people's needs are met without attending hospitals. Hospitals should not be the first port of call for many people who need to receive medical care.

## Acute Services

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

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

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

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

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

**Mr Poots:** Self-referral physiotherapy is important, and I had the opportunity of speaking at events last week relating to allied health professionals who provide a wonderful service. I know that the Member attended a number of those events, one of which was in his constituency. Transforming Your Care promotes the local availability of services and is looking to provide the services closer to home. Directly arising out of that, the Public Health Agency is leading on self-referral physiotherapy on behalf of Health and Social Care. Self-referral is a system of access that allows the patient to refer themselves to a physiotherapist directly without having to see or be referred by another healthcare practitioner.

The South Eastern Trust has been piloting an exercise on direct referral. It is intended that all trusts will be in a position to offer patients the opportunity of self-referral for physiotherapy by the end of March 2015. Most self-

referrals will relate to the musculoskeletal care pathway, but other care pathways may be included, subject to the evaluation of the pilot in the South Eastern Trust.

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

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

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

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

**Mr Poots:** Sometimes, when you make things available in the health service, people will use them to a greater extent than is required. That is something that we have to be careful about. Previously, pharmacists were carrying out work, and it just appeared to increase the workload, as opposed to dealing with things. That had to be changed because they ended up dealing with common colds and so forth, which was not what the whole thing was meant to be about. So we need to ensure that people are using all those facilities and centres appropriately and that we demonstrate real benefit from them. We recognise that reviews across the water have been mixed thus far and that they have not improved care. We need to take cognisance of that.

## Healthcare: Research

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

**Mr Poots:** One of the key elements in the implementation of our healthcare transformation programme is the promotion of innovation to improve services and to develop solutions that meet the needs of our patients and HSC, and, ultimately, help to improve health outcomes. However, it is recognised that the public sector procurement methods have made it difficult for the industry to engage in a meaningful way with the health and social care sector. That is where the small business research initiative (SBRI) could make a big impact, by lowering the barriers for

business, seeking to access the health and social care market, providing opportunities for innovative companies to engage with the public sector at an early developmental stage, and delivering solutions that better address public sector needs at lower costs. For Health and Social Care, SBRI brings the potential for clinicians and managers to engage with the technology industry to develop and test innovative solutions to meet the needs of their patients.

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

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

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

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

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

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

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

## Cancer Awareness Month/Ovarian Cancer

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

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

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

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

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

I take this opportunity to thank the ovarian cancer charities for the excellent work that they did during March to highlight the signs and symptoms of ovarian cancer.

### 2.30 pm

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

## Alcohol Misuse

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

**Mr Poots:** I have had regular conversations with fellow Ministers, including Minister Reilly in the Republic of Ireland and colleagues in Scotland and Wales. We have commissioned work to be carried out by Sheffield University on the impact of a minimum price for alcohol, and we look forward to moving on that qualitative research when we have it. We have been observing closely what Scotland has been doing because it has moved ahead with the proposal for a minimum price. That is being challenged by the courts, and we will observe that very closely. All the Ministers whom I mentioned strongly support going in that direction. Last year, we launched a new strategic direction for drugs and alcohol that provides considerable support to the trusts and others as they work in the community. We have supported organisations that provide education about the proper use of alcohol and about the abuse of alcohol and the damage that it can cause.

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

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

### Blood Donations: Gay Men

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

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

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

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

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

### Paediatric Cardiac Surgery

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

**Mr Poots:** I am delighted to indicate that Dr Mayer is in the country all week along with the other two experts. They have an extensive programme of work that they will engage in this week. There is a series of meetings; it will be a very busy programme. I greatly appreciate the fact that we have someone of his expertise giving us advice on the issue. Dr Mayer oversees over 1,000

surgical procedures each year. He does not carry them all out in the one hospital; there are other hospitals in Massachusetts and Boston where he provides those services and ensures that those services are provided under his guidance. If anybody can identify a way forward on this, I have a lot of confidence that he has the ability to do so. If his recommendation is something that is not to our liking, we have to give great cognisance to that as well.

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

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

### Health System: Blockage

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

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

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

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

**Mr Poots:** It is important that we have appropriate training for nurses to ensure that we have appropriate treatment. I have been in regular contact with the Chief Nursing Officer and have been encouraging her to develop more opportunities for specialist training for emergency nurse practitioners and advanced emergency nurse practitioners. We are going down those routes, which will ensure that

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

### Erin McAuley: Causeway Hospital

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

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

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

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

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

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

### Causeway Hospital: A&E Winter Performance

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

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

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

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

**Mr Poots:** Overall, we have seen a tremendous improvement in the Northern Trust. We have seen an improvement in waiting times for elective care and procedures. We have seen massive improvement in the emergency departments. We are now seeing the culture changing from a culture of not telling people what is going on to a culture of openness and transparency. We need to recognise that it was the senior directors who came forward and said, "We have identified these cases of serious adverse incidents that were not previously made public". They have made them public, and, as a consequence, we have heard the very sad stories of individuals and of what has happened, what went wrong and what should not have happened. I have to say that we have seen a massive improvement in the Northern Trust area over the past year.

2.45 pm

## Justice

### Legal Aid

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

**Mr Ford (The Minister of Justice):** Significant progress has been made on the development of the legal aid forecasting model. A new methodology has been developed that pays particular attention to identifying and incorporating the factors that have the potential to impact on legal aid expenditure. Arrangements are in place to obtain information from other organisations that could impact on the demand for legal aid. Measures are also being put in place to quality-assure and test assumptions on a regular basis. The new methodology will now be

tested robustly to ensure that it is fit for purpose. It is planned to roll out the model in phases from this month, and it will continue to be refined to improve its accuracy and reliability.

**Mr Speaker:** Questions 2 and 8 have been withdrawn.

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

**Mr Ford:** The simple answer is that there are elements of legal aid forecasting that have been difficult in the past. For example, the assignment of an additional Crown Court judge has ensured that some criminal cases went through faster than others would have done. There are also points where we can look at work that is happening elsewhere in the system and seek to see what the impact, for example, of new legislation and other provisions is so that we ensure that we get better forecasting in the future. Of course, the key issue is the fact that spending is significantly still in excess of budget, and that has to be addressed.

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

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

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

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

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

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

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

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

### Crown Court: Very High Cost Cases

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

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

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

**Mr Ford:** Perhaps, Mr Speaker, we should have grouped the first question and this one. I can give an assurance that, as we seek to review, we are ensuring that we maintain access to justice, unless it is alternative ways in which we provide it, for example, in money damages cases. Otherwise, we will continue to ensure that access to justice is available across the spectrum of issues. However, it remains the case, particularly in criminal legal aid, that conventional legal aid remains extremely expensive. Members will have seen recent changes that were proposed and dropped in England and Wales. The reality is that we are still more expensive than England and Wales, even though they claim that they are the most expensive system in the world.

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

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

that the first batch of reforms we have put through have brought an end to that.

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

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

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

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

## Legal Highs

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

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

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

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

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

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

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

Is the Minister considering, on behalf of the Department, coordination across council areas so that the councils can go at this collectively and use the same regulations to ensure that all types of head shops are confronted in the way that they should be?

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

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

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

## Custody Prison Officers

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

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

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

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

**3.00 pm**

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

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

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

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

**Mr Ford:** As I go round prisons, I see a significant change in culture. There is a recognition that a minority of prisoners, especially in Maghaberry, require to be held in top-security conditions, but the great majority do not.

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

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

**TV Licence: Non-payment**

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

**Mr Ford:** Proposals to consider the introduction of a civil penalty for the non-payment of the TV licence would have

a modest but welcome impact on the number of people committed to prison. In 2012, there were 155 committals to prison for the non-payment of fines imposed because of the non-payment of TV licences. Each committal was for a few days.

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

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

**Mr Ford:** It is non-devolved legislation, which is why I had to write to the Department for Culture, Media and Sport about it. The cost of maintaining 155 prisoners for a few days is not significant. However, the administrative burden of admitting and discharging 155 individuals is rather more than is needed.

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

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

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

**Pensions: RUC Widows**

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

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

to the Minister of Finance and Personnel and the Justice Committee about the practicalities of delivering that change.

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

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

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

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

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

**Mr Ford:** I can only answer that the advice I have been given within the Department of Justice is that the issue is not fully addressed by the legislation that the House has passed. On that basis, it is important that we should ensure that there is no gap or misunderstanding. We should ensure that we close any gaps as soon as possible after 1 July.

### Fuel: Laundering Locations

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

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

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

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

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

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

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

### Courts: Criminal Cases

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

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

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

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

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

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

**3.15 pm**

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

## **PSNI: Attack on Officers in Carrickfergus**

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

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

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

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

## **Desertcreat College**

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

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

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

**Mr Ford:** I have to agree with Mr Lynch: it is not, unfortunately, now realistic. However, work has been done very speedily to look at the precise specification that is required for the college, and, in many cases, the items for which bids will be invited have already been costed, even

if those costs have to be adjusted for inflation. Therefore, it should be a relatively speedy process. Nonetheless, it will certainly extend beyond the 27 months that we had hoped.

### Welfare Reform: Financial Implications

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

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

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

**Mr Ford:** On the specific issue of whether we are able to ensure that legal aid is paid for NMOs without having to go through the full process, I regard that as one of the significant achievements that was made by this Department in the early days of devolution. I cannot imagine that that is the kind of issue that would be reversed if there were budget cuts. Clearly, there are major issues to be concerned about as to how the budget would particularly apply. We have to take account of the fact that there would be significant implications, for the formal ring-fenced status and the additional funding that was granted by the Treasury to the PSNI for security matters, if there were any question of making cuts to the DOJ budget.

### Ballykinler Army Base

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

**Mr Ford:** None.

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

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

### Police Museum

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

**Mr Ford:** As Members will know, £20 million was allocated to the RUC and PSNI part-time Reserve fund in recognition of the role that was carried out by reservists. After payments were made, all outstanding potential legal issues were cleared up and administration was paid for, there remained a sum of £383,000 from that £20 million. There were discussions between the Department and a number of potential bodies that might have been in a position to spend that money. It was not possible to see it done by any other way than by putting it forward as additional funding for work that is to be done on the police museum, which is also being funded separately by the Treasury as part of the devolution settlement. That is why the money remains there at the moment, awaiting a full business case for expenditure.

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

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

### On-the-runs: Legal Opinion

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

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

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

about the issuing of those letters, which I believe to be under the control and jurisdiction of the Assembly and the Minister?

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

**A Member:** That is even worse.

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

### Human Trafficking Bill: Clause 6

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

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

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

**Ms Maeve McLaughlin:** I thank the Minister for his reply. Does he see unintended consequences arising from clause 6? If so, would they present his Department with challenges in implementing the legislation? Go raibh maith agat.

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

### Prisons: Abuse of Prescription Drugs

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

**Mr Ford:** Mr Maginness raises a significant point. Part of the difficulty when you talk about the abuse of prescription drugs is that individuals may have acquired inappropriately more of a particular drug than they are entitled to. However, a test may just show that they have used the

drug, as opposed to using excessive amounts of it, so there are complex issues around that. Certainly, the issue is being looked at. Tendering is about to be engaged in with the Scottish Prison Service to see what the best drugs options are for Northern Ireland, but it is clearly a difficult issue and is part of the ongoing work. That is why, for example, rather than random searching, there is now much better intelligence-led searching around drugs, which has produced some positive results. However, I agree that the testing needs to be upgraded as well.

3.30 pm

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

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

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

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

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

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

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

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

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

**Lord Morrow:** Oh yes, it is entirely different.

**Mr Speaker:** OK. Let us hear it.

**Lord Morrow:** It is to do with what the Minister said, when he tried to place the responsibility on Mr Givan's shoulders to answer Mr Girvan's question. Surely it is not the function

of Members here to consult other Members to find answers to questions; that is the function of the Minister. I would have thought that a better point of order.

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

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

## Committee Business

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

*Debate resumed on motion:*

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

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

The rural development programme in Northern Ireland is worth around £530 million to the economy. The majority of funds — 81%, which is approximately £430 million — are directed to support for farm competitiveness and the agrienvironment schemes targeted at farmers and landowners. The remaining 19% — around £100 million — supports projects that benefit the wider rural economy and improve life for rural dwellers. Delivered via a local delivery model using the old LEADER approach, this involves 79 joint council committee members, who are elected, and 196 volunteer local action group members, who are social partners and elected representatives. This approach was launched in 1991 and is the European Community's preferred means of enabling rural communities to take ownership of the development of their area. It also recognises that local people are best placed to identify solutions to local problems and to make the most effective use of the available resources in taking forward local development plans.

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

is estimated by spring 2015. An additional £32.7 million in match funding has been levered into the programme to date from private, council and other sources.

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

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

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

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

**Mr Eastwood:** I thank the Committee for the Office of the First Minister and deputy First Minister for tabling the motion. As the Chairman said, it is important that we focus our energy on the massive implications that Europe has for the North of Ireland. It is the air that we breathe and the water that we drink. It is sometimes the roads that we drive on, although not enough of the roads that we drive on in this part of the country have been funded to any great level by the European Union. We can learn major lessons from our counterparts across the border in that regard.

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

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

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

**Ms Lo:** I thank the Member for giving way. Is he aware of DETI and DEL cooperation in setting up a support network

to engage with all the stakeholders in trying to go up a gear in approaching Horizon 2020?

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

**Mr Eastwood:** I thank the Member for her intervention. I am aware of that. It is a good step forward, but we are clearly nowhere near where we need to be. One hundred million pounds instead of €400 million is a fairly stark figure. The opportunities around Horizon 2020 have yet to be grasped here. They are just better at it in the South because they have had years and decades of embedding civil servants over there so that they can understand all the opportunities that exist. Not everybody in the House would class themselves as pro-European, but, even if you are not, the opportunities are there in all those things. In the North, we get about £39 per person in research funding; in the South it is £185. That is a very big difference, and it is an opportunity that our universities and our Government need to look at even more vigorously.

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

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

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

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

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

**3.45 pm**

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

On the first priority — a climate and energy framework to 2030 — the Committee welcomed the publication of the Department's first climate adaptation plan in January 2014, which set out the strategic objectives and the timescales for adaptation to climate change. At the beginning of December, members had an interesting and useful briefing from Lord Gummer, chairperson of the UK Committee on Climate Change. The Committee has a particular interest in the greenhouse gas emissions set out in the EU

framework for climate and energy policies. In 2011, DOE published a greenhouse gas emissions reduction plan to achieve the 35% reduction by 2025, as set out in the PFG, and the Committee closely monitors the subordinate legislation referred to in it, which will help to deliver those targets.

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

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

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

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

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

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

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

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

I also welcome DRD's concentration on public transport. We have all seen the impact on passenger numbers of European funding for new rolling stock for NIR, under a DUP Minister originally, and how it produced one of the youngest fleets of carriages in Europe, but there is more that can be done. This is truly having a positive impact on real passenger numbers.

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

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

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

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

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

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

Regarding the work that the Committee carried out in 2013 that had a European aspect, we spent considerable time scrutinising secondary legislation required to implement the 2011 EU directive on patients' rights in cross-border healthcare. We spent a number of months taking evidence from the Health Department, the Health and Social Care Board and the BMA. After thorough scrutiny of the issues, particularly those

regarding the arrangements for primary care, the Committee agreed in December 2013 that it was content with the Department's policy proposals for how it intends to implement the EU directive. We subsequently approved the statutory rules necessary to bring that into effect.

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

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

The year 2013 brought two new issues with an EU dimension for the Committee to consider: tree disease and the horse meat scandal. The Committee discussed those issues during a visit to Brussels, as well as CAP and CFP reform. The horse meat scandal was, and is, a very worrying aspect to our agriculture industry and our reputation for high-quality local meat. Although the Committee has received briefings from the Department and the Food Standards Agency, that issue has yet to be fully reported on by the relevant agencies. The Committee is in agreement that an EU-wide passport database for horses would assist in making the system fit for purpose and help to restore some faith in our meat industry.

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

our MEPs to ensure that whatever regulation arrives is proportionate for Northern Ireland.

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

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

#### 4.00 pm

**Mr Brady (The Deputy Chairperson of the Committee for Social Development):** Go raibh maith agat, a LeasCheann Comhairle. Members are aware of the wide remit of the Committee for Social Development, which reflects that of the Department. However, it is fair to say that there has not been a great focus on the developments at European level that may potentially impact here. The Committee has therefore identified a number of European priorities and has made a commitment to ensuring that the Department for Social Development keeps it updated on the Department's activities at European level and the impact of policy and legislative developments at a European level that will have an effect on the work of the Department.

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

Importantly, under proposals in article 7 of the ERDF relating to integrated sustainable urban development, that would also mean a degree of management delegated to urban authority level. Last year, when the Committee received a briefing from the Department, it was informed

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

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

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

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

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

In conclusion, identifying and engaging on European issues is important for a number of Committees. The Committee for Social Development has identified a number of topics for further consideration, some of which, as I have mentioned, are cross-cutting issues.

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

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

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

Last week, it was revealed in the net fiscal balance report that public spending in Northern Ireland was £9.6 billion higher than the amount raised in taxes in the year 2011-12. Our deficit, expressed as a percentage of total economic output, stands at 33%, compared with a UK figure of 10%. Per head, the fiscal deficit is £5,311, compared with a UK figure of £2,133. I am absolutely convinced that the European Union has a major role to play in helping us to rebalance our economy and address local unemployment. Just a few weeks ago, an Assembly motion brought by the Ulster Unionist Party highlighted the need for the Assembly and Executive to show more ambition in their dealings with Brussels, particularly in the drawdown of EU funding. It was revealed during the debate that, for framework programme 7, which is a key business development programme in the EU, on a per capita basis, we requested €35.33, which was broadly similar to Wales. It is less than half that compared with England, and about a third compared with Scotland. The Republic of Ireland requested financial contributions of €590 per head of population. As measured by the requested financial support from FP7, it is 17 times more ambitious than we are. If the benchmark of €590 per head is correct, we should have been looking for €236 per head, not €35.

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

At the halfway point in the Budget period, £41.3 million had been drawn down, which represents 64% of the

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

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

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

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

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

It goes on to say:

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

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

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

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

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

In my opinion, that is the number one priority.

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

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

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

You then get this rider at the end:

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

When I looked at the pack helpfully provided by the Assembly's Research and Information Service, I saw that one of the issues that comes under the Committee for the Environment is a:

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

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

I also note —

**Ms Lo:** Will the Member give way?

**Mr B McCrea:** Yes.

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

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

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

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

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

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

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

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

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

#### 4.15 pm

The final issue is the Peace and INTERREG programmes. Of concern is that we have not really implemented as effectively as we might the large amounts of money that have been spent. I note that, in Peace I from 1995 to 1999,

the EU provided some €500 million. Peace II, which ran from 2000 to 2006, resulted in €609 million of funding. In 2007, the amount fell dramatically to €225 million, and, in Peace IV, the current programme, there is only €150 million. That goes to the heart of the challenges facing Northern Ireland. We seem to have —

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

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

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

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

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

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

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

by government bodies and main contractors involved in delivering public contracts.

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

A further example of this type of regular scrutiny of European issues will be the Committee's examination of the European Investment Bank (EIB) as a source of finance for capital projects. In particular, the Committee has commissioned research comparing the EIB with other sources of capital finance for the local economy and how other jurisdictions avail themselves of that.

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

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

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

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

give you authority for such a thing. That amounts to a stranglehold on a nation.

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

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

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

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

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

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

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

**Ms Lo:** Will the Member give way?

**Mr Allister:** No.

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

I want to deal very briefly with CAP reform, because it is a vital issue and one on which the Executive will have to take critical decisions. We have a proposition from the Agriculture Minister that Northern Ireland should be treated as a single entity in regard to that. We have got until 1 August to make our mind up about that. That is a vital decision, because CAP support, such as it is, must go —

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

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

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

Committees to ensure that the people of Northern Ireland get the greatest benefit from it.

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

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

Stephen Moutray spoke of the importance of CAP reform and agricultural policy in general to the agricultural community in Northern Ireland. Oliver McMullan backed that up, talking about how important getting the single farm payment right, accurate recording and faster payments are to farmers in Northern Ireland. He also talked about how important the rural development programme is to rural communities in general in Northern Ireland.

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

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

#### 4.30 pm

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In closing, I thank all Members who participated in the debate, the Assembly Committees for their work in contributing to the report, the Members of the European Parliament, the Northern Ireland Local Government Association and the European Economic and Social Committee, which have all made valuable contributions to the work of the report. I hope that the report and the debate today continue to contribute to the momentum of the engagement of the Assembly in European affairs. I wish all the Assembly Committees well in their work programmes for the year ahead on European issues. I commend the report to the House.

*Question put and agreed to.*

*Resolved:*

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

## Petitions of Concern: Assembly and Executive Review Committee Report

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

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

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

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

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

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

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

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

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

of concern; and replacing the petition of concern with an alternative mechanism.

On the provisions for an Ad Hoc Committee on conformity with equality requirements (ACER) in relation to petitions of concern, the Committee developed an options paper to specifically identify views on policy in that discrete area. However, as the report sets out in some detail, there was some support in the Committee for taking a vote on the establishment of an ACER only when a petition of concern related to legislation. There was no consensus on that. The Committee also considered the establishment of an Assembly Standing Committee on equality and human rights to replace the Ad Hoc Committees referred to in the Assembly's Standing Orders 35 and 60. However, even though there was some support in the Committee for that, again, there was no consensus.

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

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

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

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

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

From a Sinn Féin perspective, we remain of the firm view that the petition of concern is very much an integral part of the governance and architecture of the Assembly. We feel that it should be retained. I think that that was the broad thought of most people on the Committee. In our opinion, the petition of concern is, at its core, designed to ensure that minorities and minority opinion are protected in the interests of the promotion of equality. In discussion in Committee, there was broad acceptance, as there has been many times in Assembly debates, that perhaps the petition of concern has, on occasion, been used not in the way designed by those who first framed it in legislation.

**Mr B McCrea:** I am grateful to the Member for giving way. The proposer of the report largely outlined that consensus could not be obtained. Yet, if I hear the gentleman

correctly, he says that there is broad consensus in the Committee for petitions of concern. Would he care to elaborate on just how big that consensus is?

#### 4.45 pm

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

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

Recently, a petition of concern was used properly on this side of the House when the Local Government Bill was going through the Assembly. From our perspective, we saw an attempt not to recognise the rights of minorities and inequality when dealing with amendments on the flying of flags and the promotion of good relations. We felt that both amendments were not in the spirit of protecting minorities or the promotion of equality. Indeed, in some ways, the amendment was trying to undermine other equality issues. That is why we proposed that a petition of concern could be used for legislation and that an Ad Hoc Committee could tease out all those questions. With that in mind, we commend the report to the House.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I wish to touch briefly on the need to regularise procedures in the Assembly and to limit the potential for a judicial review, which, as mentioned, could occur. There are some concerns about our procedures, in particular, the reference to "measures" in the 1998 legislation. When discussion on that arose, the Ulster Unionist Party and I opted for regularising the current procedures. We recognise that it is problematic to try to change something, so we thought that we should first regularise what we have. Also, we want to minimise the potential for yet another level of bureaucracy when a petition of concern is lodged, such as another subcommittee that has to meet and investigate items before the Assembly can vote.

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

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

**Mr Beggs:** — and in the democratic process.

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

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

**Mr Lunn:** Yes, certainly. Go on.

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

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

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

**Mr Lunn:** Thanks very much, Mr Principal Deputy Speaker, I will try to fill it.

I pay tribute to the Committee Clerk and the staff for their valiant attempts to breathe life into something that was partially dead. Every two weeks, they tried to resuscitate the process and take us forward for another two weeks by continually pushing stuff down the pipe until we finally came up with five conclusions: no consensus; no consensus; no consensus; no consensus; and an agreement that, if the number of MLAs in this place were to be reduced, it might be permissible to reduce the threshold for a petition of concern.

I did —

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

**Mr Lunn:** Yes, happily.

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

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

Petitions of concern are being used for two different types of business: private Members' motions and legislation. Whether we need petitions of concerns on legislation is open to question. I am from a party that does not have a designation of unionist or nationalist, so you probably know what my reaction would be to that. Continuing to have petitions of concern on private Members' motions — non-binding matters — is downright perverse, yet we have had them from both sides of the House. I am not blaming anybody in particular, but it just does not need to

go on. It is ridiculous. As for legislation, our view remains that there is another way. Petitions of concern are being used purely as a blocking mechanism, and there is nothing constructive about them.

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

#### 5.00 pm

The other aspect of it that interested me was the question of having an Ad Hoc Committee to decide whether a petition of concern was to be allowed or was valid, and there may be something in that if we are to continue with petitions of concern. Maybe some other Committee or group of parliamentarians needs to be able to decide. It has been floated in another forum just recently that there may be some virtue in looking at having a Committee involving the Speaker and Deputy Speakers to take some hand in all this, but that is for another day.

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

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

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

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

**Mr Campbell:** Yes I will.

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

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

**Mr Campbell:** That is about the only good thing out of that intervention. No, I think that an arrangement was going to be arrived at. He contends that we had to have that

arrangement in order for us to be here. I do not accept that premise at all. The fact is that an arrangement was arrived at, which was a bad one, and part of it included this issue of petitions of concern, which he endorsed and now makes complaints about because we cannot change it. We cannot change it because of the arrangement that he and his party entered into in 1998.

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

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

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

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

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

I do not believe that that is going to come about in the short term, but we need to keep working at it until we get to the position whereby it is no longer required and people have the confidence that whatever system we agree to replace it with will not need to be utilised on as many occasions as the current process. We will not get there overnight. It will not be a case of six months, as Mr Lunn suggested.

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

**Mr Givan:** Mr Lunn gave a pretty accurate reflection of how the Assembly and Executive Review Committee meetings proceeded. Indeed, if you were slightly late for that Committee meeting, you could have been in danger of

being absent and not getting your tick, which of course is very important to members.

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

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

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

**Mr Givan:** I will give way to Mr Beggs.

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

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

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

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

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

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

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

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

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

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

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

To hear some DUP Members, you would probably think that they were so opposed to the 1998 agreement and to what the Ulster Unionists, the SDLP and the majority of people in Northern Ireland agreed to that they had nothing to do with it. Yet, did they change any of this at the great St Andrews Agreement — the agreement that was to end solo runs by Ministers? We are back at a stage where we have Government Ministers taking other Government

Ministers to court just in case there is any chance of doing a solo run. So right throughout all of this —

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

**Mr McCallister:** Yes, quickly.

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

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

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

### 5.15 pm

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

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

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

What I suggest and what was in the spirit of the original Good Friday Agreement is that you at least have some mechanism to try to work through and address the issues. In a short time from now, we will be debating an issue, as Mr Beggs quite rightly pointed out, that has little or nothing to do with the constitutional position or community designations and yet is subject to a petition of concern. When I did a private Member's Bill on caravans, we had something like three petitions of concern on particular clauses. This works both ways. Mr Givan mentioned the petition of concern that was used last year on something that he had very strong views about, and he found it objectionable that others used a petition of concern; the very thing that he has signed a number of. I have never, in the seven years that I have been a Member of the House, signed a petition of concern. I am opposed to them being used on issues that are not remotely connected to community designations but are about strong beliefs or choices, such as in the example that Mr Givan gave. That is when the system becomes so corrupt and is wrong.

Mr Campbell said that we have not built trust and maturity. I agree 100% with him. So, it is 16 years almost to the day from the Good Friday Agreement, and, for seven years, the DUP has been the lead party in government and, for over 10 years, the lead party in unionism, but there has been no movement towards genuine partnership in government, to a proper government, a proper opposition and a proper

Programme for Government to work through different issues, whether it is welfare reform, the Education and Skills Authority or how we address petitions of concern. That is why we are stuck in dysfunctionality. That is why your colleagues are taking Mr McCartney's colleagues to court. That is why you have not even tried to build up that partnership government. You are in a mess on welfare, the Maze and a plethora of issues because you have not even tried to build up a genuine partnership and trust in government, and that is why the sooner we move to a proper government and opposition and the sooner we get real scrutiny and an alternative out there, the better the House will be and the more functional the Assembly will be.

**Mr Allister:** What a useless report from an apparently utterly useless Committee. Today we hear that it laboured for something approaching eight months to produce this useless report, and, on each day it sat, apparently it only sat long enough to drink the free coffee and eat the free scones. This is the product of that eight months of labour. However, even if that Committee had come up with a recommendation, would it have meant anything? This is the same Committee that, just a few months ago, came to the House with a report that embraced and endorsed there being a technical group in the House. However, when that proposition was taken to the Committee on Procedures, which is the next port of call for such propositions, the very same parties that comprise the Assembly and Executive Review Committee totally overturned the suggestion, refused to entertain it and voted it down. This is a Committee that is so lacking in credibility that, on one day, it will endorse a certain proposition, and, on the next day, so to speak, Members from the same parties will repudiate that proposition. Even if this useless Committee had come up with a proposal to deal with petitions of concern, it probably would not have meant anything, judging on past performance.

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

It is very simple: if you do not have to be agreed on anything in order to be in government, it is no surprise that, when people are in government, they cannot and do not agree on anything. They simply rely on mutual vetoes, petitions of concern and all that, which guarantee that progress is the last thing that you will achieve under the Belfast Agreement arrangements, if progress means getting to a point at which Northern Ireland can be governed through a system of recognisable democracy and that those who are elected agree what they are going to do about the economy, health and education. If they — whoever they are — can command the requisite majority, they form the Government. Those who cannot — whoever they are — form the Opposition and, if need be, subject the

Programme for Government to a 60% weighted majority. You then get government, and you do not need petitions of concern and mutual vetoes. Of course, we will never get there because this process guarantees the survival of all the obstacles to that —

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

**Mr Allister:** — of which the petition of concern is one. This Committee does not exist to bring about change; it just exists to sustain the status quo.

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

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

**Mr A Maginness:** So do I.

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

**Mr Agnew:** Certainly.

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

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

**Mr Agnew:** I thank the Principal Deputy Speaker, and I thank the Member for his question. The simple fact is that I have to work within the structures that I have, just like Mr Allister, who opposes these institutions. If he wants to change them, he has to take part, and, if I want to change the systems, I have to take part. When it came to the issues that he is referring to, I felt that the petition of concern was being correctly used in that case in that it was an issue of equality. It was an issue of a majority House of men seeking to legislate for women across Northern Ireland, and, in that, I thought that there was an equality issue and that the petition of concern was being used for what it was designed.

We talk about the normalisation of politics and the normalisation of society, and the removal of the petition of concern has to be part of that process. Often, unionists complain that the Good Friday Agreement and the peace

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

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

The failures of the Assembly and Executive Review Committee have been highlighted. I think that Mr Campbell and Mr Givan said that it was a nice wee Committee and we all sit around and have discussions but, really, the decisions will be taken by the First Minister and the deputy First Minister. That highlights, for me, a fear of negotiating publicly. The suggestion is that the parties can negotiate behind the scenes, but, put us in a public forum and we will present our positions and will not budge from them for fear of the public seeing how politics work in practice. We need to see how we can reform the mechanisms, because, to some extent, having a public Committee is the correct way of reviewing how we do things in the Assembly. Clearly, the processes of mutual veto do not work for us. I brought up the issue of a referendum during last week's debate on the Local Government Bill.

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

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

### 5.30 pm

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

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

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

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

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

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

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

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

**Mr Principal Deputy Speaker:** Order.

**Mr B McCrea:** Sinn Féin does not need this place to work, but unionism does. Unionism needs to start working out how to make the Chamber accountable and democratic because the people looking in are saying that this place is dysfunctional, this place does not work, this place does not deliver and this place is useless — just as useless as the Committee and its report.

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

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

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

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

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

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

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

**Mr B McCrea:** My colleague —

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

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

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

**Mr Campbell:** It is a useless microphone.

**Mr Sheehan:** It is a useless microphone.

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

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

I am aware that some members of the Assembly and Executive Review Committee were frustrated that it could not reach more consensus on the review. However, as I said on another occasion in the House, change is sometimes an evolutionary process. I am content that the report reflects the thorough and constructive examination of the issues by the Committee. Sometimes, the role of the Committee is to lay out options and the positions of the political parties of this place. The Committee will not necessarily arrive at consensus.

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

*Question put.*

*Question put a second time and agreed to.*

*Resolved:*

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

## Comptroller and Auditor General: Salary

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

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

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

As Chairperson of the Audit Committee, I ask the Assembly to support the motion. The Audit (Northern Ireland) Order 1987, specifically, article 4(1), provides that the salary of the Comptroller and Auditor General (C&AG) shall be determined by a resolution of the Assembly. The last time that the Assembly resolved to increase the salary of the C&AG was in March 2009. The following year, on foot of a motion from the Audit Committee, the Assembly resolved that the salary should remain frozen until such time as the Assembly made a further determination. Since then, the Comptroller and Auditor General has been paid a salary of £140,000. The Committee believes that it is now appropriate for the Assembly to make a further determination and that, from today's date, the salary to be paid to the Comptroller and Auditor General should be increased by 0.95%.

5.45 pm

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

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

**Mr Wilson:** I thank the Member for giving way. I have listened carefully to what the Member has said. Like

me, he is supportive of the free market when it comes to the determination of wages, salaries and prices. Will he accept that, in the current climate and given the salary of £140,000 and the average wage in Northern Ireland and the fact that there is no difficulty in recruiting someone for this post, there seems to be neither a market argument for what he is saying nor an argument for fairness based on the wage structure in Northern Ireland? When one considers the size of salaries in the public sector, which we are trying to get under control, it seems difficult to make a case for increasing the salary for a post for which there is plenty of scope to get people employed in anyhow.

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

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

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

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

I should point out that article 4(1) of the Audit (Northern Ireland) Order 1987 also provides that the salary paid to the holder of the office of Comptroller and Auditor General shall not exceed:

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

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

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

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

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

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

*Question put and agreed to.*

*Resolved:*

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

## Private Members' Business

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

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

**Mr D Bradley:** I beg to move

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

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

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

*(Mr Speaker in the Chair)*

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

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

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

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

There is no need to enforce on Northern Ireland civil servants the changes that have been introduced in the Civil Service in England, especially as we already lag

several years behind in attempting to implement the changes. It has not been a pressure point for us from the London Government. Any extra cost associated with maintaining the present scheme would probably be minimal.

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

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

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

#### 6.00 pm

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

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

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

*"I would ask that you, as my MLA, take the opportunity to oppose these regulations and ensure that civil servants and staff employed in non-departmental*

*public bodies do not suffer a worsening of compensation terms available at the very time they need the greatest possible financial support, as they face a period of unemployment, which could endure for some time given the scarcity of employment opportunities in Northern Ireland."*

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

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

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

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

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

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

NIPSA advised that it had put forward a number of compromise proposals, which still, in its view, represented a detriment to its members. Nonetheless, they were dismissed by the Department. The union also argued that DFP's introduction of the minimum/maximum bands from £23,000 to £149,000, as a result of discussions through the pensions forum, was added very late in the day.

NIPSA suggested that the Department added them so that it could demonstrate that it had consulted. DFP clearly took a contrary view, arguing strongly that it undertook its consultation in line with the Gunning principles.

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

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

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

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

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

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

**Mr Girvan:** I will indeed.

**Mr D Bradley:** I note the Member's point about age discrimination, but he will remember that this question was put to officials during the last Committee meeting, and they clearly said that, to date, no challenge had ever been made on that basis.

**Mr Speaker:** The Member has an added minute.

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

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

Voluntary redundancy must always be offered prior to going down the route of compulsory redundancy.

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

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

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

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

#### 6.15 pm

I fully appreciate that parity in this instance means a reduction in benefits that may arise from redundancy. I also trust that redeployment will mean that there will be few, if any, redundancies in the future. However, as a unionist, I believe that, as we enjoy the benefits of the United Kingdom, we will also have to share in the costs. For that reason, I will support the Finance Committee's view and will not support the prayer of annulment before us today.

**Mrs Cochrane:** I welcome the opportunity to outline the Alliance position on the issue. As with any proposed changes affecting public sector employees, we must make comparisons with other public sector workers and private sector employees, as well as taking into account the current economic climate and any cost implications for the public purse. Today's debate relates specifically to proposed changes to the Civil Service compensation scheme. Although I take on board Mr Bradley's comments, the Finance Committee took evidence from the unions and the Department, which ensured that we could make an informed decision. Although redundancy is rare in the Civil Service, I chose to abstain on the vote at Committee Stage due to the timing and, therefore, any potential impact on the DVA workers in Coleraine. However, since that point, I have had further information as to plans in place to redeploy those workers.

Looking, then, at the proposed changes in simple terms: should the need for redundancy arise, the failure to reform the current compensation scheme will result in higher costs to the employer — that is, the Northern Ireland Civil Service — and, therefore, the public purse. However, this is not just about cost. Civil Service terms for compensation payments on redundancy are out of step with some of the other main Northern Ireland public service schemes and, because of the age reference points that are used when calculating the benefits to be paid, the current scheme could be vulnerable to challenge on the basis of age discrimination. The main change relates to the maximum payments being reduced to 21 months' pensionable earnings on voluntary redundancy, and 12 months on compulsory redundancy. However, there are also favourable changes to the deemed minimum amount that is used to calculate a redundancy payment, and that will provide a level of protection for the lower-paid, although I understand that there will be a slightly more detrimental issue for six-figure earners.

We should, however, recognise that, overall, the compensation scheme terms are still superior to those employees in the private sector who may be entitled only to statutory provision, which is around £14,000. Therefore, in the current circumstances, we believe that these reforms are fair, and we will oppose the motion to annul the amended scheme.

**Mr Wilson:** I rise as well to oppose the prayer of annulment. First of all, we have to bear in mind that, as has been pointed out, even with the changes in the compensation scheme, this is still a more generous compensation scheme than exists for many workers in the public sector and, indeed, for all workers in the private sector. That is the background against which this has to be judged. The second point that we need to remember is that the aim of government — and, indeed, the Executive have been quite successful in this — should be to so reduce our costs that we do not force people into unemployment. If one looks at the period over the recession, one will see that the number of people who have had to take compulsory redundancy or been offered voluntary redundancy have been very, very few; in fact, in many Departments, there are none. One of the ways in which we have been able to do that is by reducing costs, which enables us to have funding to fund front line services etc, which then means that people can be employed.

First of all, the comparison figure gives us an indication that the shape of the scheme is not unfair or out of line. Secondly, in reducing costs, we avoid the potential of making people redundant in the first place, and that is a good point. The third point — and a lot has been made of this — is that, in the current climate, there are not the same opportunities for people to get employment and that therefore a very generous redundancy scheme should be available. I have to say that that could be said about places in the north-east or north-west of England, Scotland, Wales and the south-west of England, where there are many unemployment black spots. Indeed, there are other parts of the United Kingdom where the rate of unemployment is higher. That is one of the things that we sometimes forget: the Executive have been successful, even against the trend and in the midst of a recession, in maintaining employment in Northern Ireland that normally, in a recession, we would not have been able to maintain. Therefore, the argument that Northern Ireland is a special case because of its high unemployment is one that, again, does not resonate.

The last point that I want to make is that there is a trend here. The SDLP, of course, can afford to engage in that kind of practice. Sinn Féin, as we have seen, cannot afford to engage in that kind of practice, but appears willing to be led by the nose on it. When it comes to any difficult economic decision having to be made in the Assembly, the SDLP runs for cover, safe in the knowledge that it can appear to be lily white with hands clean: it did not vote for the difficult issues — indeed, it stood up against them — hoping that someone else would act responsibly and bear the consequences. Whether it is welfare reform, pension reform or redundancy reform — and we could go through a whole lot of other things — what we see in the SDLP at present is a party that is totally irresponsible. It knows that it is irresponsible. It hides behind the fact that it is a minority party that can act in that way without any consequences.

Unfortunately, Sinn Féin cannot afford that luxury. If it could, we would finish up with a catastrophe. We have seen it with regard to welfare reform.

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

**Mr Wilson:** Yes. I will give way.

**Mr D Bradley:** I have listened to what the Member has been saying. He is reverting to type. He is back on stage at the Apollo, entertaining one and all with his rhetoric. However, it does not wash with us. We believe that defending the right of public servants to decent redundancy payments is acting responsibly. During my speech, I pointed out that, because of the fact —

**Mr Speaker:** Order. Interventions should be brief. There should not be a further statement from the Member.

**Mr D Bradley:** Thank you, Mr Speaker. Because of the fact that redeployment is possible in the Civil Service, no huge cost is associated with supporting the prayer.

**Mr Speaker:** The Member has an added minute.

**Mr Wilson:** Well, first of all, let us just look at the terms. I do not want to repeat what other Members have said. However, when there is 21 months of redundancy pay for voluntary redundancy and a minimum of £24,000 in the case of compulsory redundancy, one can hardly argue, in

light of other public and private pension arrangements, that that is not generous.

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

**Mr Wilson:** Let me just make one last point: it is far more likely, given the stance of the SDLP and Sinn Féin, that some people who work for the Social Security Agency may have to take redundancy because of their —

**Mr Speaker:** I call Michaela Boyle.

**Mr Wilson:** — unwillingness to engage in discussions —

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

**Mr Wilson:** — and come to conclusions on welfare reform. That is the real scandal.

**Mr Speaker:** Order. I call Michaela Boyle.

**Ms Boyle:** Go raibh maith agat, a Cheann Comhairle. I support the motion. I will be brief as the arguments for and against have been aptly put.

The Committee took evidence from DFP and trade union officials at its meeting on 24 March 2014, with both sides putting forward their respective arguments. After listening to both sides of the argument, in my opinion, the unions were more convincing in their belief that the Department is pushing through the scheme and that departmental proposals have not been adequately discussed.

The unions felt that, after a number of meetings with officials at the end of the consultation process, the minimum and maximum proposals being put forward were not sufficient. The trade unions alluded in Committee to the fact that their proposals were falling on deaf ears and that the Department was merely ticking boxes, even though departmental officials stated that they had followed through on the Gunning principles.

The trade unions did their best to defend to members what they were putting to the Department, which would have been a loss to some of their members, but that was a compromise that the unions were willing to deal with. At a time when employees, particularly those in the Civil Service, fear for their jobs and fear redundancies, staff should feel that they get further support from the House. Like the unions, I believe that there has been a missed opportunity in taking forward the union proposals. I am disappointed that the Members opposite will not support the prayer of annulment.

**Mr Weir:** Obviously, as I rise, a number of the points have already been made. I agree with at least one point — maybe only one point — made by the Committee Chair, in that I found this a useful exercise as we teased out the details. Having the opportunity to cross-examine and ask questions of representatives of both the trade unions and the Department at the one table was a useful exercise that could bear dividends in the future and set a useful precedent for future action.

A number of points have been raised. First, on the issue of consultation, even the last Member who spoke acknowledged that a range of consultative meetings had taken place. Consultation is ultimately about seeking views and seeing whether those views can be accommodated; it does not mean that, if you do not sign on the dotted line

of what a trade union or, indeed, any other consultee says, that does not constitute consultation.

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

**Mr Weir:** Very briefly.

**Mr D Bradley:** The Member will recall the responses from some of the officials at the Finance Committee meeting. They said that the latitude that they had for change was very narrow indeed. To have proper consultation, there has to be some reasonable hope of change, and there was not any in this situation.

**Mr Weir:** The Member misunderstands what consultation is about. It is within the confines of whatever is doable. There is no point in saying, "Well, we have done a consultation, and we could send a rocket ship straight to the moon". That is just fantasy, but I have to say that it is the kind of fantasy economics that the SDLP, in particular, tends to. There was limited scope for discussion —

**Mr D Bradley:** None.

**Mr Weir:** Sorry, with respect, there was limited scope for discussion. It has to be said that, today, we are effectively choosing between the status quo and the changes as proposed by the Minister. To be fair to the union, there was real engagement between it and the Department, which somewhat gives the lie to the pretence of a lack of consultation. Even the union effectively acknowledged that the status quo was not acceptable. It made proposals that, to be fair, were fairly wide-ranging, although they did not go far enough. Even the union recognised that it was not defensible.

Mention has been made of the fact that one of the problems with the union's proposals and, indeed, the status quo is age discrimination. That would not hold in a court. The Member opposite has said that no court case has been taken, and that is certainly the case in Northern Ireland. However, that does not mean that we completely ignore the law. Indeed, when we were making changes to the local government legislation, the Member's colleague, the Minister of the Environment, acknowledged that a court case had never been taken in Northern Ireland on the right of council employees, for example, to run for council. A court case had been taken previously on a different point. However, in the knowledge that, if challenged, we would be legally vulnerable, he moved to change the law. That is the case with this. Both the union proposals and the status quo discriminate on the grounds of age, and that is not sustainable.

Mention has been made of parity, which, I think, we should embrace. Mr Bradley said that he wanted to defend the right of public sector workers to have a reasonable package. What is on the table is a reasonable package. He implies, however, that, if the prayer of annulment were successful and we stuck with the status quo, he would put civil servants in a special position, because he would not be putting public sector workers on a level of parity between Northern Ireland and the rest of the United Kingdom. He would actually be putting civil servants in a different position from other public sector workers. There is flexibility in what is proposed, but at least it is an attempt to narrow the gap between public sector workers and civil servants. We have to bite the bullet. We must sometimes take fairly tough decisions, and we have to back the Minister's proposals.

**6.30 pm**

The prayer of annulment is another part of the SDLP's fantasy politics. We all have sympathy for civil servants. However, rather than throwing in the towel, as some would do, or, as Mr Wilson indicated, seeking to make more civil servants redundant by adopting an irresponsible attitude to welfare reform, we should try to ensure that we have a reasonable position of seeking, where possible, to redeploy. We have been successful. At the start of the recession, some in the Chamber made dire predictions of a massive number of redundancies. Good work has been done, particularly in DFP by the current Minister and his predecessor, to ensure that that does not happen.

We have to ensure a level playing field. These terms are good. They may be reduced terms — no one is saying that they are not — but they are reasonable, which makes them at least as good if not better than those for other public sector workers and massively better than the terms for most private sector workers. Consequently, when held up to the proper light of public scrutiny, the rationale behind the prayer of annulment does not hold water.

**Mr Rogers:** The prayer of annulment sets out an extremely important principle, and today the House must make a stand to protect the rights of public servants. Up to 300 civil servants have been told that their jobs are to go in Coleraine and across the Province, including Downpatrick. We also have the threats to HMRC jobs. DVA staff, through their protests about the job losses, made the important statement that all political parties must stand up to this daylight robbery of their livelihoods. Sadly, not all Executive Ministers have warmed to that task, and the Finance Minister is now trying to push through by regulation and with no recourse to the House changes that could affect the redundancy terms of those workers and thousands of others.

The 300 workers whom we know are worried about their future now have further worry heaped on them as they have been provided with no clarification of how they will be affected by this change in redundancy terms. The axe could fall on thousands of other civil servants, if the Finance Minister is to be believed, when he stated that the jobs of around 1,500 people in Northern Ireland who do social security work on behalf of customers in England and Wales could be lost or are, in fact, more likely to be lost.

The Tory policy of taking government jobs out of Northern Ireland and centralising them across the water has gone too far. The London Government and the Northern Ireland Executive must recognise that their responsibility is not only to provide cost-effective services but to use government resources to assist the growth of economies throughout the regions. That cannot be done by laying off public servants and doing so on reduced terms that severely affect their spending power and their ability to look after themselves and their families and to contribute to wider society.

The actions of many in the House make me angry, as they should make all public servants angry in the North today. The overwhelming view is that our local politicians should do more to stand up for the rights of their constituents rather than talking about north-east England or wherever and slavishly following misguided UK Government initiatives. The whole purpose of devolution is that we in Northern Ireland have the ability to do things differently

from Britain. Should the aim of our Government not be to do the best for all our workers here?

Members talked about how we stood against the Public Service Pensions Bill. Why did we stand against it? It was because we thought that it was right to do so. Had Mr Wilson been at the UTU conference in Newcastle last Friday, he would have heard that teachers in his old career might be standing in front of a class at the age of 68. How damaging would that be for teachers or, worse still, for education?

The DUP has now presented a petition of concern against this prayer. That petition is tantamount to a slap in the face for every public servant in Northern Ireland. Public servants fear that this change in regulation is being introduced to make it easier for the Finance Minister to bring through job cuts. Of course, it is imperative that we grow the private sector in Northern Ireland, but this need not be a zero-sum game. The sacking of thousands of public servants on reduced terms will not benefit our economy. At the time of the DVA job loss announcement, my party colleague John Dallat said that no one could walk away from the DVA workers and hope to look them straight in the face in future. Likewise today, the message should be loud and clear: we will stand up for the jobs and rights of our public servants.

**Mr McCallister:** As a member of the Finance and Personnel Committee, I will note several issues that have come up. On the overall cost, it is unclear what exact cost we would impose on the taxpayer if we supported the prayer of annulment and did not make the regulations.

Some of the debate has been about the difference between the public and private sectors. I readily accept Mr Wilson's point, particularly about the pensions Bill, and I made it clear in that debate that there was a considerable difference between what people can expect in a private sector pension and what the public sector can do when the employer contributes to it. I am not always sure that we want to be in a race to the bottom around public sector workers and say that that is where we want to go. I would prefer it if we set the public sector up as an exemplar of the high standards that we expect in employment law. That said, it is a touch irresponsible for a party that is still in the Executive and is committed to this to suddenly bring a prayer of annulment saying that it does not agree with the policy.

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

**Mr McCallister:** I will.

**Mr D Bradley:** Since the Member and his colleague purport to be the official opposition here, can I ask him why he did not bring it?

**Mr Speaker:** The Member has an extra minute.

**Mr McCallister:** You can certainly ask me that because I am not likely to support the prayer of annulment. I will move with the Government. My biggest criticism of the Minister and his party on the issue is the petition of concern, on which we had a debate earlier. I do not understand why that party did not rely on the force of its argument to make those points and say, "This is the cost envelope, these are the facts and figures, these are the comparisons that we need to make between different sectors, and this is the reality of where we are", without having to rely on a petition of concern.

It is clear that the Minister is getting the support of his party, the UUP and the Alliance Party, and that is why I will abstain from voting — as a protest against using a petition of concern. Rather than having a real debate in the Assembly about the issues, we completely blur that by sticking in a false petition of concern over an issue that has nothing to do with identity, constitution or community designations but affects people. That is the biggest objection that I have to the Minister's position on the petition of concern.

As for Mr Bradley's intervention, it seems strange that his party tables the prayer of annulment but stays in government. That goes back to what Mr Wilson said: when there are difficult decisions facing the Assembly or any slightly unpalatable news, everyone runs for the door. If you are going to do that, at least have the courage to step out of the Executive and join the opposition — official, unofficial or whatever you want to call us. Do that, or else face up to your responsibilities.

**Mr I McCrea:** I will leave it to Mr Bradley to decide whether the SDLP wants to join the official or unofficial opposition. That is a decision on which it will probably put in a prayer of annulment as well. Nonetheless, as colleagues have said, we will not support the prayer of annulment this evening.

As far as I can see, the issue is based around the fact that the democratic decision of the Finance Committee was not enough for some Members or, indeed, the trade unions, which believed that the consultation — maybe they felt that it was a negotiation — was not genuine. They came before the Committee and suggested that the departmental officials were not genuine in their discussions with the trade unions. They came at the last minute with proposals, and, although, in essence, they accepted that they were a step in the right direction, they argued that it was not genuine. We could ask, having been given a definition of "genuine", whether the officials were indeed genuine. I suspect that they were. If they were acting on behalf of my colleague the Minister, I have no doubt that they were. It is subjective in the sense that, until the vote is taken this evening, we will not know whether the House believes that they were genuine.

Given that a lot has been said on the issue, there is not a lot more to say. However, this is genuinely an issue of parity. As colleagues have said, no one wants anyone to lose their job, but I do not believe that we can sustain the scheme when other parts of the public service have already changed. Mr Rogers mentioned teachers, who, I believe, are already part of the scheme. I am not sure how it would impact on my colleague, Mr Wilson, were he to go back to teaching after quite some time and was part of a scheme already in place. As other Members also said, redundancies are few in the Civil Service, and therefore the impact of this will be very limited.

Most in the Chamber have realised that this is a genuine attempt to take the matter forward. Michaela Boyle talked about being won over by the unions on the day. I was not — no surprise there. Mind you, I am not surprised that she was won over by the unions on the day either. Nevertheless, it is unfair to say that it was not a genuine attempt. The unions put forward proposals, the Department costed their proposals, gave them serious consideration and decided against them. That does not mean that it did not consider the options.

I hope that the House sees fit to oppose this. As Mr McCallister mentioned, there is a petition of concern. Although I can speak on behalf of the Democratic Unionist Party and our ability to whip our Members, I cannot speak on behalf of other parties on their ability to whip their Members to turn up to vote. However, I hope that, regardless of —

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

**Mr I McCrea:** Go ahead.

**Mr McCallister:** I just think that he might have a little more confidence in the power of his own argument.

**Mr Speaker:** The Member has an added minute.

**Mr I McCrea:** I have every confidence in the power of my argument. As I said, however, I am not sure that I have confidence in the power of other parties to whip their Members to attend. We will see that when the vote is taken. Regardless of the petition of concern, I hope that that is the case. I hope that other parties whip their Members. He is maybe not in the most difficult position as he has himself and one other to whip. Therefore, it may not be that difficult for the two of them to come in and vote. Let us see and let us hope that the House votes in the democratic way. Nonetheless, we have a petition of concern, and that is the way it is. The vote will no doubt reflect that.

**6.45 pm**

**Mr Agnew:** I rise on behalf of the Green Party in Northern Ireland as somebody who whips himself. *[Laughter.]* No problems there. I can be sure that I will go through the right Lobby on the motion.

I support the prayer of annulment. We have an irony here in that the ability to push through the regulation without the agreement of the unions was achieved as a result of the removal of the veto that the unions previously had. However, the DUP, which sought to remove that veto, is, in turn, using its own veto, should it be necessary, to block any decision that the Assembly might make. It is regrettable that the unions have been undermined. The views of the workers and their representatives should be heard by the employer, which, in this case, is the Northern Ireland Executive. I do not think that their views have been adequately reflected in the final proposals.

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

**Mr Agnew:** Yes, sure.

**Mr I McCrea:** Before the Member moves off that point, could he give us some detail on how he believes the employers have not adequately reflected those views?

**Mr Agnew:** As has been pointed out by a number of Members, the unions put forward compromise proposals. They tabled proposals that went further than perhaps they would have wished for their members but accepted that change was required, but that compromise position was still rejected. The Minister and the Department's position was to say, "No, these are the changes we are going to make. Now that we have listened to you, these are still the changes that we are going to make". Meeting the unions and representatives of the workforce halfway would have been a sensible way forward, and, as I say, it is regrettable that that has not been the case.

Those who support the changes have been proud of the fact that there have been few redundancies, certainly few compulsory redundancies. That is fair enough. However, that highlights the fact that their arguments about responsible government and the need to reduce costs are quite weak, because either we will see a huge number of redundancies that will have a big effect or we will not and the budgetary considerations are not as strong as will be made out. I very much believe that there will be a small impact on the budget. It has been suggested that the impact will be on a small number of people but, ultimately, the impact on that small number of people will be a large one in the lives of them and their families. For that reason, I do not see this as responsible governance or responsible decision-making, especially without genuine consultation or perhaps genuine negotiation. Maybe "consultation" is the wrong word. There has been no genuine negotiation with the representatives of civil servants, and to further use and, arguably, abuse power with a petition of concern is deeply regrettable.

**Mr Hamilton (The Minister of Finance and Personnel):**

I have listened with interest to Members' contributions, and I thank all who have spoken for their input. As Minister with responsibility for the Civil Service compensation scheme in Northern Ireland, I want to outline the purpose of the Civil Service Compensation Scheme (Amendment) Scheme (Northern Ireland) 2014. I will set out why we needed to reform the compensation scheme. The motion, therefore, to revert to the old scheme must be rejected.

The compensation scheme provides for the level of compensation paid to civil servants who are made voluntarily or compulsorily redundant. I need to nail one point very quickly. Mr Bradley said that this would affect members of staff who were retiring on the basis of ill health: he is either scaremongering or he has a genuine misunderstanding. People who have to retire on the grounds of ill health are dealt with in a totally separate scheme, which is the principal Civil Service pension scheme and not this compensation scheme. I am happy to give way to allow him to retract the comments that he has made — that is not coming.

The scheme also applies to other bodies that are members of the scheme, such as National Museums and the Equality Commission. It was necessary to reform the scheme for a number of reasons. First, we must provide a fairer cost to the taxpayer. There is absolutely no justification for providing civil servants with more generous redundancy terms than those available to other public service employments or to private sector employees. Secondly, we must address the inequality that existed between compensation benefits payable to civil servants and other public servants in Northern Ireland. That includes public servants in Northern Ireland who are members of the Home Civil Service, staff in Her Majesty's Revenue and Customs working, for example, in tax offices and passport offices. Thirdly, we need to address potential age discrimination issues. The changes will remove provisions for the calculation of compensation payments that have references to age.

The changes that have been put in place were necessary and have addressed all those issues. First, on costs, we need to move to have a fairer balance of what taxpayers must pay and the terms offered to civil servants. Under the old scheme, civil servants leaving on voluntary

and compulsory redundancies could get up to three years' pay. In some cases, it was even more. What are the new terms? Staff can get up to 21 months' pay for voluntary redundancy terms and up to 12 months' pay on compulsory redundancy terms. Members will wish to note that voluntary redundancy terms must be offered before moving to compulsory terms. In addition, the new scheme here will provide protection to lower-paid staff. That is a critical point. Staff earning less than £24,728 will be deemed as earning that level for the purposes of calculating redundancy payments. More than 50% of civil servants fall into that category. When you multiply that by the 21 months available under a voluntary scheme, I am sure that most Members will agree that that is exceptionally generous. In addition, high earners earning more than £100,091 will have their deemed salary for compensation calculations capped at that level. Reasonable people will, I am sure, consider the new terms to be both acceptable and generous. For those in the private sector who are restricted to statutory redundancy payments, the maximum amount payable would be limited to £14,100. So, Members will again see how much more generous the scheme is for civil servants, even after the reforms that are before us today.

The new, reformed scheme will also bring the terms of the Civil Service pension scheme into line with the other main public sector schemes in Northern Ireland. The other schemes were reformed some years ago. Mr Bradley and his colleagues in the SDLP, who proposed the prayer of annulment, may be interested to know that redundancy payments in the teachers' scheme are restricted to a maximum of 21 months' salary.

In respect of equality, age reference points have been removed. I have already set out the steps that have been taken here to protect the lower-paid regarding the deemed minimum earnings threshold. I ask the Members supporting the motion to explain their rationale. What justification can there be to provide civil servants in Northern Ireland with more generous redundancy terms than are available to other public service employments or, indeed, to their counterparts in Great Britain, whose deemed minimum earnings threshold is at some £23,000, well below what we propose? Those costs must be met by the employer in Northern Ireland, should the need for a scheme arise.

It may be useful for Members to be provided with an overview of the legislative journey that has paved the way for us to debate this issue today. It began as a direct consequence of the Executive's approval of the drafting of a Bill to amend primary legislation, the Superannuation (Northern Ireland) Order 1972. In doing so, the Executive agreed my Department's recommendations to amend the Superannuation (Northern Ireland) Order 1972. That change, which the Assembly endorsed, resulted in two changes. First, it removed the need for union consent to introduce detrimental changes to the compensation scheme. In other words, the trade unions lost their veto. Secondly, it introduced a new requirement for my Department to lay a report in the Assembly on the consultation it has engaged in with unions, with the aim of reaching agreement on such changes.

It has always been clear that we changed the Superannuation Act 2013 in order to change the terms of the compensation scheme. Those changes have resulted

in an alignment of the scheme here with the home Civil Service scheme and, indeed, with other public service schemes generally.

During the passage of the Superannuation Act, an extended Committee Stage facilitated full scrutiny and numerous evidence sessions from key stakeholders. In direct response to that welcome scrutiny, my Department agreed to an additional measure of Assembly control. So, contrary to what Mr Rogers said, there was no intention to ramrod this through. Negative resolution procedures will apply in the event of a scheme being introduced that would reduce the amount of compensation benefits payable. That was a Committee-proposed amendment that was adopted within the Superannuation Act. Hence, we are here today debating the matter.

Questions have been asked about how meaningful the consultation with trade unions was. I can confirm that my officials engaged with trade unions in a meaningful way that was transparent and informative.

In line with the requirements of article 4(8B) of the Superannuation (Northern Ireland) Order 1972, as amended, my Department has laid a report before the Assembly, under the laid papers procedure, on the consultation undertaken. The Superannuation (Northern Ireland) Order 1972 did not require the Assembly's approval before the report was laid. The report is for information and sets out what steps were taken with a view to reaching an agreement.

I can recap on the steps taken in this consultation, in case some Members have not read that report. A pensions forum was established in October 2011, with representation from unions representing civil servants, including senior civil servants and industrial staff. The purpose of the forum was to facilitate information sharing and formal consultation on matters relating to the compensation scheme. Since that date, my officials have engaged formally and informally with trade unions on the compensation scheme reforms. The pensions forum has met on over 20 occasions since its formation. The issue of compensation scheme reform has always been an agenda item at meetings throughout the period. As I made clear before, just because unions did not get everything they wanted does not mean that the consultation undertaken was not meaningful.

During the lengthy series of meetings, other than to push for delay in the introduction of reforms, trade unions proposed only one semi-credible alternative to the scheme introduced in Great Britain. That was a proposal that had previously been rejected during trade union consultations in Great Britain before the introduction of the Cabinet Office reformed scheme.

My officials gave careful consideration to that proposal and provided trade unions with summary tables detailing individual impacts and extrapolated costings. However, my officials were unable to accept the proposal, despite the sample tested costing £17 million less than the old scheme terms, as it was still based on payments with reference to age, and would cost significantly more — £8 million in the sample tested — than the scheme introduced in Great Britain. The sample was 600 staff.

The Department also consulted with all relevant stakeholders. A formal consultation document was published on 10 July 2013 and issued to employers,

employees and trade unions. The consultation period ran for an extended period of 16 weeks. A total of 262 responses to the consultation were received from nine individual public service members, two trade unions and 251 template campaign letters organised by NIPSA. Unsurprisingly, the vast majority of respondents indicated their general disapproval and rejection of the overall policy for reform. The Department published a formal written response to that consultation on 20 November 2013.

I did however make one revision to the policy originally consulted on. An issue raised by one of the unions in response to the written consultation exercise was a suggestion to have deemed salary thresholds indexed. I therefore decided to set those salary thresholds with reference to the recently revised Civil Service pay system. Deemed minimum salary has been set at the maximum of the executive officer II salary point of £24,728, and deemed maximum set at the maximum of the Senior Civil Service grade 3 salary scale, which is £100,091.

Those deemed salary levels will be revalorised in line with movement in those pay points as a result of annual pay awards. That variance in policy made a clear link to local pay arrangements while maintaining the overall principle of parity. Trade unions welcomed that proposal while maintaining their stance of opposition to the overall policy of reform.

#### 7.00 pm

I have listened to Members' concerns about the timing of making these changes. I remind Members that it has been over three years since the reforms were introduced for civil servants in Great Britain. During that time, civil servants in Northern Ireland have continued to benefit from the current compensation arrangements. Some Members have related the timing issue to the perceived threat of redundancy at the DVA in Coleraine. Indeed, Mr Rogers also mentioned HMRC employees. As I mentioned before, HMRC employees are, of course, subject to the Home Civil Service scheme. He also mentioned potential redundancies, around 1,500 in the Social Security Agency, in tones as though I were threatening those jobs, when, of course, everyone in the House knows that it is the inaction of the SDLP, along with its cohorts in Sinn Féin, in progressing welfare reform that is actually threatening the jobs of some 1,500 people across Northern Ireland.

The decision taken by the Department for Transport in London, on 13 March 2014, to centralise all vehicle registration and licensing services in Swansea threatens over 300 jobs in Northern Ireland. To mitigate the adverse impact that that decision will have on the nearly 270 individual permanent Northern Ireland civil servants in DOE who carry out that work, a number of actions are being taken. The priority will be to consider the scope to relocate functions to Coleraine or other affected areas. The Minister of the Environment has already written to Executive colleagues on that option. Should the relocation option fail to deliver sufficient jobs to accommodate the surplus staff, redeployment will be considered. To maximise redeployment opportunities that meet the mobility obligations of staff, restrictions on the recruitment, promotion and transfer of staff will be introduced, as required. Every effort will be made to absorb those surpluses, and my Department will play its full role in coordinating and facilitating those actions. Only when the

relocation and redeployment options have been exhausted will consideration be given to running a voluntary exit scheme under the new compensation scheme arrangements. There are no plans to run such a scheme at this time, although given the preponderance of non-mobile staff in Coleraine in particular, it cannot be ruled out.

My Department and the Civil Service have a good track record of being able to redeploy staff and deal with surplus staff. Over the past five years — setting aside the special exercise for prisons for around 500 staff and a modest scheme for planners of around 40 staff — only a handful of staff have been made redundant. As Mr Weir pointed out, the dire predictions of some in the House who sit opposite, of thousands upon thousands of redundancies in the past number of years, have not materialised.

It does not make sense to put off, for even longer, a change that should have been introduced as far back as December 2010 in line with arrangements for staff counterparts in the Home Civil Service. In reality, how can we identify “a good time” for implementing what I have acknowledged is a detrimental change to compensation arrangements for staff? The legislation needs to proceed to enable Departments to make efficient use of what we all know are limited resources, in line with arrangements elsewhere in the public service, should redundancy schemes ever be required. We also need it to address the age reference points in the current scheme. The new scheme also offers significant extra protection for lower-paid staff and those with long service who are close to retirement.

In today's tough financial climate, I and this Assembly would be failing in our duty to the taxpaying public if we were to allow the current scheme arrangements to continue.

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

**Mr Hamilton:** No, I will not give way at this stage. I have been speaking for nearly 14 minutes.

**Mr D Bradley:** That is a good reason to give way.

**Mr Hamilton:** The Member could have intervened at any stage, and he is at his work, Mr Speaker.

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

**Mr Hamilton:** He is at his work, Mr Speaker.

**Mr D Bradley:** *[Inaudible.]*

**Mr Speaker:** Order. Let us not debate across the Chamber. The Minister has the Floor.

**Mr Hamilton:** Mr Speaker, the Member is at his work in intervening at this stage.

Why should civil servants be treated so differently from staff in other areas of the public sector or, indeed, staff in the private sector?

In closing, I would like to acknowledge that the debate has provided an opportunity for the Assembly to fully consider this important matter. The Civil Service compensation scheme in Northern Ireland was long overdue these reforms. It was out of step with other schemes, in our local public sector and in Great Britain, in the generous terms available that could not be justified to the taxpayer. In addition, it was out of step in that it is no longer acceptable in contemporary policymaking to have provisions linked

with reference to age. The policy was no longer fit for purpose and had to change. This is ultimately a decision on the efficient use of limited departmental resources, should there be a requirement for the Civil Service or associated employments to run a voluntary or compulsory redundancy scheme.

In the current fiscal environment, I urge that common sense prevail and that Members vote against the motion for the Civil Service Compensation Scheme (Amendment) Scheme (Northern Ireland) 2014 to be annulled.

**Mr A Maginness:** I thank everybody who participated in this important debate this afternoon. I am underwhelmed by the Minister's defence of his proposals. The best argument he put forward was that we have to do it. The question I put to the Minister and the Benches opposite is: why do we have to do it? Where are the savings that we will make out of the scheme?

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

**Mr A Maginness:** I will indeed.

**Mr D Bradley:** If the Minister will not answer the Member's question, I will offer an answer: we have to do it because it is being foisted on us from Westminster. That is the only reason why the Minister is making the changes. He has no real commitment to it or passion about it.

**Mr A Maginness:** The Minister, of course, refused to accept the question that Mr Bradley —

**Mr Hamilton:** *[Interruption.]*

**Mr Speaker:** Order. The Member has the Floor. The Member is concluding on the motion.

**Mr A Maginness:** The Minister seems to be very vocal now that he has sat down, but he did not give any robust defence of the proposals. They would not have been made by the Minister or by the Executive unless Westminster had imposed them on the Executive. That is the reality of the situation. I want the Minister to admit to the truth rather than to try to obfuscate.

If anybody wants to listen, the Department's consultation document states:

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

However, we are told that this will not really affect civil servants in Northern Ireland. In the next couple of weeks, when you are electioneering, knock on the door and say, “Hello, how are you? I am the Member for your constituency —”

**Mr Hamilton:** At least we now know your motivation.

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

**Mr A Maginness:** “— who voted to reduce your terms and conditions as a civil servant here in Northern Ireland, and I am very proud of that because I've made —” *[Interruption.]*

**Mr Speaker:** Order.

**Mr A Maginness:** “— some sort of contribution to the economy”. What contribution has been made to the economy?

**Mr Wilson:** What will you be saying? I am the lord mayor who —

**Mr Speaker:** Order.

**Mr A Maginness:** At least, Mr Wilson, we have used the proper procedures of the House, unlike the DUP, which — *[Interruption.]*

**Mr Speaker:** Order. Let us have remarks through the Chair and not across the Chamber.

**Mr A Maginness:** I have to respond in some way, Mr Speaker. We have used the proper procedures of the House by way of a prayer of annulment. The DUP is using a petition of concern. Trade unions and civil servants, who have served the community faithfully for so many years, are just being kicked in the teeth by the DUP. There seems to be an innate hostility from the DUP to the public sector, and civil servants in particular. Every time Westminster produces something that is anti-public sector or anti-trade union, the DUP supports it.

**Mr Storey:** DVA jobs in Coleraine.

**Mr Speaker:** Order.

**Mr A Maginness:** I am surprised that the Alliance Party is now adopting a similar position. I cannot understand how it can adopt that position. *[Interruption.]*

**Mr Speaker:** Order.

**Mr A Maginness:** The DUP is antipathetic to civil servants and to the public sector. The Member can shake his head, but the Member made a speech in which he actually supported these proposals. So, when you are knocking the door, Mr Girvan, make sure that you tell the civil servants who are in that house, "We made sure that your terms and conditions were worsened. Why were they worsened? Because we decided to follow Westminster. Why did we decide to follow Westminster? Because we say that the parity principle —

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

**Mr A Maginness:** No, sit down. *[Laughter.]* You can laugh all you want. The Minister would not take an intervention. Why should I take an intervention if the Minister did not?

The parity principle is what you are hanging this debate on. You can explain to the voters that the parity principle is so important because you want to reduce the standard of living and the terms and conditions of workers in the public sector. Make sure that you get that message across loud and clear —

**Mr Storey:** *[Interruption.]*

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

**Mr A Maginness:** — to the voters because they will be interested to hear your explanation for this in the next number of weeks. You can tell NIPSA, the other trade unions and all those working people, "This was a very principled position. Do not worry about your loss because this is a very important principle." What is the point? *[Interruption.]*

**Mr Speaker:** Order.

**Mr A Maginness:** What is the point? Mr Wilson is a member of the Westminster Parliament. Perhaps he sees things differently from his colleagues on the DUP Back

Benches. Perhaps he has gone native in Westminster and regards Westminster as the primary focus of his attention. We will find out next year whether it is the primary focus of his attention or not. The DUP is, in fact, not embracing devolution. It is actually saying, "Well, you know, really, if Westminster says something, despite the fact that it adversely impacts on the citizens of this part — *[Interruption.]*

**Mr Speaker:** Order.

**Mr A Maginness:** — we will follow that line." That is the reality. I have not heard any argument from the Benches opposite — *[Interruption.]*

**Mr Speaker:** Order.

**Mr A Maginness:** — except that there is the parity principle.

I am also beginning to suspect that there may well be an ideological position being adopted by the DUP. I used to think that the DUP had, at least, some sort of radical tinge in its political DNA and that, somewhere hidden in it, there was some sense of radicalism, and that they would stand up for the common man. In fact, it seems that, ideologically, you are innately conservative and that you simply want to promote government and the private sector as you see it.

One argument that was put forward was, "Well, in the private sector, they do not get well enough paid and their terms and conditions and severance compensation are so poor that we should equate the public sector to the same standards." That is an absurd argument; absolutely absurd. It does nothing to further the interests of ordinary working people in this community. You claim to represent the interests of ordinary working people. Well how can you claim to represent the interests of ordinary working people when you proactively undermine their very terms and conditions of work?

The arguments that have been put forward today are riddled with inconsistencies. Let me say to you, Mr Speaker, and to the people outside that there has been a very grave disservice shown by the DUP to the people working faithfully in the public service to serve the interests of the people of Northern Ireland.

**7.15 pm**

**Mr Speaker:** I remind Members that the vote on the motion will be on a cross-community basis.

*Question put.*

*The Assembly divided:*

*Ayes 20; Noes 46.*

**AYES**

**Nationalist**

*Mr Attwood, Ms Boyle, Mr D Bradley, Mr Byrne, Mr Eastwood, Ms Fearon, Mr G Kelly, Mr F McCann, Ms McCorley, Dr McDonnell, Mr McKay, Mrs McKevitt, Mr McKinney, Mr A Maginness, Mr Maskey, Ms Ní Chuilín, Mr P Ramsey, Mr Rogers, Mr Sheehan.*

**OTHER**

*Mr Agnew.*

*Tellers for the Ayes: Mr Byrne and Mr Rogers.*

**NOES****Unionist**

*Mr Allister, Mr Anderson, Mr Beggs, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Nesbitt, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Storey, Mr Swann, Mr Weir, Mr Wells, Mr Wilson.*

**Other**

*Mrs Cochrane, Ms Lo.*

*Tellers for the Noes: Mr I McCrea and Mr D McIlveen.*

<i>Total Votes</i>	<i>66</i>	<i>Total Ayes</i>	<i>20</i>	<i>[30.3%]</i>
<i>Nationalist Votes</i>	<i>19</i>	<i>Nationalist Ayes</i>	<i>19</i>	<i>[100.0%]</i>
<i>Unionist Votes</i>	<i>44</i>	<i>Unionist Ayes</i>	<i>0</i>	<i>[0.0%]</i>
<i>Other Votes</i>	<i>3</i>	<i>Other Ayes</i>	<i>1</i>	<i>[33.3%]</i>

*The following Member voted in both Lobbies and is therefore not counted in the result: Mr McCallister.*

*Question accordingly negatived (cross-community vote).*

*Adjourned at 7.26 pm.*



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# Northern Ireland Assembly

Tuesday 8 April 2014

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

*Members observed two minutes' silence.*

## Assembly Business

**Mr Campbell:** On a point of order, Mr Speaker. I wonder whether you could return to me or to the House on a matter that was raised during yesterday's take-note debate on the Assembly and Executive Review Committee's report on petitions of concern, when there was a rather weak and insipid attempt to force a vote by those who have set themselves up as an opposition. I understand that you have previously ruled on votes on take-note debates such as that.

**Mr Speaker:** As the Member will know, I was not in the Chair at that point yesterday. Let me look at Hansard and come back either to the Member directly or to the House.

## Ministerial Statements

### Mills Report: Waste Management

**Mr Durkan (The Minister of the Environment):** With your permission, Mr Speaker, I wish to make a statement advising the Assembly of my response to the Mills report into waste management in Northern Ireland.

The Mills report found that we have significant criminal infiltration in the waste sector, some of which is linked to organised crime. It also identified issues for how my Department has managed that feature of the waste sector and, in particular, how effectively we have responded to the challenge posed by those who are prepared to risk human health, the economy and the environment for significant and ill-gotten financial gains. That uncomfortable finding must focus us on the broader question of resource efficiency. That must be the starting point for tackling the challenge.

In the 21st century, those societies that use resources most efficiently will have the best chance of prospering. Also in the 21st century, those businesses that view environmental challenges as economic opportunities, rather than problems, will have a competitive edge in global markets.

As the global population continues to grow and consumption levels continue to rise in the major emerging economies of China, India and elsewhere, we will see energy and material prices continue to rise.

In this world, allowing resources to be turned into waste will be an increasingly costly and risky business activity. In short, this will be a century in which the old mindset of waste as a natural by-product of economic activity will be consigned to its own dustbin. Economies and businesses that persist with that mentality will find themselves left behind by more efficient competitors.

That is why the most fundamental lesson from the Mills report is the need to drive greater levels of resource efficiency and work to curtail the creation of waste in the first place. At the highest level, therefore, my response to the Mills report is to strengthen our efforts to create, first, much higher levels of resource efficiency in Northern Ireland and, second, a much more robust, legitimate and prosperous waste sector for the remaining waste we do produce.

The benefits to the North of that approach will be to protect human health by ensuring that waste is properly managed; ensure that our environment is not damaged and degraded by illegal dumping of waste; reduce the supply of waste

available for criminals through closer working with councils that collect municipal waste and arrange for its management and treatment; unlock economic gains through resource efficiency across all industry sectors; and support the development of legitimate waste operators in a well-functioning waste sector.

The Mills report tells us that we have much work to do to deliver these 21st-century benefits. Let me outline the actions that my Department will take to turn the situation around.

As has been widely reported, an estimated total of over 500,000 tons of waste was discovered last year by the Northern Ireland Environment Agency (NIEA) in an area adjacent to the River Faughan in the townland of Mobuoy near Derry. That area was adjacent to and included a licensed waste facility.

In June 2013, my predecessor, Alex Attwood, revoked the licence of the operator of the facility following an unprecedented investigation into allegations of large-scale criminal offending involving the illegal disposal of very large amounts of waste. He also commissioned Chris Mills, the former director of the Welsh Environment Agency, to conduct a review into the lessons to be learned from the incident. I received that report on 10 December last year and released it publicly on 18 December.

As I stated at the time, I did not sit on the report. I released the report immediately because I wanted to put Mr Mills's important findings and recommendations into the public domain as soon as possible. That has also enabled my officials to compile an action plan based on the Mills recommendations and to engage with district councils on immediate steps we can take jointly with local government to tackle the significant problems that can arise once waste has transferred from the councils to the waste operators.

What problems did Mr Mills find? The key finding from the Mills report is that the waste sector in Northern Ireland is highly vulnerable to infiltration and that some of that activity is linked to organised crime. That, though, is not unique to Northern Ireland and also happens in Britain and Ireland. Indeed, it occurs in many countries around the world, so we are not alone in facing those serious problems, but I will not allow that fact to be used as an excuse to delay action here to address the challenge.

The report also highlights the vast profits and low deterrents that criminals can exploit. The report points to problems in the design and implementation of the waste regulation system administered by NIEA. Mr Mills found a lack of overall strategy and direction, a lack of integration between different teams in DOE, over-complication in regulatory design and deficiencies in some legislative powers.

Those are not minor problems. They will not be solved overnight. They will require a sustained effort over the next few years. I am absolutely determined to make that happen. I am pleased to announce the following key actions for fixing those problems and responding to the Mills report recommendations. I have directed the chief executive of NIEA to implement the actions in accordance with the specified timelines.

A full operational strategy with a detailed action plan will be developed and published to encourage resource

efficiency, ensure the proper disposal of waste and tackle waste crime. That will be published by the end of June.

A new resource efficiency directorate will be created to bring together the various regulatory and enforcement teams in the NIEA. That will be established by the end of May. An analysis of skills needs will be undertaken to inform a training programme to ensure that staff with the right skills are posted to the new waste directorate. The analysis will be completed by 30 June.

A review of potential legislative enhancements in areas such as duty of care, the fit and proper person test, the number of waste authorisations, waste remediation and "polluter pays" mechanisms will be conducted. That will be completed by 30 June.

NIEA will build on its existing work with other government organisations here and in Britain, in the Republic of Ireland and across Europe. That will involve a number of government bodies, but a high priority will be to strengthen significantly the partnership between my Department and the district councils, which have responsibility for the initial collection of municipal waste before it is transferred to waste operators via council-led contractual arrangements. A plan for those partnerships will be completed by the end of May. NIEA will develop a series of resource efficiency partnerships with trade associations and individual businesses. A plan for those partnerships will also be completed by the end of May.

A plan will be developed to ensure that the DOE's internal whistle-blower system is strongly promoted. That will be completed by 30 April.

Much work has already been undertaken on several of those actions. I emphasise how comprehensive the actions are. Partnerships with the business community will be strengthened, which will focus on supporting efforts by businesses to avoid creating waste and reusing any residual waste. I anticipate that that will create cost savings and enhance the competitiveness of many businesses. DOE's programmes to support community efforts to reduce waste will be enhanced. That will be wide-ranging, covering everything from continued support for the recycling infrastructure and local community waste reduction projects through to continued support for waste reduction efforts. Much stronger partnerships will be built with local councils on all waste management issues. Local councils play a crucial role in delivering waste reduction action plans and recycling efforts and arranging for the collection and disposal of waste. The agency will work much more closely with local councils to ensure that the way in which councils manage their waste collection and disposal systems, and the way in which we regulate and enforce on waste work, are in strong combination. That will help all waste operators to understand that the public sector is working closely together at central and local levels to secure major improved performance and full compliance. That will provide the extra support that legitimate waste operators need and make it harder for those operators who do not want to comply.

Clearer regulatory systems must be developed so that waste operators find it easier to understand their obligations, and it is easier for NIEA to assess whether operators are complying with those obligations. I am developing a better regulation Bill, which has been endorsed by the Executive. That will transform our overall

environmental regulatory systems by creating the capacity for DOE to issue one streamlined, integrated permit to a business. It will also give NIEA uniform inspection powers. That means that an individual agency officer would be authorised to inspect against all environmental regulations rather than only a limited number, as is currently the case. That will mean that the same number of officers will be able to carry out a significantly increased overall number of inspections in a much more focused way.

NIEA has adopted a new simple operating principle. For regulated businesses' environmental compliance performance, NIEA will make it easy for good performers and difficult for poor performers. In short, if you regularly comply, you will be freed of pointless red tape and receive fewer inspections; if you have a poor compliance record or are operating outside the system, you will get a lot more attention from NIEA.

Under these general regulatory reforms, our systems and processes for regulating waste will be strengthened and improved. That will give legitimate waste operators the confidence to invest and grow their businesses. It will also give communities and businesses the confidence that any waste that they create will be properly and legally disposed of.

#### 10.45 am

NIEA will continue to pursue waste criminals with the full force of the law. That is the essential and powerful safety net that must be in place to underpin all the other efforts that I have outlined. Tough and effective waste crime enforcement is critical. That is why we have employed 10 new enforcement experts in NIEA's environmental crime unit with money that my predecessor secured in the 2012 June monitoring round. We must be vigilant and fearless in chasing people who deliberately set out to make money by damaging our environment, our communities and our legitimate businesses through illegal waste dumping, fuel laundering and other forms of waste crime. It is unacceptable and must be eliminated. This tough enforcement activity for those trying to do the wrong thing will provide additional support to citizens, schools, community groups, councils and businesses that are trying to do the right thing. There is an enormous amount of work to be done if we are to create much higher levels of resource efficiency, more effectively regulate and manage waste, and eliminate waste crime in Northern Ireland. As we put all those actions in place, I am making arrangements for the Department to continue to access advice from Mr Mills to ensure that his knowledge is available to help us with the implementation of his report findings.

Finally, I refer to the motion approved in the Assembly on 11 March calling for a public inquiry into waste disposal in the north-west and the rest of Northern Ireland. I will now seek the agreement of my Executive colleagues to a full and comprehensive public inquiry into waste management issues across the North. Such an inquiry would build on the valuable findings of the Mills report but be much more wide-ranging in its remit, covering all public bodies involved in waste; the nature and structure of the waste sector and its links to Britain and the Republic of Ireland; the origins of waste crime and the uses made of waste crime proceeds now and in the past; and the effectiveness of waste regulation and waste infrastructure. Such a public

inquiry would need to be conducted at a time that does not interfere with our active criminal investigation flowing from the illegal waste dump in Campsie. It would build on the findings of the Mills report by revealing more information on waste crime.

In the meantime, I will not delay action in response to the Mills report. Indeed, the actions that I have announced today will set in motion a transformation in resource efficiency and waste management in the North. That transformation will not be easy, but it is essential to protect human health, our precious environment and underpin a modern and vibrant waste sector contributing to the local economy.

I commend the statement to the Assembly.

**Mr Speaker:** Before we go to questions on the statement, I strongly ask Members to be particularly careful to say nothing that might prejudice any ongoing criminal investigation or any resulting legal proceedings. I ask Members to be mindful this morning of the legal criminal procedures that are ongoing at this time. If that is clear, I call Anna Lo, Chair of the Environment Committee.

**Ms Lo (The Chairperson of the Committee for the Environment):** Thank you, Mr Speaker. I take your guidance very seriously.

I thank the Minister for his statement. I welcome the actions that he has put in place to address illegal dumping. I also welcome the public inquiry and commend him for taking on board the comments from the motion that we had a few weeks ago on the issue.

Will the Minister give us an update on the progress on clearing the site? In the meantime, what is the council doing to replace the waste operators and where is council waste being left?

**Mr Durkan:** I thank the Chair of the Committee for welcoming the statement and for her question. The clean-up of the site is a huge issue in my constituency, naturally enough, and a big one here — and rightly so, given the potential cost. I hasten to add that the Department's immediate response was to secure money from the Executive, quite a proportion of which was used for a quick clean-up of the area so that waste that posed any potential risk to human health or the environment was removed or treated immediately. However, that leaves about 499,000 tons of waste still there, and the issue of how that will be treated remains.

NIEA is engaging top-class experts to advise on clean-up options at the Campsie site, including cost estimates. Clean-up decisions will be based on that expert advice. As that is happening, the agency has, as I said, already removed some high-risk and medium-risk waste and increased its monitoring of the surrounding environment to ensure that nothing gets into the waterways there.

Every legal effort is being used to recover the costs from the polluters. This is a high priority for enforcement action. If it is not fully successful, I will have to consider funding options at that stage.

The issue is wider than the local council because the waste that could be identified seems to have come from a very wide area and from many regions. Other councils will have made alternative legal arrangements for the disposal of their waste.

**Mrs Cameron:** I, too, thank the Minister for his statement to the House this morning and welcome it.

The statement refers to central government working more closely with councils to support legitimate waste operators and make it harder for non-compliant operators. How does he envisage that working in practice? What areas of cooperation will be considered? Is there not a vital role here for the National Crime Agency in tackling organised crime, such as illegal dumping?

**Mr Durkan:** There is an important role for all of us in tackling crime such as this. Today, I have outlined measures that my Department and I are taking to do so. I have met the Justice Minister and will meet him again soon to discuss deterrents to this type of crime. As I outlined in my statement, the profits are vast, but the deterrents are very low. Therefore, it is a very attractive crime. The sentences or deterrents should reflect the seriousness of the crime, which is far from victimless. It can cause damage to human health and, undoubtedly, damages the environment. Who is left to pay? Ultimately, should we be unable to make the polluter pay, it will be up to the taxpayer here to foot the bill. I think that we would have public support to pursue these criminals with the full force of the law, and I am happy to work with each and every agency to do so.

The Member also asked about enhanced partnerships between central and local government. That is key. Partnership working has existed and does exist, but it could and, indeed, will be strengthened further as we move forward. My officials and I interact regularly with the regional waste partnerships across the North. The reform of local government, which, I am sure, we will talk enough about later, will provide greater opportunities for councils to interact with the Department. With fewer councils, we can ensure greater uniformity in how they do business.

**Mr McCartney:** Go raibh maith agat, a Cheann Comhairle. Ba mhaith liom fáilte a chur roimh an ráiteas seo agus, mar sin, gabhaim buíochas leis an Aire as. I welcome the statement and thank the Minister for what was a comprehensive and detailed response to the issue and the Mills report. The key to this — I think that is the Minister's own word — as we take forward the ongoing work and the public inquiry, is giving communities and businesses the confidence that any waste created will be properly and legally disposed of. That is the way to take this forward. I welcome the Minister's response to the public inquiry as well. It is important that we reassure people. Being from the constituency, the Minister will know —

**Mr Speaker:** I encourage the Member to come to his question.

**Mr McCartney:** — that rumours still prevail that physical structures are built on what are, as yet, undetected illegal dumps. I ask the Minister to comment on that.

**Mr Durkan:** I thank Mr McCartney for the question. I am glad that he recognises that we are moving forward. That is very important. Although a public inquiry cannot start immediately in case it interferes with the ongoing criminal investigation, I hope that I have demonstrated to all Members today that I am not just sitting on my hands waiting until such time as we can proceed with that. That is why I have brought forward the proposals today, and I am determined to get them implemented in the timescales that I have set down today, which are challenging enough.

I am fully aware of the public concern, fear and suspicion. That is why I want to take every step possible to me to allay that fear, concern and suspicion. That is why I have agreed that we proceed with a public inquiry and why I am doing this in the interim.

The site-specific issues to which the Member refers have been taken on board and are being further investigated by the agency and, indeed, by officials in the planning department.

**Mr P Ramsey:** I commend and thank the Minister for bringing such a detailed statement to the House and for some of the actions to come out of that. All Members for the constituency, including you, Mr Speaker, will be aware of the serious worry and, as the Minister said, the fear across the city and the north-west. Can the Minister assure the House and the people of Derry and the north-west today that such incidents and levels of illegal dumping will not happen again?

**Mr Durkan:** I thank the Member for his question. Unfortunately, I cannot give an assurance that this will not happen again; what I can do is give an assurance that it will never happen this easily again. We will not make life as easy for waste criminals as we have.

The Mills report rightly identified gaps and a lack of interaction between sections of the Environment Agency and gaps between the agency and the planning department. Prior to today, I have taken steps to address those. Where such gaps exist, there will always be criminals who are ready, willing and able to exploit them for their own financial gain, regardless of any impact on the environment or on other people. It is vital that we do not make it easy for them. The scale of the incident on the outskirts of our home city was unprecedented on this island, so I think that I can assure him that anything on that scale will not happen again and that we are taking every step to ensure that we drive crime and criminality out of the waste industry.

**Mr Elliott:** I thank the Minister for the update on the report. He will be aware that there is considerable frustration among the public, particularly about new laws at local councils. In Fermanagh, I have had complaints from people who have got a £75 fine for dropping a cigarette butt or a sweet paper. There is a huge difference between that and 500,000 tons of waste being dumped. Can the Minister give us and the public any reassurance about how he will deal with the bigger waste disposal dumps mainly activated by criminal gangs?

**11.00 am**

**Mr Durkan:** I thank Mr Elliott for that question. In answer to an earlier question, I outlined my interaction to date with the Justice Minister and the future meetings that I have scheduled with him to discuss this issue. I do not believe that the current deterrents for waste crime match the seriousness of the offence. That is something that I have to work with my colleague Minister Ford and, indeed, the judiciary on.

As regards the poor individuals being fined £75 for dropping litter, I have been contacted by some of these people as well, looking for my assistance with quashing the fine. Enforcement is an important tool in addressing waste crime, but it must be done on a scale matching the offence.

**Lord Morrow:** I thank the Minister for his statement, in which he said:

*“The DOE’s programmes to support community efforts to reduce waste will be enhanced.”*

A lot of the waste has been deposited close to one of our valuable rivers, the Faughan. I understand that some angling clubs wrote to the Department about the issue a long time ago. The Minister was not in office at the time, but what action did the Department take, or what meetings did it set up with that angling club to discuss the matter further, so that it could be pursued long before it ever was? It strikes me that there has been reluctance to move on the issue and that something could have been done years before it was.

**Mr Durkan:** I thank the Member for the question. He rightly identifies that it was before I was Minister and certainly before Alex Attwood was Minister, which raises this question: who might have been Minister of the Environment at that time? The Mills report flags up the issue that letters had been written and contact had been made by members of the public, including the local angling club, with concerns around the site and raises the question of why these were not acted on. This has caused me great concern, even though it happened — or did not happen — many years ago. The steps that I announced today and hope to move forward will ensure that something such as this cannot happen again and that we will not have the same silo mentality that has existed within the agency and between it and DOE planning. It is important to acknowledge that what happened and how things were or were not responded to was wrong, to ensure that it does not happen again, and to have the systems and safety net in place to ensure that, when something like this is brought to the Department’s attention, it is acted on immediately.

**Mr I McCrea:** I thank the Minister for his statement. I think that this is a genuine attempt to address the illegal dumping of waste. I have had conversations with people who express concern about this and, indeed, those in the constituency in Londonderry, and they want the House to unite in supporting the National Crime Agency. Will the Minister give an assurance that, regardless of his party’s views on supporting the National Crime Agency coming to Northern Ireland —

**Mr Speaker:** I encourage the Member to come to his question.

**Mr I McCrea:** — if work can be done with that agency, he will not object to it?

**Mr Durkan:** The Department previously worked closely with the PSNI, obviously, and continues to, along with SOCA, on the issue of waste crime. However, I have to express some disappointment at how SOCA, which is, I suppose, the predecessor to the National Crime Agency, has responded and interacted with my Department and, indeed, how it has dealt or failed to deal with waste criminals. That led someone I know to suggest that SOCA might be an abbreviation for “silent on criminal activity”. As I said in answer to Mrs Cameron’s question, I am keen that my Department works with each and every agency that can bring about prosecutions and asset recovery. I am happy to give that assurance again.

**Mr Eastwood:** I thank the Minister for his statement and for the actions contained in it. I welcome the wide-ranging

public inquiry that he mentioned. Has he done any work on how much that will cost?

**Mr Durkan:** I thank the Member for his question. Well, I do not really, actually. *[Laughter.]* As Members will know, public inquiries by their very nature can be open-ended, long-running and, as a result, extremely costly. I have not yet conducted any calculations or estimations of how much this public inquiry would cost. I have, as I said, written to Executive colleagues indicating to them my desire to pursue the public inquiry and asking for their support. Ultimately, I will seek their financial support as well.

**Mr Allister:** It is hard to regard the massive illegal dumping at the Mobuoy site as anything but a huge failure by the NIEA. How such a thing happened under its nose has never really been explained. Given that it is the same organisation that, with such officiousness, comes down heavily on the easy pickings of individual farmers on the slightest incident of pollution and arrogantly imposes an area of special scientific interest (ASSI) categorisation without ever properly consulting the affected farmers, does the Minister think that that organisation is fit for purpose, since it seems to have been asleep at the wheel on this big issue?

**Mr Durkan:** I thank the Member for his question. I do not think that this was just a massive failing by NIEA; it was a massive failing by the Planning Service as well. There has been a litany of errors, and the Mills report outlines them. Today, I have announced the steps that I am taking to reduce the possibility of anything like this happening again.

Prior to this, I announced a root-and-branch review of the Environment Agency, its structures and how it operates. That will be extremely important in how we address this major issue, as well as those outlined by Mr Allister. That is important not just to give confidence in the agency back to the public, but to assist its staff. For us to get the most out of them and make the most of the undoubted expertise that they have, the agency needs to be improved. I am committed to improving the agency and ensuring that it is fit for purpose in everyone’s eyes.

**Mr Byrne:** I thank the Minister for his statement. Technical officers from the local authority, Derry City Council, were in charge of this operation, and £50 million has gone amiss. What can be done to reassure the public that those officers and the management of that council are really in charge of dishing out the land tax money in order to make sure that this does not happen again? Will there be rigour and determination in trying to recover some of the money?

**Mr Durkan:** I thought that Mr Eastwood’s question was bad. I thank the Member for his question.

I have outlined the determination to recover the money from the criminals responsible for this incident. It is imperative that we make the polluter pay. I spoke of the need to strengthen relationships — we will do this — between central government and local government. We will also strengthen the scrutiny of the way in which councils treat their waste. I hope that that assures Mr Byrne.

**Mr Agnew:** I thank the Minister for seeking the agreement of Executive colleagues for a public inquiry. However, I remind him and the Executive that the Assembly has expressed its will very clearly, and I ask him to ensure that the Executive meet their duties in that regard.

The Minister made reference to the public inquiry including a comprehensive investigation of waste disposal. The

motion that the Assembly passed also asked the public inquiry to investigate the role of his Department in failing to regulate other industries such as quarrying. Will he guarantee that that will be part of the terms of reference for the public inquiry?

**Mr Durkan:** I thank the Member for his question. That was part of the amended motion that was passed by the Assembly and will indeed be part of the terms of reference of any public inquiry. I am fully conscious of the issue, and I assure the Member that it is a high priority. Already, following my instruction, the DOE permanent secretary is chairing a group of senior planning and NIEA officials to ensure a more joined-up approach, particularly around regulation of the type of activity to which Mr Agnew refers.

**Mr Speaker:** I ask the House to take its ease while we wait for the Minister of Health, Social Services and Public Safety.

## **Health and Social Care: Promoting Quality and Good Governance**

**Mr Poots (The Minister of Health, Social Services and Public Safety):** In recent weeks, I have informed the Assembly about serious failings in the quality of care provided to patients and the robustness of governance arrangements in the Belfast and Northern health and social care trusts. My approach in responding to those failings has been to find out what went wrong and to ensure that action is taken to correct it, as these are serious matters and are deeply concerning for the patients and their families who have been affected by them.

In my previous statement, I said I wanted to establish the facts concerning these failings, take immediate medium-term and long-term action to correct what went wrong and ensure that the necessary learning would be applied across the entire health and social care system in Northern Ireland. I will come on to further actions taken to address the specific failings in the Northern and Belfast trusts shortly, after I outline for Members the key elements of my strategic approach to improving the quality of care provided to patients and the robustness of governance arrangements across the health and social care sector in Northern Ireland. There are three key elements to this strategic approach; a review of unscheduled care, staff involvement and governance.

First, Members will recall that, following the major incident at the Royal Victoria Hospital's emergency department declared by the Belfast Trust on 8 January, I commissioned the Regulation and Quality Improvement Authority (RQIA) to conduct a systemic assessment of arrangements for unscheduled care in the Belfast Trust with a view to informing the wider picture regionally. The review that is under way is being carried out by eminent professionals who are each expert in their field of unscheduled care. Its remit is to examine the fundamental underpinning systems, processes, resources and model for unscheduled and emergency care, including how we build sufficient resilience regionally.

### **11.15 am**

At this point, I can tell Members that the review team has been working with the Belfast Trust to gain an understanding of the flows of patients to and within the hospitals in the trust. A wide range of relevant information has been sought and provided by the Belfast Trust, the Health and Social Care Board and other HSC organisations, including the Northern Ireland Ambulance Service (NIAS). Members of the review team have had a comprehensive briefing from the chief executive and senior executives of the Belfast Trust on the programmes of change that the trust has been undertaking to improve hospital services in Belfast. During the next month, the review team will visit trust facilities and meet front line staff and managers. It will also meet other organisations in relation to the wider regional aspects of the review. The chair of the review team has had initial visits to all trusts, including the NIAS. He has advised that, in every trust, there are examples of innovations designed to improve the flow of patients and their experience of the care provided.

The review team will provide its report to me in June, but I am not prepared to wait for receipt of the final report and recommendations in June; I want to see actions

now. Therefore, I welcome the fact that, to help share the learning across organisations and to consider initial findings from the work of the review team, the RQIA will hold two summit events in May. The outputs from those events will help to inform the recommendations of the final report of the review, which I have asked to be completed by mid-June. The review team's report will provide one of the three building blocks on which the improvement in the quality of patient care and governance will be taken forward.

I move on to staff involvement. I want to ensure that the need for best practice in unscheduled care is maximised across the HSC and is addressed urgently. I believe that there is no better way to do that than to directly involve the staff who deliver that care and to empower them to act. Staff involvement is, therefore, the second building block on which I intend to deliver positive change. In that respect, I participated in the Royal College of Nursing emergency care summit on 19 February, where I heard at first hand the views of emergency nurses and their commitment to drive emergency care forward and improve care for our patients.

Members will recall that, in my statement to the House on 18 March, I announced that the College of Emergency Medicine had agreed to hold an unscheduled care summit that will pull together information from a wide range of unscheduled care experts and foster action across the HSC. The unscheduled care summit, which takes place tomorrow, is about whole-system solutions. I have said before that many of the solutions to the challenges in emergency departments (ED) will be found outside the door of the ED. That is why I have asked the college to ensure that the summit brings together some of the most senior representatives of hospital medicine, general practice, nursing, social work and allied health professionals, as well as managers and representatives of the trade unions in Northern Ireland, and charges them with looking at the issues systematically.

As I told the Assembly on 18 March, the college has also agreed to work with my Department and the wider HSC to hold a follow-up event, 60 days after the summit, to build on the outcomes of the summit and develop recommendations on how to maximise the effectiveness of urgent and unscheduled care services in Northern Ireland. I expect that the summit and follow-up event will not only share vital learning but produce definitive proposals for my consideration in June this year, alongside and complementary to the RQIA's report.

Today, I am announcing the third building block of my strategic approach to delivering the improvement that the Assembly and the public have asked for. I want to see if a step-change improvement in the quality of governance arrangements across the HSC is needed and whether they support a culture of openness and transparency, a culture of enquiry and learning and a culture of redress and making amends when we get things wrong.

Subject to appropriate approvals, I am commissioning external experts from outside Northern Ireland who have a high level of expertise in the field to undertake a study to provide me with their independent advice on the effectiveness of these governance arrangements and how they can be further developed and strengthened.

In order to secure the best possible response for the population of Northern Ireland, an initial approach has been made to the former Chief Medical Officer for the Department of Health in England, Professor Sir Liam Donaldson. I am pleased to advise the Assembly that he has indicated that he would be willing to take up the assignment. No doubt you will be aware that Professor Sir Liam Donaldson has extensive experience in healthcare. From 1998 to June 2010, Sir Liam was the Chief Medical Officer for England and the United Kingdom's Chief Medical Adviser, and his record and achievements speak for themselves. Internationally, Sir Liam served as a member and vice-chairman of the World Health Organization's executive board and conceived of, founded and led the World Alliance for Patient Safety, which is an initiative that moved action on safety to a global scale. Terms of reference for this work, which I expect will be completed by the end of the year, are appended to the statement and are available on the Department's website.

My strategic approach to improving the quality of care and the effectiveness of governance in the HSC could not be clearer: three significant and serious building blocks to bring about improvement. One is under way, the second will begin tomorrow, and the third I have announced today. They all involve eminent people who are experts in their field, with wide experience of healthcare. They are all working to clear terms of reference and are all taking a coherent strategic approach, and they are driven by my resolve and by the determination and commitment of all in the health service.

Although it is crucial to learn from the past, it is essential to look forward to the future and to ensure that, in learning from the past, appropriate actions are taken to ensure delivery of high-quality, safe and effective services that are underpinned by robust governance arrangements across the whole health and social care sector. That is exactly what my strategic approach is intended to do, and that is what I intend to deliver.

I have made clear and demonstrated my commitment to openness and transparency about our Health and Social Care services. I apprised the Assembly and the citizens of Northern Ireland of the serious issues in the Northern and Belfast Trusts as soon as possible after I became aware of them. In that respect, I want to take this opportunity to provide the Assembly with an update on matters relating to both trusts.

In my written statement to the Assembly on 28 March, I informed Members about the continuing work at the Northern Trust on the implementation of the improvement programme and about findings emerging from the second phase of implementation. Following the statement, a number of reports highlighted the pain and anguish suffered by the families of those patients who directly experienced serious deficiencies in the quality of care that they received. As I indicated in my statement on 28 March, I asked the trust to confirm to my Department as soon as possible that all appropriate action, such as initiating fuller investigations and making sure that all affected patients and families are given the appropriate information and support, has been completed. I also asked the trust to ensure that those individual cases have all been reported appropriately, properly investigated and that learning from those instances is effected in the trust and more widely in

the HSC as necessary. I want to update Members on the assurances that have been provided to me.

The trust has advised me that it has informed the families in all 20 cases. I want to be clear: I expect meaningful engagement with families, which includes giving them the opportunity, if they wish, to participate in the serious adverse incident investigation. The families should be afforded sight of the final report and be informed of progress with the implementation of recommendations. I am seeking assurances from the trust that appropriate actions have been taken in all 20 cases to report to all relevant authorities, including the coroner, to investigate the incidents to identify learning and to implement recommendations from completed investigation. Some of those investigations are ongoing. I will be receiving regular updates in future and will keep Members fully informed.

Mr Speaker, on the matter of the Northern Trust, I will, if I may, take the opportunity to clarify that the turnaround team was appointed to the Northern Trust in December 2012, not 2011, as I inadvertently indicated in response to a question for oral answer to the Assembly on 31 March 2014.

On Monday 10 February, I delivered a statement informing the Assembly of my instruction to the Regulation and Quality Improvement Authority (RQIA) to carry out an inspection of the emergency department and the acute medical unit (AMU) at the Royal Victoria Hospital in the Belfast Trust over the weekend of 31 January to assess the quality of care and dignity afforded to patients in those facilities.

A Belfast Health and Social Care document entitled 'Improvement Plan for Unscheduled Care in Belfast Trust', which is being published today on the Belfast Trust website, details the actions taken to improve unscheduled care for patients. The final report of the findings of the RQIA inspection will also be published this morning. Despite the failings identified in the report, one clear message shines through: the commitment of staff to their patients. They are staff who are genuinely upset when they feel that, for reasons outside their control, they have not given the best care to their patients. They are doctors and nurses, social workers and many other health professionals, such as porters, domestic staff and managers, who are making enormous effort to ensure that the sickest and most vulnerable people are given priority and to ensure that patient safety is protected. My thanks and appreciation go out to them all. The challenges are complex, and some of the solutions will not be immediately deliverable.

When I made my statement to the Assembly on 10 February, I outlined the RQIA's interim findings from its inspection; those interim findings are now fully reflected in the report published today. I was deeply upset to hear of suggestions that dignity is not always afforded to those who die in our emergency departments. That cannot continue; it must change. I was angry that people had experienced unacceptable levels of care, and I was angry that staff do not feel supported in delivering the care that they wish to. I was particularly angry at the suggestion that targets should come before patients. That is unacceptable, and I cannot, and will not, tolerate it. In response to the report's findings, I asked the RQIA to secure from the Belfast Trust a detailed action plan setting out how it will address the failings and issues identified. That action plan, in the form of a quality improvement plan, is included in the

RQIA's report and describes how the trust is addressing all the recommendations in the report. The document that the Belfast Trust is publishing today complements and provides further details on the quality improvement plan in the RQIA's report.

Following receipt of the RQIA report, at the end of last week, my officials met the senior teams of the Belfast Trust, the Health and Social Care Board (HSCB) and the Public Health Agency (PHA) to consider the RQIA's recommendations and the trust's response, as set out in the trust's quality improvement plan. At that meeting, the Health and Social Care Board and the Public Health Agency confirmed that the trust's improvement plan was a reasonable response to the findings and recommendations in the report. The RQIA has also confirmed that it has accepted the appropriateness of the trust's quality improvement plan to take forward the recommendations of its report.

The improvement plan presents an opportunity to improve the service and to give better care to patients. It is critical that the plan be implemented without delay, and I have advised the trust of my clear expectations in that regard. I have also assured the Belfast Trust that it will have the full support of me, the Department, the Health and Social Care Board and the Public Health Agency in taking forward that challenging agenda.

My Department was also updated on the immediate actions taken by the Belfast Trust, following its meeting on 5 February with the RQIA, at which it was presented with the RQIA's interim findings. Details of the immediate actions being taken by the trust were included in my statement to the Assembly on 18 March, and I am pleased to provide a further update.

A nursing workforce review has been completed, which, as I announced in that statement, resulted in the appointment of 15 additional nurses in the emergency department and 25 in the acute medical unit. The additional nursing staff will permit, for example, an increase in the nurse:patient ratio in the resuscitation area to 1:1 and in the number of nurses in the focused assessment areas at all times to four. In the AMU, the additional staff will facilitate a greater level of personal care and assistance with nutrition.

### 11.30 am

The trust's chief executive and senior team have reinforced to staff directly that patients must be admitted on the basis of clinical priority, not targets. There will be senior management cover for evenings and weekends to provide support and guidance for staff and aid the flow of patients. The trust, in partnership with trade unions, immediately provided support clinics in the emergency department and acute medical unit to give immediate support to all staff working in those pressurised environments. The support team was made up of senior experienced nurses, occupational health staff, human resources staff and trade union colleagues.

A review of support services has been completed and resulted in a dedicated portering team being based in the emergency department, 24 hours each day, every day. There are enhanced cleaning services in place, with dedicated cleaning staff for the emergency department until 10.00 pm and further services available from the night cleaning team until 7.00 am.

Additional catering provision is in now in place and is overseen regularly by the catering manager/supervisor. Supplies of water, tea and coffee and light snacks are available in the department at all times, and emergency stores are readily available for times of surge.

Security is readily available, 24 hours each day.

A learning and development/support programme is in place for all new nursing staff to ensure that they have appropriate levels of training and induction to support them in their new role. The trust is establishing systems to ensure that staff receive feedback on any safety concerns that they raise, including through team meetings.

Additional senior nurses for ED and AMU have been appointed to oversee clinical care. An associate director of nursing for unscheduled care is to be appointed. An ED clinical lead for safety and governance is being appointed.

The use of internal transport, with nurse escort, to ensure timely transfer between sites is being provided.

A direct assessment and admission facility for the frail elderly on level 7 in the Belfast City Hospital is in place.

The trust will ensure that additional stocks of pillows and blankets are held and are available to the sister/charge nurse for times of increased requirement. Those will be ordered, and the stocks overseen, by the ward sisters.

The trust has reviewed, and is in the process of procuring, the necessary additional patient equipment, such as cardiac monitors, IV pumps etc.

The functions of the acute medical unit have been clarified, and additional arrangements, such as a 4.00 pm meeting between the patient flow co-ordinator and senior medical decision-makers, have been put in place. Additional administrative support to ensure 24/7 clerical support in the AMU has been provided.

As I advised in my statement of 18 March, that action has built on the initiatives already taken by the trust following the recommendations in the review of the emergency department carried out last year by the College of Emergency Medicine, details of which were included in that statement.

Although the actions in the trust's improvement plan will improve the experience of patients using the emergency department and the acute admissions unit in the RVH, the trust cannot, at this time, guarantee that the Manchester triage diagnostic timescales for patients who present at the emergency department will be adhered to at all times. That is because of the inability to fill all the medical posts, and it has the potential to impact on the care provided should seriously ill patients wait longer than recommended when the emergency department is under pressure.

That issue has been recognised by the trust and has been included in its risk register. Appropriate mitigating action is in place, which is monitored by the trust and the Health and Social Care Board.

Although I am looking to the Belfast Trust to ensure that a consistent approach is taken to the implementation of its quality improvement programme, Members can be assured that the bodies with responsibility for commissioning and regulating the health service will remain vigilant in discharging their responsibilities as we move forward. I shall be seeking their assurance that

progress continues to be made, that things have improved and that momentum is maintained.

I previously referred to the five serious adverse incidents (SAIs) related to the quality of care provided by the Belfast Trust. Those incidents caused all of us to have concern about the quality of governance in the trust. My Department wrote to HSCB in February 2014 to ask it to review completed emergency department-linked SAI investigations to ascertain whether delay may have been a contributory factor, the involvement of families and carers in the investigation process and the involvement of the Coroners Service. That work, which will cover serious adverse incident investigations between 2009 and 2013, is under way. It is anticipated that it will be completed by the end of April or early May. I have updated the Chair of the Health Committee on that time frame, and I will provide a further update to the Committee once the analysis is available.

Although I am confident that our services are overwhelmingly safe and are delivering better outcomes than ever, and that the experience of the vast majority of patients, clients and their families is a positive one, there is clearly a need to provide greater independent assurance on the safety of services. Throughout the rest of this year, the RQIA will continue with a series of planned reviews, including a review focusing on the experience of older people in acute care, a separate review focusing on discharge arrangements from acute hospitals and a review focusing on the implementation of the regional stroke strategy. In addition, as part of a significant change to the work programme of the RQIA, I have decided that the RQIA will, from 2015-16 onwards, undertake a rolling programme of inspections of the quality of services in all acute hospitals in Northern Ireland each year. Currently, inspections of acute hospitals are limited to hospital infection prevention and hygiene. The inspection reports will be published by the RQIA on a hospital-by-hospital basis as they are completed, and they will focus on a range of quality indicators around triage, assessment, care, monitoring and discharge. Members will appreciate the important linkages between the programmes of work already scheduled and the further work I have asked RQIA to undertake.

In the interests of openness and transparency, and in order to provide reassurance where possible, I have instructed all six trusts to, by the end of September 2014, review all serious adverse incident reports completed between January 2009 and December 2013 and provide information to my Department covering their engagement with families and their compliance with statutory requirements to inform the coroner in cases in which patients or clients died. I have also instructed them to confirm that escalation and reporting to other organisations happened appropriately, and, if there are any general or specific issues, to report on any not previously identified to bring them to my attention.

Although that work will initially be undertaken by trusts, the Health and Social Care Board, given its responsibilities for serious adverse incidents, as well my Department, will consider any findings. The RQIA, as part of a planned review of adverse incident management, reporting and learning, will, later this year, independently investigate and quality-assure the work each trust has undertaken as part of that exercise. The RQIA will also, as part of that same planned review, consider the appropriateness of

trusts' systems for identifying serious adverse incidents by considering their current arrangements for reporting and handling adverse incidents, litigation cases and complaints. That will involve RQIA sampling cases from the adverse incidents, complaints and litigation systems and reviewing trust systems for identifying, where appropriate, cases as SAIs. That work will complement and support the wider governance review that I am commissioning.

Although a number of reviews and investigations will be ongoing, it is important that we continue to implement improvements already identified. Today, I have given the go-ahead for the phased regional implementation of an enhanced assurance process for all deaths in hospitals in Northern Ireland. The mortality and morbidity review system, which is being developed by the Belfast Trust, will be rolled out across Northern Ireland hospitals over a three-year period and will record, review, monitor and analyse all hospital deaths. This system, used effectively, will provide additional scrutiny of the death certification process; enhance a culture of learning across trusts; improve reporting of serious adverse incidents where a death has occurred; act as an additional safeguard to ensure that deaths are appropriately reported to the coroner; and improve the quality of information provided to the coroner and as part of serious adverse incident notifications.

Rolling out the system will ensure that the causes of death are accurately recorded, reviewed and analysed, thereby facilitating identification of poor care management; learning from errors; openness and transparency; and improvements in patient safety and care. This will provide not only a means by which to quality assure information on deaths at hospital level but additional assurance and oversight in line with statutory responsibilities, and will ensure the identification and sharing of learning from all deaths that occur in our hospitals.

I am in no doubt that the incidents and revelations of recent weeks have dented the reputation of our health service and caused distress for those patients and their relatives who have been directly affected. I hope that the actions I have set out in this statement will provide reassurance and alleviate the worry that has been caused to many.

In conclusion, I want to assure the Assembly and the public that I am committed to ensuring that the quality of care provided to patients, coupled with the corporate governance that underpins care, is the best that it can be and that we have a mindset across the HSC that will deliver this. All the actions that I have taken in recent weeks, and the further actions that I have announced today, are designed to give assurance that the provision of high-quality care and robust systems and procedures are the routine day-to-day business of the HSC and that, when failings do occur, these are quickly identified and rectified with openness and transparency.

I believe that the facts to be established by the reviews to report later this year will confirm this to be the case. However, I also want to ensure that we learn from recent experience and refocus or redirect our efforts where necessary. I am confident that the strategic building blocks that I have put in place will, over time, deliver a step-change improvement in the quality of care provided to patients and the quality of governance arrangements

across the health and social care sector in Northern Ireland. I commend the statement to the House.

**Ms Maeve McLaughlin (The Chairperson of the Committee for Health, Social Services and Public Safety):** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement. However, there is little new in the statement except that there will be an initial contact with the Chief Medical Officer in England and an enhanced role for the RQIA. I listened very carefully as the Minister referred to:

*"a culture of enquiry and learning".*

However, I suggest that our staff and patients require a culture of action. How will the Minister deal with the criticism that this statement is simply another review and that it does not deal with assurances to families, increased recruitment, closure of beds or workforce planning? I note specifically that the Minister is seeking assurances from the Northern Trust in relation to the 20 cases in that trust. Has the assurance that appropriate action has been taken not yet been given? Is the Minister actually suggesting to the House that this statement is new or will make any difference to staff and patients in our emergency departments today? I call on the Minister to provide actions, not reviews or words.

**Mr Poots:** I note that the Member did not apologise to the Speaker for falling asleep during the speech. She must have been sleeping if she did not notice that a whole series of actions are being taken, including the employment of an additional 40 nurses; the completion of the review of support services, which has resulted in dedicated portering on a 24-hour basis each day; enhanced cleaning services being put in place; and the trust, in partnership with trade unions, providing support clinics in emergency departments and acute medical units.

Security is readily available 24 hours a day. Additional catering provision is in place to be overseen by the catering manager and supervisor, ensuring supplies of water, tea, coffee and light snacks. The Belfast Trust is enabling systems to ensure that staff receive feedback on any safety concerns. A learning and development support programme has been put in place. Additional senior nurses for ED and AMU have been appointed, and an associate director for nursing and unscheduled care is to be appointed. An ED clinical lead for safety governance is being appointed. A further measure is the use of internal transport with nurse escorts to improve timely transfer between sites. There is a direct assessment and admission facility for the frail elderly on level 7 of Belfast City Hospital. I could go on, but it is quite embarrassing.

**11.45 am**

**Mr Wells:** Minister, I congratulate you on engaging the service of Sir Liam Donaldson, who is one of the foremost experts in healthcare in the United Kingdom. What engagement has the Minister had with CEM, the Royal College of Nursing and the BMA?

**Mr Poots:** The Royal College of Nursing held an emergency care summit, which I attended, and we have engaged with that organisation. Following on from that, the College of Emergency Medicine is holding a major summit tomorrow, which will involve all the key people, including the nursing staff. That will be followed up in two months

with further work on the findings from tomorrow and how we have implemented the recommendations that come out of tomorrow's summit. We meet the RCN regularly and we will continue to do so. That is very important because our nursing staff provide front line care daily. They see and can identify the problems, and it is very important that we pay attention and listen to them when they identify issues of concern.

**Mr McKinney:** I thank the Minister. I will deal with the issue of SAls. The Minister made plenty of reference to openness and transparency, but let us be clear that the issue here is about a potential cover-up and the potential failure in a statutory duty to report. So, what does the Minister propose? SAls will be investigated, not by an external authority, but by the same trusts that held the information in the first place, and then the Health and Social Care Board and the Department will consider their investigation into themselves. I suggest that this is the health service investigating itself. Can the Minister tell us where the openness and transparency is in that?

**Mr Poots:** I think that another Member has not been paying much attention. I know that it was a long statement and maybe the concentration of some people does not last very well, but I am not sure what precisely the Member thinks we are asking Sir Liam Donaldson to do.

**Mr Beggs:** I think the Minister for his statement on promoting quality and good governance, but, like others, I have noticed that it regurgitates much that has been said before. We have learned today of a very basic failing at Antrim hospital, where a plastic tube was inserted into the wrong patient. A memo has been issued highlighting the role of ward staff, X-ray porters and, indeed, radiographers. Can the Minister indicate, in order to produce better quality healthcare and good governance, what additional resources will be provided to enable staff to cope with the pressures? Does he agree that every member of staff has a role to play to ensure that the right patient gets the right treatment?

**Mr Poots:** The Member may think that we are living in some Utopia where 70,000 people are employed and no one ever makes a mistake. Unfortunately, people do make mistakes, and the memo that went out from the Northern Trust was to assist and to help to ensure that mistakes are minimised and happen less frequently. That is very important.

What people seem to fail to understand about serious adverse incident reporting is that it is very much a process of identifying what has gone wrong, how it went wrong and how you can avoid it happening in the future. That is what we are about, and we need to be open and transparent about these issues if we are to continually improve the services that we provide. The truth is that we provide much more extensive care than was previously the case to people who are often very ill. The consequence can be that sometimes it does not work out right because of human error and failure. We need to ensure that we minimise that, and that is the work that we are trying to do. That is what we are trying to deliver.

In interaction between staff and the HSC, there were in excess of 15 million key interactions between staff and patients and social care clients. There are over 78,000 people employed in commissioning and delivering the full range of health and social care services, so one can

understand that it does not take a very large percentage to have serious adverse incidents. We could get it right 99.9% of the time, but when you have 1.5 million interchanges, it can still be quite traumatic for a number of people. Thankfully, the vast majority of people reporting to us are reporting good experiences with health and social care.

**Mr McCarthy:** I thank the Minister for his rather lengthy statement. I noticed that it was delivered with less enthusiasm than perhaps previous statements. Perhaps that is a sign that the Minister is getting tired, disillusioned or is maybe fed up with making excuses for inefficiencies in the health service.

However, we are where we are at. I just want to go back to the question of staff involvement. He said in his statement:

*"I participated in the Royal College of Nursing emergency care summit on 19 February".*

The Health Committee met the Royal College of Nursing a couple of weeks ago and they were absolutely at their tether's end in relation to —

**Mr Speaker:** I encourage the Member to come to his question.

**Mr McCarthy:** I will do my best, Mr Speaker. They were at their tether's end in relation to how they were being treated and the Minister met them in February. When will these hardworking and hard-pressed staff see the light at the end of the tunnel? If nurses and their staff are under extreme pressure, there is no doubt that our patients will suffer and perhaps that is one reason why we are in the mess we are in today.

**Mr Poots:** I will be very blunt about it: our entire system is under extreme pressure, so I recognise that nurses are under extreme pressure, as are clinicians, management, staff on the floor, including porters, cleaners and the other ancillary staff, as are allied health professionals and social workers. The pressure is arising largely as a consequence of more and more work. We are victims of our own success in that more people are living longer and the consequence is that we get more ill people with complex conditions arriving at our hospitals, very often unscheduled, for emergency care, and we have to respond to that. I am being asked to respond to that very often with less and less. Indeed, next year I am going to be asked to respond to it with £70 million less as a consequence of welfare reform. We cannot get away from these things. If others wish to starve the health service, do not come complaining if the service is not as good as you anticipate it should be.

We have managed to improve things considerably over the past three years. We have managed to improve the outcomes in cancer, cardiac care, stroke and sepsis. Those are the big killers in our hospitals. We have managed to reduce waiting times, but I cannot do it, and I do not think that anybody else could do it, with the proposed cuts that are coming our way as a result of welfare reform. The House needs to be aware of that as do the public. Those who want to put welfare reform before health will diminish the healthcare of our population, and we need to make it very clear to the public that, if that is the choice that people in the Assembly want to make, the public will suffer as a consequence.

**Mrs Cameron:** I thank the Minister for his lengthy statement to the House. I sincerely hope that the welfare reform-related cuts do not come into place and that the parties opposite come to their senses fairly soon. What assessment has the Minister made of the desire of staff for transparency and learning in the health system?

**Mr Poots:** I see only a powerful desire among staff to ensure that things are done in a much more open way than was previously the case. A culture existed in health for many years that that was not the way that things were done. People recognised, particularly after the hyponatraemia inquiry, the detrimental impact that the lack of openness had, first and foremost, on the families. The consequences were absolutely devastating for those families, but it also had a hugely detrimental impact on the members of staff — the doctors and nurses. People recognise very clearly that that is not somewhere we wish to be in the future and it is much better to be open about these things at the outset.

I do not think that we want to get into a claim culture in health in Northern Ireland, as that would have the ability to destroy the health and social care system. We need to be open and transparent with people when mistakes are made, and there needs to be an understanding by everyone that, on occasions, mistakes are made. We in the health service need to ensure that we minimise such mistakes and seek to ensure that we provide the best possible care to all our people at all times.

**Mr Brady:** Go raibh maith agat, a Cheann Comhairle. I too thank the Minister for his statement. Minister, in answer to the question from the Chair of the Committee, you went through a litany of changes. Might it be naive to suggest that those already should have been an integral part of the health service?

We are to have reviews about the reviews, and we have innumerable reviews already. Does the Minister realistically think that Transforming Your Care can be introduced to any degree until that is all completed?

**Mr Poots:** I might remind the Member that his party held this Department at one stage. Much of the stuff that we are talking about as far as culture is concerned was not challenged when his party held the Department. It is us. We are seeking to change the culture that people are carping and complaining about. You did not seek to change that culture. The opportunity existed for previous Ministers to do it, and they did not do it. Do not come criticising me when your Minister did not do it when Sinn Féin held the Department.

**Mr I McCrea:** I welcome the Minister's statement. I commend him for coming to the House with it and doing what many other Ministers do not do, which is to come with the good and the bad news. In the Minister's statement, he referred to the rolling programme of RQIA hospital inspections. Will he provide some further detail on how he sees that being rolled out?

**Mr Poots:** I thank the Member for the question, which is more about how we can improve things than about complaining and making a virtue of it.

Previously, RQIA unannounced inspections of hospitals were limited to hygiene and cleanliness. We propose that inspections will focus on a number of quality indicators: triage, admission, assessment and discharge. All those

areas will be covered. The proposed programme of inspections will be unannounced and will focus on a selection of quality indicators that the trusts will not be pre-notified of. The RQIA inspection reports will be published on a hospital-by-hospital basis, as and when they are completed, which will allow benchmarking of the best.

The RQIA already has a number of planned reviews under way. They will focus on acute hospitals and are more wide-ranging than a focus on particular services. The reviews will include a review of the experience of older people in acute hospitals, which is very important, and discharge arrangements for our acute hospitals.

#### 12.00 noon

**Mr McKay:** Go raibh maith agat, a Cheann Comhairle. I refer to the 20 families who were affected in the Northern Trust area, on which the Minister made a previous statement. Minister, those 20 families were not all informed before you made that statement and, indeed, had to go to other MLAs and to the media to get in contact with the health service to find out whether it was actually them they were talking about. I find it highly ironic that the Minister accuses other people of being asleep, when he was asleep at the wheel in that case. When will the Minister focus on his own job? When will he stop focusing on welfare reform or even Bairbre de Brún? At the end of the day, the buck does not stop with her or with the trusts: the buck stops with you.

**Mr Poots:** Obviously, something that I said previously must have stung. It is good to see that that is the case. The 20 cases that were identified were identified by the current directors in the Northern Trust. They came to me, and I made it public. That was the openness.

**Mr McKay:** You did not make sure to tell the families.

**Mr Speaker:** Order.

**Mr Poots:** The Member had his opportunity, and he failed to make his point very well. That is his problem.

The trust sought to inform all the individual families that were involved. I asked the trust to ensure that meaningful engagement took place, so that is a matter that I have been clear about. Meaningful engagement must take place with the families, which will include giving them the opportunity, if they wish — not all the families wish to do so — to participate in the serious adverse incident investigation. They should be afforded sight of the final report and be informed of the implementation of the recommendations.

My Department has written to the Northern Trust to seek further information on the 20 cases, so we are not asleep at the wheel. We are focused on ensuring that the trust follows up on what we have asked. Investigations are ongoing, and I will receive regular updates on the outcome of those investigations and on the implementation of the recommendations.

**Mr Rogers:** Thanks to the Minister for his statement. Minister, you talk about whole-system solutions. If we are to learn from the past and provide a strategic approach to healthcare provision in the future, do you not think it is long past time that you agreed to an independent review of Transforming Your Care to measure its effects on pressures and patient outcomes?

**Mr Poots:** I have previously told Members that, if they have better ideas than Transforming Your Care, we need to hear about them. I ask those who suggest that we should not proceed with Transforming your Care, “What are you proposing — that we build two additional hospitals with another 1,000 beds in Northern Ireland?”. I propose taking people out of hospitals, providing care and support for people outside of hospitals and ensuring that they receive the appropriate care. What are other Members proposing? If they are saying that Transforming Your Care is not the way, what are they suggesting? We will wait. There is plenty of time. We have months ahead to hear the ideas.

The only issue that I have with Transforming your Care is that I want to see it implemented faster, quicker and better. That is where I will put pressure on — not for a review but for faster implementation. It is the only way forward that I can see and the only way forward that my health professionals can see. The experts, the Chief Medical Officer and all of the team identify Transforming Your Care as the best way forward. It is not something that is completely new and radical; it is completely logical. That is why we will continue to go down that route.

**Mr McCallister:** It is great to see the collective responsibility of the Government working so well. I have several points. On workforce planning, there is no clear strategy on how you will fill vacant posts at Lagan Valley, Downe or other hospitals like that. As Mr McKinney pointed out, effectively, the health service is investigating itself. Crucially, setting aside welfare reform, TYC is to take £83 million out of the acute aide of the health service and move it into social care. Does that not effectively leave his flagship policy dead in the water?

**Mr Poots:** It certainly does not. Moving money from one to the other is completely rational. For example — I see some Members getting excited already — just a few years ago, 60% of the mental health care budget was spent on hospitals and 40% was spent in the community. It is now 56% in the community and 44% in hospitals. The shift of funding has ensured that we improve healthcare by moving away from a hospitalised, institutionalised system to one where we can provide a greater level of care in people's homes, their communities and the primary care facilities. We make no apology for moving towards identifying conditions at an earlier point, intervening at an earlier point and providing support and care for people in those situations in the community where they belong, as opposed to institutionalising people in hospitals.

**Mr Dallat:** I had not intended to ask a question, and I certainly do not mean to cause the Minister palpitations. However, having listened to the answer that he gave to my colleague earlier about the review of all adverse incidents, I have to ask this: Minister, this is déjà vu, is it not? We have been here before, asking health trusts to investigate themselves. Surely, that is not on.

**Mr Poots:** It is always good when I provoke Mr Dallat into asking a question. That is what the Chamber is about: exchange and question and so forth. I welcome that.

We have sought to ensure that we can move things forward. The trust has the information at hand, so it will have a course of work to do. However, on governance, openness and transparency, the inquiry, learning, the culture of redress and making amends, we are commissioning the services of Sir Liam Donaldson. He

will carry out work on that, with independent advice on the effectiveness of the governance arrangements and how they can be further developed and strengthened. Bringing someone of that standing in to assist us is very significant, and I welcome the fact that Sir Liam Donaldson is prepared to take up the assignment. I have no doubt that we will all have something to learn from his extensive experience and skill, which has been gained over many years, not just in the United Kingdom but across the world.

**Mr Allister:** Three years into office, more reviews, more summits, more fine words, but no review of what I suggest again to the Minister is one of the biggest contributors to the difficulties and chaos in our A&Es: the reduction in the number of beds in our hospital system. Over the past five years, the number of beds has been reduced by between 16% and 20%. Is that not a big contributor to the logjam in our system?

**Mr Poots:** The Member needs to understand that people stay in hospital for shorter times, and, consequently, there is a lower requirement. In all this, there is an issue that we need to identify: at what number of occupied beds can we critically run a hospital? The tipping point can be difficult, at times, if a hospital is already at capacity. It is important that we continue to observe the situation and ensure that we have appropriate beds available. The truth is — the Member and the House should be aware of it — that about 30% of our hospital beds are being used by people who could have been discharged. Some of them may be there for only a day longer than they should have been, but they could have been discharged.

Therefore, we need to do more work on the social care side to ensure that the appropriate packages are in place and on the step-down facilities to ensure that people who still require considerable care, but not necessarily in hospital, have that care available. There are courses of work that can be done. However, I do not believe that the answer lies in creating more hospital beds; the answer lies in ensuring that we maximise their utilisation and that people are discharged at the appropriate time and to the appropriate location.

**Mr G Robinson:** I commend the Minister for his very welcome statement and congratulate him on the job that he is doing in difficult circumstances. What experience does Liam Donaldson bring, particularly in patient safety?

**Mr Poots:** Sir Liam was chair of the World Health Organization's patient safety programme and the National Patient Safety Agency. He is currently the patient safety envoy to the director general of the World Health Organization. He is recognised as the leading international voice on healthcare, quality and patient safety. As Chief Medical Officer in England, he was responsible for seminal reports on patient safety, including ‘An Organisation with a Memory’, 2000; ‘Getting Ahead of the Curve: A Strategy for Combating Infectious Diseases’, 2002; ‘Good Doctors, Safer Patients: Proposals to Strengthen the System to Assure and Improve the Performance of Doctors and to Protect the Safety of Patients’, 2006; and Safety First, 2006. This is an individual who has spent a lot of time on and dedicated a lot of his expertise to patient safety. It is really good news for Northern Ireland that we have been able to secure his services to assist us in further improving patient safety in our hospitals.

## Executive Committee Business

### Consumer Rights Bill: Legislative Consent Motion

**Mr Speaker:** I call the Minister of Health — the Minister of Enterprise, Trade and Investment. I apologise, Minister.

**Mrs Foster (The Minister of Enterprise, Trade and Investment):** I am glad to be the Minister of Enterprise, Trade and Investment.

I beg to move

*That this Assembly endorses the principle of the extension to Northern Ireland of the Consumer Rights Bill.*

The Consumer Rights Bill was introduced to Parliament on 23 January 2014. It is intended to amend or extend existing UK-wide consumer and competition legislation. The primary aim is to make it easier for consumers to understand and access their key rights in relation to quality goods and services. The Bill will do this by consolidating in one piece of legislation key consumer rights covering goods, services, digital content, such as e-books and software, and the law relating to unfair terms in consumer contracts. These existing rights are currently contained in eight separate pieces of legislation.

The Bill will, therefore, address one of the major problems with the existing law, which is that it is overly complex, making it difficult to understand. That complexity creates confusion that causes detriment for consumers and business, as it results in unnecessary and time-consuming disputes. As part of this consolidation of consumer rights, the Bill will also implement the remaining provisions of the consumer rights directive. The directive's other provisions have already been implemented by two sets of UK-wide regulations.

The Bill will create clarity by being more prescriptive on how long certain rights will continue to exist, rather than leaving that to be decided according to the circumstances of each individual case. It will introduce a right to reject goods that are not of satisfactory quality for up to 30 days, removing the current uncertainty. After 30 days, traders can offer a repair, which, if unsuccessful, rekindles the right to reject.

The Bill will make it easier for consumers and small and medium-sized enterprises to challenge anticompetitive behaviour through the Competition Appeal Tribunal.

#### 12.15 pm

The Bill consolidates the enforcement powers used by trading standards departments to investigate breaches of consumer law, which are currently contained in around 60 pieces of legislation. It will also give the civil courts and public enforcers greater flexibility to take the most appropriate action for consumers when dealing with breaches or potential breaches of consumer law.

The Bill has been drafted as the result of extensive research and after an exhaustive consultation process. That process started back in 2008 when the Department for Business, Innovation and Skills launched a call for evidence on the need to reform UK consumer law. That was followed by three separate consultations on various

aspects of the Bill. Northern Ireland was included in all those consultations, and a response was provided by the Consumer Council for Northern Ireland, which supported the intention to simplify and clarify consumer rights.

Independent research was also commissioned to provide empirical evidence of the reality of business practices in relation to consumer rights. That involved an initial sample of 1,000 businesses and was followed up with interviews with a smaller sample of those businesses. A draft Bill was published in June of last year, bringing together the various proposals included in the previous consultations.

The proposals in the Bill have been welcomed by business and consumer groups alike across the UK, including the Northern Ireland Consumer Council. The benefit for consumers is quicker and equitable resolution of their disputes. For businesses, it will mean that less time and resources will be employed in trying to resolve consumer disputes and reduce the potential loss of goodwill that such disputes can cause. Additionally, businesses will ultimately benefit from the opportunities for growth that increased consumer confidence will help to create.

Most of the Bill's provisions deal with a range of transferred matters, apart from those dealing with competition matters. However, all the legislation dealing with consumer rights that will be amended by the Bill has been made on a UK-wide basis. I consider it to be in the best interest of Northern Ireland consumers that the legislation setting out their rights to quality goods and services is no more complex than it needs to be. Enshrining those rights in one statute as opposed to the current eight pieces of legislation is a major step forward in reducing the current complexity.

It is important that consumers and businesses in Northern Ireland should benefit from those changes at the same time as their counterparts in Great Britain, given the increasing growth in Internet retailing and in retail outlets with branches across the UK. Including Northern Ireland in the Bill will mean that the objective of clarifying and simplifying consumer rights will be shared by consumers and businesses across the UK.

I commend the motion to the Assembly.

**Mr Speaker:** I understand that Mr Agnew will speak on behalf of the Committee for Enterprise, Trade and Investment.

**Mr Agnew:** That is right, Mr Speaker, thank you. I welcome the opportunity to speak in the debate on behalf of the Committee for Enterprise, Trade and Investment. At its meeting on 16 January 2014, the Committee considered an update from the Minister on the progress of the Consumer Rights Bill, which was published in June 2013. The Minister advised that a legislative consent motion would be required for the Bill, which is designed to make markets work better and reduce regulatory burdens for business.

As consumer law is a devolved matter, the Committee wrote to the Minister seeking the rationale for bringing the legislation through via a legislative consent motion rather than legislating in the Northern Ireland Assembly. On 6 February 2014, the Committee considered the Minister's response, which advised that the proposed approach would be of more benefit to consumers in Northern Ireland than introducing separate legislation through the Assembly; that the Bill's provisions covered reserved and transferred matters and therefore any Northern Ireland

legislation could only replicate the parts of the Bill that fell into the transferred field; and that separate legislation would confuse consumers and would undermine one of the Bill's principal aims, which is to have all consumer rights that relate to goods and services in one statute. The Minister further advised that any delay in introducing Northern Ireland legislation would be disadvantageous to Northern Ireland consumers.

The Committee explored those issues further during an oral briefing from DETI officials on 20 February 2014. Officials clarified that the Bill was an opportunity to consolidate legislation, rectify weaknesses regarding downloaded content and clarify how consumers can get redress when purchasing goods or services. Officials also informed the Committee that, during the consultation phase for the Bill, no issues were identified that were peculiar to the needs of businesses or consumers in Northern Ireland.

As part of its deliberations, the Committee considered correspondence from the Consumer Council at its meeting on 27 February. The Consumer Council advised that it welcomes the Bill and its intention to simplify and clarify the law for consumers. It also advocated an effective information campaign to ensure that consumers are aware of the rights and remedies available. The Minister may be in a position to inform the Assembly of any proposals to increase awareness of the Bill's provisions.

Having considered all the evidence, the Committee agreed to support DETI in seeking the Assembly's agreement to the UK Parliament considering provisions of the Consumer Rights Bill. The Committee agreed its report outlining its position. That report was circulated to all Members and published on the Committee web page. The Committee supports the motion.

I would like to speak very briefly as an individual Committee member and as a representative of the Green Party. In recent times, the Committee has increased its scrutiny of legislative consent motions and other regulations that come before the Committee. Failure to scrutinise legislation fully would be a failure in the role of Assembly Members as legislators and the role of the Committee as a scrutiny body. I ask the Minister and her Department to work with us in that regard and to provide information up front, which will facilitate speedy deliberation from the Committee. I look forward to working with the Minister in that regard.

**Mr McKinney:** I welcome the opportunity to contribute today in my capacity as a member of the Enterprise, Trade and Investment Committee. As we heard, the draft Bill was published in June 2013, and its overall spirit to promote efficiency within markets and to reduce the regulatory burden on business is one that the SDLP agrees with.

Consolidating sixty pieces of legislation into one is an admirable change that we and the Committee support, as it makes the legislation easier to understand and access for the consumer. The Bill will provide for faster compensation for the consumer when they have been wronged under competition law. The Bill has an important function, and that is to simplify the law so that the rights and responsibilities of the consumer are clear. As Mr Agnew pointed out, the Consumer Council said that consumer proficiency is extremely important in this regard. The Bill, although technical, will help to make often

daunting compensation procedures simpler, more cost-effective and more accessible, and the SDLP supports the Consumer Rights Bill legislative consent motion.

**Mr Mitchel McLaughlin:** Go raibh maith agat, a Cheann Comhairle. On behalf of my party, I support the motion. Very often, the Assembly deals with legislation that perhaps, at times, overlaps or duplicates what is done elsewhere, with no great improvement or difference. There are also opportunities to stamp our personality on legislation. For that reason, I come somewhat reluctantly to the issue of legislative consent. In this instance, I think that it is a pragmatic and efficient response, given that there is an overlap between what are devolved matters and issues that are not transferred. It would be altogether too complicated to expect consumers to understand the full suite of rights and entitlements that they have. In this instance, I think that the Minister has brought forward an entirely sensible proposition that we support.

**Mrs Foster:** I thank Mr Agnew who spoke on behalf of the Committee and the other Members who spoke on their own behalf.

This is a pragmatic way of dealing with the issues. It would be unacceptable if consumers were confused about what rights they were able to access and deal with in Northern Ireland because we went our own way. The legislative consent motion means that we have a very clear agenda on consumers' rights and businesses' responsibilities. Therefore, I welcome the fact that Members have indicated their support for today's motion.

Eight pieces of legislation will now be consolidated into one. From my point of view, that is a very good move forward to better regulation. Indeed, I had the opportunity just yesterday to discuss such issues with Lord Curry of our red tape review. We need to do more of that.

I thank Members for their queries in Committee. They raised sensible queries that we were able to deal with, as, indeed, was the Consumer Council. I hope that everyone understands that this is a good motion, and I commend it to the House.

*Notice taken that 10 Members were not present.*

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

*Upon 10 Members being present —*

*Question put and agreed to.*

*Resolved:*

*That this Assembly endorses the principle of the extension to Northern Ireland of the Consumer Rights Bill.*

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

*The sitting was suspended at 12.26 pm.*

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

2.00 pm

## Oral Answers to Questions

### Regional Development

**Mr Principal Deputy Speaker:** Questions 1, 2, 8 and 14 have been withdrawn.

#### Waterside Station

3. **Mr Eastwood** asked the Minister for Regional Development to outline the anticipated cost of developing the old Waterside station as an integrated transport hub. (AQO 5964/11-15)

**Mr Kennedy (The Minister for Regional Development):** Translink has been considering proposals for a new rail station in Londonderry for some time. As part of that process, it completed a study, which was the subject of a public consultation during 2013. That identified the old Waterside station as the preferred location for a new rail station.

Translink has progressed work on a business case for a new rail station. Initial estimates show that the cost of developing the old Waterside station, which is a listed building, is considerable. It is also clear that the preferred location for a new station presents the opportunity for a wider development, which may attract EU funding sources. I have asked officials to explore this option further.

The enhanced project would involve redeveloping the old station as an integrated active travel and public transport hub. In that regard, the project would link into the existing active travel infrastructure, the Peace Bridge and related greenways, acting as a focal point for cycling, walking and public transport and linking the local walking and cycling infrastructure with the regional rail network.

In addition, to enhance the cross-border role of the station and reflect the funding criteria, the project would involve the development of cross-border cycle routes or greenways, linking County Donegal to the existing active travel infrastructure within Londonderry.

The project is at an early stage and delivery will, of course, be dependent upon securing the necessary levels of funding and, when seeking EU funding, ensuring compatibility with specific eligibility criteria. I have, however, asked my officials to engage immediately with key stakeholders to develop detailed plans.

**Mr Eastwood:** I thank the Minister for his answer. Subject to seeing the full detail, I welcome the announcement. Will he assure the House that the city centre bus station is secure because we see it as a vital part of our travel infrastructure and public service infrastructure in the city?

**Mr Kennedy:** I thank the Member for his supplementary question and the welcome that he has given to the announcement of the hub proposal. The general reception in the Londonderry area has been positive. It might be helpful to clarify further the vision that we have for a transport hub at the Waterside site.

The vision is for an innovative active travel and public transport hub that would serve the wider city and the surrounding area. It would provide cyclists with some facilities and would include parking, changing and maintenance within a refurbished station. In addition, the station would be directly linked to the Peace Bridge and the existing greenways. Opportunities would be explored to extend walking and cycling infrastructure in the city, including between the university, Ebrington and cross-border links.

The Member asked about the existing bus terminus. It is not envisaged that the proposed development will include a new bus station. The intention is that connectivity will be improved between existing facilities and new facilities, with overall transport services being enhanced as a result.

**Mr Ó hOisín:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for his answers. Does he have any estimates of the costings for any new hub for the Waterside? He referred to connectivity. How will the new Waterside hub connect with the proposed developments at Bellarena or those envisaged for Eglinton or Ballykelly?

**Mr Kennedy:** I am grateful to the Member for his supplementary question. Obviously, we are in the very early stages of the project development and it is not possible to provide accurate costings. Early estimates suggest somewhere in the region of £17 million as a starting point. So, that is a significant potential investment. I have made clear that, at this point, there is nothing in any budget for that. I have been open and honest about that. I will, of course, look to the Member, and his colleagues around the Executive table, for further support when we develop our proposals as to having them properly funded.

As for overall development, the Member will know of the enhancements that we made in saving the Coleraine to Londonderry line. There is the potential for further enhancements at various parts of that. The loop system work is due to be undertaken in the next couple of years. We will continue to develop that. All in all, we are very focused on public transport opportunities for enhancing road, rail and other modes, including cycling and walking.

#### Reservoirs Bill: Impact

4. **Mr Clarke** asked the Minister for Regional Development for his assessment of the impact the Reservoirs Bill (NIA 31/11-15) will have on reservoirs for which his Department has responsibility. (AQO 5965/11-15)

**Mr Kennedy:** Northern Ireland Water already manages the reservoirs under its control, in line with standards set out in the Reservoirs Act 1975 for England and Wales. The introduction of the Department of Agriculture and Rural Development's Reservoirs Bill will therefore not have a major impact on NI Water. It will, however, be required to introduce a new activity in relation to the preparation and maintenance of formal on-site and off-site flood plans. In addition, the introduction of the Bill is likely to reduce the potential sale value of surplus reservoirs, because a buyer will have to comply with the Reservoirs Bill and carry out the required surveys and any necessary maintenance.

**Mr Clarke:** I thank the Minister for his answer. I detect from the answer he gave that the cost to the Department is not quantifiable. However, I am sure that he will, like me, be

disturbed by the number of reservoirs we have that are actually in private ownership and the effect that the Bill could have on those. Certainly, from my little knowledge, the last one I heard of, in 'The Dam Busters', was blown up before it caused any severe damage. I am sure that the Minister is somewhat concerned. Will the Minister tell the House whether he will be supporting the Reservoirs Bill as it goes through its stages, given that some of us believe that it will place an unnecessary cost and burden on his Department and landowners?

**Mr Kennedy:** I am grateful to the Member for his supplementary question and, indeed, his recollection of a very good film. Obviously, the progression of the Reservoirs Bill is a matter for the Department of Agriculture and Rural Development, through Committee Stage and on the Floor of the House. We await that.

The Member made a point about the overall ownership of reservoirs. NI Water owns approximately 46 reservoirs, 23 of which — exactly half — are no longer used for water supply. It may well be that, in the future, NI Water will want to look at offloading those and at engaging with the public sector — initially, with other Departments — and, perhaps, other interested bodies, such as councils. With the reorganisation of local government, it will be interesting to see whether any of those previous water supply facilities could be utilised by councils to become recreational areas.

**Mr McAleer:** Go raibh maith agat, a LeasCheann Comhairle. Minister, there is still a lack of clarity as to who would be the reservoir manager in situations where NIW leases a reservoir to, say, a community organisation. Are you in a position to help clear up that matter?

**Mr Kennedy:** Under the current legislation, which, my understanding is, will still apply or will transfer within the new legislation, whoever is considered the owner of a reservoir becomes the reservoir manager. So, if it is NI Water currently, that is who owns it and that is who has to manage it. If it is purchased by any other body, group or even by an individual, as I outlined in my initial answer to Mr Clarke, that buyer will have to comply with the Reservoirs Bill and carry out required surveys and any necessary maintenance. We are absolutely clear that, if you own it, you manage and maintain it.

**Mr Dallat:** Perhaps I can fish a little deeper and ask the Minister whether there is an opportunity to develop fishing tourism, possibly regenerating communities that have had those reservoirs down through the years? Is this a golden opportunity for the Assembly to demonstrate some collaborative development?

**Mr Kennedy:** I am grateful to the Member for his supplementary question. I think that there are opportunities. If reservoirs are no longer being used as a water supply for NI Water, it effectively makes more sense to put them on the open market and find out who, whether a group, a Department or an agency, would want to be responsible for them. I would encourage that because angling is a healthy and popular pastime, and I see opportunities for local councils to develop an interest in it. There would be an initial purchase cost, but a lot of these reservoirs have been well maintained over the years and would be an asset to any council, group or body.

**Mr Cree:** Will the Minister confirm when work to drain Portavoe reservoir began, when it is likely to be refilled

again, and what action is being taken to protect wildlife and habitat in that area?

**Mr Kennedy:** I am grateful to the Member for the question. It is an important question, and I beg some indulgence, Mr Principal Deputy Speaker, in giving my answer.

The lowering of the water level in Portavoe reservoir began in October 2013 and is required to assist essential health and safety work to refurbish valves and other maintenance work required to protect the structural integrity of the reservoir. NI Water is unable to complete the work without draining the reservoir because of the nature of the construction of the valve tower and the need to access the scour valve for refurbishment. The scour valve is an essential element for releasing water from the impounding reservoir to ensure the protection of properties from flooding downstream because of a large rainfall event. It is expected that water in the reservoir will be lowered to the required level by the end of April 2014, and the maintenance work will be completed by the end of July 2014. These dates are, however, subject to favourable weather conditions as the low water level must be maintained to enable maintenance work to progress.

As the Member will know, some concerns have been raised about the lowering of the water level. I repeat that it is required to carry out essential health and safety work. Northern Ireland Water has had ongoing consultation with the NIEA and DCAL on the planned works. I have taken a personal interest in the issue because I am aware of adverse public comment. I want to satisfy myself that NI Water and all the other agencies have performed in a proper manner and that the necessary consultations, or at least briefings, have been provided to all interested parties. In order to prepare for the works, DCAL had not stocked fish into the reservoir since last August, and, consequently, the lowering of the water level should have had minimal impact on the fish remaining in the reservoir.

**Mr Principal Deputy Speaker:** Minister, I gave you some leeway because I felt that you were responding, perhaps to some media commentary today, but the two-minute rule normally applies.

## Water Charges: South Belfast

5. **Mr McGimpsey** asked the Minister for Regional Development for his assessment of the impact the reduction in non-domestic water charges has had on business in South Belfast. (AQO 5966/11-15)

**Mr Kennedy:** From 1 April 2014, Northern Ireland Water has reduced all non-domestic charges by 4% on average. Although the actual impact on businesses will differ depending on the volume of water they consume or the rateable value of their premises, I will give examples that indicate the savings that businesses typical of those in South Belfast might expect this year. A shop that, last year, paid £310 for water and sewerage services will save £13; a restaurant or café that last year paid £1,540 will save £60; and a medium-sized factory or industrial unit that was billed over £3,000 last year will save £127.

## 2.15 pm

It is not only businesses that will benefit. The reductions will mean lower bills for hospitals, churches, residential homes and many voluntary organisations that also pay

water and sewerage charges. As the Member will know, this is the second year in a row in which NI Water has reduced non-domestic charges. That means that, in real terms, taking inflation into account, non-domestic customers will pay 11.7% less for their water and sewerage services than they did two years ago. That is good news.

**Mr McGimpsey:** Yes, that is good news as far as business is concerned. I remind the Minister of another piece of good news from Roads Service: the reduction in car-parking charges in towns in Northern Ireland, including Newtownards, Magherafelt, Newry and Ballymena, all of which are getting reductions. That is to help businesses, but the one place that was excluded was Belfast. If Belfast is included in the reduction of non-domestic water charges, what is the logic of its being excluded from the reductions in car-parking charges? Belfast traders are equally entitled to the support.

**Mr Kennedy:** I am grateful to the Member for his supplementary question. Of course, the House will know about the announcement that I made in the past 24 hours to bring some relief to town centres across Northern Ireland. It will apply to 95 car parks in 28 towns and cities across Northern Ireland. The announcement has been warmly welcomed by retail outlets and operators and chambers of commerce.

I understand the Member's point about Belfast. I have worked closely with the Belfast chamber and other agencies, including Belfast City Council, on a range of measures. The quality public transport bus and rail service in Belfast is significant; we also have to bear in mind the park-and-ride facilities that serve into the centre of Belfast. Those facilities have boosted retail trade as, indeed, have measures on fares brought forward by Translink such as Metro Saturdays, which are very good value indeed. The accumulation of all those measures, I think, means that Belfast is being fairly treated. We will continue to look at the issues and give assistance wherever we possibly can.

**Mr Principal Deputy Speaker:** Of course, the supplementary and your answer had nothing to do with the original question. I want to make that point very clearly.  
[Laughter.]

**Mr McKinney:** The reductions are welcome, but bills still represent a substantial cost, particularly to small businesses. What advice and support is available to businesses to help them to conserve water and, ultimately, reduce bills?

**Mr Kennedy:** I am grateful to the Member for his supplementary question. Indeed, he raises an important point that many operators of businesses, small and large, continue to raise. It is important that they liaise with NI Water to see how savings can be effected, not just in their bills but in their overall usage. I encourage all businesses and customers to do that.

## Enniskillen Bypass

6. **Ms McGahan** asked the Minister for Regional Development for an update on the Enniskillen bypass.  
(AQO 5967/11-15)

**Mr Kennedy:** The A4 at Enniskillen forms part of the south-western key transport corridor, which provides access between the east and the Fermanagh lakelands and cross-border regions. The majority of traffic passing

through Enniskillen converges at the Gaol Square junction in the centre of the town, resulting in considerable congestion during periods of peak traffic demand. Details of the preferred route corridor for the proposed Enniskillen bypass were made public in July 2011. Since then, scheme development has been ongoing with a view to being in a position to announce the preferred route alignment in mid-to late 2014. Further development of the project beyond the identification of the preferred route will depend on the outcome of future budgetary settlements.

**Ms McGahan:** Go raibh maith agat. I thank the Minister for his response. Can he give me a clear timescale for the completion of the project?

**Mr Kennedy:** I am grateful to the Member for that. She will know that options for a preferred route are still under consideration. As for an indicative assessment of the likely scale of the works involved, we do not have sufficient detail to identify a preferred solution at this point. All of that factors into the timing and, indeed, cost. Our current estimate is somewhere between £20 million and £30 million. We are aware of the importance of the scheme and the potential is there. If everything were to go well, we would be looking at procurement and possibly a contractor in place by mid-2018. However, it is dependent on finance, and I caution the Member with that warning. The friendly advice that I offer her, as I offered her colleague, is that, if you want to help me to get more money from Executive colleagues, I will not turn you away.

**Mr Elliott:** The Minister will be aware that I continually lobby him on this issue. Has he held any consultations with landowners in the area on the preferred route, and has any testing been carried out on the ground conditions?

**Mr Kennedy:** I thank the Member for his supplementary. I can confirm that he has badgered me continually about the project, as I would expect him to from his constituency point of view. We await the publication of the preferred route later this year, the statutory consultation that will flow from that and, potentially, a public inquiry, which could commence as early as 2016. The conclusion of the requisite environmental surveys and assessments and the detailed highway design will be subject to the availability of finance, and, of course, it is important that there is ongoing consultation with landowners and property owners.

**Mr G Robinson:** May I be bold enough to ask the Minister about progress on the Dungiven bypass?

**Mr Principal Deputy Speaker:** Careful. Let us see whether a relationship can be drawn with the original question.

**Mr Kennedy:** I am grateful to the Member for his geography lesson: Dungiven is in close proximity to the Enniskillen bypass. [Laughter.] The Member will know that we are still considering the inspector's report arising out of the public inquiry. The issues are not yet concluded, and we hope to make progress on outlining our thoughts on that in the not-too-distant future.

**Mr Gardiner:** The Minister is very familiar with my question because I continually hound him on the subject, but I hope that he takes it to heart this time. It is about Millennium Way in Lurgan, from the Malcolm Road to the Gilford Road area. The Lurgan people have been waiting for about 20 years for that road to be extended and

completed, and I am still patiently waiting, Minister. Can you tell me when you are due to start?

**Mr Principal Deputy Speaker:** I was hoping that you would at least use the word "bypass". *[Laughter.]*

**Mr Kennedy:** I think that a number of Members have bypassed some of the main issues, but it is a test that hopefully we are up to. I am conscious of the long-standing interest that the Member has had. He has been pressing for work to be done at Millennium Way in Lurgan over many years, and I am pleased to update him. We recently obtained updated planning permission for the scheme. That is hot off the press. That came through from Planning Service, I think, at the end of last month. Hopefully, that will help us as we seek to progress that important scheme. I know that it will benefit the people who live in Lurgan and travel to it.

**Mr Principal Deputy Speaker:** Mr Jim Wells is not in his place.

## A6: Average Travel Time

9. **Ms Maeve McLaughlin** asked the Minister for Regional Development to compare the average travel time for the entire A6 route with average travel times on other main routes. (AQO 5970/11-15)

**Mr Kennedy:** The 2011 regional strategic transport network journey times survey reports that, during the morning peak, the north-west key transport corridor, which includes the A6, has an average travel time for Belfast to Londonderry of one hour and 22 minutes, with an average speed of 49.9 miles per hour; and from Londonderry to Belfast of one hour and 33 minutes, with an average speed of 43.3 miles per hour. That is 68 miles. In comparison to other journey times during the morning peak, on the eastern seaboard corridor, Larne harbour to Belfast, which is 24 miles, takes 44 minutes. In the opposite direction, the journey time is 32 minutes. That is prior to the commencement of ongoing works on the A8.

Elsewhere on the eastern seaboard corridor, Newry to Belfast, which is 35 miles, takes 41 minutes, with the journey in the opposite direction taking 33 minutes. On the northern corridor, the journey time from Moira roundabout along the A26 to the M2 and Coleraine, which is 62 miles, takes one hour and 21 minutes. In the opposite direction, it takes one hour and 15 minutes. On the western corridor, the journey from Londonderry to Strabane, Omagh, Ballygawley and the land frontier at Aghnacloy, which is 56 miles, takes one hour and 20 minutes. In the opposite direction, it takes one hour and 32 minutes. On the south-western corridor, the journey time from Enniskillen to Belfast, which is 84 miles, takes one hour and 38 minutes, whereas, in the opposite direction, it takes one hour and 21 minutes. The Carrickfergus to Belfast morning commute of 6.8 miles along the A2 takes 22 minutes to complete, whereas, in the opposite direction, it takes 14 minutes. That is prior to the commencement of ongoing improvement works.

I will be happy to hear your supplementary question.

**Mr Principal Deputy Speaker:** You probably answered all the supplementary questions.

**Ms Maeve McLaughlin:** Go raibh maith agat. I thank the Minister for that response. As somebody who travels

the Derry to Belfast road at least four times a week, I wonder about the time of one hour and 23 minutes. Does the Minister travel in a helicopter or what is he driving? Specifically on the difficulties on the A6 at Dungiven and Moneynick, is there an assessment of the average travel time, particularly between those two bottlenecks?

**Mr Kennedy:** I am grateful to the Member and glad that she did not ask me to repeat the answer. The issue that she raises is fundamental as to the need for the A6 scheme. I am a supporter of that project, and I want to see it advanced as quickly as possible. That would significantly impact on and benefit journey times particularly.

In respect of the A6 and Randalstown section, I am pursuing the potential for alternative finance. There have been discussions with the European Investment Bank and, indeed, DFP in the Executive, and we are looking at options where we could bring that scheme forward. So, there is no lack of willingness for us to bring forward a project of that nature.

**Mr Principal Deputy Speaker:** That ends the period for questions for oral answer. We will move to topical questions.

2.30 pm

## Flooding: Summer Rainfall

1. **Mr Newton** asked the Minister for Regional Development what action he is taking or intends to take to protect householders in east Belfast, given the history of summer flooding in that area, with rainfall reaching deluge proportions within a short period of time. (AQT 1001/11-15)

**Mr Kennedy:** I am grateful to the Member for his question. He will be aware that, during the most recent episode of flash flooding, as it then was, within the past couple of years, I made it my business to go out on site to look at conditions and, obviously, to try to bring forward measures that would alleviate the problems and improve the systems that operate there. There are capacity issues and, I suppose, issues of an historical nature. Nevertheless, I believe that NI Water has been attempting to improve the service that it offers to alleviate the problems.

I could never stand here and say that we have flooding solved or that it is eradicated. We want to take measures that will militate against flooding, but, in sharp periods of rain, volume can sometimes overtake the current systems, and it is a matter of trying to improve the systems that are there over a gradual period. Of course, that is not a cheap option either, and we should not underestimate some of the costs involved.

**Mr Newton:** I welcome the words of the Minister. Given the history of this and given that some residents have been flooded three or four times, it would give encouragement to them if either of the capital schemes planned for the area could be announced and brought forward. That would give at least some encouragement, and residents would see investment to address the issue.

**Mr Kennedy:** I am grateful to the Member. I do not disagree with his assertions. He will know that we are financially challenged. He will also know that his party colleague and my Executive colleague, Minister Hamilton, is painting a reasonably gloomy picture for the next couple of years for investment. That impacts on all Departments, including Regional Development, and, in turn, on the

agencies, including Northern Ireland Water, that are under my control. If more funding can be made available and freed up, I will certainly not be slow in ensuring that it is spent properly to mitigate and reduce the risk of flooding, not only in east Belfast but in other areas. Of course, over the most recent winter, we had the impact of the coastal flooding issues. They have been impacting too in some areas. We need to think carefully how we can get the necessary funds made available to spend that money wisely.

### Road Races: Admission Fees

3. **Mr I McCrea** asked the Minister for Regional Development what discussions he has had on charging for admission to motorbike road races in line with the arrangements for the Ulster Grand Prix. (AQT 1003/11-15)

**Mr Kennedy:** I am grateful to the Member for his topical question. Recently, I attended the launch of the North West 200, and I recently signed off the roads orders. That is principally my prime and sole responsibility. It is an event that I support, and it was for one of those reasons that I successfully carried through the legislation to provide extra flexibility for contingency days for the North West 200.

The sport itself is not my responsibility. I would respectfully say that DCAL should have some input to that. For some reason — again, I have to be honest — there seems to be not much enthusiasm from DCAL to support that sport. That is a matter for others to comment on or to explain. Of course, the Member's party colleague Minister Foster, who has responsibility for tourism, has responsibility for ensuring that the tourism market is fully exploited for the international event that the North West 200 has become.

**Mr I McCrea:** I thank the Minister for his answer. I am somewhat confused as to why other Ministers, namely the Minister of Culture, Arts and Leisure, would be found wanting in respect of this. Will the Minister assure the House, the motorcycling fraternity and the organisers of the races that he will have discussions with his Executive colleagues, whether it be the Minister of Enterprise, Trade and Investment or the Minister of Culture, Arts and Leisure, to try to ensure that the issues that he refers to as having not been moved forward are indeed moved forward?

**Mr Kennedy:** I am grateful to the Member for his supplementary question. I confirm that, in the aftermath of the washout on the Saturday of last year's event, I had discussions with ministerial colleagues, both the Minister of Culture, Arts and Leisure and the Minister of Enterprise, Trade and Investment. That, in turn, led each of us to look to the responsibilities that we all have in assisting the organisers of the North West 200. The product of that was the Road Races (Amendment) Bill that I successfully carried through the House. That is appreciated by the organisers of the North West 200 and by the whole House generally. It is a matter for other Ministers to indicate how they have been assisting the organisers of not only the North West 200 but the other highly popular sports that we have in Northern Ireland.

### Enterprise Service: Belfast to Dublin

4. **Mr A Maginness** asked the Minister for Regional Development to update the House on any plans to improve the Enterprise service, given that Michael Portillo — I was never a great fan of his when he was in office but I am a

great fan of his programmes about railways — recently emphasised in his programme about Irish railways the importance of the route taken by the Enterprise between Belfast and Dublin. (AQT 1004/11-15)

**Mr Kennedy:** I am grateful to the Member for his topical question and, indeed, for his interest in seeing railways enhanced and progressed. I am happy to say that we have been able to put forward a scheme through the Special EU Programmes Body (SEUPB), working with other Departments here, that will enhance facilities to the Enterprise service. That is very welcome. That was the replacement scheme for the project for a bridge at Narrow Water. I am not going to rehearse the disappointments that many had in respect of that, but, to ensure that European money available to the Executive was not lost, it was important to bring forward a scheme. The best candidate for that was work to the Enterprise that will enhance the existing service. The Enterprise service had grown a bit tired and jaded, but, with this work, it will continue to attract more users including, I hope, the Member himself and, indeed, Michael Portillo.

**Mr A Maginness:** I am sure that Mr Portillo, if he is listening, will be very pleased with the Minister's response, as indeed I am. In the meantime, when one wearily travels home from Dáil Éireann, having visited that esteemed institution by train, there is a gap between about 5.00 pm and 7.00 pm when there is no train service. Could the Minister make representations to see whether that gap might be filled?

**Mr Kennedy:** I am very grateful to the Member. I will not comment on whether his question reflects a long-standing ambition of his to be a more permanent Member of Dáil Éireann.

Ultimately, we want to improve the travelling times between Belfast and Dublin. That is in everybody's interest. It is in the interests of business, tourists and, generally, Northern Ireland Railways and its counterparts. The Member will probably know that there are some issues with the Dublin network services that have to be accommodated, but I am very pleased to say that, on these issues, I have a good working relationship with my counterpart in the Republic of Ireland. I hope that we can progress things. I see the work that we are engaged in to provide increased facilities with SEUPB funding as a continuation of that.

### Portavoe Reservoir

**Mr Weir:** The Minister should not worry: I am not a Portillista nor will I mention bypasses.

5. **Mr Weir** asked the Minister for Regional Development why the Northern Ireland Environment Agency, and specifically its wildlife unit, was not consulted before action was taken at Portavoe reservoir. (AQT 1005/11-15)

**Mr Kennedy:** I understand the importance of the issue. I suppose that, under topical questions, a Member is entitled to raise any issue. I explained the current position in a fairly extensive answer to Mr Cree. I said that there were lessons that could and should be learned about consulting as a consequence of this. I will task officials to provide me with the information and the full background to the work. I understand that it has raised public concerns, but my understanding is that the NIEA and DCAL were certainly aware of the intention to carry out necessary maintenance

work to the reservoir. I indicated that, as a consequence of that, DCAL had not stocked anything since August 2013. If there were missing parts in the consultations, I want to get to the bottom of that so that we can identify them, learn the lessons and apply them for future use.

**Mr Weir:** I thank the Minister for his positive response. Will he give us an assurance that, when the investigations take place about the lessons learned, perhaps a written statement will be produced to the Assembly and assurances given that the mistakes in the consultation on Portavoe reservoir will not be repeated?

**Mr Kennedy:** I am grateful to the Member for his supplementary question. I do not want to make a drama out of a crisis. I will reflect on the information given to me and on its public content. I will reflect on the best way to communicate that to Members for the constituencies of North Down and Strangford, because the reservoir forms part of the boundary between the two council areas, if not the Assembly and parliamentary constituencies.

### Bellarena Park and Ride: Derry

6. **Mr McCartney** asked the Minister for Regional Development for an update on the park and ride at Bellarena, and to acknowledge, in light of the previous question about the railway, that another Michael — Michael Palin — described the Derry to Belfast line as the most beautiful journey in the world. (AQT 1006/11-15)

**Mr Kennedy:** I am grateful to the Member for his question. If he would care to write to me specifically about the issue, I will ensure that we get an update for him. I am aware that there are plans and proposals for the railway and other modes of transport, including, as he said, a park-and-ride facility that will facilitate sustainable modes of transport and assist people in the area. That is where we want to get to not only in Belfast but in Londonderry and other places in Northern Ireland. The Member will be aware that I was recently in Copenhagen, where I saw evidence of sustainable modes of transport really making a difference to the quality of life experienced by the local population. We would do well to replicate that here. I am passionate about that, and, when I see opportunities and funding is available, we will certainly try to exploit them. I am keen on cycling and walking and rail, bus and other public transport issues.

2.45 pm

## Enterprise, Trade and Investment

**Mr Principal Deputy Speaker:** Before we proceed, I inform Members that question 9 has been withdrawn.

### Film Industry

1. **Mr McKinney** asked the Minister of Enterprise, Trade and Investment to outline any recent discussions she has had with representatives of the film industry in line with her strategy to grow the local film industry. (AQO 5976/11-15)

**Mrs Foster (The Minister of Enterprise, Trade and Investment):** Attracting large-scale, internationally mobile television and film production to Northern Ireland is a vital component of growing the local film industry. At the end of March, I met senior vice-president of the Walt Disney

Company, Mr Jerry Ketcham, to discuss the potential for his organisation to film in Northern Ireland for the first time. Mr Ketcham was in Northern Ireland with his executive vice-president, Mr Tony To, on an official visit organised by Northern Ireland Screen. I am advised by officials that the visit went very well and that the company is keen to work in Northern Ireland in the near future.

You will also be aware that my ministerial colleagues met Mike Lombardo and his team at HBO during their recent visit to the United States. We are confident that HBO will shortly announce that series five of 'Game of Thrones' is to go ahead again at Belfast's Titanic Studios. Growing the independent production sector is critical to the future success of the local industry. I recently met the respective production teams from the BBC's 'Blandings' and the film 'Miss Julie'. I was impressed by how well filming had gone for them in Northern Ireland and the support that they had received from Northern Ireland Screen.

**Mr McKinney:** I welcome the news of DETI's recent announcement of more than £40 million for the industry. Typically, the industry accumulates pots of money towards an end product. Has the Minister had discussions with the British and Irish Governments about promoting the industry and supporting it across the island?

**Mrs Foster:** Our Government — the UK Government — have taken great steps forward with tax credits. One of the things that we talked about with Walt Disney was the fact that this has become a very good place in which to invest in production. It is one of the reasons why Northern Ireland Screen is looking to increase what it does. As he will recognise, taxation is very important for such productions. Of course, if there are opportunities to work with the Republic of Ireland's Government, we will do that as well.

The screen industry here has developed strongly over the past three to four years in large-scale and other areas of production with which, I am sure, the Member is more familiar than some other Members, including entertainment, factual and animation. We want to encourage others to look at Northern Ireland for the skill sets that we are developing in production and the Northern Ireland Screen work that is being done. It is a very good news story. We will seek to grow it even further.

**Mr Weir:** I will try to be suitably animated in my supplementary. The Minister made reference to the discussions with HBO. Can she provide us with an update on the agreement between HBO and Tourism Ireland and tell us what the implications of that agreement will be?

**Mrs Foster:** That, again, is very good news. It is the very first time that HBO has engaged in such an agreement with partners such as ourselves and Tourism Ireland. Essentially, Tourism Ireland and HBO will capitalise on the worldwide success of 'Game of Thrones'. After six months of detailed negotiations, we will now be able to access all their Facebook and Twitter feeds to reach their fans across the world. That is a tremendous endorsement of their work in Northern Ireland. It allows Tourism Ireland to show off the areas where 'Game of Thrones' is filmed. Some Members may now realise that it happens across Northern Ireland from the Marble Arch caves, which, of course, I want to talk about, up to the north Antrim coast and down to Castleward. All those areas will be covered in this publicity. It is a good news story and one that I hope we can benefit from.

**Mr McElduff:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I commend the Minister and the other Executive Ministers on their efforts in promoting the film industry. The Minister referred to the global success of 'Game of Thrones': has she any further thoughts on how to promote the film locations as potential tourist attractions? She made some reference to that in her last answer.

**Mrs Foster:** Obviously, the work that we are doing with HBO on 'Game of Thrones' will be very important. The Northern Ireland Tourist Board and Tourism Ireland are working with the National Trust because it was the setting for the film 'Miss Julie', which, I understand, is being considered for Cannes. If that happens, it will also be a tremendous endorsement of what has happened here. I know that everyone in the Chamber watches 'Blandings' on a Sunday evening and will have seen the fabulous views of Crom Castle. We intend also to use that to increase our tourism potential. There has been a great uplift from the film sector helping the tourism sector, and we intend to grow that as the years go on.

**Mrs Overend:** The fourth series of 'Game of Thrones' is due to be filmed here, and there is a major increase in the budget for Northern Ireland Screen. Is the Minister content that the skills in the creative industries and the supporting roles — no pun intended — are here in Northern Ireland? What discussions has she had with the Minister for Employment and Learning to extend training in the sector?

**Mrs Foster:** I am content that we have the skills here, and that is endorsed by the fact that people have come here and invested, whether in animation or in other factual or entertainment series, such as 'The Fall' and 'Line of Duty'. All the firms involved found the skills that they needed when they came to Northern Ireland, so I am content that those skills are there. If we move up to the next level, we will need more people to get involved in the sector. Therefore, we will need to engage with the local colleges in particular. I know that the Minister for Employment and Learning will work with me to make sure that we have the appropriate skills learning. The advantage of Northern Ireland is that we can be flexible when opportunities arise. It is one of the strongest selling points for Northern Ireland, and we should look forward to the opportunities that the sector will provide for us over the coming months and years. It is a very exciting time for Northern Ireland. I know that Northern Ireland Screen has an ambition that Northern Ireland will be the largest production area in the UK and Ireland outside London. We really can achieve that, and it would be a great fillip for Northern Ireland.

## Electricity Generators

2. **Mr Hilditch** asked the Minister of Enterprise, Trade and Investment to outline the challenges facing large scale generators of electricity power located in Northern Ireland. (AQO 5977/11-15)

**Mrs Foster:** Compliance with European Commission obligations on emissions is a key issue for our large-scale generators. The Commission has also called for the coordination of trading arrangements for electricity markets across Europe. This will require the redesign of existing market arrangements and consideration of how generators will participate in and be remunerated under new structures. Work on the market redesign is

progressing, and the generators have opportunities to input into the process.

**Mr Hilditch:** I thank the Minister for her answer. Minister, how important is the North/South interconnector for long-term security of supply?

**Mrs Foster:** I am on record as saying that the North/South interconnector is critical for our long-term security of supply, and that is still my position. As I understand it, NIE has resubmitted its revised planning application and environmental impact assessment to the Department of the Environment. We are hopeful that we can now progress on the North/South interconnector to deal with the issues that we know are in front of us. It is not that we are unaware of the consequences; we know fine well that we have a pinch point in 2016 and, indeed, another in 2021. Therefore, we need to progress with the North/South interconnector.

**Mr Boylan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Does the Minister agree that greater cooperation across the island is needed to deliver energy? What discussions has she had with her Southern counterpart about delivering that for the future?

**Mrs Foster:** The last conversation that I had with Pat Rabbitte was about the North/South interconnector and the fact that we absolutely needed it to be put in place. He is very clear that he needs it in place, and I am very clear that we need it in place to make the single electricity market work to the benefit of everybody in Northern Ireland and the Republic of Ireland. It is a very strong story of North/South cooperation because we want the interconnector to happen.

**Mr A Maginness:** I share the view of the Minister that this is very important for the development of the electricity industry throughout Ireland. Could the Minister indicate whether a time or date is indicated — even a speculative date at this stage — for the public inquiry that would take place?

**Mrs Foster:** No, I cannot, because, as he will appreciate, that is a matter for his colleague, the Minister of the Environment. All I can do is urge him to deal with it in as timely a manner as he can, and I hope that that will be the case.

**Mr Allister:** Does the Minister acknowledge that there is a looming crisis of insufficiency in indigenously generated electricity? If she does, how does she propose to deal with that, particularly given the stalling of the interconnector?

**Mrs Foster:** What I recognise and have already referenced is that we will have an issue in 2016. That is why the Systems Operator put out a call for additional generation, and he will have the answers to that call, as I understand it, by the end of May. If there is no interest in the market — I do not believe that will be the case — then, as he is aware, I have the powers to intervene in generation. I hope that the market will bring forward options to deal with that point in 2016, when our capacity buffer, if you like, will be 200 megawatts — at the moment, it is 600 megawatts — and, therefore, we will be able to deal with the issue in 2016.

A more pressing problem will be in 2021 if the North/South interconnector is not in place, because that will provide us with a bigger issue. Whoever is in my position in the years to come will have to keep a close eye on that and take

whatever actions are necessary to make sure that we have security of supply in the short, medium and longer term.

### Common Travel Visa

3. **Mrs D Kelly** asked the Minister of Enterprise, Trade and Investment to outline any recent discussions she has had with the British and Irish Governments on the proposed short stay common travel visa. (AQO 5978/11-15)

**Mrs Foster:** The Prime Minister met Taoiseach Enda Kenny last month at the Anglo-Irish summit, where they welcomed ongoing collaboration on visas to help to strengthen the common travel area. The visa waiver scheme is an action point included in the economic pact that was developed as part of the G8 summit legacy to help Northern Ireland to build a prosperous and united community.

The Home Office continues to work with officials in the Irish Government to further secure the external common travel area border and ensure that visa reciprocity is a part of that. Subject to appropriate safeguards, the United Kingdom Government will look to pilot a scheme permitting visitors from some destinations to enter the United Kingdom from the Republic of Ireland using an Irish visit visa without the need for a UK visa.

**Mrs D Kelly:** I thank the Minister for her comprehensive answer, but, given the impending vote on Scottish independence, has the Minister had any indication of how it will impact on the visa if the Scottish people should vote for independence?

**Mrs Foster:** I would imagine that that would be an issue for the Scottish Parliament in that very hypothetical situation. She knows that there is a common travel area between us, the Republic of Ireland, the Isle of Man and the Channel Islands. What we were trying to do, if people came from faraway places like China and India into the Republic of Ireland, was attract them up to Northern Ireland. That is the key element to this.

As I understand it, the roll-out of biometrics is a key part of this. Once the Irish Government have that in place, things will be able to progress. That will make a difference to us in Northern Ireland because we will be able to attract people up, particularly from Dublin.

**Mr I McCrea:** Can the Minister outline any new air routes that have been identified as being important to develop here in Northern Ireland?

**Mrs Foster:** Again, this is one where there are no secrets. I have been clear that I want to see a route from Canada developed. I also have key targets for European routes, principally into Germany, and I would love to see a Brussels connection from Northern Ireland. That direct connectivity would help our influence in Brussels.

In that context, I very much welcome that, in his recent Budget, the Chancellor said that he will look again at start-up aid for new routes from regional airports. That sort of air route development fund, which we have been prevented from developing in Northern Ireland, will of course be of great help to us because of our distance and the fact that we are not on the mainland but on the island of Ireland. We will want to explore that with the Department for Transport to see how that could develop and what benefit it could be to us. We will have ongoing discussions with that

Department, and I think that it will assist us in getting new routes into our airports.

### 3.00 pm

**Mr Principal Deputy Speaker:** I have already drawn attention to the necessity for supplementary questions to address the original question. That was quite a long haul route and a long way from common travel visas.

**Mr Brady:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for her answers so far. I think that you have answered my question to some extent, but what work has been done to identify the potential growth in that area when a solution is found?

**Mrs Foster:** We recognise that there has been a growth in those from faraway destinations coming to the island of Ireland through Dublin, and we want to be able to attract those people to Northern Ireland. In fact, just yesterday, I attended a meet the buyer event in Enniskillen, at which 120 tour operators from across the globe were trying to find out about our product and experiences in Northern Ireland. If we can attract air routes directly into Northern Ireland, I think that that will have a huge benefit for us. However, they were very impressed with what we have to offer and the experiences that are available. I hope that next year will be another good year for tourism in Northern Ireland.

### Tourism Strategy

4. **Mr Kinahan** asked the Minister of Enterprise, Trade and Investment what steps have been taken to finalise a tourism strategy for Northern Ireland since the consultation on the draft strategy was issued in February 2010. (AQO 5979/11-15)

**Mrs Foster:** The key strategic targets for tourism are contained in the Programme for Government (PFG) and the economic strategy.

The past couple of years have been highly successful for Northern Ireland tourism. My focus has been on delivering on the tourism product, major events and global marketing campaigns to ensure success and bring maximum economic benefit to the local economy. I am delighted with what has been achieved, and it is now an opportune time to consider future plans. A review of the Northern Ireland Tourist Board and wider tourism structures is due to be completed by the end of May 2014. When I have the recommendations from that review, I will take stock of the action that is needed to ensure that we deliver on my and the industry's aspiration to grow tourism into a £1 billion industry by 2020.

**Mr Kinahan:** I congratulate the Minister much that has been achieved, but we really were looking forward to the report. If I have gathered what she has said correctly, we will get the results based on the consultation shortly. Does she see the review as something that can really pull all of us together to help to sell Northern Ireland in particular, rather than the whole of Ireland?

**Mrs Foster:** As the Member will know, my focus is always on how we can give standout to Northern Ireland. That has always been my focus and will continue to be my focus.

Frankly, we have moved on from the tourism strategy. I remind the Member that it was his party leader who

said that we needed to move away from strategies and into action. Anyone who has been looking at what has happened in tourism over the past number of years will have seen a lot of action with the product that we now have available, the events that we have been able to bring to Northern Ireland and, indeed, a whole uplifting of the skills in the hospitality and tourism industry. I think that a lot has been achieved. We should take pleasure from that, but should also plan for the future. That is why the review of the Northern Ireland Tourist Board comes at an opportune time. I look forward to receiving that review at the end of May.

**Mr Douglas:** I have just come from a meeting of the all-party group on tourism, at which there was a major presentation on the Giro d'Italia and the tremendous opportunities that it presents to Northern Ireland. Will the Minister indicate whether the tourism targets in the Programme for Government have been met to date?

**Mrs Foster:** I was very pleased that Stephen Roche was able to be with you at the all-party group on tourism. The Giro is almost upon us, there is a lot happening, and the world is looking at Northern Ireland. I hope that everybody is ready to wear pink, because it is hugely important that we are all in the pink for May.

All PFG tourism commitment targets have been met to date, including key milestones for visitor numbers and tourism revenue in 2012, with 3.2 million visitors spending £539 million up to September 2013. We are well on our way to meeting our Programme for Government targets of 4.1 million visitors and £637 million of revenue. I pay tribute to the Tourist Board, Tourism Ireland and all in the industry for the way in which they have come together and played it very well with one team and one voice. I am very pleased with the industry.

**Mr Sheehan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a freagra. I thank the Minister for her answers thus far. Does she accept that her inability to deal with such matters as VAT on tourism products and air passenger duty actually hampers our efforts to attract the maximum number of visitors to these shores?

**Mrs Foster:** No, I do not accept that. Indeed, when we asked the Chancellor to intervene on air passenger duty, he did so. He gave us the power to reduce the band B to zero, and that allowed us to have a very strong tool when we go out to look for new flights of an international status, and allowed us to keep the flight to Newark. VAT, of course, is a reserved matter for the Parliament in Westminster. I look forward to the day that his party members take their seats and perhaps put forward an argument on VAT.

**Mr Dallat:** I thank the Minister for her answers and, indeed, for her endeavours to develop tourism in Northern Ireland in these more peaceful times. Given that international tourists in particular do not recognise political borders and tend to migrate North and South, has she had any input to the tourism policy review that was announced in Dublin?

**Mrs Foster:** I was made aware of the policy review by the Minister when he launched it. However, I have not been involved in any policy development, and I do not believe any of my officials have either, but I stand to be corrected on that issue. He is looking at his policy, whereas I am looking at the structures of the Tourist Board, so the two

are slightly different, but we certainly have a good working relationship and we always endeavour to work together when it is to benefit both parts of the island, as the Member will know through the Rugby World Cup, which we are working on together with the Minister of Culture, Arts and Leisure.

### Investment: North-west

5. **Mr Ó hOisín** asked the Minister of Enterprise, Trade and Investment what are the reasons behind the lack of Invest NI investment in the north-west. (AQO 5980/11-15)

**Mrs Foster:** Invest Northern Ireland support and engagement with north-west stakeholders and businesses in the past three full financial years should by no means be viewed as a lack of investment. Between 2010-11 and 2012-13, Invest NI offered £27 million of assistance towards viable projects in the north-west region, contributing towards a total planned investment in the area of £136 million over the same three-year period. That support promoted 2,404 new jobs and safeguarded 160 existing jobs. Start-up assistance was also provided to 1,298 indigenous businesses through the enterprise development programme or regional start initiative.

For Invest NI to be able to offer support, it is reliant on businesses approaching it with viable business plans to increase their competitiveness or gain a larger share of local and international markets. I therefore encourage the Member to recommend businesses he is in contact with to engage with Invest Northern Ireland to see what help can be offered.

Invest NI is often criticised for not directing foreign investors to the north-west. This is a point that I have repeatedly clarified, but I will do so again: Invest NI cannot direct investment to specific geographical areas. It is the investor that chooses the location that best meets their needs.

**Mr Ó hOisín:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht an fhreagra sin. Does the Minister recognise the disparity that exists even within the north-west area between the constituencies? Much help goes to the Foyle constituency and less to the West Tyrone and East Derry constituencies.

**Mrs Foster:** I think, when he talks about the north-west, it is Strabane, Londonderry and Limavady that are taken into consideration in the figures. If there are divergences, we rely on the local councils to work with us to work up plans to deal with those issues.

There are some very good plans. I think of the Inspire programme for one, which Strabane District Council has developed with Omagh District Council through the local economic development programme. There are other very good programmes worked up alongside the councils as well. Therefore, it is a question of working together and not waiting for someone to come along and offer a solution. This is about collaborative working, and I hope that the Member is up for that collaborative working.

**Mr Principal Deputy Speaker:** Before we go to supplementaries, I remind Members that there is a very specific reference in the question to investment in the north-west.

**Mr Cree:** I wonder whether the Minister envisages that pilots such as the pop-up Invest NI office, which I understand is going to Limavady, could stimulate the sort of business activity that some elected representatives complain about the lack of?

**Mrs Foster:** The pop-up shop from Invest Northern Ireland visited Queen Street in Belfast. It then went to the Erneside Shopping Centre in Enniskillen, and it is going to Limavady as well. Invest Northern Ireland is making the effort to make people aware of the help, assistance and programmes that are available. I have not had the full feedback from Enniskillen. However, there was very good engagement for the visit to Queen Street — I think that it was in Queen's Arcade in Belfast — with people coming in through the doors and learning for the very first time about Invest Northern Ireland and what it was doing. I can see us doing more of that, because sometimes the message about what Invest gets involved in does not seem to be getting out there. I am very keen to make sure that everybody is aware of what is available.

**Mr G Robinson:** How important is the One Plan in growing the north-west economy?

**Mrs Foster:** The One Plan has been developed by a number of stakeholders in the Derry City Council region. It is something that we have been involved in, from an Invest Northern Ireland perspective, and the Executive have endorsed it as well. Therefore, it is a very important plan, and it is a very good example of a holistic approach to how things can be achieved and moved on. It is a very positive way to look at development in an area, because you are actually taking in a whole range of factors, and not just dealing with factors on their own at a particular point in time. I think that the One Plan is a good example, and it is one example of how to deal with things. Another example is what the Fermanagh/Omagh region is doing with its Smart region work, and I have been heavily involved in that as well. It is an attempt to say, "This is what we envisage for the region; how can you help us to deliver it?" I think that that is a very good example of how to do things.

**Mr Eastwood:** We had the good announcement last week of around 10 jobs for a local company. With regard to the opportunities at Fort George, what work is Invest Northern Ireland doing to attract investors to that site and to any other vacant sites in the city?

**Mrs Foster:** Again, it is about being aware of what is available for inward investors and indigenous companies, so that when they ask us questions about particular needs, we know where those needs can be satisfied. Fort George is a very good site. It is very central to the city, but it has plenty of space. Of course, it has the Hibernia link into it as well, which is a very strong selling point. Invest Northern Ireland's property division is very much aware of Fort George, and the local office in Londonderry is very much aware of it as well.

### Gas Shortage: Larne

6. **Mr Beggs** asked the Minister of Enterprise, Trade and Investment what role her Department plays in the licensing of current commercial proposals to store gas and compressed air in caverns within geological salt layers in the Larne area. (AQO 5981/11-15)

**Mrs Foster:** Under the Mineral Development Act (Northern Ireland) 1969, DETI has powers to grant licences for the prospecting and mining of selected minerals, including salt, in Northern Ireland. My Department has granted a mineral prospecting licence to Gaelectric Developments Ltd to explore for suitable salt beds for its proposed compressed air energy storage project. Subsequent solution mining of the salt to create caverns would require a mining licence from my Department.

In addition, Islandmagee Storage Limited has a mineral prospecting licence for salt exploration on Islandmagee. However, as the Mineral Development Act applies only to onshore Northern Ireland, the company would not need a DETI mining licence for the creation of natural gas storage caverns beneath Larne lough.

### 3.15 pm

**Mr Principal Deputy Speaker:** That ends the period for oral questions. We now move on to topical questions.

### Harland and Wolff: Jobs

1. **Mr McNarry** asked the Minister of Enterprise, Trade and Investment to clarify whether there is a disparity in the numbers employed at Harland and Wolff outside the local unemployment/employment register, given the issue scripted by the media today as "tensions in east Belfast", with 500 imported labour jobs relative to 150 local jobs. (AQT 1011/11-15)

**Mrs Foster:** I thank the Member for his question. It is one that I thought he might raise with me when I saw his name on the list today, so I asked Harland and Wolff some questions before I came to the House. As I understand it, Harland and Wolff was awarded the contract for the dry docking of the rig by an international oil group, Dolphin Drilling, in August 2013. It is a very big contract. Initially, it was only a 60-day contract. It had a very short turnaround and required a very swift response from Harland and Wolff to secure the work into the shipyard. It had to react very quickly to secure and provide the necessary workshops and short-term contracts. Although I acknowledge that it has gone beyond 60 days, those contracts are short term. In many ways, the wider economy in Belfast has benefited from the fact that the contract has gone on longer than 60 days. Indeed, I know that a lot of the hospitality industry, for example, has really benefited from the fact that those workers are here.

I am told that Harland and Wolff has brought in 600 temporary workers to complete the renewal, upgrade and maintenance work on time. Those are estimated figures. Mr McNarry might have different figures. I am told that there are 200 workers from the Northern Ireland labour pool and 200 from the Scotland and north-east of England labour pool. The balance is made up from European countries.

We should ask why that is the case. It is the case that there was a shortage of skilled steel workers and welders in Northern Ireland following the decline of the shipbuilding industry. That raises the question of whether we should be doing something about the skills of people in that area and generally in Northern Ireland. I am certainly happy to have a conversation with the Employment and Learning Minister about that.

**Mr McNarry:** I thank the Minister. I appreciate her comprehensive answer and diligence in sourcing at least some indication of what that contract is about. I will not argue with her, but I think that there is more to be told about it. In future, when the Minister announces news of job creation, which will be welcome, will she mean jobs to reduce our unemployment figures or those of other countries?

**Mrs Foster:** Well, of course, the Member knows that I did not announce those jobs. If he would care to go back and look —

**Mr McNarry:** I did not ask about those jobs; I asked about future jobs.

**Mrs Foster:** Well, you made the point about whether, if I make job announcements, I will ensure that they are jobs for Northern Ireland people. I did not, of course, announce those jobs because I was very aware at the time that it was a short-term contract and they would be short-term jobs for whoever would fill them. They would not be permanent jobs. The Member should look at that point in particular.

Of course, we are very aware that when companies come to Northern Ireland — I am talking now from a foreign-direct-investment point of view — they will, on occasion, bring people with them to embed the new company in Northern Ireland. It is wrong for us to say that we want jobs in Northern Ireland only for Northern Ireland people. We want people to come to Northern Ireland and share their skills and experiences with us here in order to build up our workforce so that we can be competitive and global. It is wrong to say that we are interested only in jobs here for people from Northern Ireland.

## Agrifood Loan Scheme

2. **Mrs Cochrane** asked the Minister of Enterprise, Trade and Investment to update the House on the agrifood loan scheme and to detail which banks are participating. (AQT 1012/11-15)

**Mrs Foster:** I am very pleased to say that the first broiler phase of the scheme is now open for business. It took a little longer than some of us would have liked, but it is now open for business.

The first loan under the scheme has been approved by the First Trust Bank, so it gets a gold star. The participating banks are the Bank of Ireland, Barclays, Danske Bank, the First Trust Bank and the Ulster Bank.

**Mrs Cochrane:** I thank the Minister for her answer. Are there any plans to roll out that type of scheme to any other sectors?

**Mrs Foster:** Yes, there are. That was really a pilot scheme. We recognised that there was a need in the poultry sector, given its growth and the fact that a lot of farmers did not have the requisite security needed to access money from traditional loans and banks. Therefore, we came in with this innovative scheme and ensured that we got the participation of the banks that I listed. That meant that the banks are now more engaged than ever with the industry. The broiler sector was the first to benefit, but I hope that the scheme will be used more widely in the poultry sector, the pork sector and other agrifood sectors.

## Giro d'Italia 2014

3. **Mr Clarke** asked the Minister of Enterprise, Trade and Investment to outline the value of the Giro d'Italia to Northern Ireland, given that some people would rather focus on the negatives. (AQT 1013/11-15)

I congratulate the Minister on her work for tourism in Northern Ireland, particularly given the announcements in the past couple of weeks about the Irish Open, which is coming to Northern Ireland in two future years, and the Giro, which is coming much sooner than the Irish Open.

**Mrs Foster:** I thank the Member for his comments about the events that we have been able to announce recently. It is tremendous to welcome the Irish Open back to Northern Ireland in 2015 to Royal County Down and in 2017 to the Lough Erne golf resort in Enniskillen.

We also launched the Circuit of Ireland, which takes place over the Easter weekend. That is another strong race that has taken on a new emphasis because Eurosport is involved, and it is now part of a European network. We launched the North West 200 as well, which is being upped to a festival. We very much look forward to that event, which is happening over a week in May.

A lot of things are happening in May, not least, as I said, the Giro d'Italia. We have been working hard with the team in Shadetree Sports and the organisers RCS to make sure that we get the greatest benefit out of the Giro d'Italia. The working groups are working hard with local councils to try to make sure that they can capitalise on the Giro and the opportunities that it brings to local areas. We have a full branding campaign that will run along the course for the whole event. We have promoted the event to our key consumer markets in Northern Ireland, the Republic of Ireland and across Europe. It will be a tremendous event for us, and I look forward to it very much.

**Mr Clarke:** I thank the Minister for that answer. Given the success in bringing the Irish Open back to Northern Ireland, would it be possible to bring the Giro d'Italia, which is coming here next month, back in the future, given the excitement among many people in our constituencies about seeing it for the first time in Northern Ireland? If it did come back, would it be possible to open up roads in other parts of the Province so that people could see and enjoy what we have over here?

**Mrs Foster:** I thank the Member for his question. He is right to talk about what will happen after the race and its legacy. The Giro d'Italia has a very strong legacy programme, and I have had representations from people in south Down about the Gran Fondo, as it is called, which runs races in the following years that get the community involved in the Giro brand and keep cycling alive. I have met cycling groups from across Northern Ireland, and the number of people who are involved in cycling across Northern Ireland is quite amazing. This is a great event for them and for our tourists, whom we look forward to welcoming in May.

## Economic Data: Gaps

4. **Mr Maskey** asked the Minister of Enterprise, Trade and Investment for an appraisal of the recent NICVA commentary on significant gaps in economic data to allow for planning for a recovery. (AQT 1014/11-15)

**Mrs Foster:** We hope to provide some answers to that, although I do not believe that there are gaps. However, some clarity will be provided about what the Executive plan to do over the next period of time. There are a lot of figures, some of them very misleading. All I know is that we are now down £13 million in terms of — or £15 million — in terms of our budget, £13 million in terms of our budget for the Northern Ireland Executive. That is gone. That is gone. Therefore we have to look at our Budget in the years to come, which will be a huge challenge, particularly for high-spending Departments in the Executive, to deal with. However, when those figures are before people, I hope that they realise that the money has gone and that we need to start planning for the future of Northern Ireland. We are told that we have been living in a period of austerity. Frankly, if we go on as we have been with welfare reform, we ain't seen nothing yet.

**Mr Maskey:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I cannot thank the Minister for that response, because it was just silly posturing; it does not at all address the question. I would have expected the Minister to tell the House that she is committed to making sure that we have all the necessary information at our disposal to plan for an economic recovery. Will the Minister, even at this point, leave aside the stupid posturing and try to assure the House that she might understand the need —

**Mr Clarke:** Kettle, pot, black.

**Mr Maskey:** — to have a full framework for data? It might help to address that.

**Mrs Foster:** Oh well, it takes one to know one. *[Interruption.]* The Member obviously did not listen to the answer that I gave. I do not know why that might have been a problem for him. I said that the Executive — on which, as far as I recall, his party has Ministers — have agreed to look at the figures on welfare reform and the difficulties involved. If he thinks that that is “silly posturing” —

**Mr Maskey:** What about the economic data, never mind welfare reform?

**Mr Principal Deputy Speaker:** OK, let the Minister answer.

**Mr Maskey:** She has not tried to answer it yet.

**Mrs Foster:** If he thinks that planning for the future is “silly posturing” when we are down £13 million, let him speak of his economic illiteracy to the people of Northern Ireland.

## Economic Development

6. **Mr Cree** asked the Minister of Enterprise, Trade and Investment, given that Invest Northern Ireland has held, for a long time now, a land bank at Balloo in Bangor, with nothing happening with it, whether she would think favourably about allowing local authorities to become involved so that assets such as that could be utilised for economic development. (AQT 1016/11-15)

**Mrs Foster:** When the Member looks at the transfer of powers after local government reform, he will find that part of it is local economic development. I would welcome engagement with local councils about land banks, because local people know where the land is and what is needed for indigenous companies. So, I make the commitment to him that I will do that, and I am happy to have a discussion

with him on that issue around Balloo if he feels that doing so early would be good.

**Mr Cree:** I knocked my main and supplementary questions into one, but I am pleased with the response from the Minister.

## Munster Simms Engineering Ltd

7. **Mr Easton** asked the Minister of Enterprise, Trade and Investment what will be the impact of the new Munster Simms premises that she opened in Bangor. (AQT 1017/11-15)

**Mrs Foster:** I was pleased to be in Bangor again with Munster Simms to see the ongoing development there. He will know that Munster Simms was a management buy-out a couple of years ago. At what was perhaps a difficult time for the economy, a team there decided to grow the business, and it has done so impressively. I congratulate the management team at Munster Simms for its new factory, which I was privileged to open recently, and pay tribute to the staff. I know that management will want me to pay tribute to the staff because they have a good working relationship. Indeed, Munster Simms was named a ‘Sunday Times’ employer of the year for, I think, five years, which is something to be proud of. The fact that one of our companies in your constituency, Mr Easton, is on that list should be something that you are proud of.

**Mr Principal Deputy Speaker:** Thank you, Minister. Question Time is up. I propose that the House take its ease while we change the top Table.

3.30 pm

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

## Executive Committee Business

### Legal Aid and Coroners' Courts Bill: Second Stage

**Mr Ford (The Minister of Justice):** I beg to move

*That the Second Stage of the Legal Aid and Coroners' Courts Bill [NIA 33/11-15] be agreed.*

I remind the House that, when I was elected Justice Minister, I said that my goal was to create a better justice system for everyone: the victims of crime; those involved in seeking redress through the civil law or who need the assistance of the legal system to resolve disputes; people called to give evidence; and those facing prosecution as defendants.

To help to inform my thinking about how to achieve that goal, I commissioned a review of access to justice in Northern Ireland, including criminal and civil legal aid. The final report of that review was published in September 2011. It recommended that the Northern Ireland Legal Services Commission become an executive agency of the Department of Justice and that the chief executive be a statutory appointment and responsible for decisions on civil legal aid applications, without any involvement on the part of the Minister or staff in the core of the Department.

Following a public consultation on the report, I announced my response to the House on 2 July 2012. Along with my response, I published a departmental action plan setting out 38 projects to take forward the recommendations of the review, one of which was tasked with examining the future structure for the delivery of legal aid. That included a detailed analysis of the consequences of delivering the administration of civil legal aid through an agency, taking cognisance of the three strategic objectives that I had set out in the departmental action plan: improving access to justice, bringing legal aid within budget and improving governance and accountability.

A number of options were considered as part of the analysis. Based on a quantitative and qualitative analysis, the findings endorsed the recommendation in the access to justice review that the delivery body for legal aid be an agency. Before accepting the findings, I wanted to be sure that appropriate safeguards could be put in place to protect the independence of decision-making in the granting of civil legal aid. As a result, safeguards were developed, and I carried out a public consultation on their appropriateness.

As a result of responses to the consultation, I took steps to further strengthen the safeguards, and these are reflected in the approach that I have adopted. I am satisfied that the proposed new arrangements will be protected from external influence and, in particular, be free from political or sectional interest.

Individual decisions will be taken on the merits of the case and not influenced by political or budgetary considerations. Although I will legislate and issue guidance on legal aid matters, I will not play any part in decision-making on individual cases.

The main purpose of the Bill is to dissolve the Northern Ireland Legal Services Commission and transfer its functions and staff to an executive agency, which is to be established in the Department of Justice. It will also set in statute safeguards to protect the independence of individual decisions on the granting of civil legal aid.

There are several key safeguards. The first is the designation of a civil servant as the director of legal aid casework, who will be responsible for individual decisions in the awarding of public funding in civil cases. In taking those decisions, the director will act independently of the Department and the Minister. They may issue guidance and directions on how the director carries out his functions, and any guidance and directions must be published. However, the Bill expressly provides that the Department and Minister are prohibited from issuing guidance on or direction in individual decisions. The Bill imposes a duty on the Department to ensure that the director acts independently of the Department when applying any general guidance or direction to an individual case.

Secondly, the Bill contains a regulation-making power to enable the appointment of an independent appeals panel to hear appeals against the decisions taken by the director. That will help to ensure that there is an opportunity to challenge the decisions of the director to refuse to award funding, or indeed further funding, in an individual case. The regulations must require an appeal panel to provide written reasons for its decisions on appeal. I will support that with robust administrative procedures to ensure that a reasoned explanation is given for the refusal to award funding.

The Bill makes provision for the transfer of staff from the commission to employment in the Northern Ireland Civil Service and, in doing so, protects their terms and conditions of service. I can advise that we have just received DFP approval to align the commission's pay scales to the Northern Ireland Civil Service pay scales in advance of the move to agency status. That increase will be backdated to devolution, and it is our intention to pay the increase, together with the back pay, subject to negotiations with the trade union, in April salaries.

The main statutory provisions governing legal aid are the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 and the Access to Justice (Northern Ireland) Order 2003. The 2003 order will ultimately replace the 1981 order, but large parts of it remain uncommenced. That has been a complicating factor in bringing forward the Bill, as it is necessary to make amendments to both orders to reflect the transfer of responsibilities away from the commission either to the Department or to the director of legal aid casework. Those amendments are reflected in the lengthy schedules to the Bill.

The Bill, therefore, makes changes to both orders to reflect the transfer of responsibilities and to support my wider legal aid reform programme. Let me make very clear that the amendments to the existing legislation do not have any impact on access to justice or in any way restrict eligibility for legal aid. To support my legal aid reform programme, the provisions in articles 10 to 14 and articles 17 to 20 of the 2003 order regarding civil legal services will be commenced on the same date that the commission is dissolved and the agency created.

Articles 15 and 16 relate to the funding code, which I do not propose to proceed with. The funding code was originally intended to set out the criteria for determining whether civil legal services should be provided in a specific case and what service is appropriate. Following extensive work and research, and taking on board experience elsewhere, we have concluded that the funding code is an unnecessarily elaborate approach that would not best serve the needs of individual legal aid clients. Consequently, the existing arrangements for merits tests will remain.

The benefit of commencing civil legal services under the 2003 order is that it will provide greater flexibility around the people eligible to receive public funding in civil cases and how that funding is delivered than is currently provided in the 1981 order. For example, it would allow regulations to prescribe that certain proceedings may be funded without reference to an individual's financial resources. Regulations could also delegate decision-making on financial eligibility to a solicitor or other provider. It allows for non-court-based solutions, such as mediation or telephone advice, and enables better use of the private or voluntary sector to provide services; for example, through law centres or advice services.

All those provisions were already on the statute book in the 2003 order but have not yet been brought into force. For civil legal services to be commenced, a suite of subordinate legislation is required. The subordinate legislation will be subject to further scrutiny by the Assembly. Some of the legislation will involve the Assembly's affirmative resolution procedure. This is an important point: all further reforms to the legal aid system will be brought before the House before they can come into force. Pending the commencement of the provisions in articles 21 to 31 of the 2003 order regarding criminal defence services, representation in criminal cases will continue to be provided under Part III of the 1981 order. Accordingly, as an interim measure, the Bill will amend Part III of the 1981 order to replicate some provisions of the 2003 order regarding the assignment of solicitors and counsel, to provide for a registration scheme, and to place restrictions on the disclosure of information about criminal legal aid applications.

The Coroners' Courts part of the Bill will make the Lord Chief Justice the president of the Coroners' Courts and require him to appoint a presiding coroner. That will formalise the Lord Chief Justice's responsibilities for the Coroners' Courts, in line with existing arrangements for the other court tiers in Northern Ireland, and is intended to assist in the better administration and case management of inquests and the Coroners' Courts generally. These changes flow from a recommendation in the review of the criminal justice system in Northern Ireland in 2000 that the Lord Chief Justice should have a clearly defined position as head of the judiciary.

The review also considered that having a president or chief judge at each tier of the courts might be beneficial. Those recommendations were initially implemented in the Justice (Northern Ireland) Act 2002, which made the Lord Chief Justice the president of all the courts except the Coroners' Courts. It is not clear why they were excluded at that time. It may have been an oversight, or it may have been considered appropriate to await the outcome of other reviews concerned with the inquest process that were

ongoing. In any event, the Lord Chief Justice raised this with me in December 2012, and this Bill provides the first opportunity to take these amendments forward since then.

To sum up, the purpose of the Bill is to improve the administration of the legal aid system in Northern Ireland and to introduce more effective case management in the Coroners' Courts. I am satisfied that these reforms are timely and necessary. I commend the Legal Aid and Coroners' Courts Bill to the House.

**Mr Givan (The Chairperson of the Committee for Justice):** I apologise for missing the Minister's opening remarks, but I thank him for outlining the general principles of the Legal Aid and Coroners' Courts Bill and I am pleased to speak in this debate today on behalf of the Committee for Justice.

The Bill is a key part of the wider programme to reform the legal aid system in Northern Ireland and, as such, is supported by the Committee for Justice. The Committee has spent a considerable amount of time scrutinising specific proposals for reform of criminal and civil legal aid, largely through subordinate legislation, over the past number of years. As Members will be aware, there have been ongoing issues in relation to inaccurate financial modelling and forecasting, lack of accountability and significant budget overspends. It is imperative that these issues are addressed.

The change of status of the Legal Services Commission from a non-departmental public body to an executive agency of the Department of Justice provides the opportunity to improve the governance arrangements, and the Committee will expect to see increased transparency, accountability and efficiency.

The Committee first considered the proposals for a public consultation on these changes in February 2013. We noted that the proposals resulted from a recommendation in the access to justice review that had attracted general support. The Committee agreed that the consultation should take place and that it would consider the issue further when the results of the consultation were available.

Departmental officials subsequently briefed the Committee on the results of that consultation in June 2013, and a range of issues were discussed. These included the need for assurance that there would be independence in decision-making on granting of civil legal aid; the likely savings that would result from the change of status of the Northern Ireland Legal Services Commission; the position regarding the Northern Ireland Legal Services Commission's accounts, which Members will know have been qualified by the Northern Ireland Audit Office for a considerable number of years, and what effect this would have following the change in status; and the mechanism to deal with appeals where legal aid is refused. Following the briefing, the Committee agreed that it was content for the Minister to bring forward a Bill to make the necessary legislative changes.

More recently, the Committee received a briefing from departmental officials on the principles of the Bill, during which they highlighted that it now includes a provision, as the Minister has outlined, to make the Lord Chief Justice the president of the Coroners' Courts and to require him to appoint a presiding coroner, thus formalising his responsibilities in relation to the coroners and the Coroners' Courts. Given that this provision arises from

a recommendation in the review of the criminal justice system in Northern Ireland, which was completed in 2000, the Committee questioned the delay in bringing forward this change and has requested further information on the reasons for this from the Department. Maybe the Minister can go a little bit further: he has indicated that it may have been just an oversight, and maybe that is all the information that we know of, but it would be useful if we could know a little bit more about that.

The Committee noted the key safeguards in the Bill to protect the independence of individual decisions on the granting of civil legal aid, which include the director of legal aid casework being responsible for individual decisions independently of the Department and the establishment of an independent appeals panel. Officials also confirmed that the amendments to the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 and the Access to Justice (Northern Ireland) Order 2003 do not have any impact whatsoever on the parameters of those who are eligible for legal aid. Following the briefing, the Committee agreed on 13 March 2014 that it was content to support the principles of the Bill at Second Stage.

### 3.45 pm

On a number of occasions, the Minister of Justice has discussed with the Deputy Chairperson and myself the possibility of the Committee keeping the Committee Stage of the Bill as short as possible to enable it to receive Royal Assent in the autumn, allowing the agency to be formed shortly thereafter. Given that the Bill is largely technical in nature — there were few substantial issues raised during the Department's consultation — and that supporting subordinate legislation will also be required, some of which will involve the affirmative resolution procedure, thereby providing further scrutiny opportunities, the Committee has agreed in principle to a 10-week Committee Stage. We will, however, wish to give further consideration to the feasibility of that once we have analysed the written evidence received on the Bill.

If we can make this process move as quickly as possible while still doing our job, as we are mandated to do, the Committee is up for trying to facilitate the Department in getting the Bill through the relevant stages. At times, less can be more, and Committees here sometimes unnecessarily lengthen their scrutiny stages. If we can do this, doing proper justice to the work that we have to do, it is appropriate that the Committee should try to work to that. If we can do it, that is for the betterment of the legislation and what it is trying to achieve.

The Attorney General for Northern Ireland has also asked the Committee to consider a potential amendment to the Bill. The Attorney General has the power under section 14(1) of the Coroners Act (Northern Ireland) 1959 to direct an inquest where he considers it advisable to do so, but has no powers to obtain papers or information that may be relevant to the exercise of that power. He has experienced some difficulty in recent years in securing access to documents that he has needed, and the proposed amendment to the 1959 Act would confer a power on the Attorney General to obtain papers and provide a clear statutory basis for disclosure. He has indicated that the principal focus of his concern is deaths that occur in hospital or where there is otherwise a suggestion that medical error may have occurred.

The Committee will consider the Attorney General's proposed amendment at Committee Stage and intends to seek the views of relevant stakeholders to inform its consideration of that. An oral evidence event planned for May will also provide an opportunity for Committee members to explore any other issues relating to the Bill. As Chairperson of the Committee for Justice, I support the principles of the Bill and I look forward to getting into the scrutiny stage.

I will briefly speak as an individual MLA. The Attorney General's request will need some scrutiny. If it is, as suggested, related purely to deaths that occur because of some medical issues, I will want to see exactly how the amendment will ensure that that is indeed the area that it is covering. Other Committee members may be of the view that the amendment should have a much wider scope. Members will have an interest in that issue. Certainly, I want to try to assist, given some of the tragic deaths that have occurred in our health service. Those inquests can be helpful and disclosure is obviously important, so I want to give the proposal proper consideration.

The House has considered the issue of legal aid for a number of years. The accounts have been qualified; one of the reasons for that being that the potential for fraud could not be ruled out. I know that all Members of the House are concerned that that may well have happened, particularly given that we are talking about the legal profession and, obviously, the concerns that arise from that. We need to get to a system where a clear framework is in place for the administration of legal aid. The days of people being able to put in bills without ever backing up the work that they claim for should be over. There needs to be transparency and accountability when it comes to spending of taxpayers' money. The legal profession is not immune from that, and change is on the way.

I think that change will come to how civil legal aid is structured.

We will get into the debate on what an appropriate level of remuneration should be and ensuring that the citizens of this state have access to justice. Those are important considerations. The days of old cannot be allowed to continue and will need to change, and bringing the agency into the Department should assist in that. Then, the criticisms that have been made can hopefully be ameliorated, because the commission has often forecasted spend on legal aid and has not been accurate. Nevertheless, I have some sympathy, given the system that they have to operate under, where you are not able to accurately forecast the expenditure on legal aid. Some elements are outside their control as well, such as when additional judges are appointed and the process of dealing with cases has accelerated. That can have an impact as well. There has been some criticism from the legal profession, some of which I think is justified, and the changes will hopefully address that.

We will want to explore the Lord Chief Justice's request. I appreciate that it was in the report back in 2000, but one does have to ask this question: is the efficiency with which the Coroners' Court operates really just about the personnel? There does not seem to be any great structural change through this; rather it is a change in personnel as to who ultimately has authority over the Coroners' Court. I want to tease out what will be different structurally to deal with some of the issues that arise in the Coroners'

Court. The Lord Chief Justice is a powerful individual, not only because he is president of the courts — now there is the further request to deal with the Coroners' Court — but because he is also chairman of the Northern Ireland Judicial Appointments Commission, which has attracted considerable debate of late in the context of, to use the phrase that the Attorney General coined, judges appointing judges. There is some concern, and we need to look at whether any conflicts result from being president of all and chairman of the body that appoints. That is another piece of work that the Committee is looking at.

I look forward to getting into the detailed scrutiny work that the Justice Committee has always proven itself very adept at getting into. I look forward, as usual, to working with the Minister and his officials, who have always been very obliging to the Committee.

**Mr McCartney:** Go raibh maith agat, a LeasCheann Comhairle. Like the Chair, I apologise to the Minister for being late. I was just running late in doing something.

As outlined by the Chair, we, as a party, were supportive of the principles of the Bill in Committee. Indeed, we are broadly in support of the process that the Minister laid out on the intended changes and consequences, and the process of scrutinising it as laid out by the Chair. We look forward to trying to assist the Minister in doing this as quickly as possible and in an efficient way, while ensuring, as outlined by the Chair, that proper scrutiny is carried out.

For us, the idea and concept of the Legal Services Commission becoming the agency as outlined is a good thing. As the Minister and the officials outlined at the Committee and, indeed, as the explanatory memorandum outlines, it is about trying to increase transparency, accountability and efficiency. When you are trying to achieve that, we will certainly want to assist.

As the Chair mentioned, the idea of the financial modelling and the inability sometimes to forecast the budget has featured on a number of occasions. That has been mentioned by the Committee to officials, and the Chair alluded to some of the problems that existed. Hopefully, this will help to regularise that, and forecasting will become better in the limited circumstances.

Similarly, the idea of the chief executive becoming a statutory office holder is a good thing. It removes any responsibility. That is not to say that there was any responsibility in the past either on departmental officials or the Minister so that they could, in some way, interfere or have any sort of say over and above what they are entitled to on legal aid. That is also to be welcomed. We also welcome the safeguards outlined in the Bill. The Minister alluded to the fact that this is not about changing aspects of legal aid in respect of access, provision or its core ethos, which is to provide assistance to people seeking justice who have not got the means. That is well protected.

The second aspect of the Bill is the idea of the Lord Chief Justice becoming the president of the Coroners' Court. From our understanding, we are broadly in support of that. The Chair has brought things to the table that will be scrutinised — rightly so — but, for us, it is about efficiency. The rationale is that there will be better case management and better use of resources, and we have seen that in terms of faster, fairer justice. Where there is better case management, there is better output, which means that people's access to justice is served well.

We broadly support the amendment put forward by the Attorney General. The Chair has indicated that there will be a degree of scrutiny required. People might want to broaden the scope of the papers that he is entitled to, but where the Attorney General has found a particular gap for his work, it is worth examining, and we will come at it with that in mind.

We look forward to scrutinising this through the Committee. We know that it is an ambitious timeline, but, from our party's perspective, we want to give this as much attention as is required and to assist the Minister in bringing it through the procedures as quickly as possible. We broadly support the principles of the Bill.

**Mr A Maginness:** On behalf of the SDLP, I welcome the Bill and give it our general support. We have some concerns about aspects of the Bill, but, in general terms, we are supportive of it.

The Legal Services Commission has had a fairly sad history in respect of its efficiency and its ability to forecast and to deliver as a public body. It has reached the end of its tenure. Criminal Justice Inspection, in its report of November 2013, concluded as follows, and I quote from Mr McGuigan, the chief inspector of criminal justice in Northern Ireland:

*"However our overall conclusion is that the legal aid arrangements in Northern Ireland are not fit for purpose and are in need of radical reform."*

As the body tasked with looking after legal aid and legal aid disbursements, the commission, sadly, has not reached the standard that we in the Assembly or the public at large would have wanted. I do not blame the commission; it was probably not properly resourced. I think that it had a difficult task. Legal aid is a demand-driven area, and it is difficult to keep track of and to control. However, I do not think that the commission was given the wherewithal to deal effectively and efficiently with legal aid. I will go back to the report that I mentioned to you:

*"Part of the problem has been the shortcomings in the effectiveness and efficiency of the NILSC. There has been a succession of reports in recent years critical of its management, and the DoJ now plans to legislate to change it to an executive agency."*

It goes on to say that the inspectorate supports that move. The report adds:

*"Systems are over-complicated and are managed inefficiently, with little use of modern technology. Half of all applications from solicitors have to be returned to them because the forms are not completed properly, and there are frequent challenges to the decisions made about funding because the criteria are not clearly set out."*

*Staff morale is poor and performance management has not been properly implemented. The IT systems do not allow targets to be set and monitored in a meaningful way. The business of the NILSC needs to be properly analysed and modelled so that new structures and performance targets can be put in place supported by state of the art IT. If this were done, there could be significant savings in administration costs (with corresponding benefits to the legal profession)*

*and improvements in the timeliness of decisions and payments.”*

When I was a practising barrister, the timeliness of payments was one of the most difficult things that you had to deal with, because you simply did not know when the commission would pay or whether it would ever pay. I remember receiving payments years after a case had been completed; in fact, payments came when one had forgotten that one had done the case. However, that is a personal reminiscence of my encounter with the commission.

#### 4.00 pm

I want to make one important point. The commission will now be transformed into an agency, which I welcome. That is important because this body was not equipped to deal with the work that it was given. However, the Minister must assure the House that the agency will be given the wherewithal to deal with legal aid efficiently and effectively. If it is not given the technology and the resources that are required to deliver an efficient service, what we are doing today is a waste of time.

I also seek an assurance from the Minister about the costs of the commission, which are very high. They are approximately £8 million a year, and perhaps the Minister can give us a more accurate figure. That is a very high demand on the public purse. We properly talk about the difficulties with legal aid and the fact that the budget overruns and so forth, but we must ensure that the body that administers legal aid does so in a cost-efficient manner.

I have a further point about staff. The Criminal Justice Inspection report refers to staff being demoralised. From personal knowledge, I know that staff were demoralised, and one effect of the change might be to give staff a greater sense of purpose. It may improve morale, and it will certainly improve pay, which has been a vexed subject over a prolonged period. I welcome what the Minister said about members of staff being paid in accordance with Northern Ireland Civil Service rates. Staff will, quite naturally, welcome that, and it may also improve the service that is being delivered by the staff who will be transferred.

I make one general point. It is accepted by all in the House, not least myself, that legal aid must be brought into budget. It is important that that happen, and the Minister has made strides on it. However, I stress this: in so doing, it is important that access to justice is not in any way impeded. You can make all the cuts you want to a service, but, if you make excessive cuts, you diminish the service that you deliver to the public. That is a very important point to stress. It seems obvious, but I am not certain that the Department fully appreciates it. The Department has made very significant cuts and will make further cuts that, I believe, will be significant. We are on the edge of making cuts that could create a crisis in the delivery of the service that we are talking about. I know that the Bill does not directly affect that; nonetheless, it is important that Members take that into consideration. I make those points and hope that they will be taken on board by the Minister.

In answer to questions in the House yesterday, the Minister said that savings of £20 million had already been made in criminal legal aid and that, in addition to that, he

hoped to make annual savings of about £18 million. With further changes to Crown Court fees for criminal work, he estimated that there would be other savings, to the tune of £5.5 million. That is £23.5 million in addition to the £20 million already saved. That is a very substantial saving indeed. I am in favour of such savings if, at the same time, we can preserve the service that the public are entitled to. However, if those savings go beyond the point where the service cannot be delivered, that is a backward step.

I further say to the Minister that I take on board what he said about the appointment of a director of legal aid casework and that he or she would exercise their office separately and distinctly from the Department. That is a very important distinction to make in respect of individual cases. In addition, the Minister preserves the merits test, which is an important safeguard, in relation to the grant of legal aid. When the Minister's officials came to the Justice Committee, they indicated that there would be panels of at least three people dealing with appeals against the rejection of legal aid. That is an appropriate step and safeguard. However, it was further indicated that at least one of the panel would be a lawyer and that, possibly, that person would take a presiding role on the panel. I do not see that in the Bill. It may well be that the Minister intends to put that into regulations, but it does not appear to be in the Bill. Perhaps I am wrong in that, but I emphasise the importance of making sure that legal representatives are involved in the appeals. I say that not because I think that they will be self-serving but because they are in a position to make the determination on merits. They are practitioners, and I believe that they will do so in a bona fide and independent manner. Involving lawyers in appeals does not mean that they will simply decide to do a good turn for this solicitor or that solicitor. It is important that professionals who know what cases are about and know the nature of these appeals should be there to determine them. They will, I believe, give good service.

I know that the current panel that deals with civil legal aid does so in an independent spirit of mind and does so on the merits. I have no fear that that would be prejudiced in any way. I would prefer the panels to be made up completely of lawyers. It is important that they have a leading role. Certainly, at the very minimum, the presiding chair should be a lawyer. As I said, I do not see that in the Bill. If I am wrong about that, perhaps the Minister will direct me.

In any democratic society, it is very important that there be a distinction — a separation of power — between the judiciary, the executive and the legislature. That is taken for granted by everyone in a democratic society, but the independence of the legal profession is important in any democracy. It should be free and independent because it provides a real safeguard against the power of the state, and it is very important that that be preserved. What I see in the Bill — I hope that I am wrong about this — is an attempt to impose inappropriate regulations on the legal profession. Article 36B(1)(a), set out in schedule 2, which concerns the register of solicitors and counsel eligible to be assigned, states:

*“make provision for the registration by the Department of counsel and solicitors who are eligible to be assigned in pursuance of criminal aid certificates”.*

It goes on, but I will not go into the detail. The registration of counsel and solicitors is an unnecessary step. It is an elaborate approach to the assignment of professionals to legal aid. I make the point very seriously that the Department should look at that. I am not certain that it is the right direction in which to go. I go back to my original point: there should be an independent legal profession in any democratic society. Once you start to register solicitors and barristers, you start to erode that independence.

I warn the House that I do not believe that that is the right road to go down.

#### 4.15 pm

I hear what the Chair of the Committee has said regarding the Lord Chief Justice and the Coroners' Court. I think that this is probably more of a formality than anything else. I do not think that it means an awful lot of change to the operation of the Coroners' Court. The Lord Chief Justice has an important judicial role, but he also has an important administrative role in the judicial system. If he requires a legislative basis to do that, he is entitled to receive that.

I will conclude simply by reiterating the point that I made at the very beginning, which is that we welcome the Bill but there are points of concern that need to be addressed. I hope that, during the course of this legislation, we will be able to address those in a forthright manner that will get the right result.

**Mr Elliott:** I note that a level of agreement is almost breaking out between parties here. I am sure that the Minister will be pleased to hear that.

Mr Maginness gave us a story of how slow some payments came through when he was involved in the legal profession. I am sure that he will have some sympathy, and even empathy, for some of the farmers in our community who have to wait quite a long time for single farm payments. Maybe our friend from north Belfast can now realise their difficulties.

To be fair, there is broad agreement in the Committee. I take the Committee Chair's point about trying to progress the Bill with a reasonable amount of speed and, while certainly trying to carry out proper scrutiny, to do that in as short a timescale as possible. However, this has come from a review that was carried out in 2000, which was 14 years ago. I think, from our briefing, that it has been on the books since 2004, which is 10 years ago. Why the delay until now? I asked that at the Committee, and there was an intention to come back with some information. Maybe the Minister can give us information today on why it has taken so long to come forward.

As many others indicated, this is to replace the Legal Services Commission. That body has not endeared itself to the wider public or, indeed, Members of the Assembly in recent years, particularly around its management or how we see its management. It may be much different if you are on the inside looking out, but, from my perspective, the management processes appear to have been quite difficult.

I also note that the briefing indicates that this legislation will build in safeguards and independence. I have a number of queries for the Minister at this stage of the legislation. Seemingly, the people who are likely to be

employed in the new agency will just be transferred from the Legal Services Commission. The Minister needs to explain if this is just a rearranging of the deckchairs or if it is a genuine change from the Legal Services Commission to an agency. We need to be confident of that, and, certainly, the wider public need that confidence; they need to hear that. I note that there was an indication that there may be a change to the terms and conditions of the staff who transfer. Maybe the Minister will elaborate on that aspect as well.

I note that Mr Maginness highlighted that the Legal Services Commission costs £8 million to manage and operate. The briefing that we got at Committee said £7 million, and, from the perspective of the wider public, I wonder whether there can be significant efficiencies from the new agency and what those efficiencies will be. If it is going to be significant, I would like to hear how that will be put in place. If it is just some sort of token, there will be questions arising as to the real reasons for the change.

I also note that the Attorney General has asked for an amendment, and I think that it needs some scrutiny. The Attorney General has indicated that he needs more powers to obtain papers and information, and, by and large, I do not think that we object to the principle of that. However, I think that the reasoning behind it and, indeed, the management of it need a level of scrutiny. We would like to hear more about that before we can approve it. Without delaying the process, we are broadly in favour in principle, but I note that there is some scrutiny to be carried out in the Committee and, indeed, when we come back here for further stages.

**Mr McCarthy:** Go raibh maith agat, a LeasCheann Comhairle. As the previous Member to speak, Mr Elliott, remarked, it is good to see general support all around the House this afternoon for the Bill. The Minister must be very pleased with what he is hearing.

Like others, I support the Bill at its Second Reading. I do so on behalf of the Alliance Party and in place of my colleague Mr Stewart Dickson, who serves on the Justice Committee but who, unfortunately, has taken ill and, therefore, cannot be present today. My brief remarks reflect Mr Dickson's views and the views of the Alliance Party, which are, of course, naturally, supportive of the Minister's Bill and of his ambitious programme of reforms across the justice system. We could not do otherwise, could we?

**Mr A Maginness:** Yes, you could.

**Mr McCarthy:** No, we could not.

This legislation represents another step in those much-needed reforms, and thank God for a local Justice Minister who is prepared to make progress on these much-needed reforms at this time. As the Minister said, one of the recommendations arising from the review of access to justice was that the NILSC become an executive agency of the Department of Justice and that safeguards be put in place, such as making the chief executive a statutory appointment responsible for decisions on civil legal aid applications without any involvement on the part of the Minister, any political institution or staff in the core of the DOJ.

The Bill provides a number of welcome safeguards to protect the independence of decision-making in the

granting of legal aid. Decisions on individual cases will be taken by a statutory office holder, the director of legal aid casework. There will be a requirement to publish general guidance and direction on legal aid policy provided by Ministers. Ministers will be specifically prevented from issuing guidance or directions about the discharge of the statutory office holder's functions in relation to individual cases. A robust and independent appeals mechanism will be established to consider appeals against individual decisions.

These measures represent a significant step forward as, under the current arrangements, reasons are not provided when an application for civil legal aid is refused. The Bar Council and the Law Society nominate the appeal panel members, and they also do not provide reasons for their decisions. I welcome the fact that the Department listened and acted on concerns raised during the public consultation and amended proposals relating to the appeals mechanism so that appeals will be heard by a panel of three, with at least one practising lawyer.

In conclusion, the proposals that are set out in the Bill will protect the independence of decision-making and should also bring resource benefit. It is a positive step forward in our efforts to create a better justice system for everyone in Northern Ireland. I fully support this important Bill.

**Mr Wells:** Mr Deputy Speaker, first of all, could I fall on my sword and apologise for my non-attendance during questions to the Regional Development Minister? It never ceases to amaze me how quickly Ministers can get through questions. I did not expect mine to be called, and I called that wrongly.

Secondly, overall, I support the proposal of the Minister because something has gone seriously wrong with legal aid in Northern Ireland and something serious needs to be done about it. I welcome the fact that the Department will now have more control over the disbursement of legal aid in Northern Ireland. The closer we can bring this to government the better, because we, as an Assembly, can scrutinise what has been a very sorry mess.

I will recount some of the serious problems that have occurred with both the Law Society and the Legal Services Commission over the past few years. We are talking about a body whose accounts have been qualified every year since 2003. It is a totally unacceptable situation that accountants and auditors could not sign off on the accounts of a body spending over £100 million a year. Of course, much of this happened under direct rule, and I shudder to think what was happening during that period. One thing is certain: under direct rule, vast quantities of taxpayers' money from London was poured into the back pockets of barristers and solicitors in Northern Ireland to a degree that was totally unaccountable and unacceptable.

When we had the devolution of policing and justice, we were able to open up the coffins, as it were, and look in and see what was going on inside. It was a far from pretty situation. I would have appreciated it if Mr Maginness had declared his interest in this because he, at one stage, was partaking of the services of the Law Society and the Legal Services Commission. There may be others in the Chamber this afternoon who wish to declare a very substantial interest indeed in this issue.

The cats, as it were, amongst the barristers, were not fat; they were obese. Huge amounts of money were being

poured in, and what we discovered was going on did not make for pretty reading. First, we discovered that a very high proportion of cases in Northern Ireland were known as very high cost cases. No one could work out who made the decision as to whether a case did or did not deserve that designation but, obviously, the barristers and solicitors were extremely content with that situation.

Once a case was declared very high cost, it lived up to its billing. The costs were, indeed, very high, and some were quite shocking. In many cases in Northern Ireland, there seemed to be both junior and senior counsel appointed for an inordinately high number of cases. I, for my sins, representing various constituents, have to sit in court, often waiting to see when the case is going to be called. I sit in and watch some of those cases and I really do wonder at times what the junior counsel does, apart from passing the occasional note to the senior counsel. However, obviously, that person is receiving a very significant payment for doing that. It is interesting that, in Northern Ireland, we seem to draw upon senior and junior counsel in far more cases than elsewhere in the United Kingdom.

There are then the inordinately long delays in cases. Solicitors and barristers were very quick to accept adjournments because, no doubt, they were being paid while the case was adjourned, and they could nip off and do other cases, again invoking the services of the Legal Services Commission and getting vast amounts of money.

We had one of the most iniquitous practices, which was discovered in Dungannon court, of some solicitors who put in their fee bill based on the full case running its entire 15 or 20 days, when they had a very good idea all along that their client was going to plead, and plead early. Of course, they said, "We deserve the full fee because we had to prepare the case on the basis that this was going to go the full term." However, when they had private discussions with their client, it was pretty obvious that he was going to plead. He did, and the case lasted maybe a couple of hours, but the solicitors and barristers still got their full legal aid entitlement, which could be very significant. The judge in Dungannon put his pen down one day and said, "I am absolutely fed up with this going on with this particular firm of solicitors. You knew this was going to happen all along."

So, when devolution occurred, we looked at the situation. For instance, in 2013-14, the budget was overspent by £40 million. However, thanks to the Assembly, we are able to ask the Minister questions for written answer about the fees that are being paid to individual solicitors and barristers in Northern Ireland simply on legal aid.

#### 4.30 pm

Some of those figures are quite shocking. For instance, in 2012, there were — and I will have to quote them accurately — three barristers who earned over £500,000, including one lady who earned £800,000. I made that point when I was down in the court one day, and I was accosted by a series of QCs — not a pretty sight I can assure you — who resented my comments. Indeed, it was almost unsafe for me to go into the court. One of them came up to me with great fervour and said, "Ach, Mr Wells, you are wrong. You said that I earned £800,000, but of course that was only in one year." What happened, as Mr Allister and Mr Maginness would explain, was that the fees she had put

in for previous years had all stacked up in one year. So, I asked Mr Ford what that person earned in the previous five years and the average was £800,000.

I am told by barristers and QCs that the reason why they need paid £800,000 a year is that they need to be incentivised to produce the best possible case for their clients. I would be incentivised for £300,000 a year. I do not need £800,000 to put my best case. Of course, I am doing it for £48,000. Why do we need to pay such extraordinary amounts of money to the QCs and the solicitors of this world to incentivise them? Can they not live on a measly half a million pounds a year? Now, remember, this is only what they are earning on their legal aid work, and they supplement that meagre salary with the really lucrative work in their private practices. No wonder the QCs, barristers and solicitors did not want us to hear what was going on.

Sixteen of those barristers were getting by on a quarter of a million pounds a year in legal aid work and, between them, the top 20 earned £8 million. One firm of solicitors, Kevin R Winters and Company, earned £2.5 million, and Madden and Finucane was not far behind.

We then discovered how those fees were assessed. We have learned gentlemen here; men of the cloth — I do not think that they are men of the cloth, but they are learned anyhow. They are here today and maybe they can correct me. Am I not right in thinking that the learned QCs decided the size of their fees? They did their court cases and thought to themselves, "Well, I did a pretty good case for that gentlemen, therefore I am worth £34,000 for that case." The next week they might say to themselves, "Oh, I was not too hot in that one, I will simply charge £28,000 for it." They put their bills into the Legal Services Commission, which tugged their forelocks and said, "Thank you very much" and paid out. What did the Legal Service Commission raise as a concern? Not the fees, but the travel expenses and the luncheon vouchers. You cannot expect someone on a measly half a million pounds a year to travel the whole way from Belfast to Dungannon and back and pay for it out of their own pocket. No. They had to claim travel expenses and luncheon vouchers from the Legal Services Commission. Correct me if I am wrong, gentlemen, but that is my reading of the report.

**Mr Givan:** I thank the Member for giving way. Progress has been made on trying to deal with some of those aspects. The Committee and the Member will know that we touched on the issue of when the taxing master took his decision and then, obviously, those who put in the claims, the QCs and barristers, would be allowed to appeal that decision. However, once the Legal Services Commission got the power to challenge those appeals, and requested evidence to be produced, interestingly, quite a large number of the initial appeals were no longer pursued, because evidence was being sought to justify the claims that were being made by the legal profession.

The other change that the Assembly made is on having two counsels for a case and the requests for additional representation. The judges who take those decisions now need to provide an explanation. Once those judges were required to provide an explanation, rather than the immediate, "Your honour, as this is a complicated case, I think I need additional legal assistance" and the judge saying, "granted" — it was as quick as that — there was a dramatic reduction in the number of cases that have been

allocated two counsels. Some progress has been made, but I agree with the Member that much more needs to be done.

**Mr Wells:** I thank the Chair of the Committee for his helpful intervention.

I was just coming to Mr Ford. I disagree with the vast majority of what Mr Ford says, and I am glad to say that the Committee disagreed with him today on the Human Trafficking Bill and passed its recommendations on that. We will come to a clash of two forces when that comes up. However, he was absolutely right to take on the Law Society in the early years of his ministry — I hope that he does not use that against me in subsequent elections. He was absolutely right, but he was not brave enough. He faced down the Law Society and said that he was standing his ground. He invoked changes in criminal legal aid and had the full support of the Committee, apart from Mr Maginness, who was perhaps slightly worried about his future career.

He then turned his attention to civil legal aid, and, absolutely right, he has cut down on that as well, but he needs to be braver. He needs to make the fundamental decision that legal cases in Northern Ireland should not cost more than in the rest of the United Kingdom. If someone can get adequate representation in Buckingham or in Basingstoke for a certain fee, that should be the fee that applies in Belfast, because, when you take out the serious cases, which are often terrorist-related, a bank robbery in Belfast is exactly the same as a bank robbery in Basingstoke and should be treated as such.

I believe that cases in Northern Ireland are still 20% more expensive than in the rest of the UK. The question is why. Why in Northern Ireland do we spend more per head in legal aid than almost any part of Europe? Having identified that the system is seriously flawed, why do we not take the courage in our hands, actually go at it root and branch and bring costs down to a reasonable level, which would remunerate the learned friends in this Chamber and elsewhere, but would mean that they may have to get by on £200,000 a year — my heart bleeds for them in the recession — but would still ensure that people in Northern Ireland who have a genuine need of legal aid get good representation?

I believe, Minister, that there is still an awful lot of fat left in the system, and I am asking you, with the support of the Assembly, to take the courage of your convictions and do more about it to bring us down to the UK average. I have, to some extent, been relatively light-hearted up to now, but this is serious, because the Public Accounts Committee and the Audit Office issued reports with serious reservations about what is going on.

Year after year, the Department of Justice has to come back cap in hand in the monitoring round and ask for more money to make up the deficit in the legal aid budget. In one year recently, it was £41 million. I think that, last year, it was £19 million. That may be small beer in the eyes of the Department of Justice — it would certainly be small beer if I was a QC — but that is the equivalent of a new grammar school or a new secondary school every year. It is the equivalent of several hundred nurses. We are taking that money and putting it into the pockets of people who are quite wealthy already. I read the 'Belfast Telegraph' with great interest on a Friday night. You do not often see a QC

or barrister in 'Stubbs'. You do not often see them going bankrupt. There are a lot of people at a senior level who are doing very well.

I have some sympathy, I have to say, for younger, recently qualified barristers and solicitors, who are finding it difficult. Some of them cannot get pupillages and many of them come nowhere near the level of earnings that I quoted earlier. However, there are many hundreds out there who are doing very well under the system. They have had it good for many years — indeed, many decades — and now it is time to draw a line under that and say, "You have had your days in the sunshine. Now here's the economic reality". Remember that, while the rest of society, over the past five years, has been suffering under recession, it seems to have bypassed the law courts completely. There does not seem to be any indication of people being made redundant at the high level. Even after Mr Ford's cuts, when we got the most recent indications of legal aid payments, they showed that the top people were still earning. This year, one of them, a Mr Berry, earned £1 million in one year. That is an extraordinary amount of money from the taxpayer, and he will no doubt supplement it with some real-paying private work.

I support entirely what Mr Ford is doing, but it will take the Committee and Assembly to give him the backbone that he needs to stand up, really crack the issue and bring some form of sense to legal aid payments so that we can take the money and put it into our health service or into education, which is really necessary, rather than simply lining the pockets.

I have probably lost the friendship of Mr Allister for life for saying this. I have no doubt that he will stand up and make a very strong, supportive case, as he would as a QC, but I will be very interested if he, Mr Maginness or any of the barristers on the opposite side can debunk some of the comments I have made.

I believe that the public are with you on this, Minister. I believe that the public will back you, even in south Antrim. They will support you in what you are doing. They want to see barristers, lawyers and solicitors getting a fair return for their labours, but not one that is so excessive that is an embarrassment to you, to our Committee and to the Legal Services Commission. I welcome the legislation and hope that it gives you the teeth to deal with a very important issue.

**Mr Allister:** Mr Deputy Speaker, in aid of Mr Wells's blood pressure, I will declare that, in my former professional life, I would, from time to time, have been the recipient of legal aid funding for work that I did. I trust that that satisfies Mr Wells.

In order not to disappoint Mr Wells, I will pick up on a few of the issues that he raised. I know that he has some experience of the courts, and, on one or two occasions, I had the opportunity to represent him. I do not recall whether he had the benefit of legal aid on any of those occasions — maybe not. No doubt, he can tell us if he had.

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

**Mr Allister:** Yes.

**Mr Wells:** On those occasions, I got excellent representation from you. I paid for every penny of it out of my own pocket, so it is not relevant to the debate because I would never have qualified for legal aid and, indeed, would never have applied.

**Mr Allister:** I am sure that he enjoyed the discounted rate that he doubtless got. *[Laughter.]* I will deal with a couple of the straw men that were set up. I would be very surprised if anyone in the category of the large earnings that the Member mentioned from the criminal legal aid fund was also involved in what he called "private practice" — it is all private practice — or in commercial cases, civil cases or anything other than criminal work. My experience is that the top-earning criminal practitioners were exactly that: criminal practitioners in the criminal courts who were not supplementing their income very much, if at all, from elsewhere. That would undoubtedly be the case.

The Member expressed some concern, as well one might, for newcomers to the legal profession — junior barristers — many of whom struggle hugely to find their feet, and some of whom, from necessity, are recipients of welfare benefits because they cannot make ends meet. So this rosy picture that the Bar and the legal profession is a gravy train unending is so wrong, particularly for junior members of the Bar, many of whom have to drop out of the profession because of pecuniary pressures. Mr Wells expressed sympathy for them, but, in the same breath, denounced the practice of having a junior barrister in a case along with a senior barrister. How else do junior barristers progress through the profession but by that consensual component of the route? I do not think that you can seriously express concern for the hard times that many junior barristers experience and, at the same time, denounce the two-counsel practice in the system. One is essential to resolving the problem of the other's difficulties.

I very much welcome something that the Minister said. It is not in the Bill, but when he introduced the Bill, he told us that there had finally been DFP approval for the financial settlement for the staff of the Legal Services Commission. The Minister will know that I pressed that matter on him many times in questions for the past couple of years. I am pleased for those staff that, before any new agency is established, the matter has been resolved. I very much regret the feet dragging that there was for many years on the issue, and its handling has reflected very poorly on the Legal Services Commission.

However, as I say, I am pleased that it has now been resolved. I trust that it will not leave too much of a bad taste with those who were so badly treated in that regard as they move forward.

#### 4.45 pm

Few will lament the passing of the Legal Services Commission; it did not cover itself in glory. The delays were notorious. I should say, first of all, that before we had the Legal Services Commission, legal aid was administered by the Law Society. It did that on a shoestring, but it did it efficiently. Then we had the commission, which, I think, for many people, proved, in many respects, a disappointment.

Mr Maginness referred to delays. Delays in the paying of fees could be notorious. I do not suggest that it is at all typical, but, in 2001, I received a fee for civil legal aid. I could not recall the case, but, when I checked, I discovered that I had done it in 1979. Twenty-two years later, I was paid. Regrettably, however, I was paid at 1979 rates; I was not paid at 2001 rates. Nonetheless, I was glad to be paid. Although that is exceptional, it was common practice under criminal legal aid for there to be inordinate

delays in the payment of fees. Indeed, some of my former colleagues got quite excited at the publication of figures in 2004 and 2005, wrongly assuming that they were earnings for 2004 and 2005 and not realising that they were, of course, because of the time lag, earnings due from many years previously. Therefore, under the Legal Services Commission, lawyers also had difficulties with delays in the payment system. It was, on many occasions, quite appalling.

**Mr A Maginness:** I thank the Member for giving way. Although he may be aware of it, I would like to put to him and other Members that, as far as family work was concerned — of course, it is under discussion at present because the Department wants to cut representation, fees and so forth for family work, which is essential for society — many practitioners at the family bar were not paid for work over a period of two years. Not one penny did they receive for two years. Many of those practitioners were young women who were unable to pursue their careers at the bar because of a lack of timely and appropriate payment.

Moreover, when you make your tax return, you give it on the basis of fees marked. In other words, if you mark fees for £10,000, £20,000, or whatever it might be for that year, you pay tax on it whether you have received the money or not. That adds to the burden of any sole practitioner at the bar.

**Mr Allister:** Yes. I am aware of the issues that practitioners in the family law division suffered for a very protracted period. They and criminal law practitioners were particularly exercised about that, and with good cause. Of course, we all know that there will never be a public uprising in support of lawyers. They are just one of those classes of individuals whom people enjoy having a go at, and I think that we saw some illustration of that today, but, fair enough — we all have to be tough-skinned in that regard.

I am concerned by some of the import of clause 3. The Minister tells us that there will be no ministerial interference. He says that it will be a wholly independent arrangement and very much at arm's length, even though it is an agency in the Department. However, clause 3, which relates to the exercise of functions by the director, tells us that he or she must:

*“comply with directions given by the Department about the carrying out of the Director's functions”.*

So it is a mandatory requirement.

Secondly, the director must:

*“have regard to guidance given by the Department about the carrying out of those functions”.*

I can understand the necessity to put in the requirement to have regard to guidance from the Department, but, in the context of the arm's-length transparency that the Minister suggested, I rather struggle with the notion that the director must be under a statutory obligation to comply with directions given by the Department about the carrying out of his functions. That seems to be rather overreaching and overbearing.

I do not wish to hide behind the issue. Part of my concern is that the Department, for which we can, effectively, read “the Minister”, involves, in this instance, a Minister

who has shown quite a vindictive aversion to the legal profession. I do not know what experience the Minister had in his former life as a social worker; whether he had some bad experiences at the hands of pugnacious counsel. Certainly, I think that the Minister does little to hide his contempt for the legal profession and for his —

**Mr Wells:** What has he done wrong?

**Mr Allister:** What has he done wrong? There were one or two occasions when Mr Wells was happy not to ask that question in respect of his own situation.

The Minister proudly wears that badge of hostility to the legal profession and has total disdain for and lack of interest in the fact that many country solicitors' firms are being driven to the point of extinction by the cuts that he has imposed. I am concerned that a Minister with that pedigree is, in this legislation, the person given the statutory opportunity to compel the director to comply with directions that he might give about how the director might exercise his functions.

I know that it goes on to say that the Department:

*“must not give a direction or guidance about the carrying out of those functions in relation to an individual case”.*

Fair enough, but what about a class of cases? We do, from time to time, have classes of cases, such as those involving deafness claims. There have been a number of those. If a number of cases can be classed together, will the Minister be able to give a direction not about the individual cases that make up that class but about that class of cases? Is that the sort of thing that we might anticipate? It is because we have experienced, seen and heard the Minister's mind on these matters that I have those particular concerns.

**Mr Wells:** Will the member give way?

**Mr Allister:** Yes.

**Mr Wells:** The Member has raised a very suitable example: the recent deafness cases of the PSNI. I understand that the figure is something like £120 million, and over half of that was paid for legal representation. Is that not the very subject that the Minister should be involved in to try to get those ridiculous fees down and get the money to the people who really matter: those who suffered the injury?

**Mr Allister:** Yes, but the problem in the deafness cases was not the absence of direction, perhaps, in regard to legal aid. The problem in the deafness cases was the absence of direction in how they would be processed, which is not a power that the Minister would have. How they would be processed in the court, how they would be listed, how sample cases would be taken etc — none of which falls within these powers — is where the problem lay in the deafness cases, as I understand it.

I agree very much on the issue of civil legal appeal panels. It is imperative that there is significant legal representation on those. Let me dispel the myth that those civil legal aid panels are some sort of rollover opportunity for the profession. I remember very well, as a young barrister, spending many a Friday afternoon, as it often turned out to be, going before the legal aid appeal panel in the Law Society. In those days, the panel was comprised entirely

of lawyers, and the grilling that one got while seeking to make out where there was merit in a case was quite considerable. It was no pushover; you really had to do your stuff to persuade that panel, and I never saw anything but a consciousness, as there should be, of the public purse.

There are two issues to address in applying for legal aid in a civil case. The first is that the person reaches the financial threshold or falls within the financial ambit of those who should be supported. It does not need a lawyer to work that out. That is an administrative function, really, of applying various thresholds and guidelines. However, the second issue is that, even if you qualify financially, you must still qualify by showing that your case is meritorious. With all due respect to civil servants, laypeople or whomever, I do not think you can properly do justice to an applicant for civil legal aid and assess whether their case has merit by putting it before people without the knowledge, expertise and experience to know whether it has merit in law. In that case, the adjudicators have to be lawyers, and any diluting of that would be a backward step. So, I very much agree that that needs to continue in the arrangement.

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

I also agree with Mr Maginness on schedule 2 to the Bill when it comes to this notion that you could have a register of certified or eligible counsel — those who are registered and approved by the Department is the inference — under clause 36B that would be inserted. The idea that only those registered by the Department as:

*“eligible to be assigned in pursuance of criminal aid certificates”*

is quite preposterous. Very often, individuals exercise the right that they have to say, through their solicitor, “I would like counsel A to do my case”. Why should they not ask for counsel A rather than be presented with a Department-approved list of those who are registered? I very much resist the idea that the individual should be denied the right to choose his counsel. Just as Mr Wells, on occasion, had the right to choose his counsel, so any individual should and must have that right.

#### 5.00 pm

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

**Mr Allister:** Yes.

**Mr Wells:** I had the option of choosing the best counsel, and I got it, at solicitor level and QC level. I paid for every cent of it from my own pocket, and I got good value. I am not complaining one iota. If the taxpayer is paying the bill, that is a different issue.

Early in my contribution, I quoted some figures about legal costs. The bill for the RUC/PSNI hearing damages was £135 million, and the legal costs were £65 million, which is a totally unacceptable amount. I hope that the Member will confirm that.

I was hoping he would address in his comments why like-for-like cases in Northern Ireland are almost 20% more expensive to deal with than in the rest of the United Kingdom. Is a burglary in Basingstoke inherently less expensive to deal with than a burglary in Belfast? I cannot see the reason for that.

Also, can he or Mr Maginness defend their profession when it comes to the little ruse of putting in a bill based on a case running its entire length, when they know full well that there is going to be a plea and that they are going to get by with a couple of hours' work. Little issues like that, which have emerged as a result of the devolution of justice, are what the profession needs to defend or at least explain. Maybe there is no explanation for it because it was just a little ruse to increase the level of legal aid payments.

**Mr Allister:** The Member raises so many issues that I might forget one or two of them. No doubt, he will remind me.

On the point about the deafness cases, the culmination of the legal fees was because all those cases were allowed to run individually, rather than a coordinating of the process whereby there was a test case, and matters flowed from that and the Department fell into line with that and settled the cases on the foot of it. The fact is that each case was treated separately and individually. That is why that bill became astronomical, as I understand it.

The Member's point about — I have already forgotten some of the points he made.

**Mr Wells:** We have more expensive cases than in England.

**Mr Allister:** The Member made a point about the practice of people marking a fee in anticipation of a four-week case, which turns out to be a two-hour case. Of course, it is utterly wrong to claim for something in circumstances where it is not justified. However, there are many cases where one might make a commitment, and turn away other work on the basis of that commitment, for a client who is absolutely adamant until the last possible moment that they are contesting the case. Then they take cold feet or whatever, and they resile from that. If they resile from that, you cannot assess that case on the basis that it was over in two hours if there was a genuine commitment to the fact that it was likely to have lasted a week.

One did have clients who were charged with something like dangerous driving, causing GBH or whatever, who turned up determined to fight the case, and then the prosecution decided to reduce the charge to something lesser. A plea is made, and the case is over. You cannot say that that case was not prepared on the basis that it would run for two or three days. If a case has been genuinely prepared on that basis, there is an argument for the fee to reflect that to some degree.

The notion that the Member seems to have that barristers just wrote down a figure, and the Legal Services Commission just paid it, is utterly fatuous. I can think of few occasions when counsel actually got the fee that they marked in cases. More often than not, those cases, having been assessed, were returned at a lower level, so the idea that the Legal Services Commission simply rolled over and paid whatever it was asked is simply wrong.

**Mr Givan:** Does the Member not make the point that the system allowed the legal profession to make what ultimately sound like bids? When the fee was assessed at a lower level, they did not get what was asked for. That indicates that there was something not quite right with the system.

**Mr Allister:** Let us remember that it was not the lawyers, the practitioners, who wrote the system. The Legal Services Commission set the arrangements. The lawyers were asked to mark a fee, and they did so. They were

entitled to do that; what else were they to do? You could not send in an invoice and say, "Pay me whatever you think." That is not how it worked. The system worked on the basis that the lawyer marked a fee and the Legal Services Commission, the taxing master, or whoever, assessed and evaluated it. In that sense, I do not think that you can blame the lawyers for the excesses of that scheme. There were safety nets and checks through the taxing master and other things. It was not unheard of for the taxing master to have actually increased fees because he thought that the initial fee had been marked too low.

That is all part of the operation of a process in which you have private practitioners. If you want to move to a system where you have state prosecutors and state defenders, then move there, Soviet-like, but if you are going to operate in a system where you have individual lawyers in private practice doing private work, some of which is paid for from the public purse, you have to have a system that evaluates the fees. Either you move to a Soviet-style system or you have to allow the market to govern some of these things.

**Mr Wells:** I thank the Member for giving way. Can I advocate that we move to a British-style system? The Member still has not explained why an identical case in Basingstoke cost 20% less than a similar case in Belfast. Somebody somewhere is making a considerable profit in Northern Ireland because there is nothing inherently different between those cases.

**Mr Deputy Speaker:** Can I draw Members back to the Bill, please?

**Mr Allister:** I do not have the facts required to know whether what the Member tells me is right or wrong but, assuming he is right, I can only assume that it comes from the history of Northern Ireland. At the height of the Troubles, being a practitioner in some of our criminal courts did not come without risk. There was the risk of a simplistic assumption being made that, if someone was willing to defend a person of a certain perceived character, they themselves were of a similar outlook. In reflection of that, legal aid authorities, back at the height of the Troubles, gave what might be called a Northern Ireland uplift in criminal cases. If that has survived, perhaps with decreasing justification, that might be the historical reason, but I think that it was understandable in its origin.

I will avoid further distraction if I can and move on. The final point that I wanted to make was about the coroners' powers. I was interested that the Attorney General is looking for some direction. I will watch that with interest. Since this Bill opens the door to dealing with the organisation of Coroners' Courts, I ask the Minister whether there is an opportunity in the Bill to address other issues pertaining to the Coroners' Courts. For example, in GB, there are coroner officers who assist coroners. We do not have that in Northern Ireland, but some case has been made for it. Is that something that might now be explored within the ambit of the Bill, and is there any good reason why it should not? Perhaps the Minister should consider that because it is a matter that was recommended some time ago and has never been acted on. I am sure there are other improvements to the Coroners' Courts that might be possible. I trust that the Minister might be open-minded on that particular issue.

**Mr Ford:** I welcome the general level of support for the Bill that was expressed by nearly all Members who

spoke today, starting with the Chairperson and Deputy Chairperson of the Committee for Justice, both of whom indicated the work that the Committee has done and its broad support for the measures. I very much appreciate their support at this stage and, indeed, the work they have already done in preparing for Committee Stage. I also appreciate, dare I say it, the Chairperson's offer to ensure a speedy Committee Stage. That is, possibly, unique in the history of the Assembly but it is certainly welcome for all that.

It has been a wide-ranging debate and it has, perhaps, even at times been interesting. I am not sure that the entire debate has been directly relevant to the topic of the Bill, but I shall try to stay reasonably close to the guidelines established by other Members and I shall attempt to deal with some of the points that have been raised generally.

I will look first at some of the general issues and then deal with some of the specific points. There is no doubt that there is a question as to what will really change by changing the status of the Legal Services Commission to an agency of the DOJ. I believe that there is a real opportunity for change and a real need for change and that the creation of the agency will help improve the governance of public spending in this particular area. There is no doubt that almost every Member who spoke emphasised the issues of overspending, ensuring that we get accurate modelling and ensuring that we can facilitate the delivery of legal aid reform by getting those factors right.

Some Members also raised the wider issue of ensuring that we maximise the benefits of greater integration in the Northern Ireland Civil Service as a whole. Of course, those benefits also apply specifically to staff; a point that was made in general. The agency will have ready — indeed, readier — access to a wide range of skills and there will be better development opportunities for existing staff. As Mr Elliott pointed out, I certainly expect there to be movement in and out of the agency and a sharing of expertise in a way that has been more difficult under the commission's current status. It will also provide opportunities to provide shared services and to make the efficiencies that we so badly need. That point, was made by Mr Maginness in particular. There is no doubt that we need to ensure a better IT system, and, through the integration of back-office services, we can create the kind of efficiencies that are needed there.

The fact that I was able to announce today the movement forward on salaries and conditions being put on to full Civil Service terms will help to improve morale. The opportunities for development presented by integration with the Civil Service will also do that. I reject any suggestion that there has been foot-dragging on the part of my Department. The issue is now being addressed in a way that was not being addressed, and I am very pleased that we will be able to backdate those changes in pay and conditions to the point of devolution.

In summing up, I also need to repeat the point that I made earlier but with particular reference to a point made by Raymond McCartney. The changes to the legislation that we have proposed, and that are before the House today, do not impact on access to justice, nor do they restrict the eligibility for legal aid in any way. They merely ensure that we provide the service in a more efficient way.

I will deal with some of the specific points made by Members. Mr Givan started off by querying the issue of

the delay in making the changes to the Coroners Courts, giving the powers to the Lord Chief Justice, and the institution of the presiding judge. Perhaps the kindest explanation I can give as to why there might have been a delay is that, when this legislation was being proposed, there were a couple of inquiries under way in England and Wales, particularly arising out of the case of Dr Harold Shipman, which led to various work being done around the provision of coroners' services. That may or may not have been the reason why progress was not made, but members of the Committee in particular will be aware of the fact that I make it a point not to explain the actions of the Northern Ireland Office before devolution. I am happy to make that same point again this afternoon.

### 5.15 pm

The issue of cost was raised by a number of Members, and we had different figures for the current costs of running the agency. Both £7 million and £8 million were suggested. The answer is that both are correct. The current expenditure on running the commission is around £7.2 million per annum. On the basis of the improved terms and conditions for staff, it will rise to approximately £8 million per annum.

Mr Allister and other Members raised the issue of the Attorney General's concerns and, in particular, some other coroners' issues. My understanding is that such changes may well not fall within the current scope of the Bill, but that is an issue to be determined by Mr Speaker in light of any amendments that may be put forward for consideration. It is not for me to advise the House on the precise scope of the Bill as it stands.

References were made to the issue of the transparency of the process and, in particular, the appeals process. Kieran McCarthy most emphasised the issue of, for a change, reasons being given for why decisions were taken on the granting or otherwise of legal aid. I believe that that will help in ensuring greater efficiency. If people are aware of the reasons, they are perhaps less likely to appeal. However, in response to both our barristers — Mr Maginness and Mr Allister — I say that paragraph 6(22) of schedule 2 sets out the broad outline of the appeals mechanism to be determined by secondary legislation. At this stage, it is certainly my intention that, when those regulations are put before the House — Committee members will have the opportunity to comment in detail — they will institute a panel of three to hear appeals that will be chaired by a legally qualified member. That perhaps goes some way to addressing the concerns expressed by Mr Maginness and Mr Allister.

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

**Mr Ford:** I will give way.

**Mr A Maginness:** I accept the Minister's assurance that this will be brought forward in subordinate legislation. Is there any reason why that could not be included in the Bill today or in the near future?

**Mr Ford:** I could have been pedantic and said that it could not be included in the Bill today, but Mr Maginness corrected it to "the near future". Frankly, I will leave the members of the Committee to consider whether they want that level of detail in the Bill or are content to accept it on a secondary basis. I have no doubt that that will produce

one of the more interesting debates in the Committee's consideration.

On the issue of what Mr Allister and Mr Maginness described as the regulation of the profession, I am afraid that I disagree with the points that they make. If the Government or the Department of Justice — however one wishes to term it — are paying for legal services on behalf of our constituents — the citizens of Northern Ireland — it is entirely right that we should have the power to regulate those to whom those payments will be made as services are provided. It is not an entirely private matter, as Mr Wells stated so eloquently on a number of occasions in the context of court cases that he had been involved in.

**Mr A Maginness:** Will the Minister give way on that point?

**Mr Ford:** I will give way.

**Mr A Maginness:** The National Health Service is a public service, as you well know. If I want to go to a doctor or join a doctor's panel, I go along and join the doctor's panel. If there is a space available, I get that space. I make that decision as an individual citizen. Why can the individual citizen not make the decision in a similar fashion on legal aid?

**Mr Ford:** It is my understanding that, if I wish to choose a GP, I choose a GP who is registered as one with what, I think, is now called Business Services Organisation rather than directly with DHSSPS. I stand to be corrected on the precise details, but it is my understanding that anyone who wishes to set up as a GP and offer medical services has to be formally registered to provide those services in a particular area. That is where the same issue would potentially apply, but —

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

**Mr Ford:** — that is doubtless an issue that the Committee will wish to explore. I give way to Mr Allister.

**Mr Allister:** Surely the parallel does exist. To be a practising barrister, you have to hold a practising certificate. To be a practising solicitor, you have to hold a practising certificate. The registration already exists. Why does the Minister need more than article 36A(2) and (3) would give him? It states:

*"A solicitor shall not be assigned in pursuance of a criminal aid certificate if the solicitor is for the time being prohibited from being so assigned by an order ... of the Solicitors (Northern Ireland) Order".*

With a barrister, it is by reason of a determination by the Bar Council. If miscreant solicitors or barristers have been held to be inappropriate for the work that they want to do, protection already exists under the Solicitors Order and under arrangements with the Bar Council. Why do you need to superimpose your system of registration?

**Mr Ford:** I will continue the medical analogy, which is where Mr Allister started his comment. It is my understanding that a GP has to be specifically registered as a GP to carry out services in an area and not merely registered as a doctor with the GMC. We may or may not need to stretch that analogy further, but I believe that it is perfectly legitimate, if the public purse is paying for a service, that there should be an appropriate measure of regulation. I am not looking for what is reported as being intended for England and Wales, which is a small number

of firms getting very large contracts for substantial regions of England and Wales. However, it is an entirely legitimate aspiration to ensure that those who carry out services are guaranteed to do so properly.

**Mr A Maginness:** I thank the Minister for giving way. I am interested in what he said. Is he assuring the House that he does not intend to introduce contracts to firms of solicitors?

**Mr Ford:** There is a significant difference between regulation and registration and setting up the kind of contracts that have been suggested for England and Wales, which, as they have been reported to me, appear to be detrimental to access to justice.

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

**Mr Ford:** Yes.

**Mr Wells:** Surely the other argument is that it is clear from all that we have seen since 2003 that firms of solicitors and barristers have been abusing the system. Registration means that there is a deterrent, and, if they continue their practices and overclaim, they could be struck off, as it were. It not only provides a deterrent but ensures quality of service.

**Mr Ford:** Having given way to the Member, I should now go to my usual position of defending lawyers against Jim Wells before Mr Maginness and Mr Allister feel obliged to do that on their own behalf, as has happened in the Chamber and in Committee. I suspect that the Committee will wish to go into the regulation of the profession in some depth.

Mr Wells spoke at some length about the costs of the legal aid system and the remuneration to lawyers. It was, as ever, a fascinating and interesting rant. I hope that he takes the word "rant" as a compliment; I am sure that it was intended to be a rant. I remind him again that, on a previous occasion, he talked about whether a lawyer on £800,000 a year could survive on £600,000 a year. I had to point out to him that that also meant that a lawyer on £24,000 a year would have to manage on £18,000 a year. There are clearly remuneration issues for those in the early stages of a legal career, although we have significantly more lawyers per head of population in Northern Ireland than, for example, in Scotland, and that may be part of the issue. However, that, frankly, was somewhat beyond the scope of the Bill, as I understand it.

That leads me to a point that Mr Allister made in the final contribution, in which he referred to my contempt for lawyers. I am not sure where he gets the notion that I have contempt for lawyers. I have concerns about the public purse about which I have made no secret. I am afraid that I cannot agree with Mr Wells when he suggests that money taken off legal aid could easily be transferred to the health service or to education in the context in which the DOJ budget is ring-fenced. I can assure him that many other aspects of DOJ work also require expenditure. I give way.

**Mr Wells:** Correct me if I am wrong, but, if at the end of the June quarter the DOJ found itself in surplus, does it not have the power to transfer that money back to DFP for distribution to more worthy causes?

**Mr Ford:** I can think of no more worthy cause than the DOJ. In the CSR period, we are ring-fenced. Allocating funds in the best way to meet the needs of this society

is valid, whether or not we suggest that they should go outside the justice family.

I repeat: I am not sure on what basis Mr Allister accuses me of contempt for lawyers. I can think of occasions when, during the first round of cuts to criminal legal aid, an e-mail emerged suggesting that a prominent solicitor had significant contempt for me, in the dirty tricks that he was suggesting, but that appears to be somebody looking in a mirror and seeing something rather differently from the way it is.

In the context of the point that Mr Allister made, I believe that it is appropriate that there should be a general power of direction from the Department and the Minister to the director of casework, because that is a general power and not a power relating to the management of individual cases. I do not believe that, in my four years as Minister, my actions have shown contempt for lawyers or have suggested that I would abuse such a power. Of course, there is no suggestion that I will be Minister of Justice in perpetuity. It appears to be part of Mr Allister's fear that nobody else will ever get the opportunity to issue such a direction.

**Mr Givan:** I thank the Minister for giving way. He touched on the first round of cuts. Maybe you can indicate how many millions were reduced through criminal legal aid. When those e-mails were circulating, one senior legal practitioner talked about yellow pack justice being delivered if the cuts went through. There were threats of withdrawing from work, and it was said that this would have a devastating impact on the legal profession. I think that it saved upwards of £20 million, and I am not aware of its having had a devastating impact on the legal profession, particularly those involved in criminal legal aid, where the initial cuts were directed. If anyone is being held in contempt, it is those who seek to defend the indefensible system that has gone on for too long and those who cried wolf around the original cuts that were rightly put through by the Assembly.

**Mr Ford:** It is always a pleasure to agree with the Chair of my Committee. Twenty million pounds was taken from criminal legal aid, mostly by dealing with very high cost cases (VHCCs). There was an extraordinarily large proportion of cases certified as VHCCs in Northern Ireland, compared with England and Wales. I am not aware that the justice system or criminal defence work have fallen apart in the two years since that became fully operational.

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

**Mr Ford:** I will give way to a further member of my fan club.

**Mr Wells:** No, just on this issue, I assure you, Minister; on many other issues, we will totally disagree. Having commented on Mr Givan's intervention — I agree with him — will the Minister now assure us that he will take the next step and bring legal costs in Northern Ireland directly into line with those in the rest of the United Kingdom and save more money without affecting the quality of service?

**Mr Deputy Speaker:** I remind Members that we are dealing with the Bill that is before the House.

**Mr Ford:** In that case, Mr Deputy Speaker, I assure the Member that I am seeking to ensure that the costs of legal aid are brought within budget in a way that continues to provide access to justice for the people of Northern Ireland, whether in criminal or civil matters. I trust that I

have not intruded too far on your generosity in making that comment.

We have had a very useful discussion. Points were raised that, I suspect, will provide the Committee with an interesting time in the coming months. With the assurance that it looks as if we may get this stage of the Bill passed, may I commend the Bill for the approval of the House and wish the Committee all the best as it carries forward its process in the coming weeks?

*Question put and agreed to.*

*Resolved:*

*That the Second Stage of the Legal Aid and Coroners' Courts Bill [NIA 33/11-15] be agreed.*

## **Local Government Bill: Final Stage**

**Mr Deputy Speaker:** Before I call the Minister of the Environment to move the Final Stage of the Local Government Bill, I would like to inform the House that a provision in the Local Government Bill triggers a requirement for a recommendation from the Minister of Finance and Personnel under section 63 of the Northern Ireland Act 1998. The Speaker received a letter today from the Minister of Finance and Personnel signifying his recommendation of the Local Government Bill, as required by section 63. I am sure that the Minister of the Environment will wish to signify the Minister of Finance's recommendation to the Assembly as part of his contribution to the debate.

**Mr Durkan (The Minister of the Environment):** I beg to move

*That the Local Government Bill [NIA 28/11-15] do now pass.*

Members will be relieved to note, after the lengthy and constructive debates that have taken place on the provisions of the Bill, that I do not intend to rehearse them in detail this evening. I would, however, like to draw attention to the main purposes of the Bill, which are to introduce strong, modern statutory governance arrangements that will provide protections for the interests of minority communities through a number of new approaches and improve transparency in the operation of councils and their business; to establish an ethical standards regime, including a mandatory code of conduct for councillors and others appointed to take part in council business; and to place councils at the heart of delivering improved services and outcomes for everyone living and working in their district through the operation of community planning, a new performance improvement framework and the use of the general power of competence. The new approach to partnership working will be supported by the establishment of a formal relationship between elected representatives of councils and Ministers in the form of the Partnership Panel for Northern Ireland.

### **5.30 pm**

The Bill also puts in place the provisions necessary for the effective reorganisation of local government in respect of the transfer of assets and staff from the current councils to the new councils that will be established following the elections on 22 May and of the transfer of staff and assets connected with the functions and powers moving from Departments to the new councils. Provision is also made to support the restructuring of the local government audit function within the Northern Ireland Audit Office. Although these represent technical amendments to the 2005 Order and do not place an additional charge on the Consolidated Fund, they nevertheless trigger a requirement under section 63 of the Northern Ireland Act 1998 for a recommendation of the Bill from the Minister of Finance and Personnel before the Assembly can pass the Bill today. I confirm, as you have done already, Mr Deputy Speaker, that the Minister of Finance and Personnel has made such a recommendation, and I take the opportunity to signify that to the Assembly on his behalf — again, as required by the Act.

I do not make a habit of quoting Otto von Bismarck, but he is once said to have declared that "Laws are like

sausages” — I do not think that he was implying that Mr Wells does not like them — “It is better not to see them being made”. Having brought the Bill through its Assembly stages, I can see where he is coming from. Of course, the making of this law has been a long-drawn-out process. Along the way, there have been a number of head chefs, much debate on which recipe to use, several stoppages during the manufacturing process and a few unexpected ingredients thrown in at the last minute, but I believe that what we are now serving up to local government is a well-balanced dish. We also had a Member, fittingly from Mid Ulster, add a bit of sizzle to the debate last week.

The Assembly has risen to the challenge that I identified at Second Stage on 1 October last year. At 130 clauses and 10 schedules, the Bill is the largest that the Assembly has seen during this mandate. Its passage has been no mean feat, and, after over 36 hours of debate, it is an achievement of which everyone involved can be immensely proud.

At this point, I place on record my thanks to everyone involved in getting us to this stage and acknowledge my predecessors in the Department of the Environment. Before I took up my responsibility, a number of previous Environment Ministers initiated and led the policy development, consultation and processes before the Bill's introduction. I would like to take the opportunity to thank the Chair and members of the Committee for the Environment for their diligent scrutiny. The Committee's report was completed on 20 February, and I am glad to say that I was able to take most of its recommendations forward as amendments at Consideration Stage. I also thank all Members for their detailed consideration of the provisions, the amendments that they tabled at Consideration Stage and Further Consideration Stage and the mostly constructive contributions that they made during those debates.

I also place on record my thanks to the civil servants across a number of Departments but especially my own and Assembly staff, the Office of the Legislative Counsel, the Departmental Solicitor's Office, my Executive colleagues and other contributors who created the Bill and nursed it through the process. I also thank the elected representatives and others who were involved in the strategic leadership board and its policy development panels and the many councils, organisations, individuals and other stakeholders who commented on the proposals. Their contributions ensured that we have before the House this evening a Bill that has garnered widespread support.

The Bill provides a balanced framework for councils to take on the challenges and opportunities of the 21st century. It ensures that all councillors, irrespective of their political allegiances, can play a full part in the operation and business of a council. It also ensures that those councillors can be held to account on the standards of behaviour that everyone should expect from public representatives through the introduction of a mandatory code of conduct, with supporting mechanisms for investigation, adjudication and appeals. The public have a right to expect high standards from any elected representative. The framework will assist our councillors in maintaining those high standards. Three amendments agreed at Consideration Stage make provision for an appeal process to the High Court as part of the ethical framework. As I informed the House, that will impact on the constitutional position of

the commissioner. Therefore, I intend to bring before the Executive proposals for a further Bill to address the issue. Do not worry: it will be a much smaller Bill.

Although this stage represents a significant step in the delivery of reshaped local government, there is still much to do. As I have stated on a number of occasions, a major programme of subordinate legislation and guidance will be brought forward by my Department to underpin the operation of the Bill's provisions. I have no doubt that the positive working relationship and spirit of cooperation that exists between my Department and the Environment Committee will continue during the very important next phase of the programme.

A lot of good work has been done in central and local government to prepare for the major changes to come on 1 April next year, but preparations will have to step up another gear. The new councils will have to take significant decisions around their structure and governance, service and systems convergence, and priorities, budgets and rates for 2015 and beyond. The Departments passing responsibility to councils for the delivery of functions and services will need to ensure that they honour the Executive commitment to be fit for purpose and rates-neutral at the point of transfer. And, of course, staff will need to be supported throughout this time of change, as none of it can be done without them.

It is a mammoth task, but I have no doubt that the end result will be worth the effort. At the end of the process, local government will be stronger, more flexible and more accountable. I commend the Local Government Bill to the House.

**Mrs Cameron (The Deputy Chairperson of the Committee for the Environment):** You will excuse my confusion, Mr Deputy Speaker; for a few moments, I was not sure whether we were in the back of a butcher's shop or the Northern Ireland Assembly.

On behalf of the Environment Committee, I welcome the Final Stage of the Local Government Bill. I thank the departmental officials and the Minister for the close working relationship we maintained throughout the passage of the Bill. That helped to ensure that the Committee scrutinised the Bill thoroughly and was able to come to agreement with the Department on the amendments. I also thank the Committee staff, who worked so hard on facilitating our scrutiny of the legislation in a relatively short time. I will not go into much detail today, as the Committee's views on the Bill have been outlined at previous stages. However, I will briefly outline a few of the issues that we discussed.

The Committee was content that the House saw fit to agree with its amendments. I thank Members for that support, particularly in relation to the amendment to allow for an appeals mechanism against a decision by the Northern Ireland Commissioner for Complaints. It is only right and just that anyone who has been subject to an investigation has the right of appeal against a decision. Although the Minister has indicated that he intends to bring forward another Bill to allow for the establishment of an adjudication panel, it was through the Committee's perseverance that the issue was thoroughly addressed. The Committee was also pleased that its amendment to allow the Commissioner for Complaints to refer minor complaints back to a council was accepted.

During Committee Stage, members agreed that the chair or mayor and deputy chair or mayor needed to be fully aware of the rationale behind any decisions taken by the council, as they are held publicly accountable by ratepayers and need to be able to comment authoritatively on those decisions. Although the Minister was not minded to make an amendment to reflect that, the Committee tabled its own amendment. I welcome the support that the amendment received from the House at Consideration Stage.

The only other amendment that I wish to touch on is the Committee amendment to ensure that the formula for appointment to committees should be run for all committee positions at once for the duration of the council term on the basis of the number of seats that each party has immediately after the election. The amendment enables a fairer allocation of seats on committees for smaller parties and independent councillors who otherwise may be excluded by use of the quota greatest remainder process for each individual committee on an annual basis only.

On behalf of the Committee, I am pleased to support the Bill. I welcome the significant interest and scrutiny of Members throughout its passage in the Assembly. It is a Bill that will reshape the face of local government, and Members ensured that it got the close scrutiny that it deserved.

**Mr Boylan:** Go raibh maith agat, a LeasCheann Comhairle. Cuirim fáilte roimh an phiosa dheireannach seo den Bhille. I welcome the opportunity to speak on the last piece of this Bill.

I want to acknowledge the work of the Bill Office in supporting the Committee throughout Committee Stage, Consideration Stage and Further Consideration Stage and individually supporting us in the party. I want to put on record my thanks to the Bill Office. I also want to put on record my thanks for the outstanding work of the Committee and the Committee staff throughout the process. It is a big piece of legislation, and it has been a big piece of work for us. Finally, I want to thank the Minister and his departmental officials for the professional way in which they have conducted themselves throughout the process. I want to recognise that and put it on the record.

I want to say just a few words on the Bill itself. Clearly, any legislation that we hand to any authority needs to be implemented reasonably. The scrutiny of the Bill on the long days that we have sat here in the last period will enable that to happen. That is vital and has to be recognised.

I want to pick up a couple of points in relation to the Bill, in particular the community planning element. It is a device and a tool that will help to give communities an opportunity to, along with public bodies, play their part in delivering and building for their communities. That is important. The Committee recently visited Scotland to see some of the community planning models of practice over there. Those ideas should be passed on to local authorities to ensure that they can use that detail to build on community planning.

The other issue is that the general power is a good tool. It will help deliver for local communities, but the power needs to be used properly. The checks and balances need to be there. The Department needs to give guidance to support

and protect not only councils but ratepayers in the use of that.

The final issue that I want to bring up is the subordinate legislation and statutory guidance following on from this.

Throughout Committee Stage, we talked a lot about tackling deprivation and prejudice and promoting understanding on a lot of issues that raised their head. We were given an assurance that a number of these things will be dealt with through statutory guidance. They need to be in statute to ensure that councils have the opportunity to deliver for communities. This Bill is about empowering not only councils but local communities, and I hope that the Minister will take those remarks on board. Maybe he will give us an indication as to when that statutory guidance will be issued and also when the secondary legislation that will follow on from this will come about.

#### 5.45 pm

I support the Final Stage of the Bill, and I commend all the Members who spoke. There were good debates at Consideration Stage and Further Consideration Stage. A lot of Members have contributed, and it will certainly go on record as a major piece of legislation and a good contribution.

**Mr Eastwood:** I am very glad to have reached this stage of the Bill. I think that everyone in the Chamber is probably glad that we have finally got here. It has been a long process. However, I think that it has been a very useful process, and I would be very surprised if there were any issues left that we have not debated at great length either at Committee or here. I put on record my thanks to the Minister. It is a massive and very important piece of legislation. I also thank his predecessor, Mr Attwood. This legislation lay on the shelf for a long number of years. Finally, we are at the stage where we can see some implementation.

Of course, we need to thank the departmental staff, who are here today, long suffering as they are. They were at the Committee many times, and they have been here for all the debates. I know the work that they have put in. They, along with the Minister, responded to any requests from the Committee, and they have responded to any amendments that people have asked for. There has been a good working relationship and a good toing and froing between the Department and the Committee. Of course, the Bill staff and our Committee staff have been very helpful to members of the Committee. I thank all of them for helping to bring about what is a once-in-a-generation reform to local government.

Councillors and councils have a great opportunity to bring greater accountability and better service delivery to ratepayers. We have now enshrined good relations and equality in the legislation that governs local councils. That is very important. Communities, local businesses and everyone are now able to play their full part in developing and delivering community plans. I think that that is a very important development, and one that will bear fruit for our local communities.

At that, I will leave it. I wish all the councils well, when elected, with this new legislation. I hope that they use it to its full potential, because it has the power to change how we do local government. We still have reservations around the number of councils. That argument is well worn, but we

were committed to ensuring that this was delivered in time for the elections. Thankfully, it has been.

**Mr Elliott:** Obviously, we are all pleased to get to this stage of the Bill. Like others, I put on record my thanks to the Committee staff in particular. They did a lot of work with the Committee. I also thank the departmental staff, even though I did not always agree with some of their sentiments or some of the policy aspects that came forward. They always dealt with us in a very professional manner. The Bill staff as well were always helpful and always there to give assistance. And, of course, thanks to the Minister, and his predecessor, who were always open to discussions. Even though I may not have agreed with all the policy coming forward, the Minister was always courteous.

I want to touch on a number of aspects. The first is community planning. This is going to be pretty new for us in Northern Ireland. I believe it will be quite difficult. There will be massive challenges for councils, especially given the remit and size of the councils we will have. Once you move from 26 to 11 councils, the overall challenge is how you get local community planning. I still believe that that is a major issue that we will find to be a difficult process.

With the introduction of planning powers to local government, I am sure that many councillors and prospective candidates for next month's council elections are wondering what exactly that power will hold for them. Some will be questioning the potential of being surcharged if they challenge a planning official's decision and overturn it. That needs further consideration and is a matter that the Minister and his Department will have to look at in more detail because it has the potential for major problems for individual councillors and their consciences.

There will be fresh challenges over the qualified majority and call-in mechanisms. Those have the potential to create gridlock in councils and result in decisions not being taken. I dare to say that we had a flavour of that in Committee, and that is it will be a lawyers' paradise. We had debates on certain aspects between Mr Weir and other eminent lawyers and solicitors. When you had that even in Committee, I do know what it is going to be like when those challenges get to a full council.

I am not a great lover of the potential for having executive committees but it has gone through in the Bill. I believe that it is fraught with dangers and could result in a very small number of people running councils.

I raised this concern in Committee back at the end of January when I asked whether we could be furnished with or have sight of the regulations that are coming forward. That is one area that I am disappointed that the Department did not deliver on. We were told at that meeting on 30 January that we could get sight of a briefing of the regulations and, indeed, a summary of them. However, that was now a couple of months ago and we still have not had sight of them. I would have liked a copy of those regulations, or at least a summary, to establish where exactly some of this legislation is going.

One major aspect that people will not be surprised to hear me comment on concerns the finances of councils and the delivery of services through those finances. Irrespective of what the Finance Minister indicated yesterday, people will see a rates hike. There is no doubt that the £30 million convergence fund will help, but I would have liked to

have seen that guaranteed for a number of years. Our amendment on that was defeated but I am disappointed that we could not have given a guarantee because I believe that the ratepayers are going to suffer out of the entirety.

I agreed with the former Minister of the Environment, Minister Poots, when he announced in 2010 that the Bill would not proceed. The words of Mr Poots at that time were that the cost of the reforms would have:

*"exceeded the financial benefits that would've been derived".*

It is, therefore, important that we re-identify where cost savings can be made so that we are not sacking teachers and nurses to pay for local government reform. My understanding is that no assessments have been carried out since the PwC report in 2009. That was 2010, and we have not had any review of those costings since. So, that is why I have major concerns around the finances of councils and that the ratepayers are the people who will suffer.

Finally, I want to raise the issue of the flags. We tabled amendments to try to have a consistent approach and regularise the situation with flags across councils. I believe that that opportunity was badly missed. We could have had a common process throughout the councils, and I believe that that will be lost. I think that there will be debates, discussions and arguments in councils over flags issues in the coming months and years. That will not be helpful for those councils, and it will not be conducive to good community relations or good relations in the councils. I believe we could have dealt with that through legislation. It was a red line in the sand, and I feel that parties did not take that opportunity. They have missed it, and I think that they should reject the Bill on that basis. They will have lost that opportunity forever.

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

**Mr Elliott:** I am happy to give way.

**Mr Eastwood:** For clarification, is the Member saying that we should reject the Bill only on the basis of the flags issue?

**Mr Elliott:** No, absolutely not. I am not saying that at all. I believe that there are a number of issues, and this is an important one that, I feel, will damage community relations throughout councils. It could have and should have been dealt with in the Assembly to allow councils to get on with the real work of delivering for the ratepayers. At that, I will leave it.

**Mrs Cochrane:** First, I join other Members in thanking the Minister, the Committee and all the relevant staff for their work on the Bill.

The Alliance Party is committed to the passing of the Bill. Not only will it ensure that councils can operate across a range of functions and deliver more coherent services but it is estimated that the reform of local government could deliver projected savings of up to £438 million over a 25-year period. At a time of reduced public expenditure that could be vital.

There are several parts of the Bill that, we believe, will especially benefit the new councils. First, we are pleased that proportionality and power sharing will be embedded in the new councils and that as many voices of minority

groups will be heard as possible. In a modern and inclusive Northern Ireland, that is an essential part of ensuring that we develop a reasonable local government structure.

Secondly, Alliance is a strong proponent of the community planning responsibility that is being given to councils, as they are best placed to identify local needs and coordinate with other bodies. At its heart, community planning must extend from simply identifying needs and actions to the joint delivery of goods, facilities and services. Therefore, other agencies of government must engage fully with the process. We were disappointed, however, that the SDLP and Sinn Féin did not support the opportunity to put good relations and equality on an equal footing and to embed that concept in the community planning process.

The third element that I am pleased with is the power of well-being. That will allow councils to address all local issues that are specifically excluded by statute, rather than only fulfilling those discrete functions that are prescribed by law. That, for example, could be helpful in addressing problems that result from severe winter weather.

Finally, I am pleased that the Bill now includes a strengthened section on transparency and accountability. My party has ensured that the Bill will include protections for the public, such as audio recording and online publication of full council meetings, permitting the use of social media by councillors, journalists and the public and requiring the online publication of background papers. Our ratepayers have the right to scrutinise our decision-making in a timely manner, and the inclusion of those aspects in the Bill will help to make that a reality.

In closing, I too am disappointed that we have not used the Bill to settle the issue of flags once and for all. Northern Ireland is part of the United Kingdom, and the Union flag is the constitutionally recognised flag of our country. It should be flown with respect on designated days on all council headquarters with no exceptions, as that best balances the constitutional situation and the need for equality among all parts of our community. Perhaps our newly elected councillors will be able to show the leadership that we, as MLAs, have failed to show, in order to move the issue on and allow them to focus on the substantive issues relating to regeneration, the environment, leisure etc.

Despite some shortcomings, the Bill is still a step forward for local government in Northern Ireland, and Alliance will support it.

#### 6.00 pm

**Mr McCallister:** As the Minister and colleagues said, I think that we have had good lengthy debates. Many amendments were tabled, and there were long debates on them. When time limits and restrictions that we are used to in the House on ordinary motions are removed, debates come alive, with Members intervening and a much higher quality of debate.

It is no great secret that neither I nor my party colleague in NI21 are huge supporters of the 11-council model that we have opted for. It is probably fair to say that neither is the Minister, but he has to legislate to suit that option. It is also fair to say that we have huge concerns over certain issues and some powers that are being devolved. That is certainly the case with planning, and we are worried about how the new councils will be able to cope with and accommodate that.

We entered the debate, and, at Further Consideration Stage, supported amendments from others, including an Alliance Party amendment on audio recording, and tabled our own amendments on scrutiny committees and the separation of powers and responsibilities if there is an executive cabinet-style of local government. That has added to the Bill and fits in nicely with the standards that we should all expect, not only in the House but in local councils, with the complete separation of powers and responsibilities. Who is making the rules, and who is scrutinising? Those should be separate and should not cross over. The Minister was not very enthusiastic about accepting some of those changes, but it is important that the House insisted on them.

In amendments, Mr Elliott raised some issues about rates convergence. The Finance Minister made a statement about that yesterday. Those are hugely important issues. I agree with Mr Elliott about the financial implications. Some of the projected savings are very far down the track. We would all accept that, when you get into those financial projections and are looking so far into the future, you are starting to get into crystal ball territory. That is why it was important that, during the passage of the Bill, we put something in it to help to protect ratepayers and at least to have a review mechanism. Rates convergence is vital because ratepayers could be very exposed in certain areas, with some being much harder hit than others.

There is talk about the delivery of projected savings. The Environment Minister or the Finance Minister has to impose those on councils. Will councils keep on behaving recklessly and not face up to financial discipline, or will powers be devolved to councils, giving them the power and responsibility to deal with something but not always giving them the money? Those are the reasons why our party has serious concerns over embarking on this project.

The legislation is being brought at a very late stage. This is the Final Stage of the Bill. It is only six weeks and two days until we elect members to shadow councils, which is not a long time.

My colleague, Mr McCrea, will deal with some of his concerns, as he spoke about the eligibility criteria in several debates. While we have had good debates and have improved the Bill with many amendments, including our contribution, I still have huge concerns about some of the forecasting, the modelling, the financial implications and the rates issues.

Given that the previous two Members touched on the flags issue —

**Mr Elliott:** I thank the Member for giving way before he goes on to that issue. I have a question on the rates modelling and the finance modelling. Does he acknowledge that there is no modelling that I am aware of, apart from or since the PwC report in 2009?

**Mr McCallister:** As the Member rightly points out, that is five years out of date, which is a huge worry. I certainly agree with him, and that is why we supported his amendment on rates convergence. It will apply not only to what will become his new council area, but, yesterday, Mrs Cochrane said that she had worries about rates convergence in the area that she lives in. Not enough work has been done — not even on whether councils can make the savings that they are projected to make. What support will there be to help them to do that? Those are

important issues, and that is why we supported Mr Elliott's amendments.

While we have probably been at one with Mr Elliott on the rates convergence issues, we might have some slight difference of opinion on flags. When he was leader of the Ulster Unionist Party, and for a long number of years before that, the flag-flying policy was designated days. It was designated days in this Building and in many council areas that the Ulster Unionist Party had control of. It was hugely regrettable that, in the face of the flags protests in Belfast, it reverted from that position. The flag should be flown on designated days. That is the policy. When the Union flag is flying, it recognises the constitutional reality that Northern Ireland is part of the United Kingdom. That is why, if we had had the chance to sort out the flags issue in the House, that is what the policy should have been.

All Members in all parties should have coalesced around the agreement that, since we do it in the House and in the Building, we should do it in other parts of Northern Ireland. We should have respected that. I agree with Mrs Cochrane: it should be all councils — unionist-controlled, nationalist-controlled or whatever — without exception. It is not how I like to do it, but it should have reflected constitutional reality. It was a missed opportunity not to have that policy. I regret that Mr Elliott tabled amendments to fly the flag every day, as I felt that they were not helpful to the debate. That is why we spoke strongly against them. Designated days were the acceptable policy, and we should have been doing that if that was the —

**Mr Deputy Speaker:** Can I draw the Member back to the Bill, please?

**Mr McCallister:** It was part of the debate on the Bill at Consideration Stage and Further Consideration Stage. When we are looking at that in the context of the Local Government Bill, we should have adopted the policy of designated days. Thank you, Deputy Speaker.

**Mr Deputy Speaker:** I call Basil McCrea.

**Mr B McCrea:** Ha ha, you slightly surprised me, Deputy Speaker. I thought that Mr Allister was going to say a few words. However, I would like to mention a few points.

We have some reservations about the Bill, although not through any fault of the current Minister, who, I think, has battled valiantly to try to overcome the difficulties presented. In his opening remarks, he talked about a veritable feast of ingredients. I feel that the Bill is like a paella, but with all the good bits taken out. We have removed the prawns and anything that you might think a bit tasty.

The Minister will be aware of my and my colleague's concern that we have not dealt adequately with how we encourage people to participate, not only in voting for local government but in adopting representative politics. I am concerned that we have not been able to deal properly with the blanket ban. The Minister will be aware of my position on that. I look forward to some reassurance about the working group and issues that he suggested he would bring forward.

It is worth commenting on a number of issues. Here we are at the last plenary sitting before the Easter recess. It is past the witching hour. There are not too many in the Chamber and perhaps not too much interest from the media. However, I think that one of the real successes of

this legislation is that there was some very high-quality debate from a number of people. Mr Elliott spoke, Mr Allister spoke and my colleague Mr McCallister spoke. On a number of issues, though not necessarily those that got complete agreement around the House, it was real legislation in the making. It is unfortunate that elements of the media did not see fit to look at the debates as they developed, because we have to show the people of Northern Ireland that this is a legislative Assembly and this is us legislating and trying to deal with issues.

There are a number of notable things. I think that Mr Allister's proposal to ensure that we included the House of Lords in the exemptions was a correct and worthwhile exercise. I suspect that the Alliance Party, although it tried to claim the credit all for itself, will agree that it required the votes of others to deal with audio recording in councils, which I think was a good move. I am disappointed that we did not get to extend that to subcommittees, but maybe individual councillors will pick up on that.

I also agree with my colleague on the point that Mr Elliott raised about flags. I give credit to Mr Elliott for his measured tone in saying that there was a missed opportunity for us to deal with the issue. I think that it will be one of the areas that we will come to regret. Certainly, as Mr McCallister outlined, we would have been in favour of designated days for all public council buildings. I find it incredible that we can all sit here in the Chamber and agree that designated days is the right way forward for the Assembly, yet we appear to think that either Belfast City Hall is different from Parliament Buildings or that we should have different rules for east and west of the Bann. To me, that does not seem to be the right way forward. A generosity of spirit that acknowledged the constitutional position expressed by the will of the people in 1998 would have gone a long way when looking for reciprocation in other areas.

Perhaps, in retrospect, it would have been better to spend more time dealing with those issues. Time was not with us on the Bill, and we had accelerated passage in a number of areas. I think that we will look back in a few years' time and regret that we did not take more time to deal with some of the issues. Proper discussion and debate, the quality of which was very good in many instances —

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

**Mr B McCrea:** I will indeed, yes.

#### 6.15 pm

**Mr Elliott:** Although he said that we did not have the time, would the Member accept that a lot of time was given to that particular debate on that evening but maybe not enough quality time was given to the detail of the debate, maybe at Committee Stage or other places?

**Mr B McCrea:** I am grateful to the Member for coming forward, and that is exactly the point that I wanted to make. I share his view that preparatory work — where you might have explored various options on the way forward where there would have been some consensus — should, perhaps, have been done at Committee Stage. There should perhaps have been a bit of real politicking, just to see what —

**Mr Weir:** I thank the Member for giving way. At Consideration Stage, in particular, there was a fairly

lengthy debate about various propositions regarding the flag situation. It is unfair to suggest that there was not detailed scrutiny of a lot of the other detail of the Bill, both at Committee Stage and in the length of time that we took in the House. Also, many aspects of this did not simply come out of the ether or, indeed, out of the Department. I appreciate that this may not necessarily have included NI21 — it predated NI21 — but a lot of the aspects of the Bill were thrashed out in many sessions by the five largest parties through the strategic leadership board and policy development panels over a number of years. In that regard, they did not just appear. So, to characterise this as something that has simply been thrown together in a hurry does not necessarily convey a proper picture of what the position was.

**Mr B McCrea:** I thank the Member for his intervention, but, unlike with Mr Elliott's contribution, I am afraid that I cannot agree with his points. Certainly, when it came to Consideration Stage, I think that Mr Elliott raised the issue that we were not given much time to bring forward amendments. The way that the timescale reached us was certainly one of the reasons why we were not able to bring forward amendments.

We had to do a fair amount of work at Further Consideration Stage, which is far from ideal when we were talking about some major issues. I heard Mr Eastwood say that the Bill had been on the shelf for quite a long time, had to be dusted down and various people came back and so on. I think that it has taken us 14 years to get to this point. You have 14 years then accelerated passage, and people are not objecting to the fact —

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

**Mr B McCrea:** I have not finished my point just yet, but I will give way in a moment.

What I was saying was not intended as unwarranted criticism. It is just that I think that, on reflection, when we look at where we are in maybe two or three years, we will regret that we did not really get into dealing with some issues that might properly have been dealt with.

**Mr Weir:** I thank the Member for giving way. Again, talking about accelerated passage gives a wrong impression. The normal timescales and procedures were employed at Second Stage, Consideration Stage and Further Consideration Stage. The only difference in timescale is that Final Stage, at which no amendments can be put, is slightly earlier than it would have been. It is wrong to give the impression that the Bill has been rushed through by way of accelerated passage. The only difference in timing on this is that it is being debated this week as opposed to the first week back after Easter recess, which would have been the case had the change in Standing Orders not been agreed last week. However, at this stage, no amendments can be put, so it gives the wrong impression to suggest that the passage of the Bill has in some way been accelerated.

**Mr B McCrea:** I thank the Member for his intervention, but I think that it was he who brought to the Minister's attention the fact that one of the issues that we would not be able to deal with in the Bill was that of the blanket ban on council employees, because, even had the Bill gone through on this timescale, Royal Assent would not have been granted in time for us to deal with that. I am sure that, as a learned member of the legal profession, the Member will be aware

of the Supreme Court's ruling on the issue and will regret the fact that we were not able to deal with this important issue.

I am certainly aware that when the Minister spoke he was disappointed that he had received late legal advice, which caused him to have to withdraw large sections of the Bill at the last minute. I am sure that the Member will agree that that is far from ideal.

We have been left in a position where we have not been able to deal with this issue satisfactorily. That is a source of great disappointment, and I am looking to the Minister for some comfort that this very important issue will be dealt with, or, at least, some road map as to the way forward.

There are a number of issues to do with good relations, for example, which a number of people tried to go and define and could not. That is the type of issue, along with the issue of flags, that is germane to what we are going to be going through in local government. We have not resolved those issues, and we have not been able to give any direction. Therefore, I suspect that there will be some quite significant discussions about them on each council.

Nevertheless, the Minister, when he was moving the Final Stage, said that this was a very significant piece of legislation and that there had been contributions by people. The debate on many of the issues was helpful to the House's consideration. For those people who wonder whether an opposition is required in a fully functioning democratic Chamber, the need for one was demonstrated by this piece of legislation. There were a number of parties that tabled very significant amendments and really did the scrutiny. They did not win every single vote — that is democracy, so fair enough — but the scrutiny element was the right thing to do. We should be able to accept challenge and defend a particular argument, and legislation is the better for that.

Perhaps when the Business Committee is considering things in the future — I know that people look at the time on these things, and my colleague Mr McCallister made the point — it will consider that where the Speaker is able to allow proper debate, that is helpful, and we should not necessarily constrain ourselves in other things except for legislation. We should give ourselves more time for debate. That is what politics is all about, and it will engender a better appreciation of the work that we do. I would like those who are on the Business Committee and those who sit in the Speaker's Chair to reflect on the successful parts of the prosecution of this Bill. I conclude my remarks there.

**Mr Allister:** This Bill is the outworking of a deal, of course, between the DUP and Sinn Féin, which was made at a time when those two parties found it easier to make deals than they do today. It dates back to the sordid arrangement that was made when Mrs Foster, as Environment Minister, sold out on 15 councils and agreed and rolled over to 11.

I am sorry that the debate has just been extended, because Mr Weir has just added his name to seek to answer some of the points that I am going to make.

**Mr Weir:** Is that not democracy?

**Mr Allister:** Indeed. It is interesting that his interest in speaking was only dependent on whether I made a contribution, but there we are.

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

**Mr Allister:** Certainly.

**Mr Weir:** As the Member may well be aware, I have been involved with this process for a number of years and have spoken on pretty much every group of amendments and at every stage of the Bill, so the suggestion that my interest in this subject is in some way provoked simply by the Member's intervention shows that the Member's ego is running away with itself.

**Mr A Maginness:** Methinks he doth protest too much.

**Mr Allister:** Yes, indeed. I recognise that he is much interested in this matter. His fingerprints are over much of it. I recognise that entirely. The point that I was making was that, for all his interest, his desire to speak in this debate was conditional, and I fulfilled the condition.

So, what we are dealing with is something that dates back to that sordid arrangement whereby the DUP sold out on 15 councils, made the deal on 11 and abandoned Belfast effectively to its fate, instead of holding out for boundaries that would have secured the situation otherwise.

Fundamentally, my biggest regret about this Bill is that it is a missed opportunity to deal with the vexed issue that has perplexed and, to an extent, blighted local government for some years, namely the failure to deal with the flags issue. We all know the discord that that has caused in recent years, inside and outside councils. There was an opportunity to deal with it in a conclusive fashion in this Bill, but, sadly, the pan-nationalist front in this House — Sinn Féin, the SDLP and the Alliance Party — resolved, in a triumphalist approach, that it would not be resolved. The pan-nationalist front determined that they would exercise whatever veto they could, and some of them made recourse to the pernicious petition of concern to make sure that they overrode what just might have been a majority view in this House. They were quite happy to relish and accept majority opinion in the City Hall but were determined to extinguish it in this House if it had manifested itself in regard to this issue. Of course —

**Mrs Cochrane:** Will the Member give way?

**Mr Allister:** Yes.

**Mrs Cochrane:** I thank the Member for giving way. I would just like him to make it clear whether, when he refers to the "pan-nationalist front" and includes me as a member of the Alliance Party, he heard what I stated about Northern Ireland being part of the United Kingdom and about a constitutionally recognised flag? Will he also confirm whether the Alliance Party signed any petition of concern?

**Mr Allister:** No, I did not allege that the Alliance Party signed a petition of concern, but I am very happy to give way to the Member for East Belfast if she wants to now put on record her belief in and support for the union between Northern Ireland and the United Kingdom. If she wants to declare herself a unionist and support the union between Northern Ireland and the United Kingdom, I am very happy to give way.

**Mr Deputy Speaker:** Can I draw the Member back to the Bill, please?

**Mrs Cochrane:** Will the Member give way?

**Mr Allister:** I am in the Speaker's hands, but the Member has asked me to give way, and I am very willing to give way.

**Mrs Cochrane:** I can make it very clear that I am committed to the United Kingdom and to Northern Ireland being part of the United Kingdom as it currently stands until the point where the majority of people who live in Northern Ireland do not wish that to be the case. That is my personal view at the moment, and that is where I stand on the issue.

**Mr Allister:** In so far as that takes the Member down the road of being classified as a unionist — I am not sure that it does entirely — I welcome that. I think that it is still, as one would expect, a bit of fence-sitting, and certainly not as clear as Ms Lo, who declared her aspiration as being that of a nationalist, but that, I suppose, is what one expects of the Alliance Party.

The point that I was making was that there was a golden opportunity in this Bill to deal with the flags issue. Instead of being willing to do that, the pan-nationalist front made sure that they vetoed any attempt to do that. They put themselves in the position of refusing to accept the constitutional reality of Northern Ireland, which the flying of the flag, on any occasion, is but a manifestation of. They sought to muddy the waters by contending that it was an identity issue. It is not an identity issue. It is an issue about the constitutional reality, and it really was an insight into the small-mindedness of the pan-nationalist front. I am not surprised by some elements, but I am disappointed by the small-mindedness of others in that they could not reach the point of acknowledging that the flying of the flag is simply a recognition of the constitutional reality of Northern Ireland as part of the United Kingdom. They insist on flying in the face of that, despite the fact that they are the very people who lecture the rest of us about all the good things they tell us about in the Belfast Agreement, they themselves refusing to accept the constitutional reality that that agreement is supposed to have recognised. In doing so, they put their small-minded nationalism above the resolution of this issue, and that is disappointing.

*(Mr Speaker in the Chair)*

**6.30 pm**

Faced with that reality, that then served the ball back to the other side of the House, bearing in mind that the Bill is the only opportunity to deal with the matter. By not dealing with it, we are going to bequeath to the new councils the same agenda of discord over the issue. We are going to guarantee that in each and all those councils, there will now be the argument about whether the flag flies, what days it flies on and all that. The matter could and should have been resolved on a designated-plus basis in this Chamber, but for the fact that the pan-nationalist front would not entertain any compromise such as they demand of everyone else every other day of the week. That is sad and unfortunate. Had it been dealt with it in that way, recognising the special place of Belfast City Hall, you would have had a deal but you turned your back on it. Now, you bequeath to us the ongoing discord in the new councils and the wrangling about this matter for years to come.

Faced with that, the challenge I issued at Further Consideration Stage to the main unionist party in the House was that, if it was serious about dealing with the flags issue and resolving the matter, why allow the Bill to complete its passage before the issue was addressed? I

am saddened that it did not take the opportunity to force the issue and block the Bill until it was addressed. There are other parties in the House who have been blocking legislation for years now and ensuring that their will is enforced on others. Here was an opportunity, if the flag issue matters to unionist parties in the House, to ensure that it was addressed by blocking the further progress of the Bill until it was addressed. The fact that that opportunity is not being taken is confirmation to me that all the talk about the flag was just that — talk. There was nothing of substance, depth or determination to allow the matter to be addressed, just as in this Building there has been no determination or substance to the attempts to address the issue. That is most unfortunate, and we know where the responsibility for that lies.

We are now going forward into local government reform on the basis of financial data that seems to be highly dated. We do not really know at this moment whether the supposed savings are going to manifest themselves or what the up-to-date costs of local government reform are. There is a dearth of up-to-date information, yet there is this headlong rush to pass the legislation nonetheless, to import into local government some of the tangible features of failure in this House and for some local governments, perhaps, to introduce a tiny ruling cabal, which will generate great unease, I fear, among the public that, although they elect, perhaps, 40 councillors, essentially a tiny handful of councillors will control and decide all issues. I do not think that is progress. I think that is regression. I will not support the Bill tonight.

**Mr Weir:** Having heard the first salvos in Mr Allister's election campaign, let me try to look at the Bill itself. It would be remiss of me not to place on record my thanks, as someone who has been involved with the Bill, particularly through the Committee Stage, to the staff of the Committee and the staff of the Department. As some have indicated, our scrutiny of the Bill has been extensive. To be fair to the Department, there has been a genuine discourse throughout the passage of the Bill and, indeed, a number of the issues that became the subject of departmental amendments were flagged up by the Committee. I think that we found a good working relationship. Within that, there was a range of issues, and the appeal mechanism has been mentioned. The Committee and the Department did not necessarily see eye to eye completely on every issue, and, as was indicated by the number of amendments from various parties, there was a range of views on a wide range of issues.

Some Bills in the House have had more clauses to them, and I remember particularly, in the last Assembly, the planning legislation, which, I think, ran to around 230 clauses. This Bill has fewer clauses but a high level of complexity. At Consideration Stage and Further Consideration Stage, the number of amendments totalled somewhere in the region of 149. I cannot think of a Bill — I stand to be corrected — that generated that number of amendments. That is a sign of its complexity. As was indicated, the various amendments from different sources got a mixed response from the House. It is perhaps unique that virtually every party in the House can point to amendments, either in their own name, through the Department or that they pushed through the Committee, to show where they have been successful in changing the legislation. Similarly, there were a number of amendments

on all sides, as indicated by Mr McCrea, that various parties supported but were unsuccessful. Like others, I regret that some of those failed to be passed.

I acknowledge that we spent effectively a day debating the flag issue, and I will return to that a little bit later. That was a missed opportunity. It was perhaps disappointing but not surprising that there was not consensus in the Assembly on that issue. However, across the board, although there have been missed opportunities, there have also been successes in the legislation.

There is a degree of unfair criticism of the process. A lot of the issues are not things that have dropped out of the skies. In many cases, they have been worked on for quite a number of years, and there have been good attempts in the current and previous Administrations to find broad consensus on a range of issues, particularly on a lot of the governance aspects. Although there was an issue at the Business Committee around broad elements of scheduling the Bill, we should remember its initial publication and that the Second Stage debate took place last autumn. All parties had the opportunity to seek amendments. In that sense, it has not been passed any differently from any other form of legislation, and, as indicated, the only element of accelerated passage — even then it is tenuous to describe it as such — was the proposal by the Minister last week to allow the Final Stage, when the Bill is unamendable anyway, to come to the Floor, from a parliamentary point of view, a week ahead of when it was due.

Those criticisms do not hold water. There is a contradiction in Mr McCrea's position. He berates the Bill for being rushed through, yet he complains that it will not be through in time to allow those who wish to stand as candidates but belong to a council or are under certain restrictions. In one sense, the criticism seems to be that it is both too fast and too slow, which are mutually exclusive positions.

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

**Mr Weir:** Yes.

**Mr B McCrea:** I am at a loss as to the Member's logic. You can be both rushed and say that more time is needed. Others put forward the argument that this process has been 14 years in the making and that surely we could have dealt with some of the big issues at an earlier stage. I would like to have seen the issues that have been brought up. The issue that the Member raised is not inconsistent at all. It is a failure to address issues in the proper time.

**Mr Weir:** Being too fast and too slow is a contradictory argument.

What is being put in place is a belt-and-braces approach. Although one legal case has been quoted, there is no indication that, if applied in Northern Ireland, it would result in a particular verdict. The Department has rightly exercised caution. That has been ongoing —

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

**Mr Weir:** I will give way in a moment. That relates to a ban that has effectively been in place since the early 1970s, so it has been in gestation for a long time.

**Mr B McCrea:** I refer the Member to the Committee minutes of proceedings when the departmental officials admitted on the record that the Ahmed and Others case, which was the Supreme Court judgement about article 10 of the European Convention on Human Rights, found

conclusively, and the Department intended to deal with it. I am not sure that the Member is correct in saying that it is still up in the air as to what will come out. I am quite sure that, if an individual who is a member of a council at a low level wished to take a case against the Department or the Government, they would win the case.

**Mr Weir:** I do not want to start dancing on the head of a pin because that was not purely what Ahmed was about. The changes in the legislation were to cover all eventualities. There is no doubt that, on a range of issues, not everything has been done as perfectly as it should have been, and I agree that there were missed opportunities. However, we have something that can shape local government in a positive way.

I am a bit perturbed that, when some Members see light at the end of the tunnel for potential progress in local government, their immediate reaction is to build more tunnel. That seems to be an unduly negative attitude. I agree with one of Mr Allister's points, although it may be questionable how relevant it is to the debate. He accused the DUP of having reached a situation where we agreed an 11-council model. To be fair to Mr Allister, if we had taken his advice at that stage, the House would not be faced with an 11-council model, which I readily acknowledge. If we had taken Mr Allister's advice, we would have a seven-council model because he would not have set up devolution in the first place.

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

**Mr Weir:** Briefly.

**Mr Allister:** The Member should not misrepresent my position and then not give way. Let us be very clear: I have always advocated and believed in workable devolution. My problem is the unworkable system of the Belfast Agreement, which, every day that passes, proves my point. I am all for workable devolution. *[Interruption.]*

**Mr Speaker:** Order. We are at the Final Stage of the Bill, and we should be discussing what is now in the Bill rather than Members indicating what they wish was in the Bill. We really need to get back. It is the Final Stage of the Bill, so we should discuss only what is in the Bill, not what we hoped might be in the Bill.

#### 6.45 pm

**Mr Weir:** I thank the Speaker and will abide by his ruling, so I will not indulge in the fantasy land that Mr Allister wishes for.

**Mr B McCrea:** You started it.

**Mr Weir:** Well, Mr Allister made reference to the 11-council model. This is the grand stand that Mr Allister takes against the Bill: the 11-council model is not conditional on the Bill. If we were to follow Mr Allister's advice on the Bill and block it, would the 11-council model go ahead? Yes, it would. Would it block the elections to the new council? No, it would not. Would it prevent the transfer of power to the new councils? No, it would not.

I agree with the Member that there was a missed opportunity in the Bill, and, most pertinently, he has raised the issue of the flag. It received some debate; in fact, I think that it constituted about a day's worth of debate. If we were to block the Bill, will the number of days on which the flag of this nation flies on any council building

increase? No, it will not. Blocking the Bill will not result in the flag going up one more day, which is the litmus test. He accuses others of not caring about the issue. Unlike Mr Allister, I was there on the night on which the decision was taken. I was inside City Hall. I was there observing the decision and there to support my unionist colleagues. I did not see Mr Allister there on that night.

The contribution by Mr Allister in particular and his party on the issues that have come up on local government has been woefully lacking. Throughout the process, Mr Allister has had an opportunity to influence the wider situation in respect of the Bill and the wider issue of RPA. It also has to be said that Mr Allister or one of his representatives had the opportunity to attend the political reference group that the previous Minister set up, but so pertinent is the issue to Mr Allister that he has not attended a single meeting of that group. Of course, he throws up straw men in relation to the Bill. He tells us that we should take a stand to save the flag. Are we seriously suggesting that the SDLP and Sinn Féin are so keen to get this legislation through — legislation that does not prevent the elections or have any impact on the transfer of power, the establishment of the new councils or, indeed, the councils taking full effect — that they will simply roll over and say, "To be honest, to get this through, we'll give you the flag 365"?

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

**Mr Weir:** No, I have heard enough fantasy from Mr Allister. He is producing straw men on the Bill — *[Interruption.]*

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

**Mr Weir:** Blocking the Bill will not prevent any of the things that Mr Allister wants to see stopped or enable a single thing that he wants to see happen. That is the fantasy politics of the TUV.

Mr Allister's position on the main issues becomes not only largely irrelevant but counterproductive. Mr Allister has seemed keen in various protestations to spread his wings and to look after the entire unionist population. The reality is that the checks and balances in the proposals would mean that we would simply have councils with a majority of a nationalist disposition simply being able to do absolutely anything that they wanted. The same argument could be used from a nationalist perspective on the other side. Mr Allister is perfectly happy to abandon unionists in the west and south of the Province to whatever the nationalist councils want. I am sure that the same argument could be used on the opposite side. He is not only creating a situation —

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

**Mr Weir:** I will give way briefly.

**Mr Allister:** The Member says that not passing the Bill would make no difference and that local government would carry on. The Member knows full well that, for the new councils to ultimately operate, they need the Bill. If he is right that not passing the Bill would make no difference, what is the point of the Bill? Of course it is an opportunity to use leverage.

**Mr Weir:** The Bill will make improvements and ensure that we have good governance, and it will deal with issues relating to planning and community planning. Could the new councils carry on without the Bill? Yes, they could.

That is the empty threat that the leader of the TUV poses. He makes —

**Mr Allister:** You ran away.

**Mr Weir:** The Member accuses me of running away. I did not disappear from politics for 17 years; I have been in it since I was 18. If you are going to throw allegations about anybody running away, you should look a little bit closer in your own mirror, Mr Allister, before you start lecturing others.

**Mr Allister:** Is that the best you can offer?

**Mr Speaker:** Order.

**Mr Weir:** I am sorry that the best I can offer, Mr Allister, is the truth. *[Interruption.]*

**Mr Speaker:** Order.

**Mr Weir:** You know, Mr Allister, you should perhaps listen to the truth occasionally.

This is a good Bill. It is not all that it could have been, and I regret some of the missed opportunities. However, we have an opportunity to advance local government and to protect minorities on all sides. The unionist minorities in the west and south of the Province, whom he is so keen to abandon, should be of particular concern to Mr Allister. *[Interruption.]*

**Mr Speaker:** Order.

**Mr Weir:** With respect, I believe that we have had a good process. We have had occasional cross words but a good debate. The Bill that we are left with, though not perfect, is one that advances local government. There is an opportunity for local government to operate to provide more efficient delivery and good governance for all our citizens. That is what we should be focused on rather than attempting to create straw men and false election battles, as Mr Allister and others did tonight. I therefore commend the Bill to the House.

**Mr Durkan:** I thank Members for their contributions to the debate this evening and throughout the process. Tonight, I would particularly like to thank the Deputy Chair of the Committee and all others who contributed. Some Members raised specific issues or questions, which I will now address.

Mr Boylan sought some detail on the forthcoming secondary legislation. To give full effect to the Bill, subordinate legislation, together with guidance, will be issued. My Department will make three sets of regulations soon after the Bill receives Royal Assent: one will provide for the arrangements for the transition from the current councils to the new councils, and the remaining two will set out the executive arrangements and standing orders of the new councils. After the Bill receives Royal Assent, my Department will also lay a draft code of conduct for councillors for the approval of the Assembly. The Department will shortly issue six guidance documents relating to positions of responsibility; model standing orders; model constitutions; executive arrangements; executive procedures; and overview and scrutiny arrangements. The Department will also issue a document directing councils on matters that must be included in a council's constitution.

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

**Mr Durkan:** This will be the one and only intervention that I will accept.

**Mr Elliott:** I appreciate the privilege, Minister; I had better make use of it. I have just one quick question on that point. Would it not have been helpful if we had been given a summary of some of those regulations when we were going through the Bill? That is what we asked for, that is what we assumed we were getting, and it would have been helpful to us in our consideration of the Bill.

**Mr Durkan:** I thank the Member for his intervention and apologise if he feels that his and the Committee's consideration of the Bill was hampered by the absence of the detail of the regulations. However, I am sure that he, like other members of the Committee, is very much looking forward to an opportunity to scrutinise them when they come.

Later this year, my Department will also make regulations that will prescribe any office or employment made by a council that will disqualify its holder from being a councillor. Before April next year, subordinate legislation on community planning partnerships, performance indicators and performance standards will also be put in place.

Mr Elliott raised the issue of community planning and anticipated difficulties in its establishment within and across the councils. It would be naive of any of us, and especially of all of us, to expect a seamless transition. That is why I am holding back on the high fives here this evening. It is vital that statutory agencies, as well as communities, play their full part in the success of this important and exciting tool. Mr Elliott outlined his concerns about the creation of a lawyers' paradise, but, given the previous debate, I think that they would be very glad to hear about that.

Mr Elliott and a couple of others raised the issue of flags. Mr Elliott was of the view that we could have dealt with it in this legislation. We could also have dealt with it through the Haass talks. The Bill is too important to get bogged down in arguments around flags. As I said to a colleague of Mr Elliott's at a previous Question Time, I am interested in raising standards, not raising flags. The Member, however, has a valid concern about new councils being dogged from day 1 by these very arguments. That is why I will ensure that community relations is a core and mandatory element of capacity building for the new councils.

Mrs Cochrane gave her views on the Union flag. If her colleague Ms Lo had been here, the view given by the Alliance Party might have been a different one. I know that Ms Lo very much regrets not being able to be here this evening, and I place on record my appreciation of her chairmanship of the Committee throughout the process.

Mr McCallister stressed that it was vital that ratepayers were protected from the cost of reform. I agree entirely, which is why we sought and got £30 million for rates convergence, as reaffirmed by the Finance Minister yesterday. DFP will consult on the structure of the rate relief scheme within the next month. Support will be there for new councils, and monitoring of the new councils will be there as well.

Mr McCrea reiterated his party's concerns. I appreciate his concern around the existing blanket ban and the inability, I suppose, to deal with it at this juncture. However, the Bill lifts the blanket ban, just not in time for Mr McCrea. Like Mr

McCrea, I lament the lack of media interest in the positive aspects of the legislation. The old adage is that no news is good news; this shows that good news is no news at all. The progress of the Bill to this stage shows that this place can legislate.

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

**Mr Durkan:** One more.

**Mr B McCrea:** I know that I am sneaking in on behalf of Tom Elliott, but I am going to say something nice. The Minister deserves credit for the way in which he has brought the Bill through. Many positive issues were contested and debated. We mentioned earlier that the way in which the debate was allowed to flow is a credit to you, Mr Speaker, and your colleagues. This is only to the good, and it enhances representative democracy.

**Mr Durkan:** I might take another intervention if it is in the same vein as that one. *[Laughter.]* I concur with Mr Weir's assertion that the Bill has received a good degree of scrutiny. Mr Allister described this as a missed opportunity to deal with flags, but he did not miss an opportunity — he never misses an opportunity — to wave the TUV flag.

When Mrs Foster, the then Minister of the Environment, announced on 31 March 2008 the Executive's decisions on the future shape of local government, she quoted Sir Winston Churchill:

*"Now this is not the end. It is not even the beginning of the end. But it is, perhaps, the end of the beginning."*  
— *[Official Report, Bound Volume 29, p6, col 2.]*

If Mrs Foster's statement signalled the end of the beginning, today is certainly not the end of the reform process; rather, it is the beginning of a brand new chapter for local government. The Bill before us today is sound and effective legislation for the operation of local government. The challenge will now be for the newly elected councils to use their new powers to good effect and for the benefit of all their citizens.

*Question put.*

*The Assembly divided:*

*Ayes 55; Noes 14.*

## **AYES**

*Mr Anderson, Mr Boylan, Mr D Bradley, Ms P Bradley, Mr Brady, Mr Buchanan, Mr Byrne, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Craig, Mr Douglas, Mr Durkan, Mr Easton, Mr Eastwood, Ms Fearon, Mr Ford, Mrs Foster, Mr Girvan, Mr Givan, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr G Kelly, Mr McAleer, Ms J McCann, Mr McCartney, Ms McCorley, Mr I McCrea, Mr McElduff, Ms McGahan, Mr D McIlveen, Miss M McIlveen, Mr McKay, Mrs McKevitt, Mr McKinney, Ms Maeve McLaughlin, Mr McQuillan, Mr A Maginness, Mr Milne, Mr Moutray, Mr Newton, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr Poots, Mr P Ramsey, Mr G Robinson, Mr Rogers, Mr Ross, Mr Storey, Mr Weir, Mr Wells.*

*Tellers for the Ayes: Mr Eastwood and Mr A Maginness.*

## **NOES**

*Mr Agnew, Mr Allister, Mr Copeland, Mr Cree, Mrs Dobson, Mr Elliott, Mr Hussey, Mr Kennedy, Mr Kinahan, Mr McCallister, Mr B McCrea, Mr Nesbitt, Mrs Overend, Mr Swann.*

*Tellers for the Noes: Mr Elliott and Mrs Overend.*

*Question accordingly agreed to.*

*Resolved:*

*That the Local Government Bill [NIA 28/11-15] do now pass.*

*Adjourned at 7.11 pm.*



# Northern Ireland Assembly

Monday 28 April 2014

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

*Members observed two minutes' silence.*

## Assembly Business

### The Late Mr David McClarty MLA

**Mr Speaker:** It is my sad duty to advise the House formally of the death of David McClarty and to report that I have notified the Chief Electoral Officer, in accordance with the Northern Ireland Act 1998, that a vacancy exists in the East Londonderry constituency that Mr McClarty served well.

I intend to pay my own tribute to David in a few moments, after which I will call a representative from each of the parties to speak for up to five minutes. I will allow around 45 minutes for tributes, and, if there is enough time remaining after all the parties have spoken, I may be able to call other Members who rise in their places to say a few words. The sitting will then be suspended for approximately 30 minutes as a mark of respect for our late friend and colleague. I will be reasonably relaxed about time. If we run slightly over 45 minutes, I will still be reasonably relaxed, because I know that a number of Members want to pay their own tribute. I have a list at the Table, which I will take, so those listed Members do not have to rise in their place. After we deal with the list, Members should indicate by rising in their places, and we will call them.

Much has been said and written since David McClarty's sad passing in the early hours of Good Friday morning, all of which reflects the high esteem in which he was held in the House. David fought strongly for all he believed in, all the while remaining a true gentleman. In this House, like any Parliament, we will have our differences, but David showed that you could express them in a way that maintained strong personal relationships on all sides of the Chamber. His brilliant wit undoubtedly assisted him in that. It was because of that sense of humour that I asked David to act as master of ceremonies for my annual functions in Parliament Buildings. David could always be relied on to provide light relief and to put people at ease, no matter what the situation. He combined that with a firm but fair authority when presiding over the House as Deputy Speaker, a role in which I greatly enjoyed working with him.

I remember that, in 2012, along with Judith Cochrane, David accompanied me to sign an agreement with the Assembly of Kosovo. Some Members might know that we work closely with the Assembly in Kosovo, and that work is very much ongoing today. Watching how he spoke passionately to elected Members from a region with its own troubled history, I was struck by how great an ambassador David was for this Assembly and how proud he was of his involvement here since his election in 1998.

As well as his public life, David was a family man, a fine singer and, of course, a comedy actor — he loved the stage. He had a great love for his native constituency of East Londonderry.

This afternoon, we give our sincere condolences to David's wife, Norma, his sons, Colin and Alan, and the wider family circle. David was a true parliamentarian, a colleague and a dear friend. I know that I speak for the whole House when I say that we shall miss him deeply.

**Mr Campbell:** It is with sadness that I rise to acknowledge the work and life of David McClarty. It was with great sadness that I, and others, heard of his passing on Good Friday. I knew David McClarty for some 20 years in local government and then as a political opponent in the Northern Ireland Assembly and Westminster elections. He was, as has been described by many people, a parliamentarian and a gentleman. In fact, a number of people have spoken to me since his death and said things like, "He was a very difficult man to dislike". And he was a very difficult man to dislike, because of his gentlemanly way of dealing with people, both privately and publicly. I am sure that we all pass on our condolences to his wife, Norma, and his close family circle. I was in their home before the funeral and did so. I know that they are comforted by all the tributes that have been paid.

One thing sticks with me, Mr Speaker, and I think that it is a mark of the man. I remember that, many years ago, in one of the first elections that I fought in East Londonderry, we were canvassing in the area where David lived. One of my party colleagues advocated that I should canvas in a particular part of the estate, which just happened to be where David lived, but I did not know that. I think that they deliberately pointed me in his direction. I rang the doorbell and his wife came out and said, "Oh, Gregory, it's yourself. Can you just wait a second?" David came out, because he had finished his canvassing for the evening. We all know that, at election time, it gets very difficult and fraught and opponents can have sharp words. However, we had a very friendly discussion, at the end of which David said, "Do you want to come in for a cup of coffee?" That was the mark of the man. He was my political opponent, yet he was prepared to offer to sit down with me for a cup of coffee. We will all deeply miss the wit, the humour and the charm of David McClarty. We pay tribute to him today.

**Mr M McGuinness:** Go raibh maith agat, a Cheann Comhairle. I, too, acknowledge with great sadness the loss to the House of a highly respected Member, David McClarty. Whatever the loss to the House, it is a tremendous loss for his wife, Norma, his sons, Alan and Colin, and his three grandchildren.

I knew David only through the work that we have done in this body since it was formed. In the deliberations that take place here, many words are expressed, sometimes in a very hostile way, but that was never David McClarty's way. He was an absolute gentleman; someone who was not just respected but was deeply loved for his progressive and good-hearted spirit.

I was very pleased to attend his funeral in Coleraine, at Killowen Parish Church, and to see the tremendous turnout from the people of the constituency, which I know as east Derry but many others prefer to know as East Londonderry. David was a very proud unionist. At one stage, he was a member of the Ulster Unionist Party and became, in turn, an independent unionist. He was a unionist to his backbone but highly respectful of all traditions in our society. In his role as Deputy Speaker here in the Assembly, he was always very fair. He ensured that everybody had the opportunity to speak and was very firm with those who attempted to prevent that happening. In concert with all others in the Assembly, it is important to say that we will miss him. He was hugely respected by all of us.

I met him on a number of occasions at different events outside the Assembly and the work of Parliament Buildings, sometimes at church events in my city, and I always found him very decent, very courteous and very, very likeable. He was very much into amateur dramatics, but he never brought them into the Assembly. He was always conscious of the very responsible role of MLAs: to give a proper example to people outside and to show that this was not only an institution that could work but one in which people could get on with one another. We still have a bit of a journey to go in that respect, but, if we all see the example that he set as one that all of us should follow, this will be a far, far better place.

My final thoughts are with his wife, Norma, and with Colin and Alan and their wives and children. David made an enormous contribution to our politics, and he will always be very, very fondly remembered by all of us.

**Dr McDonnell:** Mr Speaker, this is bittersweet. I am saddened that we have to pay tribute today, but, equally, I am glad that you have afforded us the opportunity to pay tribute to my late friend — indeed, our late friend and valued colleague — David McClarty. I welcome the opportunity to express formally in the House my condolences and those of the SDLP to Norma, Alan and Colin.

In political terms, David was a staunch unionist, and I would not want anything that I say to be somehow misinterpreted or to take from that. However, he was not tribal; he was always reaching out to and conciliating with others to whom he was opposed or, perhaps, with those opposed to each other. He presented his robust unionist position in a most civilised, tolerant and openly inclusive way. He genuinely respected all and was, in turn, respected by all.

He was a very proud, loyal and committed son of Coleraine. He was even prouder of Killowen, his neighbourhood within Coleraine. It was his townland, it was his village and it was his community. He had intense community loyalty to Killowen and Coleraine, but he was not parochial and narrow in that loyalty. He was a proud Ulsterman determined to play his full part in seeing the

peace process feed into a prosperity process that would benefit all.

I had the privilege of working with him on many occasions, whether serving on Committees or in whatever role we happened to be thrust together, and we shared a broad common interest in seeing investment, economic development and prosperity succeed here. I had the privilege of travelling with him on a trade mission when Lord Empey was the Minister of Enterprise, Trade and Investment, and it was a privilege to work with him on that occasion.

#### 12.15 pm

Equally, Mr Speaker, I felt very privileged to be able to attend David's funeral and to listen to the many, many tributes that you shared in. I fully concurred with those tributes. I learned there that David had very robust family connections. I met Norma, whom I had met before. I also met his sons again and a number of his brothers. From talking to his family members, it was very clear why David was who he was. His very robust family network was evident there. I also learned of his deep Christian convictions and his connection to the Church.

We will all miss him. The place is quieter, sadder and emptier without him, but I hope that he is happy and is in a better place.

**Mr Nesbitt:** Mr Speaker, like you, I attended Killowen Church of Ireland Parish Church last week for David's funeral service. I know that many MLAs were in the crowd, and what a crowd. The church was full, as was the church hall, and Killowen Street, on the west bank of the Bann, was crowded. From speaking to the family afterwards, I know that they took great comfort from the fact that so many people wished to demonstrate their respect for David McClarty that they made their way to Coleraine for the service of remembrance. The family was truly pleased. Few families could dare imagine that their loved one was so genuinely popular as David was.

For most of his life, David McClarty was an Ulster Unionist. He was a positive, progressive politician who felt in his very fibre the essence of the Belfast Agreement: the need to build trust, mutual respect and parity of esteem, which are the core values that bring us here today. In the spirit of building a shared future, I wish to acknowledge the presence of the deputy First Minister at the funeral last week. I know that many surprised themselves by going out of their way to make sure that Martin McGuinness felt welcome, as many did for me when I attended Clonard monastery for the requiem Mass for Father Alec Reid last year and the service in Downpatrick for Eddie McGrady. It might indeed be a fitting tribute to David McClarty's memory that we start showing the same respect to one another in life as we do in death.

When the first Assembly sat in 1998, David McClarty was part of a team — the Ulster Unionist team. I know that he loved this party to his core. He preceded me in the Chamber by 13 years, and it is a matter of everlasting regret to me that I never had the chance to sit beside him as a colleague. I can think of no one I would rather have had at my side in group meetings upstairs or here in the Chamber for debates, but that was not to be. By the time I got here, David had gone to sit in the corner as an Independent, having not been selected to run again as a

unionist in 2011. What happened to David McClarty then should not have happened. To his family and friends who were so badly hurt by those events, I am glad to take this opportunity to publicly say sorry.

When I got here, David may have been sitting apart from me, but he never ignored me. Often, he went out of his way, when he did not need to, to demonstrate public support. Sometimes — thankfully, not so often — he let it be known when he disagreed with me, but he always did so privately. Equally privately, enquiries were made to see whether he might come back, but, in typical fashion, the message I received was that he had stood as an Independent and that he would not abuse his relationship with the electorate by switching in midstream. What might have happened in the next election is now beyond academic.

I was looking at David's website last night, and the home page says all that you need to know about the man, for the first words are "thank you". It reads:

*"Thank you for taking the time to browse the site, I hope you find it interesting and useful. ... I have been a Member of the Northern Ireland Assembly since 1998 and it has always been my intention to serve all the people of East Londonderry to the very best of my ability and resources."*

In attitude and application, David McClarty was a success.

In closing, I wish to float an idea for a fitting act of remembrance for David, who was incredibly proud of Coleraine, his constituency and the north coast. It is an area steeped in sporting tradition. It is home to the local Irish League side, Coleraine FC. The area is also the home of the Milk Cup, of which David was a great supporter. It is blessed with many great golf courses, of course, and next week it will welcome the Giro d'Italia. In two weeks' time, it will host the world-famous North West 200.

On Saturday, there was a minute's applause for David before the start of the Coleraine versus Dungannon Swifts match. I am told that one of the most poignant sights was the bouquet of flowers and two blue and white scarves tied to the front of the Railway End at the very spot where David could be found every other Saturday, supporting his beloved Coleraine FC.

So, with the family's blessing, I suggest that we ask the organisers of the Milk Cup to consider naming a trophy — perhaps for fair play and sportsmanship — in memory of David McClarty MLA. Our thoughts are with his wife, Norma, and his family.

**Mr Ford:** Mr Speaker, it is indeed a sadness and a pleasure to have the opportunity to pay tribute today to David McClarty, a man whom you correctly described at the beginning as a friend and a colleague to all of us here — one of the minority in this place who was first elected in 1998 and had remained in continuous membership, but one who had an impact in the Chamber, as I know from serving with him in Committees and in recent times, though not in this session, as Deputy Speaker. Indeed, in the previous and the current session, he was a member of the British-Irish Parliamentary Assembly and a very fine representative of the best side of this Assembly in the work that he was doing to represent his cause without also denigrating causes that other people believed in.

He was also a man of many other parts: not just an actor on the political stage but very much an actor on the

amateur dramatics stage. As Mike Nesbitt has just said, he was a passionate supporter of Coleraine FC, in all that that conveyed for his town. Clearly, his passion for politics was very much a passion for those whom he represented, not just for the institutions here. He was passionate about East Londonderry. He was passionate about Coleraine. He was, perhaps, most passionate of all about Killowen, for those whom he worked with, cared for and sought to represent.

Reference has been made to the fact that he had previously been a party politician, and there is no doubt that, while he was a member of the Ulster Unionist Party, he was a loyal member of that party and defended its cause. However, when I was paying a visit to Coleraine during the last Assembly election campaign, I met David in the Diamond. It was absolutely clear from the quality of the engagement that he had with the people of the town — as he engaged in conversation and canvassed in the most informal kind of way — how positive a relationship he had. It was no surprise whatsoever that he was re-elected as an independent, because he was far more than the party label that he had borne. I suspect that not many of us in this place could be re-elected as independents the way he was.

It was also clear that, despite the fact that he was canvassing, he was happy to have a few minutes' chat with the Alliance team in the Diamond that day as well, and treat people as friends and colleagues, even if we had political differences. That is the measure of the man and of how much respect he held for others and for the democratic process, as, indeed, we saw at his funeral. The immense turnout showed the respect that his constituents and political colleagues from across Northern Ireland had for him. On behalf of my colleagues in this place and in Coleraine, I extend my sympathy to his wife, Norma, to his sons and to the wide family circle for the great loss that they have suffered.

**Mr B McCrea:** I knew David well. He and I were in the Ulster Unionist Party for a long time together. He, along with my colleague John McCallister and I, used to sit in a little conclave and talk about the future and what things might look like if we did things in a particular way. One of the really great things that I remember about David is that, no matter what you were talking about, no matter how serious the subject, he would always have had a turn of wit. He would always be able to say a little something to lighten the load, something funny, and that would just sometimes defuse things that were getting a little bit heated. He was a great man in that respect.

I also knew him from a family point of view, because he was in Killowen and my father lives just beside there. I had been to the church before. I was personally very touched by the church service and listening to the family talking.

A certain amount of comfort came from the fact that David let it be known that he knew that the end was coming and that he was content to move forward. He had made the arrangements that he wanted to make. These can be very difficult circumstances, but he was able to tell his family that he was never more proud of anything than of them. I think that that is a great source of comfort.

When people talk about his being on the stage, I was never quite sure which stage David preferred: that of amateur theatrics or of this place. He just loved it, and anybody who has ever been to Ulster Unionist Party conferences knew

that David was usually the star turn who we all went to see, because he could do almost anything, whether it was music or telling jokes or whatever. All of these things are symbolic of a man of the people.

On behalf of the party, I want to say that we had a number of conversations — David, John and I — about what would happen when we left various parties and where the future lay. He gave a certain amount of encouragement on certain directions, but, ultimately, when we went to talk to him, David told John and I, “I like you both; we get on; but my responsibility is to the people who elected me. I want to remain an independent, and I want to go and speak for those people, for all of the people.” That shows great character as an individual.

When you look back on somebody’s life, because who knows what happens after these things, his wife and family can take huge pride in the fact that David was not only loved by everybody, he was respected by everybody, and, during his life, he made a difference to an awful lot of people.

**Mr Allister:** I join in the tributes that have been properly paid to David McClarty. I am probably one of the people in the House who knew him for a lesser period than most, in that I did not really come to know him until I came here in 2011. Having sat beside him for the two years until illness overcame him, I had many discussions with him on a variety of issues when he was here. Obviously, our political emphases were quite different, but everything that emerged from the David McClarty that I got to know bears out what has been said much about him: that he was a gentleman of politics.

On the day that he passed away, I said that he was a gentleman of politics but no pushover. Thinking about what I would say today, I did not think that I could better that in summing him up. He certainly was a gentleman in the manner in which he conducted himself, in the courtesy that he showed to all and in the manner in which he expressed himself. Even from sitting nearby him, it was quite obvious from the comings and goings of other Members as they passed by, the affection in which he was held. When he was last with us last July, there was spontaneous applause for him, which was, I think, a mark of the affection in which he was held. He was a man of principled views to which he held and he was right to do so. He was no pushover in any sense on those views.

He obviously was held in considerable affection not only in this House but by his constituents, by virtue of the fact that he achieved the quite remarkable and rare feat in Northern Ireland politics of being elected to this House as an independent — the only Member so elected. That was quite a considerable achievement. We are all the poorer for his passing.

The resilient way in which he bore his illness was also a mark of the man. I phoned him from time to time during the past year, and I was always struck by his uplifting tone of optimism and his determination to battle on. It was not to be, but he has certainly left his mark in this House and in the wider community.

#### 12.30 pm

Of course, he will be missed most in the bosom of his family. He was much loved by his wife, Norma, his two sons and his considerable wider family of brothers and

sisters. As they miss him, and as they continue to miss him, it may be some comfort to know that David was held in great and genuine affection across the House as someone who made his mark in the House.

**Mr Agnew:** On behalf of the Green Party in Northern Ireland, I express our sadness at the passing of David McClarty MLA, and I offer our condolences to his family.

On a personal level, he was always willing to offer me, as a new MLA, the benefit of his experience as an MLA who had been continuously elected since 1998. As a former Deputy Speaker, he also informed me of some of the ways around the Standing Orders and procedures of the House.

I remember the last time that I spoke to him in the Chamber. He came in towards the end of the term and talked about his road to recovery at that time as it appeared to be. I have some experience of the journey, the battle against cancer, because this week will mark the third anniversary of the death of a close friend of mine who lost that battle with cancer. I sat and had similar conversations with him in the hope that he would defeat the illness. However, it is a cruel illness in which your fortunes can turn. Unfortunately for David, his fortunes turned, and he was unable to overcome the illness.

As many Members said, he was a true gentleman. He held strong convictions but did so in a dignified manner. He was well liked, and I think that it is a mark of the man that he was well liked across all the parties in the Chamber. He had the ability to separate political disagreement from personal relationships, and he always maintained personal relationships in the face of disagreement. He was clearly highly regarded in his constituency. The support that he got as an Ulster Unionist and as an independent showed that much of his vote was a vote for him personally, for his hard work and dedication and for him as a person and a politician.

I think that it is fair to say that he was a good boy in what has become known as the naughty corner of the Assembly. He certainly kept us in check at times and kept us right. He is a loss to us in this corner and in the House. Whoever his replacement might be, they will be warmly welcomed here by us all. He will certainly be sadly missed by the Assembly. I send my best regards to all his family and friends.

**Mr McNarry:** I knew David McClarty for many years, during which, mostly on Mondays, he gave me a torrid time, taunting me not about politics but about his beloved Manchester United. It was, of course, seriously good fun; he had that impish expression of self-satisfaction when taunting me. When Chelsea won it was a fluke; it was never a penalty, or the referee should have gone to Specsavers. But when United won, it was all about their obvious class and skills. They were, of course, superior in all departments, according to David when rubbing it in, and boy, David, could you rub it in at times.

His humour was legend. When we sat together, as we did over there and more recently over here, his quips were delivered with a grin out of the side of his mouth. I have to confess, Mr Speaker, that many a time I had to up and leave, my ribs cracking for fear of bursting out very loud in the House. We all got a mention in the nicest put-down way, and that was David McClarty’s trademark: it was always in the nicest possible way that he let us know exactly what he was thinking.

Today, the House honours a colleague who showed us all that differences in politics are not about losing friends but about keeping friends. David, as was said, was a man of principle, and therein lies a great strength that he had. Good things have rightly been said, and we are all grateful for the good things that have been said today because they are so richly deserved. Let us all be assured: I think that he did know, colleagues, how popular he was with us all. I am glad of the memories and sad that they came to an end. May he rest in peace.

**Mr Speaker:** We have about 15 minutes left, but, as I said, I am reasonably relaxed about time this afternoon, given the circumstances. If Members rise in their places from here on in, I will try to call them.

**Mr McQuillan:** I want to be associated with the comments of my colleague Gregory Campbell and all others in the Chamber today about the late David McClarty. First and foremost, David was a committed family man who was dedicated to his wife, Norma, his sons Alan and Colin, their wives and his grandchildren. It is they who will miss him the most. However, he was also committed to the town of Coleraine and the people of Coleraine, whom he had served as a public representative for many years.

David and I differed many times on political matters, but, once the debate was over and we left the Chamber, you could always be sure of that smile and a witty comment. That broke all ice after a heated debate.

We were also united at 3.00 pm on Saturdays when we went to visit our beloved Coleraine FC. David stood at the front of the railway end, and I stood at the back of it, but, when going in and out, we always commented on how we played, how we should have played and maybe what team we should have picked. He was always a great man and a lovely-mannered man. I pass on my condolences to his wife, Norma, children Alan and Colin and the entire McClarty family.

**Mr Ó hOisín:** Go raibh maith agat, a Cheann Comhairle. Last Tuesday, the deputy First Minister and I, and all shades of political opinion, attended David's funeral in Killowen Parish Church, where we were received very graciously by the congregation, the minister and David's family.

David was amiable, affable and approachable. He was a colleague, and I like to think of him as a friend. When I came to the House for the first time three years ago, he was very much an adviser. He was pragmatic, principled and professional and was highly regarded by all the people of our constituency. He was a raconteur, a thespian and a troubadour, and his days with the Ballywillan players and with church choirs probably laid good foundations for his time as a Deputy Speaker here.

He was famous for his jokes and stories and was a fan of the Milk Cup, which is a competition that is so great, particularly in the East Derry constituency. As was mentioned, he was also a fan of Manchester United and Coleraine FC. He told a story about a particularly dismal performance against Portadown one day, and, when he tried to leave early, the stewards accompanied him back into the Showgrounds.

The East Derry constituency, the House and I will miss David deeply. We were much enriched by knowing him. I

offer my sympathies to Norma, Colin, Alan and the entire McClarty family.

**Mrs D Kelly:** I join all others to express my condolences and those of the party to Norma and her sons on the loss not only to David's family but to the many constituents, because it is quite clear that he was held in very high regard by the people who, as others said, elected him as an independent. He stood for what he believed in, and people stood with him. His showmanship and oratorical skills were well regarded in this place, which, some might say, is one of the biggest theatres in Northern Ireland, but he did himself and his family proud.

It is on days like this that you are proud to be a politician, because we can see the public service that David gave and the difference that he made in his contribution to public life. It is important, on days like this, to note the sacrifice that Norma and their sons made at all those times when David had to go out to meetings, meet constituents, represent them and help them to cope with whatever stresses or strains they faced. So, it is with deep regret that we note the passing of David McClarty.

**Mr Hussey:** I begin by expressing my sincere sympathy to the McClarty family. As I look over into that corner, I can see that there certainly is a light missing from it. On the last day, or one of the last days, that David McClarty was in the House, he was applauded as he returned to the House. He was a man who had strong convictions in many ways, and he was a man who was determined to do his best for East Londonderry. I could see him, today, sitting there, smiling, when he got the deputy First Minister to refer to East Londonderry. I am sure that that would have brought a smile to his face, as it did to mine.

Many times, as we sit in the Chamber, there is anxiety: you are upset; you are wondering what is going to happen next; or, perhaps, you are waiting for a vote. David regularly used to come over here and sit beside myself and Mrs Dobson and tell us a joke or two. As Mr McNarry said, it was difficult at times not to giggle. Sometimes, it was so difficult that you nearly had to eat your handkerchief. He was one of those men who made you smile.

We will all have very fond and happy memories of David. His family will have many happy memories over the coming days. Towards the end of his life, I regularly kept in touch with him on Facebook. He never felt sorry for himself; he was always that same positive man. Those memories will stay with me. That corner is now a little bit darker, but to the McClarty family, they will always have the light of the life of the late David McClarty MLA.

**Mrs Cochrane:** Thank you, Mr Speaker, for the opportunity to say a few words in tribute to David. He was one of the first MLAs outside my party whom I got to know when I came to the Assembly, through being with him on the Social Development Committee, as well as travelling on that important delegation to Kosovo, as you have already mentioned. I was impressed, always, with the manner in which he carried out his public duties and with his sense of humour when there were difficult issues or differences of opinion. He stood up for what he believed in and was firm, but always well mannered and respectful, to those who had differing ideas. He and I did not agree on everything, and, when we did not agree, he liked to banter me about the fact that we had to get on because we were

related, albeit distantly, through a McClarty/Cochrane marriage a couple of years ago.

Having attended the service of thanksgiving for his life last Tuesday, it is clear that he will be fondly remembered not only by the people in the House but by the wider community. We will continue to remember Norma and the rest of the family in our prayers.

**Mr Kennedy:** Mr Speaker, I thank you for the opportunity to allow a short tribute from myself to the late David McClarty. I knew David for over 20 years, first through local government. He was a very successful mayor of Coleraine. I remember that, at the outset, I suppose, of the political and peace process, John Major, the Prime Minister, invited the mayors and chairmen of all the local councils in Northern Ireland to 10 Downing Street. We had good fun in the margins of that.

As a party colleague for many years, I found David to be very loyal, and he was a great friend. He had a moderating influence and always had a positive outlook, even in challenging times and when challenging decisions had to be reached. Of course, it is worth saying that the Assembly needed, and continues to need, people such as David McClarty for those reasons.

**12.45 pm**

David had other great interests, not least his family: his wife and the boys of whom he spoke often and of whose many achievements he was very proud, and rightly so. He was also a man of the stage, a very great actor. There are, I suppose, some who regard this place as a palace of

varieties, and there are a lot of actors about, but he had genuine talent as an actor. Certainly, in a place where people often describe politics as "show business for ugly people", there was no doubt about his ability to perform. However, although he was an actor, he was never false, which is a critical difference. He loved acting as MC and performing at other functions, both in the Assembly and more widely. His joke telling and storytelling were legendary and brought comfort and enjoyment to a great many people.

David also loved Coleraine Football Club and, as we have heard, Manchester United. As a long-suffering fan of Arsenal, trophyless for so many years, David was never slow to remind us of how many trophies Alex Ferguson had won, although Coleraine did not seem to have the same magical abilities.

David had the ability to lighten conversations and be positive. It was a privilege to know him, work with him and count him as a friend.

**Mr G Robinson:** Like the rest of the Members, I express my sincere condolences to David's wife, Norma, their two sons and the wider family circle. David and I had a great passion as supporters of our beloved Coleraine and of football in general. As most people have said, David was a gentleman and will be greatly missed by us all.

**Mr Speaker:** Order, Members. In accordance with the convention, as a mark of respect for Mr McClarty, the sitting will now be suspended until 1.20 pm.

*The sitting was suspended at 12.48 pm.*

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

## Executive Committee Business

### Health and Social Care (Amendment) Bill: Royal Assent

**Mr Deputy Speaker:** Before we move on to the next item of business, I inform the House that the Health and Social Care (Amendment) Bill received Royal Assent on 11 April 2014. It will be known as the Health and Social Care (Amendment) Act (Northern Ireland) 2014.

### Work and Families Bill: First Stage

**Dr Farry (The Minister for Employment and Learning):** I beg to introduce the Work and Families Bill, which is a Bill to make provision about shared rights to leave from work and statutory pay in connection with caring for children; time off work to accompany to antenatal appointments or to attend adoption appointments; to make provision about the right to request flexible working; and for connected purposes.

*Bill passed First Stage and ordered to be printed.*

## Private Members' Business

### Praxis Care

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

**Ms J McCann:** Go raibh maith agat, a LeasCheann Comhairle. I beg to move

*That this Assembly acknowledges and commends the work carried out by Praxis Care; asserts that the transfer of the publicly owned assets at Hillsborough Castle should be conditional on securing the future of Praxis at this location; and calls on the Secretary of State to explore all possible avenues to ensure that the employment provided and the work carried out by Praxis at Hillsborough Castle remain on site.*

I am bringing this motion to the Chamber today in an attempt to get all-party support for 16 vulnerable people with learning disabilities who are under an enormous amount of stress and anxiety at the prospect of losing their jobs at the Secret Garden site at Hillsborough. Praxis Care is an organisation that offers a number of different services to children and adults of all ages. Some of them have a learning disability. Some have mental ill health. Some have an acquired brain injury. It also works with people with dementia. The organisation, like so many similar ones, is very often a lifeline for the people who access its services and for their families. It is very much the difference between someone feeling included and supported and feeling socially excluded and on their own. We very often hear the claim that the measure of a progressive, caring society lies in the treatment of its most vulnerable citizens. That is why today's motion is so important. I hope that it receives support from all parties in the Chamber.

One in every five people in our society is affected by a disability, and one in every four people at some time in their life can be affected by a mental health problem or learning disability. I know that many of us in the Chamber today have been affected in some way through events in our own lives or those of our family or friends. Having a learning disability is one of the most common forms of disability. It can affect a person's ability to carry out everyday tasks such as social interaction. If vital day care opportunities are not given to people, it can have a long-term impact on their lives. I am asking for support for the motion to ensure that those 16 vulnerable people with learning disabilities will be able to continue to maintain the gardens and run the coffee shop and horticulture project that they have been running for years at that site. It will enable those 16 individuals to continue to work alongside the staff who care for them daily.

The publicly owned asset should be transferred only on the condition that Praxis and the people employed at the Secret Garden facility be allowed to continue. If we look at how the project evolved and developed and how the social benefits and the much-needed service it gives to those who work there evolved for their families and the many users of the facility, it is very clear that the decision to evict Praxis is totally unjust and unfair.

Twenty years ago, Praxis Care was offered a lease on the Hillsborough site — a site that is publicly owned and managed by the NIO. At the time, Praxis was advised by the Labour Government that this lease could be extended beyond the 20-year stipulation. As a result of that understanding, the charitable organisation invested up to £400,000 of its money in the site. The only condition that was sought at the time was that the walled garden would be maintained and opened to the public. Praxis agreed to that, and, indeed, it costs Praxis several thousand pounds a year to do it.

The Tory coalition Government, on taking power, advised that it would not honour the agreement made by the previous Labour Government to allow Praxis Care to stay on the site. Moves were made to open up the site to the public and hand over its management to Historic Royal Palaces, which has no base here and is more used to managing places like the Tower of London in England. Despite many meetings and contacts with the Secretary of State, Theresa Villiers, the NIO and Historic Royal Palaces, Praxis was informed that it and its workers would be evicted from the site without any financial reimbursement for the money that it has invested, or indeed support or help to relocate the people who work there. In other words, the job of maintaining the gardens and running the coffee shop and horticulture centre would be taken away from the 16 people with learning disabilities and given to someone else. That is particularly cruel given the amount of financial investment, but more particularly the human investment, that Praxis Care has made in the site and the support and service that the users get from working there. This is a totally unacceptable situation.

Along with party colleagues, I have visited this project. I have witnessed at first hand the social interaction that many of the people who work there get when people call in for a coffee or to visit the garden. Our party has made a number of representations directly to Theresa Villiers on the issue, pointing out that we believe that the NIO is being grossly unfair to all those involved in the project as it is benefiting from Praxis Care's investment in the site and yet refusing even to consider keeping the service on with the people who have been doing it for years.

There is a responsibility on all of us in society, but particularly on those in government and the public sector, to set up the proper standards. Service providers and policy- and decision-makers must do that, and equality and fairness must be central to everything that we do in that regard. It is very clear that the decision to evict Praxis and those working at the Secret Garden project is unjust, but it is also callous and should be withdrawn immediately. In the interests of the welfare of the 16 vulnerable people and their support workers and families, I call on everyone in the Chamber to show a united front on the issue and support the motion calling on Theresa Villiers and the NIO to reverse their eviction order. I ask that all of us here insist that the transfer of the site is conditional on Praxis and its workers remaining. I hope to get the support of the whole Chamber for this motion.

**Mr McKinney:** I welcome the opportunity to take part in the debate — I wish that more were here — and I support the motion. Praxis Care registered as a charity in 1983 — that is just over 30 years ago — and provides services for adults and children with a learning disability, mental ill-health or an acquired brain injury, and for older people

with dementia. It provides those services for nearly 1,500 vulnerable children and adults. It is important to point out Praxis's pedigree. It is credited with providing holistic and high-quality care away from an institutionalised setting. What better example of that could there be than the daycare work that is being provided within the walled garden cafe at Hillsborough Castle?

This cafe, which has been in existence for 10 years, provides employment for seven staff and 16 people with learning difficulties. As we know, under the new redevelopment plans for Hillsborough, it is now under threat. It is the SDLP's view that all must be done to ensure that this unique project, which has numerous benefits, is retained at its current location. Many Members will reflect on the need for adequate day services for those with a learning difficulty. Indeed, the current Health Minister wishes to promote and sustain the initiatives that are providing this care.

In December last year, the Assembly endorsed once again the Bamford review and the 'Equal Lives' report. The general message from that debate was that it is incumbent on the House to help to provide more adequate day opportunities for those with a learning disability, and not to disrupt the integrity of day services that are working well. To remove the walled garden at Hillsborough and the 16 jobs for people with learning difficulties who are employed there would be to act against the message of the Bamford review and, indeed, the very debate that we had on that issue.

#### 1.30 pm

Furthermore, in the substantial consultation response to the Bamford action plan of 2012, the main message was that people with a learning difficulty need stimulation and choice. The Assembly needs to be mindful of its duty to consistently promote the effective social inclusion and empowerment of people with a learning disability.

The SDLP recognises that there is an opportunity to turn Hillsborough Castle into a visitor attraction and to build for the legacy that it has in a positive way, but the priority now must be those 16 individuals with learning difficulties who work there and the message that the provision of that project sends out about people who are affected in that way. It would simply be wrong to uproot them callously from an environment that they enjoy and greatly benefit from and which the wider public can also benefit from as a result of their endeavours.

Negotiations have been ongoing between Praxis Care and the NIO. The additional funds requested by Praxis to secure relocation were denied, and the situation as it stands is that it cannot afford to relocate. The Secretary of State and the coalition Government had advised that they would not honour the previous commitment given by the Labour Government to offer 20 years on the Hillsborough site for Praxis, nor will they help financially for a sustainable and satisfactory relocation. This has placed the staff and those who work there in limbo. It would be a great injustice and a shame to allow the situation to occur where these people are not only without jobs at the Hillsborough Castle site but are unable to work at another location due to budgetary restrictions.

An important point is that the proposed new redevelopment of Hillsborough Castle is supposed to make

the site accessible to the public and also be inclusive of community and voluntary groups. So, how is the eviction of 16 people with learning difficulties from an environment from which they greatly benefit consistent with that? The SDLP supports the motion and echoes the need for greater day opportunities for people with a learning difficulty. The walled garden cafe at Hillsborough Castle has provided a safe and high-quality day opportunity for 16 individuals. For these reasons, we cannot allow this project to dissolve as a result of stalemated negotiations. The Secretary of State must now re-enter into negotiations with Praxis Care either to allow for the continuing employment of the 16 individuals with learning difficulties at the site or to help with relocation that is agreeable for all parties.

**Mr Poots:** I was grateful for the opportunity to make representation on this issue at the outset, and I have to say that the Northern Ireland Office appeared to be fairly fixed on it, certainly at that time. I think that that is regrettable. Having met Theresa Villiers to discuss the issue of ensuring that there is some continuity, I did not come away from that meeting with much positivity. However, I had arranged to meet representatives from Historic Royal Palaces a few days later, and the sounds coming from them were more encouraging. We should recognise that.

Hillsborough Castle is a massive asset to the local area and, indeed, to Northern Ireland. The Secret Garden has been used very well by Praxis Care to provide support, assistance and therapeutic care and to develop the employability of people with learning difficulties. It has been well supported by the local community, which acquires goods and services from what Praxis is providing. Indeed, the cafe is well used and utilised. So, in all of that, there is a massive positive potential that is being utilised by Praxis Care at the existing facility. Aligned with that are tremendous opportunities to have the doors of Hillsborough Castle and its gardens open to many more members of the public who would not otherwise see them, and we want to encourage that.

I suppose that the conundrum is how we can assist these two things to coexist. Both things have potential. Historic Royal Palaces would indicate that works have to be carried out and that, for health and safety reasons if for nothing else, there will therefore have to be at least temporary movement from that facility to allow for the works to be carried out.

The question is then how we can integrate people who have a learning disability back into the new service that is being provided and how we can bring many more people through those grounds and the castle. I want to ensure that people who have a learning disability can play their part and can be part of the service that is provided to the public. I think that the opportunity still exists to engage in a positive way that will bring beneficial outcomes for the people who have a learning disability — it is about individuals first and foremost — and that will derive wider benefits for local employment and tourism and all that by bringing more people to the castle.

So, I will be encouraging all with a role to play to engage positively and to seek to find solutions and outcomes. I do not think that the starting point was a good place; however, I think that the conclusion can be a good place, should people set their minds to it. The Northern Ireland Office, Historic Royal Palaces and Praxis Care must focus on delivering a solution that will ensure that the well-being

and needs of the learning disabled community that have been using that facility are met.

I am speaking from the Back Benches, but there is a willingness in the Department of Health to look at alternative provision, certainly while construction and development take place at the site. We would be prepared to engage with Praxis Care on that to ensure that we can provide a degree of continuity in the service that is provided for the Praxis users.

**Mr Copeland:** I support the motion. It is interesting when you find a debate in this Chamber that could use words such as “eviction”, “landlord” and “lease”, which echo through our history and are essentially still appearing here today. A one-time stately home that is now a royal residence has within its boundaries a facility that was put there by a charity that provides employment and, most of all, a role in life for 16 individuals who were not blessed with a particularly great start. An argument between the Secretary of State, a new company and the incumbent tenants is unfortunate, and, as the Health Minister said, it needs to be dealt with effectively.

It is my understanding that Historic Royal Palaces had a business plan accepted and that a fundamental tenet of that plan was acquisition of the asset put in place by Praxis at its expense, with no notion of compensation or recognition for the work that had been done. In my view, this situation is mind-bendingly stupid, because no matter how much the papers and lawyers say that they are within their rights, they may be within their legal rights, but by no sensible person's judgement could they be held to be within their moral rights.

I find it encouraging that 16 less-fortunate people find themselves the focus of what appears to be substantial consensus among those who have turned up for this important debate. It does not take five minutes to say that something is wrong. It is patently obvious to anyone who examines the situation that this is wrong. The secret will be when the Secretary of State admits that they got this wrong and does something to rectify the situation.

**Mr Lunn:** I support the motion, and I am grateful to those who tabled it for securing the debate. Over the past few weeks, I tried unsuccessfully to secure an Adjournment debate on the matter, but this is a better forum, even if there are only 10 people here. This is a good opportunity for the House to send a unanimous message of disapproval of the actions of the Northern Ireland Office and the Secretary of State's treatment of Praxis.

Praxis has been on the site for 13 years. I think that Ms McCann said that it was 20 years, but it actually moved in in 2001. At that time, it was offered at least a 20-year security of tenure, but it received only a 10-year lease. It has offered employment at the Secret Garden for a number of learning disabled people, in the gardens and at the coffee shop. I say to any Member who has not been there that it is well worth a visit; it is a lovely facility.

Praxis worked on the assurance of a 20-year security of tenure from the Labour Government. In fact, the 10-year lease was being renegotiated in 2009 and 2010 with a view to providing, I understand, a 15-year extension. Of course, in 2010, along came the coalition Government, complete with Mr Cameron's big society idea, which seems a bit hollow in the circumstances. Suddenly, the extension was no longer on offer. Praxis was told, after

several extensions and assurances from the Northern Ireland Office and Mrs Villiers, that it would have to leave because the new management organisation, Historic Royal Palaces, needed vacant possession of the entire site. Quite why that was the case is not clear. No consideration has been given to the well-being of employees and users, who will be devastated by such a move. It is not a normal redundancy or redeployment situation; this is much more sensitive and damaging. Neither has there been consideration of the mounting cost of £400,000 that Praxis has invested since 2001, when it took over an overgrown wilderness and turned it into a four-acre credit to all concerned and a much-loved place to visit by locals and tourists alike.

Praxis has been told: "No compensation; no assistance with relocation costs — just vacate the site and find somewhere else. We need it for a new entrance and a new car park arrangement". Some big society we have here. They are really pushing the boat out for some of the most vulnerable people.

Does Historic Royal Palaces really need vacant possession? I very much doubt it. It says that it cannot access funding without it. That seems quite ludicrous, if true. I looked at the UK Government press release published in December, which states:

*"Historic Royal Palaces depends solely on the support of visitors, members, donors, volunteers and sponsors. It receives no funding from the government or the Crown."*

I could say that it states the exact opposite on the far side of the page, but time does not permit. The long-term plan, apparently, is to provide a car park on adjacent land across the road and a slip road from the A1 dual carriageway to allow people into the site more easily. If Mr Kennedy were here, I think that he would be greatly interested in that because a slip road from a dual carriageway is mighty expensive. It is also a long-term project, and, given the speed of movement in our planning system on land acquisition and the financial pressures on the road-building budget, if this ever happens, it will take forever. You could be talking about five years or more.

What is the rush? Under the circumstances, why do we need to disrupt the operation of the Secret Garden? There is already access through the garden to the rest of the estate, so why the rush to remove Praxis?

I am aware that Praxis was warned some time ago that it would have to go. It is now, presumably, occupying the site illegally. Far be it from me to support an illegal action, but I will support it because I see no reason why this decision should be rushed, and I agree completely with the Health Minister that there is room for more negotiation and a lot of time to do it.

I plead with the NIO, the Secretary of State and Historic Royal Palaces to think again. Either agree to allow Praxis to remain permanently or on a temporary basis while negotiations continue. If it must move, I ask them to soften their hearts a bit and talk to Praxis about proper compensation and relocation costs.

I believe that there is a site available at Hillsborough Fort, just across the road, which could be utilised, and the Minister indicated that there might be some funding available. So, all is not lost.

1.45 pm

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

**Ms Ruane:** Go raibh maith agat, a LeasCheann Comhairle. I commend my colleagues for bringing the debate forward. Cuirim fáilte roimh an díospóireacht seo. I share the disappointment and concern of all parties across the House about the fact that 16 people with learning disabilities could lose their valued employment.

I welcome the fact that we have all-party support and I think that that sends the strongest message to the NIO. I believe that the NIO is out of touch, shows a lack of empathy, and is going against the spirit of equality and human rights of the Good Friday Agreement. I was a member of the Sinn Féin negotiating team, and we put equality and human rights at the core of the agreement, and of every subsequent negotiation from Good Friday, precisely to stop ill-thought-out decisions such as this happening. Obviously, there was no equality impact assessment carried out on this matter. If they had carried out an equality impact assessment — it shows why the NIO should be subject to that — they would have seen that this has the potential to have adverse impacts on people with disabilities. So, I share the disappointment and the concern.

I also know, from my time in the Department of Education, the difficulties of the transition between ages 18 and 19 and the potential to secure employment for adults who, one day, are children and come under children's law and who then, the following day, are adults in a world where it is difficult for them to get employment. We should be opening doors, not closing them. Closing doors to 16 people with learning disabilities, and their families, is absolutely the wrong way to go for the NIO. The Secretary of State has obviously received poor and ill-thought-out advice. She should reject the advice from the NIO, reverse the decision and immediately engage with Praxis Care.

I pay tribute to Praxis Care, which has been very pragmatic and flexible. Obviously, its preferred option is that the 16 people remain on site, but it has also provided another way, which is to look at alternative sites. I call on the Secretary of State to match that flexibility and reasonableness, support the younger and older people to continue their jobs and make sure that we do not close down opportunities. The Secretary of State is the boss. She should not be led by her officials; she should be leading from the front. Closing this down is not leadership.

I pay tribute to Praxis Care for having the courage to protest. There comes a time when you have to stand up and be counted. They stood up and were counted, and fair play to them because sometimes that is what you have to do. Poor and wrong decision-making needs to be confronted and challenged. Mickey Brady from my party represented us at that protest, because we feel very strongly about this. So, well done to Praxis Care, not just for its work in relation to this but for its work across the North of Ireland for people with learning disabilities. It is doing wonderful work for which it deserves a lot of credit.

Sinn Féin is proud to choose the motion. We are delighted that other parties are supporting it and we look forward, along with other parties, to working with Praxis Care to ensure that we bring about a reversal of the decision. I end by again calling on the Secretary of State to immediately engage and ensure that these adults with learning

disabilities have their job opportunities. Go raibh míle maith agaibh.

**Mr B McCrea:** It is a little disappointing that the Assembly is empty for this important debate. I know that we probably all agree on the issue, but, even so, I think that we could give a little more attention to it. I have been to Praxis in the Secret Garden many times. I enjoyed a cup of tea, had a wander around and even bought a few hanging baskets at one stage. It is a wonderful environment, so I can understand why the people who consider that to be their home, or at least their place of work, are so disappointed at being asked to move.

There must be some fundamental misunderstanding because, as one of the Members who spoke earlier mentioned, for the NIO to get itself into such a poor public relations position is incredible. I do not know what the legalities are. I suspect that the NIO is 100% right on the legalities, but this is still not good business or good public relations.

People need to be careful about how they handle the situation. I am quite sure that the original intention, when the facility was granted, was a generous one that said, "Look, you can have these facilities for a peppercorn rent, and, if you want to make some investment in them, fair enough". So, the original intention was good, but, somewhere along the line, the Secretary of State and the Northern Ireland Office have got themselves into a public relations disaster that, frankly, does not reflect well on either of them. I am sure that they must be looking at the situation and asking what it will take to resolve it.

I listened to the Minister of Health talking from the Back Benches about how the health authorities might be interested in looking at it, even on a temporary basis. There seems to me to be some prospect of such movement. If there are works that have to be carried out, fair enough — let us get them carried out, but let us find a way of providing certainty about what will happen after they are finished.

Three or four weeks ago, I said more or less the same thing on 'The Nolan Show' namely that there must be a better way of resolving this. At one stage, Praxis was not coming forward to explain its position. That was partly because it did not want to cause any public embarrassment. That is really the issue here. We have a situation developing —

**Mr Brady:** I thank the Member for giving way. I was on 'The Nolan Show' with him, and what came across was the lack of public understanding. A number of people asked why Praxis had invested £400,000. It was not explained that, initially, Praxis had a 20-year lease, which was going to be extended. It was moving onto a derelict site. That is why it invested, and it was a very good investment for the people who benefited and should continue to benefit from the facility.

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

**Mr B McCrea:** I am grateful to the Member for his intervention.

For me, the programme was good because it allowed Mr Brady to say what had to be said. The debate had seemed, once again, one-sided. Afterwards, I spoke to some people connected with Praxis, and they said that it was good that we were able to put forward the counterargument.

It is not that I intend to prolong the debate, because there is general agreement, I think, on the Floor, but, surely to goodness —

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

**Mr B McCrea:** I will.

**Mr McNarry:** I appreciate that. Does the Member agree with me that somehow from this debate, small though the numbers are, a message must emerge that there needs to be an emphasis on a Members' lobby — particularly Members from the area, but involving everybody interested — of the NIO and particularly the Secretary of State to stop the damage that is being done?

**Mr B McCrea:** I am grateful to Mr McNarry for coming forward and pay tribute to him for that. As he said, this is of particular interest to constituency MLAs, but he, from just outside the constituency, has made a special point of being here to talk on the issue. I know that he has a great interest in these matters. This debate should be symbolised by our saying, "Do you know what? If we don't get this resolved pretty soon, there will be a much more raucous and much more engaged debate very shortly". We are giving people time to get it resolved. The NIO and the Secretary of State need to understand that time is not on their side.

Those people who enjoy their work there and want to carry on in the Praxis family should understand that we are all supportive of them, the good work that they do and the work that they provide for the people they look after.

**Mr Deputy Speaker:** Members, as Question Time commences at 2.00 pm, I suggest that we take our ease for a few moments. This debate will continue after Question Time, when the next Member to speak will be Mickey Brady.

*The debate stood suspended.*

*(Mr Speaker in the Chair)*

2.00 pm

## Oral Answers to Questions

### Office of the First Minister and deputy First Minister

**Mr Speaker:** Questions 4 and 5 have been withdrawn.

#### Victims and Survivors Service

1. **Mr A Maginness** asked the First Minister and deputy First Minister for an update on the implementation of the recommendations of the independent assessment report on the Victims and Survivors Service. (AQO 5991/11-15)

**Mr P Robinson (The First Minister):** Mr Speaker, with your permission, I will ask junior Minister Jonathan Bell to answer this question.

**Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister):** The implementation of the recommendations is being overseen by a programme board that comprises representatives of the Victims and Survivors Service, the commission, the victims' forum and our own OFMDFM officials. An overarching implementation plan has been agreed, detailing the actions and the time frames and identifying the ownership for each recommendation, which will ensure timely and full implementation. The programme board is providing high-level strategic oversight, with a specific focus on progress against the recommendations. We then have a project board operating under the strategic direction of the programme board and providing advice on progress. The project board monitors the progress against the implementation plans through the individual work plans of recommendation owners.

Significant action has already been taken, with over half of the recommendations either fully or partially implemented. Considering the short time since receipt of the report, those developments demonstrate the clear commitment from those involved to work together to ensure that the necessary further improvements are made and that the recommendations are fully implemented.

**Mr A Maginness:** I thank the junior Minister for his answer, and I welcome the good news that he has given to the Assembly. Of course, we will continue to monitor the situation. At the European day for victims of terrorism, a constituent of mine, Mr Thomas Boswell, who had been shot by the INLA and left for dead, said that the current service must be improved — I think that everyone agrees with that — but that it should be —

**Mr Speaker:** Will the Member come to his question?

**Mr A Maginness:** — but that it should be effective and practical. That is what we want. I ask the Minister to ensure that that is in the thinking of the Government.

**Mr Bell:** My sympathy is with your constituent, the victims of terrorism and their families, and those who have lost. In fact, some of the most inspirational and encouraging times that I have spent in this office have been going round

victims, both individually and in groups, from Fermanagh to Belfast and right across Northern Ireland, hearing their stories, sometimes brought together collectively by people of completely different backgrounds. I listened to their advice and their hopes for the future to ensure that we do not go back.

The Member is correct. We have 70 recommendations: 55 are from the individual reports and a further 15 are from the commissioners who are covering the advice. Of those, ownership for 54 lies with the Victims and Survivors Service; ownership for seven lies with OFMDFM; DHSSPS has responsibility for two; and the remaining seven have joint ownership.

With regard to improvement, 64 of the 70 recommendations are due to be implemented by the end of June 2014, with a further two to be implemented by the end of August 2014. One recommendation is due to be implemented by March 2015, and three are dependent on other time frames. However, we expect those to be completed by the end of the year.

Those time frames have been agreed with all the responsible owners, and progress against them is being monitored monthly via the project and programme boards. I hope that that gives the Member some reassurance. I thank our staff, who have been so efficient in delivering against the targets that we have set. We are driving forward improvement, and we will continue to tailor-make the service to meet the needs of victims and survivors.

**Mr McCartney:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. No one doubts the direction or the intention of this piece of work. However, does the Minister agree, given the length and number of recommendations, that perhaps the knowledge, skills and experience of some of the officials are, perhaps, not as appropriate as they should be?

**Mr Bell:** We have listened very carefully to victims individually, to the organisations that represent them and, through the report that has been brought forward, to the Victims' Commissioner. It is an evolutionary process. We are getting better at it as we go along. The more we listen, the more we gather an evidence base. We set up the programme board, and we have the project board working towards that.

I have to say that the recommendations are many but so are the needs of victims. I think that the progress made, in such a short period after the analysis, in responding to the evidence of need has been very constructive and helpful.

During my last contact with individual victims and victims' groups, they praised our officials for reacting so quickly to the recommendations. As the Member will know, people will not believe what you say, but they will believe what you do. The fact is that many in the Victims and Survivors Service have seen the recommendations and heard about our commitment to doing this. However, as I outlined earlier, they are actually seeing our delivery on the ground against the recommendations and our target for meeting the others. So, I think that we are generally on a positive trajectory with the victims and survivors sector.

**Mr Elliott:** I thank the junior Minister for that update and for the comprehensive detail and figures on the recommendations. He indicated that they hope to have, I think, three recommendations implemented before

the end of the year. Will he give details on what those three recommendations are and why there is a delay in implementing them? Has that anything to do with the proposal of the board to advise the Victims and Survivors Service?

**Mr Bell:** I am not sure, towards the end, of the proposal of the board. It is extremely difficult to break down each of the 70 recommendations; I have set them out as best I can. I am not picking up that there are any difficulties with the board. As I said to the OFMDFM Committee at the time, I am very pleased that we have the victim representation that is there. We are very serious about matching each of those recommendations. We have taken ownership of that, and we have detailed them down to specific Departments. We in OFMDFM have stepped up to the plate in respect of what is ours, and we have been very clear on what is shared.

The best way to deliver for victims and survivors is to have recommendations, to listen to the service, to put in place measures in order to strategically address each of those recommendations and a plan against which to measure them, and to get the resources necessary from government to ensure that they are achievable within a realistic time frame. We have done each and every one of those things. If any Member wishes to write to the office about any of the 70 recommendations that I spoke about, we will reply to them to let them know, because we have a project board examining each one.

If I may say so, I think that one of the successes of devolution is that, compared with the position that we were in under direct rule, the service that we provide today is significantly enhanced in respect of the quantity of services being provided on the ground and the financial capital being provided. In many ways, we can never make things right for some victims who have lost a loved one. We know that. However, we are determined to do all in our power to ensure that what we can get right, we will get right.

**Mr Humphrey:** What are the junior Minister's plans for the recruitment of a new Victims' Commissioner for Northern Ireland?

**Mr Bell:** First, I echo the First Minister and deputy First Minister's words about the sterling work that Kathryn Stone did for the service. She undertook a difficult and complex task. She listened to victims and survivors respond to the way in which they were treated; she brought sensitivity to the subject; she applied herself to the task; and she delivered so much with integrity in that period. I want to echo that and have it written into the record.

There have been considerable developments in the sector, particularly the recent independent assessment of the Victims and Survivors Service. We are committed to ensuring that the advice and recommendations that Kathryn brought to us are implemented. So, a new recruitment process will be initiated as soon as possible to appoint a new Commissioner for Victims and Survivors. We thank Kathryn again and put our thanks for her work into the record of the House.

## Welfare Reform: Financial Penalties

2. **Mr McNarry** asked the First Minister and deputy First Minister to outline the departmental projects that they

intend to cancel as a result of financial penalties imposed by HM Treasury for the failure to implement Welfare Reform. (AQO 5992/11-15)

**Mr P Robinson:** As Members will be aware, the Minister of Finance and Personnel has already informed the Assembly of the financial consequences arising from further delay in progress on welfare reform. To help to address that pressure, he suggested a 1.5% cut to all departmental baseline resource budgets for 2014-15. This will be entirely and ultimately a decision for the Executive. The Executive have not yet taken any decision on the matter. They may, indeed, decide to protect one or more Departments from any such cuts. Therefore, the cut from other budgets would be greater.

The Department is assessing the range of actions that are required to manage within a reduced 2014-15 resource departmental expenditure limits (DEL) baseline budget. Those potential actions include reductions to all baseline business areas, including arm's-length bodies. Difficult decisions will have to be made, but, in considering the way forward, we will seek as far as possible to minimise the impact on the delivery of front line services.

**Mr McNarry:** I appreciate the grim aspect of the First Minister's answer. Accordingly, my supplementary question is this: has the good ship Executive hit the rocks over this issue? Can we be told, or should we expect, that the choppy waters between the First Minister and the deputy First Minister are to be calmed? Or, really, are we being positioned for budget reductions all round because penalties will be prioritised instead of programmes? Finally, will he give an assurance that all will be done to see that we are talking about salvaging a situation and not a shipwreck over this issue?

**Mr P Robinson:** First, I think that we have to recognise that in any coalition — this is much more the case when the coalition is mandatory — people come from very different ideological backgrounds. It is not unnatural that there are differences between parties in the Executive. That will always be the case. The press sometimes feigns surprise at that, but it is not unusual that people should have a different approach.

Of course, we will obviously have to sit down to try to resolve these matters. Quite simply, the money runs out, and we have to deal with it. We cannot simply be left in circumstances where our permanent secretaries, who are the accounting officers for Departments, are forced to take decisions and seek directions.

As far as the Executive are concerned, I trust that they can sit down and look at the penalties, which have already begun. We have already had £13 million taken out of our Budget for this year, and another £87 million is to be taken out during the rest of this year. It will be £1 billion over the next five years. You simply cannot ignore and close your eyes to the consequences of that. It will have an impact on the services that we have, and we need to take the necessary decisions. By far, in my view, the best decision to take is to accept that the enhanced package, which DSD proposed and which is before the Executive, should be approved. That would be a better deal than anywhere else in the United Kingdom for those who require welfare assistance.

**Mr Campbell:** Is the First Minister aware that, just before the Easter recess, I had a written response from Danny

Alexander of the Treasury that pointed out some of the statistics that the First Minister just provided? Given the very clear implications that that will have for our Budget, can he be any more specific about the possible consequences of the ongoing failure to implement welfare reform?

**2.15 pm**

**Mr P Robinson:** I think we have to be candid: we are facing a nightmare scenario. That can be seen not only through the figures that I gave to the Member for Strangford but in the very serious issue of computerisation. The figures given by DSD indicate that, if we are to continue with the present arrangements, the new required computer system will cost well over £1 billion. That will be £1 billion in capital and £1 billion in revenue over the next five years and will undoubtedly lead to the loss of around 1,400 or 1,500 jobs in the north-west for those who are already servicing welfare reform payments in GB. On top of that, the computer system will be switched off during 2016, so unless our new system were up by then — everybody in IT tells me that there is no chance of the new system being ready by then — it would require us to make manual payments or no payments. That would be unacceptable. If manual payments are required, staff numbers at all offices would have to be increased.

**Ms Boyle:** Go raibh maith agat. I thank the Minister for his response thus far. Does he agree that the Executive, in line with Programme for Government commitments, have a responsibility to protect the most vulnerable and disadvantaged in our society?

**Mr P Robinson:** Yes, I do, and I believe that the Executive will be the envy of the rest of the United Kingdom when they see that we have been able to negotiate twice-monthly payments; split payments so that one or other partner can receive them; direct payments to landlords; and the recent package that deals with joint claims and sets up a £6 million fund to provide payments for medical reports. It proposes a contingency fund of around £30 million to deal with the hardest cases, and of course it does not apply the bedroom tax to Northern Ireland to any sitting tenants.

**Mrs D Kelly:** The First Minister has, on more than one occasion, referred to an agreement that he and the deputy First Minister had come to on the implementation of welfare reform. Will he inform the House of the terms of that agreement and its sticking points?

**Mr P Robinson:** I want to be absolutely clear. We have a process, which I want to keep, whereby, although we have discussions that will reach a conclusion, we never have an agreement until the parties come back having considered them at a party stage. The outline that I gave to the Member opposite is the basis on which those discussions took place.

**Mr Copeland:** In October 2012, the Social Development Minister, Mr McCausland, told the House that we would run out of road by March 2013 in bringing forward the Welfare Reform Bill. It is now 12 months later. Will the Minister comment on what happened to that prediction?

**Mr P Robinson:** I think that it is pretty obvious. We are already being penalised. The Minister was absolutely right to draw it to our attention. We have not met the deadlines, the penalties have been imposed, reductions in our Budget

have commenced and will increase year on year, so we have to face up to it.

I cannot understand why the Welfare Reform Bill was stopped in the Assembly, because the details that we are talking about are not in the Bill but in subsequent regulations. The Assembly could have passed the Bill and had continuing discussions about the regulations, but we have run out of road, the penalties have started, and they will get more severe to the extent of amounting to £1 billion over the next five years.

## Delivering Social Change

3. **Mr Moutray** asked the First Minister and deputy First Minister how agendas such as Delivering Social Change are fostering more effective cross-departmental working. (AQO 5993/11-15)

**Mr P Robinson:** The Delivering Social Change framework represents a new level of joined-up working across government to achieve real and long-lasting social benefits for those in our society who are in most need. Absolutely critical to this is Ministers coming together to agree common approaches to shared problems. That is why the Executive ministerial subgroup meetings are at the centre of Delivering Social Change. At these regular meetings, key Ministers set the agenda, discuss significant challenges and agree shared actions to deliver tangible progress.

The benefits of this approach are illustrated by the multi-departmental, multi-agency and multi-sectoral implementation of six key cross-cutting signature programmes. These programmes were developed in the context of the three operating priorities for Delivering Social Change in this mandate. They provide tangible benefits to citizens and test beds for the deployment of joined-up and evidence-based policies that will, in time, provide a significant influence on mainstream programme expenditure. The framework has also encouraged positive and effective working relationships between Departments, leading to considerable progress being made. We are already starting to see positive outcomes through the practical delivery of these initial programmes.

Looking forward, we remain committed to the provision of a holistic approach to tackling the integrated, complex and at times spiralling issues that can lead to social deprivation. Delivering Social Change will remain critical to achieving that goal.

**Mr Moutray:** I thank the First Minister for his response. Will he outline how Delivering Social Change has contributed to tackling educational underachievement?

**Mr P Robinson:** Over the past number of weeks educational underachievement, particularly among boys in the Protestant community, has again been highlighted. Of course, a number of initiatives are contained in Delivering Social Change to deal with that issue. First, we have recognised that there is a parenting requirement, and hubs have been set up. In addition, we already have 223 teachers who are providing one-to-one tuition for students who are lagging behind. That is happening in, I believe, 267 schools. Although the process is delivering on a number of priorities, it is attacking that issue. However, it is an issue on which there is much more to be done.

**Mr Eastwood:** I thank the First Minister for his answers thus far. What engagement has there been with practitioners and experienced stakeholders prior to giving out funding under Delivering Social Change?

**Mr P Robinson:** Departmental officials regularly meet stakeholders in each of the areas. Because this set of proposals covers a wide range of Departments, we expect that other Departments are doing exactly the same thing. It is important from our point of view that we have that input, not only at the early stage but on an ongoing basis, so that we can make assessments and monitor the progress that is being made.

**Mr Swann:** I thank the First Minister for his answers, in which he highlights the importance of Ministers coming together in cross-departmental working. Will he assure us that he will use his offices to bring together the Minister of Finance and Personnel and the Agriculture Minister to ensure that we get the best deal in future for the single farm payment and that the decision is made in the Executive and not in the courts?

**Mr P Robinson:** I can tell the Member that I have already had discussions about this during the course of today. It is a very important issue, and my special advisers have already been in touch with the deputy First Minister's special advisers to seek meetings so that we can have discussions on those issues. Those of us who are out and about in present circumstances know that it is a very real issue on the doorsteps in the rural community.

### Welfare Reform: Financial Penalties

6. **Mrs Cameron** asked the First Minister and deputy First Minister to outline the impact on their departmental budget of a failure to implement Welfare Reform. (AQO 5996/11-15)

**Mr P Robinson:** Our officials are assessing a range of actions required to manage a minimum of £1 million of a reduction in the 2014-15 OFMDFM resource DEL baseline budget, which is a direct consequence on our Department of the failure to implement welfare reform. These potential actions include reductions to all baseline business areas, including arm's-length bodies. Difficult decisions will have to be made, but, in considering the way forward, we will, as I have already said today, seek to minimise the impact on the delivery of front line services.

**Mrs Cameron:** I thank the First Minister for his answer. How does he propose that the Executive deal with the ongoing damage caused by the fines and penalties imposed by Treasury?

**Mr P Robinson:** The only way that the Executive can deal with it is to take a decision on the way forward. I notice that somebody else breached the Executive code: I read in the newspaper that I proposed at the last Executive meeting that the Executive have a day specifically to deal with the issue and that we look at bringing in some independent authority to give us figures that we can all accept on the consequences. It does us no good if I put out a set of figures on what the consequences are and we get a different set elsewhere. We end up confusing the public, and I do not think that that is helpful. It is far better that we get somebody independent who can look at each area, what the cost to the Executive will be and what the potential cost will be if computerisation has to be brought

in. We can then at least be singing from the same hymn sheet about what the consequences are, and I hope that we will be able to reach some agreement on how we deal with those consequences.

**Mr Maskey:** Go raibh maith agat, a Cheann Comhairle. Does the First Minister agree that the Executive have already taken a number of decisions that differ from those taken in Westminster and that those have had cost implications? If that is the case, why is it not possible to treat welfare cuts on the same basis?

**Mr P Robinson:** Of course, that decision should be taken by the Executive, if that is a decision that the Executive want to take. I am pointing out to the Member that we are not talking about tens of millions of pounds to deal with this; we are talking about £1 billion in our resource budget over the next five years and £1 billion off our capital budget. That is far beyond what the Executive are capable of bearing without it having very serious consequences for the rest of the provisions that the Executive are mandated to give.

### Social Issues/Poverty

7. **Miss M McIlveen** asked the First Minister and deputy First Minister what actions their Department has taken to tackle social issues and poverty. (AQO 5997/11-15)

**Mr P Robinson:** Mr Speaker, with your permission, I will ask junior Minister Jonathan Bell to answer the question.

**Mr Bell:** The Executive's main priority is to grow the economy and tackle disadvantage. Our Department is driving the Delivering Social Change framework to address the priority social policy areas. Seven signature programmes are being progressed across the Departments, and they are to support families, to address the barriers to learning, to improve literacy and numeracy and to support job creation in local communities.

OFMDFM is taking forward 23 social investment fund projects worth £33 million to tackle poverty and deprivation through improved community-based services and facilities. Progress is being made against the commitments in the Together: Building a United Community strategy. We have approved an innovative pilot scheme for 50 young people aged 18 to 24 who are not in employment, education or training to participate in the Headstart programme, which will help to inform the design of the United Youth programme. We are working to address the most immediate childcare needs identified during consultation. All 15 key first actions are under way, including the Bright Start school-age childcare grant scheme, which aims to create or sustain up to 7,000 school-age childcare places.

We are also working to address the challenges of disadvantage and tackle discrimination. In December, we launched a schools educational resource pack on the rights of people with disabilities. In February, we issued the Active Ageing strategy for public consultation in addition to improving existing services to ensure that they best meet the needs of older people. We have worked with Departments to propose some new programmes to tackle the challenges facing older people. In addition, we are working on the development of a new gender equality strategy —

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

**Mr Bell:** — and have started consultation on other strategies.

**Miss M McIlveen:** Further to that answer, could the House be provided with additional detail on the aspiration and proposed outcomes of the community family support programme?

### 2.30 pm

**Mr Bell:** The community family support programme is aimed at people not in education, employment or training. From January to June 2013, a 26-week intervention programme supporting parents and helping young people not in education, employment or training was successfully piloted with 44 families living in east and west Belfast, Cookstown, Strabane and Newtownabbey. The pilot programme targeted 44 post-primary school families with children aged between 14 and 18 to help 88 young people re-engage with employment, education or training. Families completed short accredited training courses and work placements, and they were provided with one-to-one employment advice, including advice on CV writing and interview technique.

The families also engaged in debt management, stress management and healthy eating and cooking programmes, and in confidence, motivational and life-coaching classes. Some of the positive outcomes from the pilot included young people returning to school to complete their GCSEs, improved school attendance and family members participating in structured training programmes. An upscaled version of the pilot was launched in November. It is being rolled out to 720 families. Some 904 participants are enrolled in the first cycle, of whom 325 are 14- to 24-year-olds.

**Mr Speaker:** That concludes questions for oral answer to the Office of the First Minister and deputy First Minister. We now move to topical questions. Question 7 has been withdrawn.

## Credibility of Administration

1. **Mr Allister** asked the Office of the First Minister and deputy First Minister what the First Minister, as joint leader of this Administration, thinks is the impact on its credibility of the fact that the deputy First Minister has now been identified by one of his IRA buddies, Peter Rogers, as a director of terrorism. (AQT 1021/11-15)

**Mr P Robinson:** I do not think that anybody in the House will be surprised. If anything, I am surprised that the Member seems to think that this is some novel outcome that has been reached over the past number of days. I do not think that anybody will be surprised. Indeed, the deputy First Minister has made no secret of his involvement with the IRA. He gave evidence to the Saville inquiry to that effect. The reality, of course, is that, if there is any evidence that he has been involved in criminal activity, he, like any of the rest of us, should be brought before the courts and tried.

**Mr Allister:** The First Minister will be aware that there is quite a widespread view that, under the aegis of the peace process, of which these arrangements are part, the deputy First Minister and his party leader are in some way untouchable with regard to criminal liability. Does the First Minister agree with that perception? As First Minister, has

he made any representations to the prosecuting authorities about the pursuit of those with terrorist pasts?

**Mr P Robinson:** I have consistently indicated that I believe that certain people have been left alone because of their involvement with the political process, which the Government do not want to disturb. I drew that to the public attention, most recently, about the on-the-runs (OTRs) and the use of the royal prerogative of mercy. However, those are issues that are being considered by a number of inquiries. No one should be less amenable because of their political involvement. He will know from his days in the Democratic Unionist Party that the first principle of the party is that everybody is equally subject to the law. So, I hope that the Member will recognise that all these matters have to be dealt with by the due process of law. If anybody has evidence against any Member, they should bring it to the authorities. There are proper processes to go through. Again, everybody should be amenable to the law.

## Colliers International: Market Research

2. **Mr Nesbitt** asked the Office of the First Minister and deputy First Minister whether it will comply with the Information Commissioner's order to publish this week the outstanding information on market research by Colliers International into the peace-building and conflict resolution centre. (AQT 1022/11-15)

**Mr P Robinson:** The deputy First Minister and I will have a conversation on this issue. However, I think we should recognise that the FOI issue is not black and white. It is not the case that everything that government does should be published and disclosed. In the public interest, we have to ensure that government can still operate effectively. Clearly, within the legislation, there are exemptions to ensure that facts and information can be given to Ministers in a way that does not prejudice the Ministers or those who provide the facts. That exemption on policy formulation is there. It is not unnatural, I suspect, that, in performing his duty, the Information Commissioner might see that the onus should be on disclosure. Equally, from the point of view of Ministers, we have to be certain in disclosing information that it is in the public interest, and that is a matter of opinion. It is a matter of principle, rather than one of law.

**Mr Nesbitt:** Does the Minister accept that the time to appeal on this issue has passed and, therefore, the time for conversations has passed and that not to publish this week would be contempt?

**Mr P Robinson:** I think that the Member is a little confused about the law. He might like to look at section 35 of the legislation, where he will see what some people refer to as a "ministerial veto" that can be exercised. We will discuss whether to publish, publish with redactions, or operate under section 35.

I say to the Member that we are dealing with two cases in FOI. One relates to the risk register, and the other to the Maze. In the case of the Maze, this is a report that Ministers did not ask for, did not approve of and had no knowledge of until it had been undertaken. It is the kind of report that officials carry out to provide the very best of information and give Ministers options. I believe that there are some mischievous people, perhaps even some down in that corner of the Chamber, who would seek to use a report that is the views of other people and associate it

with the Ministers who did not approve of it being carried out.

### Welfare Reform: Church Response

3. **Mr Milne** asked the Office of the First Minister and deputy First Minister for its assessment of the unprecedented direct attack by 27 Anglican bishops and 16 other clergymen who accused the Tory-led coalition of creating hardship and hunger through welfare reform changes in Britain. (AQT 1023/11-15)

**Mr P Robinson:** I am responsible for many things, Mr Speaker, as you know, but one thing I am not responsible for is the actions of the Conservative/Lib Dem Administration in GB. Of course, there are people on both sides of this argument. All I can tell the Member, from the point of view of the figures for Northern Ireland, is that the amount of money that will be spent on welfare continues to increase year-on-year, even with welfare reform.

**Mr Milne:** Go raibh maith agat, a Cheann Comhairle. Mo bhuíochas leis an Aire go dtí seo. It is fair enough to say where your responsibilities lie, but does the First Minister not accept that the Executive have a duty and responsibility to protect the most vulnerable against the raft of austerity measures proposed by Westminster?

**Mr P Robinson:** I do, and I point out again to the Member the additional steps that are being proposed here in Northern Ireland that are not available elsewhere in the United Kingdom. What joy there would be on the British mainland if the bedroom tax were not to be applied there; it does not apply under the proposals that we have here in Northern Ireland. What joy there would be there on the British mainland if a fund were set up to deal with all the people hardest-hit by the changes under welfare reform, whereas we have proposed such a fund in the region of £30 million — and all the other changes that I outlined earlier. However, the Member has to take into account that there is not only one set of vulnerable people that we have to deal with. If we have to take money away from our health budget or other budgets, we will hit vulnerable people. We will hit people who are looking for new cancer drugs and will not be able to get them, and people looking for hip replacements. The issue of vulnerability is a two-sided coin. The Member has to recognise that there would be impacts on service delivery in Northern Ireland if we were to spend our money in the way he suggests.

### Invest NI: Performance

4. **Mr Anderson** asked the Office of the First Minister and deputy First Minister to outline whether Invest NI is meeting its targets in attracting jobs to Northern Ireland, following this morning's welcome announcement of almost 500 new jobs in the EY accountancy firm. (AQT 1024/11-15)

**Mr P Robinson:** Invest Northern Ireland will make its own statement in the next week or so, so I will perhaps give a trailer of what is to come. It has more than met its target for foreign direct investment. The jobs announced this morning were different in that they were not foreign direct investment; they were home-grown jobs. The management of EY took the initiative itself when it saw the possibility in the company of setting up a new business unit. Whereas, for many people, the answer was, "India. What's the question?", they turned it on its head and said, "The

answer is Northern Ireland, and here are the skills that we have; here's the cost-competitive base that we have." As a consequence, 486 jobs were announced today. Invest Northern Ireland is well ahead of its target for foreign direct investment.

**Mr Anderson:** I thank the First Minister for that response. Does he agree that that announcement is further evidence that devolution is making a significant difference when it comes to attracting jobs for the people of Northern Ireland?

**Mr P Robinson:** We have probably had a higher level of jobs coming into Northern Ireland than at any time in the history of Northern Ireland. In fact, during April so far, we have had 2,000 job announcements. That is a very considerable contribution to getting the increase in our economy that we have all been looking for. As the cinemas often say, there is more to come.

**Mr Speaker:** I call Jo-Anne Dobson to ask question 5.

**Mrs Dobson:** Apologies. I was not prepared for my question, Mr Speaker.

### Giro d'Italia 2014

6. **Ms Boyle** asked the Office of the First Minister and deputy First Minister whether it believes that the Giro d'Italia will be a success. (AQT 1026/11-15)

**Mr P Robinson:** Yes, in spite of the junior Minister copping from his bike on Saturday. I do not think that he will in the running for it. The Giro d'Italia is a massive success for Northern Ireland. I think that people are beginning to get the excitement of what is one of the great spectator sports. The sight of cyclists going at speeds that cars go at will be breathtaking for Northern Ireland. Most important from a Northern Ireland perspective is the fact that the pictures will go out right across the world to about 800 million people, who will be having a look at the Northern Ireland countryside and, most important of all, the start in east Belfast.

**Ms Boyle:** Go raibh maith agat. I thank the Minister. I have not seen any of the pictures of the junior Minister coming off his bike, but he has obviously had a speedy recovery.

It is disappointing that, like other areas, west Tyrone, which is my area, does not feature in the cycle route. Can more be done to encourage similar events in the future to be located in west Tyrone and the west?

**Mr P Robinson:** I suspect that quite a number of MLAs will get to their feet to regret the fact that the race will not go through their constituency. I can send the junior Minister to Tyrone, if that is any help to you.

When we are looking at sporting events, we want to get as wide a spread as possible, depending on what the facilities are in various parts of the country.

**Mr Speaker:** Question 7 has been withdrawn, and Tom Buchanan is not in his place for question 8.

### On-the-runs: Judge-led Inquiry

9. **Mr Kinahan** asked the Office of the First Minister and deputy First Minister for an update on the judge-led on-the-runs inquiry. (AQT 1029/11-15)

**Mr P Robinson:** I have already met Judge Hallett, and I will meet her again next week. I understand that she

has been interviewing people in the Civil Service and the police. I understand that she is looking at a wide range of documents.

#### 2.45 pm

I suspect that the report will be helpful, not least to the other inquiries by providing them with an analysis of where best they might look. Although the House of Commons inquiry gives power to the Northern Ireland Affairs Committee to ask for persons and papers, it will be a fairly empty power unless it knows who to ask for and what papers it should seek. I think that the Hallett report should provide a lot of information that might allow it to have further interrogation of the issues.

**Mr Kinahan:** Is the First Minister content that she is not reviewing every letter? If she does not find out what we want, is he still going to put his job on the line?

**Mr P Robinson:** Can we be very clear that, as regards an inquiry, I had a choice, like anybody else in the House would have, if they were in my position, of whether to wait 10 years, which is how long it would take if we were to have the full public inquiry that some people in the House asked for. I am not prepared to wait 10 years for an outcome, and I do not believe that the people of Northern Ireland are prepared to wait that length of time for an outcome.

In my view, we have the very best of circumstances, whereby we have a judge-led inquiry that has the powers to go into Departments, here in Northern Ireland and in London, as well as the ability to go to the PSNI or the Public Prosecution Service. At the same time, we have two other inquiries, one with the Justice Committee in the Assembly and another with the Northern Ireland Affairs Committee, which, I think, are likely to be more long-term inquiries. I believe that the combination of them all can get to the truth.

## Agriculture and Rural Development

**Mr Speaker:** Question 11 has been withdrawn.

### Flooding: Home Insurance

1. **Mr Copeland** asked the Minister of Agriculture and Rural Development what discussions she has had with the Association of British Insurers to ensure that provision for flooding within home insurance remains available and affordable for residents. (AQO 6006/11-15)

**Mrs O'Neill (The Minister of Agriculture and Rural Development):** Go raibh maith agat, a Cheann Comhairle. For clarity, insurance is a reserved matter, and, therefore, the work that is associated with the replacement for the statement of principles on flood insurance is being taken forward by Westminster Ministers and their officials, obviously with input from here. The new arrangements for flood insurance are being brought onto the statute book via the Water Bill. That draft legislation is at an advanced stage, with commencement due in early 2015.

To ensure that the arrangements are suitable for here, I, along with officials from my Department, have had regular contact with representatives of the Association of British Insurers, DEFRA Ministers and officials from Departments

in England, Scotland and Wales. Specifically, I met the Association of British Insurers as far back as November 2012 to discuss potential options. The association has recently been in contact with my officials to arrange an update meeting. Given my concerns about home insurance, I have also written to DEFRA Ministers on a number of occasions stressing the need to ensure that home insurance, including provision for flooding, remains available and affordable for all residents in the North of Ireland and that that is adequately reflected in any agreed solution.

**Mr Copeland:** I thank the Minister for her answer. The Minister will be aware that the way to reduce insurance premiums is to reduce risk. We still have a very questionable situation whereby, for example, water in Belfast lough is the responsibility of DCAL; once it enters the Connswater river, it is the responsibility of the Rivers Agency; once it overflows the bank, it is the responsibility of DOE; and once it goes onto the roads, it is the responsibility of DRD. Can the Minister update us on the degree of cooperation that is taking place between all those Departments to ensure that the risk and, therefore, the premiums are minimised?

**Mrs O'Neill:** Obviously, there are very strong links and strong coordination across all Departments. I think that that has been evidenced in some of the situations that we have found ourselves in over the past number of years and even in the threat from coastal and tidal flooding. I have always said that I am open to looking at the bigger picture of who is strategically best placed to take forward the whole remit of flooding in general. However, I think that that needs to be done in the context of the wider discussion of departmental roles and responsibilities. I do not think that we should just pick and choose areas for movement now. So, there are strong links, which I very much welcome, and we will continue to have them. As I said, I am very open to any future discussions on how that is formatted and which Department takes the lead.

**Mr McKinney:** What specifically can DARD do? What are the specific options that the Minister is referring to in her discussions with the Association of British Insurers?

**Mrs O'Neill:** As I said, we have had a number of discussions. In particular, I was keen to stress with DEFRA and with the Association of Insurers that any solution must reflect our local needs. The scale of the problem in England is bigger compared with ours, so it is important that our householders are not penalised as a result of that. I made that point very strongly and had those discussions over the past couple of years. In moving forward, the levy that is being imposed on all householders will be more formalised. A levy of £10-50 already exists, and we are looking towards stabilising that and putting it into legislation. A number of arrangements are being taken forward, and we will have a lot more discussion on the issue when it comes to the House. We are talking about an implementation date of 2015.

**Mr Speaker:** Thomas Buchanan is not in his place.

### Single Farm Payment

3. **Lord Morrow** asked the Minister of Agriculture and Rural Development when people whose single farm payment is outstanding will receive their payment. (AQO 6008/11-15)

**Mrs O'Neill:** The Department has delivered a record payment performance for the 2013 scheme year, with 99% of claims finalised to date. More farmers received their single farm payment in December 2013 than ever before. The value of the payments made so far is £264.7 million and is a vital element of farm incomes. I am pleased to announce that the results of all remote sensing inspections have been processed. Payments have been issued to the businesses concerned. In fulfilment of my Department's commitment to the industry, payments have been made to the inspected businesses two months earlier than last year and four months earlier than the year before that. Currently, there are 357 outstanding single farm payment claims from the 2013 scheme year. These claims are not yet finalised because of a variety of reasons including probate proceedings, bank account details not being provided by businesses and disputes between businesses concerning land. The resolution of the claims is being pursued on an ongoing basis, but, in the great majority of cases, delay is due to factors outside the Department's control.

**Lord Morrow:** We are speaking today about those who have not received their payments, not about those who have received them. I note that the Minister can give no comfort at all about when these final payments will be made. Does she accept that a lot of hardship has been caused because the payments have not been made? Does she also acknowledge that it is incumbent on her Department to do everything that it can to ensure that the debacle ends as quickly as possible?

**Mrs O'Neill:** Perhaps the Member was not listening properly, but I clearly said that all cases that have been inspected by remote sensing have been paid. Some 99% of all claims have been paid, and the remaining 357 claims that are yet to be paid are as a result of issues that are outside the Department's control. Those include legal issues such as probate. We are in a very positive situation with the people who were having a remote sensing inspection and were waiting for their payment. We are in a better place, and more people have been paid this year than ever before. Year-on-year, the picture is getting better. I very much welcome that, as does the industry. I have always said that I understand the stress and the financial situation of people who were waiting to be paid. I assure all recipients of the single farm payment that next year will be better again. We will continue to improve, year-on-year, but issues such as people not providing bank details are far beyond my control or that of my Department. We will continue to work with claimants on those issues to try to get payment for those people, but I do not think that anyone can walk away or ignore the fact that, year-on-year, over the past couple of years, we are in a better position by four months. There are improvements every year, and next year will be even better.

**Mr Lynch:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. What were the payment processing targets for December 2013 and February 2014?

**Mrs O'Neill:** Go raibh maith agat. The payment target for December 2013 was 85%, and we achieved 90%. The payment target for February was 95%, and we achieved almost 97%. As I said, the total payment is now 99%. This is a positive and improved picture, and it will only get better.

**Mr Rogers:** Thanks to the Minister for her answers thus far. With the advent of the new CAP, what consideration has been given to proposals for advance payments of the single farm payment?

**Mrs O'Neill:** I have always said that we hope to be in a position whereby we can make advance payments, and that will be part of the consideration in moving forward. For us to be able to get to the position to do that, we need more inspection cases to be dealt with by remote sensing. We have really ramped up the numbers over the past couple of years. Next year, I intend to increase that number, and we will learn from some of this year's experiences to get a better spread of how that is done. Once we are able to do that, and we have the majority of, if not all, cases done by remote control sensing, we will be in a position to make advanced payments. I am very open to doing that.

The priority to date has been getting the majority of people paid as early as possible in December. We will continue to drive forward with that, but I am absolutely open to advanced payments when we are in a position to do that, which hopefully will be over the next couple of years.

**Mr Swann:** I thank the Minister for her answers. She highlighted that she understands that the single farm payment is an essential cash-flow pipeline for many farms. What will happen to agriculture in Northern Ireland in general should the Executive fail to agree a model for the future single farm payment and on 1 August we go to that default position, which is a single region with no transition?

**Mrs O'Neill:** These are major decisions. It is a massive change for the industry. People are watching carefully as decisions are taken. They want clarification, and rightly so. We have been anxious in decisions taken to date to communicate that message and that people fully understand those decisions. I am mindful of the bigger decisions still to be taken and the need to have them taken sooner rather than later. We are working through that. There is a political process and process of government to go through, which we are actively doing. As soon as I am able to confirm the rest of those decisions, I will do so.

As I said, I hope that it will be sooner rather than later that we are able to confirm for people what the future holds. This is an industry with massive potential; it can grow, and it is asking the Executive to support it. I want to see the Going for Growth strategy paper agreed. Let the industry see that the Executive are serious about it. There is a lot of work to be done, surely, but we are in the process of government, and I hope to be able to get things clarified sooner rather than later.

## Animal Welfare

4. **Mr Maskey** asked the Minister of Agriculture and Rural Development for her assessment of the adequacy of the mechanisms within councils for the delivery of the welfare of animals. (AQO 6009/11-15)

**Mrs O'Neill:** The provisions in the Welfare of Animals Act 2011 strengthened the role of councils in dealing with local issues, as dog wardens and environmental health officers had previously dealt with dog control issues. Councils had experience and a presence in residential areas, where most welfare offences in respect of domestic pets are likely to occur. The involvement of councils has been a

major step forward as it is the first time that the North has had a dedicated manpower resource to investigate animal welfare complaints in respect of non-farmed animals and a budget to fund the work.

Councils enforce the Act on a regional basis through five groups. Nine animal welfare officers work across the whole of the North if necessary. These officers were appointed following an open competition publicly advertised in line with council recruitment procedures. Essential and desirable criteria included relevant experience and qualifications in the professional care, management or handling of animals. Successful applicants came from a variety of backgrounds and with a range of skills.

These officers have completed a rigorous training programme compiled and delivered by the RSPCA, which has many years' experience of animal welfare enforcement in England and Wales. Additional training in areas such as equine handling and evidence gathering has been undertaken. They are supported by management, administrative and legal support. Depending on the circumstances of the case being investigated, they can also seek the services of veterinarians and specialist animal care providers with whom they have a contract.

I am encouraged by the positive approach taken by councils and by the close and effective partnership working between councils and DARD officials in putting in place the necessary arrangements.

**Mr Maskey:** I thank the Minister for her comprehensive reply. Who or what organisation is responsible for the enforcement of animal welfare issues in respect of non-farmed animals?

**Mrs O'Neill:** The PSNI has responsibility for enforcement in respect of wild animals, animals fighting and welfare issues where other criminal activities are involved. Councils have responsibility for enforcement in respect of non-farmed animals such as domestic pets and horses. Councils have nine animal welfare officers to enforce the Act across the North. The powers in the Act allow council animal welfare officers to take a range of actions to address any animal welfare case, including providing advice, giving a warning or issuing a legally binding improvement notice or prosecution. The circumstances of each case will determine the most appropriate action.

It is important that the PSNI, councils and my Department be involved in the enforcement of the Act, as it provides a new duty of care and allows inspectors to issue improvement notices for animals not being properly cared for. That would not be appropriate work for the PSNI. However, should the PSNI wish to investigate and prosecute any animal welfare complaint, the Act provides the powers for them to do so. Importantly, only the PSNI can make arrests in a matter where an offence has been committed under the Act.

### 3.00 pm

**Mr Campbell:** Will the Minister make available senior officials from her Department in the north-west, where a public representative has been approached by a landowner who lived in England and whose land was vacant but was used by others to graze livestock? Some of the livestock perished because of neglect. That landowner is seeking redress and a resolution to the problem upon return to that land. Will she ensure that, after I have

approached her Department, officials will be available to try to alleviate that situation?

**Mrs O'Neill:** The Member will be aware of the normal practice. If he contacts the Department, I am sure that officials will make themselves available to discuss that individual case. It is not appropriate for us to discuss it across the Chamber today.

**Mr Kinahan:** I thank the Minister for her answers so far. She is probably aware that Crosskennan Lane Animal Sanctuary, which last year was trying to find homes for some 200 horses and other animals, is owed a large sum by Belfast City Council. That is still to be sorted out. However, she has indicated that she is happy with the mechanisms. Will she use all the influence that she has in the Executive and with councillors and others to ensure that councils get contracts in place and pay so that they look after animals and places such as Crosskennan are not put in danger?

**Mrs O'Neill:** Crosskennan does a great job. It is not for me to comment on its contractual issues with Belfast City Council. I do not think that that would be appropriate. However, I am hopeful that they can perhaps find a solution. I know that there has been a public element to the matter, but I think that it would be inappropriate for me to comment. Suffice it to say that, in all these arrangements and the contracts that councils have to deliver on the welfare of animals, it is important that everyone is very clear on their contractual responsibilities and the financial remuneration that accompanies those. I will leave it at that. I hope that Crosskennan can resolve the dispute with Belfast City Council.

**Mr D Bradley:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a freagra. In light of recent court cases and the widespread dissatisfaction with the lightness of sentences imposed, and given that the Minister introduced the relevant legislation, will she raise the matter with the Minister of Justice as a matter of urgency?

**Mrs O'Neill:** Yes. In light of the public concern about sentencing, particularly in the east Belfast case, I wrote to the Minister of Justice and the Lord Chief Justice about the sentencing guidelines. I think that we have fit-for-purpose legislation. However, sentencing is where, in my opinion, that case fell down. I have written to both those parties, and I intend to meet the Minister of Justice for further discussions on how we can work together to improve matters. However, I believe that the key failing in the east Belfast case was the sentencing as opposed to the legislation that is in place.

### Going for Growth: Exports

5. **Mrs Cochrane** asked the Minister of Agriculture and Rural Development how she intends to meet the strategic policy in the Going for Growth action plan to increase agricultural exports by 75 % to £4.5 billion by 2018. (AQO 6010/11-15)

**Mrs O'Neill:** Going for Growth is the industry-led strategic action plan developed by the Agri-Food Strategy Board. Development of the plan is a priority 1 commitment in the Programme for Government, and agrifood is also highlighted as a key growth sector in the Executive's economic strategy. That demonstrates the importance of

the sector and the key role that it will play in rebalancing and rebuilding the North's wider economy.

Going for Growth outlines significant targets up to 2020, including an increase in sales outside the North by almost £2 billion to £4.5 billion. The report also targets an increase in turnover of £2.5 billion to £7 billion, an increase in value added to £1 billion and 15,000 additional jobs.

The report identifies significant opportunities for export growth, with a focus on growing markets in the USA, Africa, and the Middle and Far East. I have already visited China to talk to officials about the quality and safety of our produce. In addition, the First Minister and deputy First Minister recently visited Japan, where they promoted our local food and drink. My Department is also supporting access to new markets through the efforts of supply chain development and veterinary services. Most recently, Singapore announced that it was opening its markets to beef from the North and Northern beef sourced from Southern cattle. I am confident that others will follow.

Irrespective of the proposed market, any growth must be sustainable, and I welcome the view of the Agri-Food Strategy Board that growth must be based on sustainability and profitability of the entire supply chain, recognising the importance that each part plays in producing high-quality and traceable food.

I am fully committed to delivering on Going for Growth and, along with the Minister of Enterprise, Trade and Investment, I have brought proposals to the Executive on the way forward for this important report.

**Mrs Cochrane:** I thank the Minister for her answer and welcome the number of issues she addressed. Specifically regarding increasing agriculture exports, will the Minister detail any other small programmes that she may have in place to encourage this, what funding might be in place and how she plans to monitor the success of those programmes?

**Mrs O'Neill:** Export sales and the export market are at the core of the Going for Growth strategy, and there is collective Executive effort to target those markets. You can see that by the visits in which I, OFMDFM and the Minister of Enterprise, Trade and Investment have been involved. It is about getting out there and selling our wares. It is about promoting what we have: a clean, green image, and a fantastic product that people desire. That is the job of the Executive.

As to how we move forward, support the industry and fund the Going for Growth strategy, we have taken forward quite a number of areas of work and are not just sitting and waiting for Executive approval. Whilst these are smaller things, they all add up to form the bigger picture. As far as supporting Going for Growth and its financing is concerned, had I been able to transfer the money from pillar 1 to pillar 2 in the rural development programme, which was blocked, we would have been in a better financial position with respect to funding some of the measures that we would like to take forward.

I am still very much committed to the Going for Growth document and to delivering what we have set out, particularly the supports for the farming industry. We are now working through the shape of that support. Until we have a better understanding of the financial position, it is harder to put more meat on the bones with respect to

what we are doing. The Member is on the Agriculture Committee, and I am happy to make sure that she is kept informed of decisions as we take them.

**Mr Frew:** How does the Minister expect anything to grow, let alone farm businesses, when she procrastinates on CAP reform issues? Why has she not brought proposals to the Executive to give them a chance to assess them, and why has she turned her face away from the farming community and the farming organisations that represent them? Why has she advised colleagues in her party not to attend public meetings?

**Mrs O'Neill:** Many questions there. I said earlier that there are major decisions to be taken regarding CAP reform. As I have taken decisions, I have tried to put as much clarity as possible out there at each stage, because I understand that farmers are concerned about their future and about what this means for them. We have taken quite a number of decisions, put them into the public domain, and you do not need me to detail them now. There are still some core issues that need to be addressed. There is a political process in place, and the leader of your party in Question Time, just before me, talked about how there are discussions ongoing. This is something that we are working our way through. There is a process of government that we have to go through. I want to be able to take these decisions sooner rather than later, but I will take decisions that are fair and are based on equality.

I have listened: I have been involved in so many consultations around CAP reform. We have engaged: we have had over 850 responses and there have been numerous public meetings. So, views have been very well aired and very well heard.

I will take decisions based on equality and on what is best for the future of this industry. I am very much committed to this industry being able to grow. That was why I brought forward the Agri-Food Strategy Board report, why I put that firmly on the agenda and why I said that the Department is an economic Department. I do not think that anybody can question my commitment to this industry.

There are big decisions to be taken, and I will not be forced into taking them just to please some people. I will take decisions when it is right to take them and when they are fair and equal. I will also be mindful of the process of government that I have to go through, and those discussions are ongoing.

**Mr Byrne:** I welcome the Minister's answers thus far. Will she state whether the Going for Growth implementation plan has been sufficiently agreed, with timescales and moneys attached, and is it contingent upon agreement on CAP pillar 1? Is she still committed to a single-zone region with perhaps a short transition period of four years?

**Mrs O'Neill:** I said earlier that the Going for Growth paper has been with the Executive since December. I and the Enterprise, Trade and Investment Minister signed off on it, and it is with the Executive. I am hopeful for a discussion on that sooner rather than later. I am frustrated that it has not been discussed yet and that we do not have a response for the industry. I do not think that is good enough. The industry is sitting and waiting. We did a fantastic piece of work, and it is up to the Executive to show they support the industry moving forward and the growth and potential that exists.

We will work our way through that. I hope to have those discussions. There are ongoing discussions about it coming to the Executive, but hopefully that will be sooner rather than later, because we cannot miss the opportunity of creating 15,000 extra jobs and growing sales by 60%. The potential is there. It is up to the Executive to support it.

I said earlier that I wanted to transfer money in, which would have been used to part-fund some of the work that we would do under Going for Growth. Unfortunately, that is not the case, so those discussions are ongoing. Given that that was blocked, the Executive need to step up to the mark for the industry. The Executive need to put the money up front, centre stage for the industry, which has fantastic potential.

**Mrs Dobson:** Almost a year after the publication of the strategy and with all of the time in between and the problems with the agri-loan scheme, to many it seems to have been a wasted 12 months with virtually nothing to show for it. Minister, it is time for honest answers. What priority do you and the Enterprise, Trade and Investment Minister really place on the strategy? Do you accept that the longer both Departments string it out, the poorer our agriculture industry will be for it?

**Mrs O'Neill:** I hope the Member is not suggesting that I am ever anything less than honest. I have said very clearly that I am very much wedded to the strategy. I want to see the Executive deliver on it. I am frustrated that there has not been agreement to date and hopeful that that will come in the near future. A fantastic piece of work has been done, and it is now up to the Executive to deliver on it.

We have not sat back and waited until the Executive agree. There are quite a number of areas of work that have been taken forward over the past year. We have had the deferral of the introduction of the export health charges, which were identified in the document as a barrier for the industry and an obstacle to export. We have been proactively promoting our produce right across the Executive, with all of the visits to China, Japan and all of the different markets that we are trying to reach into. We have had an increase in DARD-funded postgraduate courses. We have created a dedicated contact point at the Agri-Food and Biosciences Institute (AFBI) to assist local people in drawing down EU funding.

Nobody is sitting back on their laurels waiting for the Executive to agree that piece of work. We need the financial backup to be able to deliver on some of the bigger key issues of the strategy, but there has certainly been quite a lot of other work taken forward in the meantime. I am hopeful that we can get agreement. It is incumbent on the Executive to say to the industry, "We support you, and here is the financial contribution to do it".

## Public Bodies: Female Representation

6. **Ms Ruane** asked the Minister of Agriculture and Rural Development what action she is taking to increase the representation of women on public bodies related to her Department. (AQO 6011/11-15)

**Mrs O'Neill:** I recently met the Commissioner for Public Appointments, John Keanie, and discussed his report on under-representation and lack of diversity in public appointments. As his report makes clear, women, young people, ethnic minorities and people with disabilities are under-represented on the boards of public bodies.

I have instructed my Department to initiate a review, led by senior officials, to address the under-representation of women on the boards of DARD's five non-departmental public bodies (NDPBs) and to prepare a report specifically recommending actions, goals and timetables. That work will also inform how we improve diversity more generally on our departmental public bodies and other fora for which my Department is responsible.

**Ms Ruane:** Cuirim fáilte roimh an bhfreagra sin agus roimh an obair atá déanta. I welcome that answer and the work that has been done, but we all know that we need to get targets for increasing representation of women in public bodies. Will you outline what DARD's targets are?

**Mrs O'Neill:** Go raibh maith agat. In 2011, DARD published its audit of inequalities and accompanying action plan, which runs from 2011 to 2016. That action plan has two gender targets for 2016: to improve representation by women on DARD NDPBs and associated bodies to 50%, and to improve representation by women on internal decision-making teams and groups to achieve a fair 50:50 representation. In 2012, DARD published its strategic plan, which runs to 2020 and which clearly sets out the direction for the Department's work in coming years and the significant work streams. The strategy also reaffirms the Department's commitment to equality and its section 75 obligations and to working towards meeting the targets set out in the audit of inequalities.

I totally agree with the Member about targets. You have to have clear targets so that people can work to them. When I met the commissioner he presented a different way of looking at how we actually recruit. If we do not have enough women coming forward, it is hard to select. You can't select women if there are no women coming forward. Some of the areas that we need to look at are advertising and how descriptions are set out, so that people can see how they fit in and how they would probably be a good person for that role. There are a number of challenges for all Departments, but I am certainly committed to taking that forward as a key area of work in the time ahead.

## 3.15 pm

**Mrs Overend:** Will the Minister consider following in the positive steps of my colleague Danny Kennedy, the Minister for Regional Development, and move away from what has become the almost automatic reappointment of board members for second terms and make all reappointments subject to public competition?

**Mrs O'Neill:** Those are all areas of work that we are looking at. That is key, because, if we keep reappointing people, how will there be any opportunity for new people to come in? We need to take on board what I said earlier to Caitriona. Look at how some of those posts are advertised; they actually discourage people from coming forward. We need to look at all that. There are very simple steps we can take that will, hopefully, widen the pool of people that comes forward, particularly for women, ethnic minorities and young people, the groups that are absolutely under-represented.

## Waterlogging

7. **Mr Gardiner** asked the Minister of Agriculture and Rural Development for her assessment of the extent of the damage caused to agricultural land by waterlogging over the past 12 months. (AQO 6012/11-15)

**Mrs O'Neill:** In comparison with 2012, there has been no widespread damage to agricultural land as a result of waterlogging over the past 12 months. Waterlogging causes damage to agricultural land through a deterioration of soil structure and an increased risk of soil compaction. I recognise that there were wet weather conditions during the early part of 2013, which may have caused localised waterlogging damage to soils. However, the subsequent dry summer and autumn resulted in an improvement in soil structure, which allowed agricultural land to recover naturally. The drier weather gave farmers and growers the opportunity to take remedial action, such as soil aeration, subsoiling and drainage improvement works. Those conditions lasted until most livestock was housed, and that meant that there was less damage caused by poaching, compared with the previous autumn.

The high rainfall between December 2013 and March 2014 caused some localised waterlogging. However, the impact on agricultural land was less than that in 2012. That was because most livestock was housed during the period and less field work was needed as most crops were successfully harvested in the autumn.

Looking ahead, if spring conditions continue to improve, early season damage to agricultural land from waterlogging should be minimal. However, if needed, my Department will, through the College of Agriculture, Food and Rural Enterprise (CAFRE), provide support and training to farmers and growers who are affected by poor weather conditions. We offer training to help farmers improve their knowledge of soil structure, compaction and drainage issues. In addition, CAFRE development advisers are available to meet the specific training needs of farmers in their local area.

**Mr Speaker:** That concludes questions for oral answer to the Minister. We now move to topical questions to the Minister. Questions 5 and 10 have been withdrawn. Patsy McGlone and Jonathan Craig are not in their place to ask questions 1 and 2.

### Common Agricultural Policy: Update

3. **Mr McAleer** asked the Minister of Agriculture and Rural Development for an update on the CAP decisions. (AQT 1033/11-15)

**Mrs O'Neill:** As I said earlier, a number of decisions have been taken and we have tried to be very proactive in making sure that people are aware of those decisions. We have a question and answer section on the website, and that is updated fairly regularly on the back of the questions that farmers ring in and ask.

We have made a number of decisions on entitlements: all existing entitlements will be cancelled at the end of 2014 and new entitlements will be allocated in 2015; entitlements held on 15 May will be used to calculate the initial value of entitlements allocated under CAP reform; the option to restrict the number of entitlements to the area of land declared in 2013 will not be used. We have provided clarity around eligible land, the minimum allocation of entitlements and claim size at three hectares, the siphon on entitlement transfers, the regional reserve, greening, the small farmers scheme and the active farmer test. So, we have been able to seek and provide clarification on those more technical issues.

I encourage farmers with any questions to feel free to contact us at any stage. We will continue to update the Q&A section of the website, because I accept that it is a time of change and concern as people take business decisions on the right way forward for them.

**Mr McAleer:** Go raibh maith agat. I thank the Minister for her answer. I acknowledge and commend the progress that has been made to date on CAP reform. The Minister will be aware that there are very strong voices in areas such as the Sperrins, which I represent, where farmers want a fair outcome from CAP reform. Can the Minister assure those farmers that that is her intention?

**Mrs O'Neill:** Absolutely. At the heart of my politics is equality. Therefore, I will make sure that equality is at the core of any decision that I take. I very much believe in the industry. I believe in fairness in the supply chain. I believe in supporting everybody in the industry. Any decisions that we take on the way forward will be based on that premise. As I said, it is a time of change. I accept that people are worried about what it means for them. So, the sooner we have political agreement on the decisions for moving forward, the better it will be for the industry. I am committed to making sure that we do that.

### Single Farm Payment

4. **Mr D McIlveen** asked the Minister of Agriculture and Rural Development what action her Department is taking to speed up the single farm payment review of decisions procedure. (AQT 1034/11-15)

**Mrs O'Neill:** The Member may be aware that, over the past year, we have actually improved things greatly, particularly at the first stage. We are also working on the further stage. So, there is an ongoing piece of work. I do not have the figures with me now, but I can certainly say that they will speak for themselves and will show the improvements that have been made. I am very happy to provide that to the Member in writing.

**Mr D McIlveen:** I thank the Minister for her answer. Does she find it acceptable that farmers in many of our rural communities have been waiting in excess of six months for a decision? I am sure that, like me, she has constituents who have been waiting in excess of six months. Does she believe that that position is acceptable or that it should be continued into the future?

**Mrs O'Neill:** No, I absolutely do not think that it is acceptable. That is why we had a review of the whole process and why we have improved things significantly. I am happy for the Member to write to me outside Question Time about the case that he is dealing with. However, we have improved things, and we will continue to improve things. There has been massive change, particularly at the first stage, and the second stage is an ongoing piece of work.

### Beef Sector: Concerns

6. **Mr McMullan** asked the Minister of Agriculture and Rural Development whether she shares his concerns about the beef sector. (AQT 1036/11-15)

**Mrs O'Neill:** Absolutely. It is a difficult time for the beef sector. The drop in prices over the past number of weeks has very much been a topic of conversation and is at the forefront of everybody's mind. We all want to see a strong, profitable red meat sector, and that can be achieved only

if farmers receive a fair return for their quality traceable produce. Pricing is a commercial matter and is not within my remit.

We have seen proposed changes for the incentive structure for inspected cattle recently. I met the processors and put forward my view very strongly. This is not something that they can impose on farmers, particularly given that farmers may have paid high prices last autumn when they were not aware of the potential changes. So, in my opinion, that was poor business on the part of the processors. I am happy that they appear to have taken the decision off the table for the moment at least, but I think that it is very important that we stand strong together on the changes that they are trying to bring in. These are massive decisions that should not be taken without full consultation with the industry. The way in which it was proposed to be done was totally unacceptable, and I made sure that they were very clear of my view on that.

**Mr McMullan:** I thank the Minister for her comprehensive answer. I am sure that she will agree with me that we should be addressing this on an all-Ireland basis. Can she give some details of her discussions with Minister Coveney?

**Mrs O'Neill:** We have had ongoing discussions. At the North/South Ministerial Council (NSMC) meeting last Wednesday, we had a discussion on what we could do together. The major supermarkets set down the specifications, and I feel that we need to hold a round of meetings with those people to talk to them about our views. We need to make sure that we are speaking with one voice — a strong voice to support the industry. If things such as this are allowed to happen now, what will come next year and the year after? There could be a domino effect; therefore, we need to be very strong now to make sure that we use whatever influence we can with those people. Minister Coveney was certainly up for that. He also had a meeting with his stakeholders towards the end of last week, and we have agreed to pick up our conversation at the start of this week to agree what we can do together to face the issue.

### Common Agricultural Policy: Reform

7. **Mr Girvan** asked the Minister of Agriculture and Rural Development, given the uncertainty in the industry about the implementation of CAP reform, when she will bring the CAP reform proposals to the Executive, bearing in mind the many consultations and the fact that this has been known about not only for months but for years. (AQT 1037/11-15)

**Mrs O'Neill:** I know that the Member is not closely involved in all the discussions on CAP reform, but the detail is being clarified bit by bit from Europe. We have been very much engaged at European level, and we have been very much engaged with the industry and have listened to its views. This has been a massive consultation and a massive piece of work. These are potentially major changes for the industry, so it is important that the decisions that are taken are right.

We are involved in political discussions about some key issues that we still have to take decisions on. As I said, we have clarified what we can clarify, and I will continue to do that when possible. I have listened to and taken on board all views. We require political agreement on the issue, so discussions are ongoing. I intend to make final decisions as soon as possible.

**Mr Girvan:** I appreciate the Minister's answer, but it does not go any way towards addressing some of the fears of those in my community who tell me that they believe that the Minister or the Department is playing politics with their livelihood.

**Mrs O'Neill:** I would not expect you to say anything different. However, I assure you that I have listened and will continue to listen to everybody's views. The decisions that I take will be based on fairness, equality and what is best for the industry. We are working our way through the process. As I said, we have to go through a political process, and I want to be able to take decisions on those issues sooner rather than later. The deadline for notifying Europe is August, but we want to be able to say that we have taken a decision way before August.

### Rural Communities: Building Rights

8. **Mr Milne** asked the Minister of Agriculture and Rural Development whether, given the fact that the definition of an active farmer will change, she is concerned about the impact on rural families that want to build on their own land. (AQT 1038/11-15)

**Mrs O'Neill:** I recently received a letter from the Minister of the Environment seeking clarification on that, and I asked my officials to engage with his officials. It is an important issue. Everybody who represents rural communities has been fighting a long battle for rural people to be able to build on their own land. It is important that any changes that come about as a result of the active farmer definition do not impact on people who want to build on their own land. I will engage with the Minister of the Environment to make sure that that is the case.

**Mr Milne:** Go raibh maith agat, a Cheann Comhairle. Mo bhuiochas leis an Aire go dtí seo. I thank the Minister for her answer thus far. Will she ensure that there is full correspondence between her Department and the DOE so that, post-CAP reform, there is no grey area for rural people who want to build?

**Mrs O'Neill:** Absolutely. I can give that assurance. As I said, I also represent a rural community and the same constituency as the Member. We are very used to dealing and having heated discussions with planners about rural people being able to build on their own land. I will ensure that those conversations are had at every level — ministerial and official — to make sure that there is no confusion about people's entitlement to be able to build on their own land.

**Mr Speaker:** Dolores Kelly is not in her place. That concludes Question Time.

A number of Members were missing from the Chamber during Question Time this afternoon. I can understand that Members' minds might be somewhere else at this time, but if Members are putting down questions to Ministers, they should be in the House. There is a responsibility on Members to be in the House. Today, I believe that up to six Members were not in the House to ask a topical question or a question for oral answer. I hope that those Members will come to the House to give a reason for that and to apologise, especially to our Ministers. Let us move on.

## Private Members' Business

### Praxis Care

*Debate resumed on motion:*

*That this Assembly acknowledges and commends the work carried out by Praxis Care; asserts that the transfer of the publicly owned assets at Hillsborough Castle should be conditional on securing the future of Praxis at this location; and calls on the Secretary of State to explore all possible avenues to ensure that the employment provided and the work carried out by Praxis at Hillsborough Castle remain on site. — [Ms J McCann.]*

**Mr Brady:** Go raibh maith agat, a Cheann Comhairle. At the outset, I want to say that my party and I fully support Praxis Care on this issue. A number of weeks ago, I attended the protest at Hillsborough Castle that was organised by Praxis and local people. I was impressed by the anger and frustration that local people felt about the issue and the fact that the Secretary of State was refusing to listen to reason.

I will put it into context. Praxis is a major provider of services for adults and children with a learning disability, mental ill health or an acquired brain injury, and for older people, including those with dementia. The Secret Garden is a Praxis Care-run project that provides a work skills programme for service users, and individuals are able to gain work and skills. It is a very useful project, and Praxis does a fantastic job.

As someone who worked for many years in the voluntary sector in my constituency and in my city of Newry, I know that Praxis has facilities that cater very well for people with a variety of complex problems, and I think that it needs all the support that it can get and, indeed, deserves.

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

In the debate, my colleague Jennifer McCann, who proposed the motion, talked about all-party support for the motion. I say again that we were disappointed at the number of Members present at this very important debate. It affects some of the most vulnerable in our society and, as such, Members should have paid better attention to this issue and, indeed, had a better attendance.

### 3.30 pm

Jennifer McCann said that the Secret Garden cafe should be included and supported, not excluded, as seems to be the design of the Secretary of State. A measure of a society is how we look after our most vulnerable — the young, the old and people with disability. She said that one in four people in our society has mental health or learning disability problems; it is a common form of disability. The project provides vital day-care opportunities. We should be supporting it and ensuring that the 16 people involved can continue what they do. The asset should be transferred only if those people and the project can remain.

She talked about Historic Royal Palaces normally catering for the Tower of London and other landmark buildings in Britain, and she talked about not getting any joy from meetings with the Secretary of State and the NIO. If people were cynical, they might think that this was

about moving towards the privatisation of this project. She talked about social interaction and about Sinn Féin having made representation to the NIO. She talked about the responsibility of those in government to set proper standards of equality and fairness. She said, rightly, that the decision is unjust and callous, and called on the Chamber to present a united front conditional on Praxis remaining.

Fearghal McKinney talked about Praxis providing services for almost 1,500 vulnerable children and adults; day-care work in the walled garden; and the seven staff and 16 people with learning difficulties. It is a unique project that should be maintained. He talked about Transforming Your Care and about the Health Minister, who has visited the project, promoting the Praxis ethos. He also talked about the Bamford action plan and promoting effective social inclusion.

Minister Edwin Poots, speaking as a Back-Bencher, was grateful for the opportunity to speak. He talked about the NIO appearing to be fixed in its views and said that that was regrettable. He had met Theresa Villiers and did not feel any positivity from that meeting or from meetings that he has had with her. He said that he felt that his meetings with Historic Royal Palaces had been more encouraging.

He talked about having visited the Secret Garden and said that Praxis have used it very well, how it is supported by the local community, and how it is seen as a community resource. The cafe is well used and has massive positive potential. He talked about the opportunity to open the castle doors to the public but said that there should be an opportunity for that to exist alongside the cafe remaining. He talked about works to be carried out, so there may be a temporary move. He also talked about his Department's willingness to look at a temporary situation to ensure a degree of continuity.

Michael Copeland supported the motion. He talked about the facility provided by Praxis and the need for this issue to be dealt with effectively. He talked about a situation that is "mind-bendingly stupid", of the NIO and Secretary of State to have let it go this far, and I think that we would all agree with that. He said that it was not within the moral rights of the NIO to impose this decision, which, it is patently obvious, is a wrong decision.

Trevor Lunn welcomed the motion and said that the House should send a message that it disagrees with this decision. He talked about Praxis having moved in 13 years ago and the cafe being well worth a visit. He said that the lease had been given under a Labour Government and that there had been a facility for an extension but that was no longer there. Why the NIO and Historic Royal Palaces need the entire site is not quite clear. He also talked about plans for an extremely expensive slip road off the dual carriageway. Given that a timescale is involved, why was there a rush to put Praxis out? He talked about supporting the continued possession by Praxis, even though he felt that, at this stage, doing so may be illegal to an extent. He asked the NIO and Historic Royal Palaces to think again and talked about proper relocation costings, if that were the case, and compensation.

Caitríona Ruane, who also supported the motion, shared the disappointment of all parties. She also talked about the 16 people being put out of a job, saying that the NIO is out of touch and that what it is doing goes against the

spirit of equality and human rights enshrined in the Good Friday Agreement. She said that there was no EQIA in this situation because of the potential of its having an adverse impact on people with learning disabilities. There are already widespread difficulties with education etc for people in this position, and closing doors is absolutely the wrong thing to do. She said that the Secretary of State should lead from the front and reverse the decision. She also said that it was time for the rest of us to stand up with Praxis and be counted.

Basil McCrea said that he was disappointed that more Members were not present. He has visited the Secret Garden often and said that the NIO had put itself into a poor PR position, which, of course, it has. Mr McCrea also said that the intention was good when the lease was granted but that this does not reflect well on the Secretary of State or the NIO. He pointed out that there is some light at the end of the tunnel, with the prospect of some movement towards a resolution that may involve the Department of Health, and that there is general agreement on the Floor of the Assembly. Mr McNarry intervened to say that, as a result of the debate, a lobby should go to the NIO, as the matter needs to be resolved as soon as possible.

The big society was mentioned in the debate. Indeed, one reason that the Secretary of State gave for the moving of Praxis is that Hillsborough Castle should be open to the public because it is part of the big society. I am not sure that the so-called big society is about excluding vulnerable people. In statements, the NIO has mentioned the misinformation, which it said was rife, circulated on the issue. I am not sure what misinformation it means, as I have heard none of that in this debate. Where does the so-called big society stand on issues that affect the most vulnerable?

This is wrong. We need to give Praxis Care our full support. We should indeed take an all-party lobby to the NIO and the Secretary of State in order to have this decision reversed, a decision, which, as Mr Copeland said, is patently wrong and “mind-bendingly stupid”.

*Question put and agreed to.*

*Resolved:*

*That this Assembly acknowledges and commends the work carried out by Praxis Care; asserts that the transfer of the publicly owned assets at Hillsborough Castle should be conditional on securing the future of Praxis at this location; and calls on the Secretary of State to explore all possible avenues to ensure that the employment provided and the work carried out by Praxis at Hillsborough Castle remain on site.*

## Mental Health

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

**Mr McCarthy:** I beg to move

*That this Assembly believes that mental health should be taken as seriously as physical health; urges the Executive to take action to end stigma against mental health; further believes that psychological therapies should be at the heart of the mental health services agenda; and calls for the current underfunding of child and adolescent mental health services to be addressed.*

I regard this as a very important motion, which not only touches on a very important aspect of our health service but has wider implications for our economy and society. I am grateful for the Minister's presence in the Chamber this afternoon.

Mental health conditions affect a considerable number of people, with around one in four people facing such issues at some stage of their life and around one in five people being affected at any one time. Not least given the legacy of the Troubles, mental health conditions are more prevalent in Northern Ireland than in any of our neighbouring jurisdictions. Despite this, mental health remains the poor relation in the health system and is sometimes referred to as the Cinderella service. We must do everything in our power to change that. However, it is important to recognise that there has been some rebalancing of mental health expenditure from acute inpatient services towards the delivery of services in the community, including some, but not yet enough, additional funding for key areas such as child and adolescent mental health services (CAMHS) and psychological therapies. That said, funding challenges do not lie only in the rebalancing of a fixed budget. We need to show how the overall funding package can grow. In that regard, although we acknowledge and welcome some recent improvements to mental health service funding, quality and access, mental health services are still underfunded in comparison with services for physical illness and in comparison with the rest of the UK regions. We are still investing a lower share of health spending on mental health in general, compared with other regions. In particular, pressures remain in some areas such as psychological therapies and child and adolescent services.

The Alliance Party recognises the move to community-based mental health services away from the historical inpatient model and we support its implementation, provided that there is consultation with families and carers, which is vital and paramount. Nothing should be forced on people against their will. There must also be a focus on ensuring recovery for those experiencing mental health conditions. However, it is vital that resources are successfully transferred across to the community setting to support the development of the full range of community services. Sufficient access to home treatment teams across the lifespan is required, including for children and adolescents. In addition, rehabilitation services are urgently needed for people recovering from severe mental

health problems. It is vital that such services are carefully and transparently planned.

The views of users and carers must be included in the development and planning of all mental health services, including rehabilitation services. There should be seamless access to community mental health services across the statutory, voluntary and community settings with appropriate signposting for individuals, their carers and their professionals. In addition, an appropriate and sufficient level of provision of inpatient acute mental health beds must be retained. It should be remembered that people who live in rural areas and who suffer with mental health difficulties require equity of access to the full range of community mental health services.

Although funding is important, this debate is not simply a narrow one about the level of resources. We must recognise the benefits to better physical health, individual self-esteem, the economy, our communities and society as a whole that come from positive mental health. Through placing a greater priority on assisting those who have mental health conditions or are at risk of deteriorating mental health, we can derive many other benefits. The risk of physical illness is increased with incidence of mental illness and vice versa. An emphasis on mental health as being central to the public health programme will facilitate people to adopt healthy lifestyles and, indeed, reduce health risk behaviours. This shift will allow prevention of physical illness and will promote mental health and well-being across the lifespan.

Helping people to stay in work or to access and sustain employment will improve their mental health and helps our economy. I very much welcome the fact that the Minister for Employment and Learning is devising a disability employment strategy and that he and the Minister of Enterprise, Trade and Investment are devising a strategy on economic inactivity for the Executive. Social deprivation and economic inequalities are known determinants for mental and physical illness; these health inequalities impact on mental health, causing transgenerational mental health and physical illness, which creates a vicious cycle leading to further inequality.

Investments that can be made in social housing, education — including, in particular, early years interventions — and promoting social inclusion more generally are all crucial. A central theme has to be combating the stigma that many people with mental health conditions perceive and, indeed, experience. Having a mental health condition should be regarded as and taken as seriously as having a physical condition, but unfortunately that is not the reality for too many people. Stigma and associated discrimination must and should be tackled throughout our society so that it no longer remains a major barrier to equality nor impacts on the ability to seek help early and the possibility of recovering and well-being. We must be clear in our message that people can continue to lead meaningful lives despite mental health conditions.

### 3.45 pm

The Bamford report on mental health and learning disability provides the overarching framework for addressing mental health issues in our society, though we should note that it is now almost a decade old and, indeed, much work remains to be done. I welcome the Executive-wide Bamford action plan 2012-15 and support

its full implementation. That rightly indicates that a number of Departments have critical roles to play in achieving positive mental health outcomes. Every Department should place mental health and well-being and the elimination of stigma and discrimination at the core of policy development. It is also important to acknowledge the crucial role that is played by a number of organisations in the community and voluntary sectors in the provision of advocacy and advice and the delivery of services in a range of different contexts.

Mental health issues can cover a wide range of conditions and require a range of different interventions. Psychological therapies are indeed central to improving the mental health and well-being of all people in Northern Ireland across their lifespan. We support the psychological therapy strategy and call for the appropriate funding stream for the full range of psychological therapies, including psychodynamic psychotherapy. There is also a need for greater awareness of mental health issues, including liaison and follow-up for patients who arrive for treatment in A&E facilities. Self-harm and suicide, including the high rates of suicide in young men, must be tackled through addressing issues such as socio-economic inequalities, the legacy of deprivation from the Troubles and the effects of the recession, and by providing early interventions for families in disadvantaged communities. The Protect Life strategy is therefore a key mental health intervention.

We also support the forthcoming introduction of the Mental Capacity Bill. Rather than two separate Bills dealing with mental capacity and mental health, there are considerable advantages in having a single integrated piece of legislation, and we look forward to its early completion. One major advantage is the elimination of stigma for those with impaired capacity associated with mental health problems. We in Northern Ireland have the opportunity to become a world leader in that respect.

There are also different types of challenges in providing appropriate mental health interventions for different groups of people, such as children and adolescents, older people and those with learning disabilities. Child and adolescent mental health services have historically been underfunded. Young people amount to almost one quarter of our population but have not benefited from an equivalent share of funding. As the number of older people in Northern Ireland continues to grow, there will be an increasing need for appropriate mental health services, including equity of access to high-quality primary care and community-based services. Sufficient services will be required for older people with a range of mental health issues and for people specifically suffering with dementia.

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

**Mr McCarthy:** It is important that mental health support for carers, including older carers, is enhanced and easily accessible. I ask for support for the motion.

**Mrs Cameron:** As a member of the Health Committee, I am very happy to speak on this issue today. There is no doubt that mental health and well-being is only now beginning to receive the kind of attention that has been badly needed for many years. I welcome the development of that now. I believe that much of that is down to the number of voluntary and community sector organisations that have been involved in campaigning, coupled with the

highly effective use of social media to promote mental health well-being.

Over the past few years, I have seen for myself how the trauma of a mental health condition can go undiagnosed for decades and how it can dominate and dictate how an individual can struggle to live their life trying to manage the condition without support of any kind. There are, of course, infinite reasons why an individual can suffer from mental health problems but, for me, the important thing is how to get that condition diagnosed in the first instance and then ensure that sufficient support is in place to help those who are diagnosed to cope with that condition.

I am of the firm view that we must do more to recognise, diagnose and support people who suffer from mental health issues and learn how to effectively promote mental well-being among our children and young people to ensure that they get the best possible start in life. Of course, we also need to tackle the associated stigma that is attached to mental health issues. There are huge benefits to be gained, not just for the individual who is treated, but for society, particularly in places like Northern Ireland where history has delivered to us all a set of circumstances that have led to huge mental health suffering over decades.

I have seen how someone who has been dealing with a depressive illness for decades is only now getting the right diagnosis and treatment, and it has to be said that getting that diagnosis and treatment was not an easy journey. In fact, it took almost a year for the person to get an appointment with a counsellor, such was the demand on local services. Yet, in only a relatively short period, that person is learning new practices that are making a real difference to how they manage their depression. That is why I want to see a much greater emphasis being put on mental health issues; I can see for myself what a difference the right treatment can make to an individual's life. Years of medication is not the answer for many people, as it merely manages the condition without doing anything to resolve the issues or rescue the sufferer. The truth is that, through proper counselling and the use of such techniques as mindfulness, there is a real possibility and evidence that lives can be changed. I am convinced that this is something that we must resource and promote now, because it works. I will of course urge the Minister and the Department to make this an urgent priority.

**Ms Maeve McLaughlin:** Go raibh maith agat. I welcome the opportunity to speak on this important debate. Mental health and increasing levels of mental health problems in our communities must be a concern to us all. We must move away from the notion that mental health resourcing and funding is the poor relation in the health service. With that in mind — and there have already been a number of comments on the general issues around mental health — I would like to concentrate my comments on two aspects of mental health: the need for a rehabilitation strategy and the pending Mental Capacity Bill.

The Bamford action plan stated that there were 150 long-stay patients in psychiatric wards who could be resettled. A total budget of £2.8 million had been allocated towards that, but it was viewed that the total cost of resettlement is, and will be, significantly higher. The report also, importantly, identified about 100 people in mental health facilities, with quite challenging behaviour, who would require long-term rehabilitation before they could be considered for community placement. Indeed, the Royal

College of Psychiatrists suggests that that group requires a specialist service for rehabilitation. Rehabilitation exists in some form in all trusts, but it has not been included in any current strategy. That must change, and a recovery-based approach will be, and is, required.

It has been suggested that people in receipt of good rehabilitation services are eight times more likely to achieve and sustain successful community living. In the North of Ireland, over 20% of children under 18 years of age suffer significant mental health problems. There has been, and is, a failure to adequately resource appropriate mental health services. In 2012-13, only £19 million was allocated to child and adolescent mental health services. That equated to simply 7.9% of the total planned mental health expenditure for that period.

In 2008, the Committee on the Rights of the Child expressed its concern about the continued treatment of children in adult psychiatric wards. It is well recognised that factors associated with the conflict, and with society emerging from conflict, have impacted severely on child and adolescent mental health. The incidence of mental health problems among vulnerable groups of children and young people is disproportionately high. Currently, there is no forensic inpatient children's psychiatric provision in the North and only limited inpatient adolescent facilities. Almost 200 children in the North were detained in adult psychiatric wards between 2007 and 2009, and, from January 2012 until December 2012, there were 91 admissions of children to adult psychiatric wards in the North. That is despite a commitment that the Department of Health made in 2009 that it would make age-appropriate mental health detention of children a priority.

It is estimated that there will be a shortfall of £800 million in the health budget in the North of Ireland in 2014-15. We are extremely concerned that the provision of services to children and adolescents will deteriorate further rather than being urgently addressed and that children and young people will continue to suffer.

There is also a recognition that the current mental health legislation is not fit for purpose and that it is not compliant with the European Convention on Human Rights in places. Following Bamford, the new combined mental health and mental capacity legislation, which will extend to include the criminal justice system, is being brought forward and is expected to become law in 2017. However, there is a view that it falls far short of what Bamford recommended. The new Mental Capacity Bill will provide a number of important safeguards and protections for people who lack decision-making capacity. However, and this point is critical, all children under 16 years will be excluded from the scope of the new legislation and the non-ECHR-compliant Mental Health Order, which will remain in place for children and young people under 16 who have mental health problems.

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

**Ms Maeve McLaughlin:** I ask the Minister to refer to the legislation as it is brought forward. The Department's exclusion of under-16s from the legislation is not acceptable.

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

**Ms Maeve McLaughlin:** I support the motion.

**Mr McKinney:** I welcome the opportunity to speak in the debate, and I support the motion. The prevalence of mental health problems continues to be an issue here. Indeed, the work of the Northern Ireland Bamford Centre for Mental Health and Wellbeing in the University of Ulster has shown that conflict-related incidents have had a direct correlation with high levels of mental illness. It is for that reason that we should place great and greater emphasis on the need for mental health treatment. So, the SDLP agrees with the motion in that regard.

Much good work has been done, and an example of that is the efforts of organisations such as MindWise, which has recently launched its "You can take control" campaign to aid recovery after mental illness. However, there are also major issues of concern, particularly with children's mental health services.

The key challenges that this Government have faced in the delivery of mental health care have been the role of Transforming Your Care, budgetary cuts and the subsequent cumulative effect that they have had on the Bamford action plan.

Late last year, the SDLP noted its concern about the Department's ability, due to financial cuts, to carry out each of the initiatives in the 2012-15 Bamford action plan. Ms McLaughlin referred to some figures, but let us look at some more. In 2009, when the first action plan was embarked upon, the total amount of additional funding that the Department anticipated over three years, including for mental health, was £44 million. However, due to the comprehensive spending review, the actual amount of additional funding that was allocated was £29.5 million. It is the admission of the Bamford action plan itself that the £14.5 million reductions in additional funding had:

*"some effect on the Health and Social Care sector's ability to deliver on actions".*

The only additional funding that has been earmarked for mental health and learning disability over the budget period referred to is £9.2 million, with £2.8 million for mental health. That reduction, in line with the change agenda of Transforming Your Care, has affected the number of services that can be delivered. It is a reasonable contention that it will affect the Bamford action plan's ability to improve mental health services here.

In the Transforming Your Care 'Vision to Action' consultation document, the following was proposed: we should be more joined-up in how we provide mental health services; put in place intensive home and community support; remove beds from hospital settings; and develop six inpatient acute mental health units. However, we do not have concrete evidence of the extent to which that has been done to an appropriate degree, as none of it has been properly measured. As pointed out, it has already been hampered by budgetary reductions. What we have seen is a Health and Social Care Board proposal to relocate services for addiction and subsequent rehabilitation away from the west of the region and into Antrim and Downpatrick. There has been no confirmation of how that may affect the proposed specialist phase 2 mental health facility in Omagh, which is a flagship project for mental health treatment in the North. That is

particularly worrying given the high levels of mental health problems in the Western Trust.

#### 4.00 pm

Rural mental health continues to be a problem, and rehabilitation has proven that to be the case. Asking people to travel long distances to receive treatment is not acceptable, and it may even exacerbate the problem. The mental health group Suicide Talking, Educating, Preventing, Support (STEPS) has investigated the amount of attention given to mental health across the region. It found that not enough focus was placed on rural areas.

I recognise the Choose Well campaign that is trying to communicate information to the public about where to go when you feel unwell. However, in a survey carried out by the Time to Listen; Time to Act mental health campaign published last month, only 9% of patients and carers surveyed believed that there was adequate provision of information about mental distress. The point needs to be addressed if we are to break the current stigma around mental health issues, as the motion suggests. The Health Department published its service model for the delivery of children and adolescent mental healthcare in 2012. That was in response to an RQIA review that found that no strategy was in place. The SDLP agrees with much of what is planned in the 2012 service model. However, the problems with mental health provision for young people here can be seen quite clearly in the commissioning and resources section of that service model. Transforming Your Care is clearly referenced. That model of care for children and adolescent mental health depends on the deliverance of Transforming Your Care-based funding and the strengthening of the community care initiative.

The motion asks us to support mental health as much as physical health. In funding, infrastructure, commissioning and delivery, it is fair to say that there is an enormous distance to travel.

**Mr Beggs:** I also support the motion. I declare an interest: I am involved in the Carrickfergus Community Drug and Alcohol Advisory Group, which provides counselling for those who need support. Psychiatric therapy has proven to be very effective, as has been recognised by NICE and others. To that extent, it is important that it is highlighted in the motion, and I thank Mr McCarthy for doing so.

One in four people will suffer from a mental health condition at some point in his or her life. The issue is much wider than any of us might at first think. Each of us is likely to know a family member or a close friend who will have suffered not so long ago. It is something that is very real to everyone in the community. We must appreciate and support the issue to ensure that there are adequate funds to address the need. It affects old and young, irrespective of gender or economic background. However, as was said, socio-economic background can increase the likelihood of mental ill health.

Northern Ireland has about a 25% higher incidence of mental ill health than in England and Scotland. About half of all women and a quarter of men can expect to suffer from depression at some point in their lives. A quarter of people over the age of 65 show symptoms of depression. Some 35% of all GP consultations are thought to have some form of mental issue at their root. It greatly affects our community. We must ensure that sufficient resources

are in place to address the matter and to try to take proactive action to lessen the likelihood in the future.

Some 61% of people in Northern Ireland are thought to have experienced a traumatic event in their lives. The Troubles are thought to have increased the number of people with such experiences and may have contributed to the higher level of mental ill health in Northern Ireland. Indeed, many perpetrators may suffer as a result of the horrific actions in which they took part many years ago. It is important that we try to address that very apparent need in our community.

Yet Northern Ireland has lower proportional spend than other parts of the United Kingdom. It is vital that we improve our health and well-being. The Appleby report found that Northern Ireland's spending need was some 44% higher per capita than England's, yet its spending was actually between 10% and 30% lower. As others said, there has been some improvement, but there needs to be considerable additional investment in this area.

Psychological therapy has been proven to be effective. It is recognised by the National Institute for Health and Care Excellence that, when appropriate, psychological therapy is very cost-effective. It is important that there be good access to the service as regards both timeliness and from a geographical point of view. Providing support in this area brings a cost to the health service. However, there is also a huge economic loss and cost of lost productivity and the effect that it has on individual lives.

The motion calls for increased funding for child and adolescent mental health services, and I support that. It has been recognised that there has generally been a lack of investment in children's and young people's services in Northern Ireland compared to elsewhere. Yet, it is widely recognised that early investment is very effective and provides better value for money. If you address issues early, you get better outcomes, and issues are not allowed to develop to the same extent.

Mental health appointments have a higher proportion of "did not attend". If you have a physical difficulty, how will you get to a service that is perhaps 30 or 40 miles away and requires you to make several public transport connections? It is important that there be better access and better local services, whether through the new health and care centres or through other partnerships and outreach, so that it is much more localised and so that those who need it can get support. It is also important that we look at health and well-being in our schools and communities —

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

**Mr Beggs:** — and that parents ensure that their children have widespread physical, sporting and outside world experiences to give them resilience.

**Mr Dunne:** I, too, welcome the opportunity to speak in this debate. Mental health is an ever-increasing issue. Unfortunately, one in four people will experience some kind of mental health problem; practically every family in Northern Ireland will be affected by mental health issues during their lives; and women are more likely to have been treated for a mental health problem than men. The fact that the World Health Organization predicts that, by 2020, depression will be the second leading cause of disability

in the world shows the seriousness of the problem and the extent of mental health issues.

Rising self-harm and suicide statistics are also very worrying, to say the least. Sadly, suicide seems to be becoming an ever more common problem across our constituencies. I am sure that all Members will know someone close to them who, tragically, has taken their own life. The startling fact that 10% of children have a mental health problem, and that depression affects one in five older people, highlights that mental health knows no boundaries of age, race, class, wealth or gender.

It is vital that services be put in place to provide care and support to patients, carers and families affected by mental illness, that services be readily available for patients and carers and that they be consistent across all trust areas. The Minister, Edwin Poots, has taken an active interest in developing mental health services across Northern Ireland. I know that he will continue to pursue what is best for the people whom we represent. At the recent launch of the MindWise charity's You Can Take Control campaign, the Minister rightly pointed out that:

*"The majority of people can and do recover from periods of mental illness and many others learn to live with their symptoms and lead full lives. Fundamental to recovery is social integration, education, training and employment."*

The key message that we need to get across is that mental ill health can be overcome and defeated.

The Bamford review sets out its theme of improving community-based services for mental health patients. It sets out a clear vision for a shift towards community-based treatment. With this vision, it is essential that the right networks exist to support patients, with carers and families at the core. Its main themes are health promotion; promoting independence; supporting carers and family; and the modernisation and improvement of services. However, as with any issue, funding is, unfortunately, limited, and challenges remain to improve the efficiency and effectiveness of our mental health services.

I welcome the ongoing progress in the South Eastern Trust area. Recently, the trust prepared a business case for the rationalisation of acute mental health inpatient services, and it concluded that the preferred option is that a single mental health inpatient unit be located on the old Tor Bank site adjacent to the Ulster Hospital at Dundonald. It also concluded that a low-security rehabilitation centre should be located at the Downe Hospital. This programme of works will enable the trust to achieve its vision for the rationalisation of inpatient mental health services and to deliver an equitable and sustainable care model for our population.

I also commend the sterling work of many charities such as CAUSE, Action Mental Health, Awareness Defeat Depression, MindWise and Praxis Care, all of which play a vital role in providing support for people affected by mental health issues. One in five adults in Northern Ireland will show signs of a possible mental health problem. This shows the wide-reaching nature of the problem and highlights the fact that it is vital that we all continue to play our part in helping to tackle it. I support the motion.

**Mr Brady:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I also support the motion. It is so important that

mental health is taken and treated as seriously as physical conditions, as the statistics bear out. Mental health is the single biggest cause of disability in the Western World. Around 450 million people worldwide have a mental health problem, and up to 20% of children and adolescents worldwide experience a disabling mental health problem. Depression is the most common such problem.

Mental health problems adversely impact on many aspects of life, such as work and personal relationships. People suffering mental ill health face considerable stigma and discrimination and, because of this, often delay seeking help. As someone who worked in the voluntary sector for many years, advising people on benefits and representing them at tribunals, I know that the stigma attached to mental health, particularly in rural areas, is so obvious and really needs to be dealt with and overcome. People are often stigmatised, not only by their neighbours and communities but sometimes, unfortunately, by members of their family. It is an area that needs to be taken into the open and addressed very seriously.

Here in the North, we have a higher level of mental health need than other parts, particularly England and Scotland. A health and social well-being survey showed that 24% of women and 17% of men here have a mental health problem, and factors contributing to these rates include persistent levels of deprivation in some communities and the legacy of the conflict. A recent study of the families of the victims of Bloody Sunday, for instance, found persistent effects of these traumatic events on the individuals concerned, with evidence of psychological distress still being found more than 30 years after the event.

The incidence of suicide here has been a particular concern in recent years. The suicide rate increased by 64% between 1999 and 2008, mostly as a result of the rise in suicide among young men. In 2008, 77% of all suicides were males, and 72% were in the 15-to-34 age bracket.

Since I have been a Member of the Assembly, I have heard so much about Bamford that I almost feel that I know the author of the report personally, but it has to be said that little has been done. The Bamford action plan talks about promoting positive health, well-being and early intervention; supporting people to lead independent lives; supporting carers and families; providing better services to meet individual needs and developing structures in a legislative framework. Those are all themes that need to be addressed and recognised, and, as Gordon Dunne mentioned, there are many very good voluntary organisations such as MindWise and CAUSE, which do tremendous work. They seem to be taking Bamford seriously, maybe more seriously than some of the statutory agencies.

#### 4.15 pm

**Mr McCarthy:** I am grateful to the Member for giving way. He referred to the Bamford report. I recall clearly the day that Bamford was launched in the Stormont Hotel by the late Paul Goggins, who was Health Minister. The question at that time was about how much Bamford would cost, and the response was £600,000, but there was not one penny in the budget to implement that, so that is probably why we are finding such a struggle even at this moment.

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

**Mr Brady:** I thank the Member for his intervention. The Member has been here longer than I have, so he probably has a better memory of that day.

As others stated, as many as one in four people will suffer from a mental health condition at some point. It can also affect particular groups. As was stated, women are more likely to experience anxiety disorders and depression, whereas men are more likely to experience drug and alcohol addictions, personality disorders and suicide. The direct and indirect costs associated with mental illness are immense. Estimates suggest that the cost in the North is around £2.8 billion. Despite that, funding for mental health services and promotion is disproportionately low, so raising awareness of mental health is crucial.

Encouraging positive mental health can take a general population approach or be targeted at risk groups. Individuals can also adopt a range of coping strategies. Positive mental health strategies and policies should involve the cooperation of a wide range of stakeholders. Developing community mental health services and good access to primary care support are also important.

Cognitive behavioural therapy is recognised as one of the most successful ways to deal with depression. In my constituency, for instance, it is not easily or readily accessible. That needs to be addressed because it is recognised as a way of people getting help for their condition.

I have to comment, in a debate like this, on those carers who look after people with mental health problems 24 hours a day, seven days a week. I recently attended a meeting in my constituency that was facilitated by CAUSE. It is heartbreaking to listen to stories of young couples, one or other of them having mental health problems, who have young children and are trying to cope on a daily basis. Financially, they get very little help. They get carer's allowance. It is so important that the work that they do and the money they save the health service is recognised. It also has to be recognised that they need support as much as anybody.

I support the motion and ask the Minister to look favourably and sensibly at the motion.

**Mr D McIlveen:** I, too, welcome the opportunity to speak in favour of the motion. I congratulate Mr McCarthy on bringing it forward. I know that it is an issue that is very close to Mr McCarthy's heart, and I pay tribute to him for seeking to bring some good on the back of a personal tragedy.

Many in the Assembly will know that my upbringing was in a church manse. Growing up, whenever the phone rang in our house, it was seldom a social call. It was not unusual to pick up the phone and for the voice on the other end to be in deep distress, whether it was a mother or father, a son or daughter, or a husband or wife, giving us the news that their relative had been taken into hospital or, perhaps worse still, had left this scene of time.

There was no difference in the distress of those relatives' voices as to whether their relative had taken a heart attack, had a stroke, been diagnosed with cancer or had been taken with a mental illness, whether depression, schizophrenia or some other of the well-known forms of mental illness. Therefore, the sentiment behind the motion is the right one in that it is wrong to differentiate between these illnesses, because the effect that they have on loved ones who have to deal with the illness and the effect it has

on their relative or loved one is, in many ways, the same. Therefore, I think that the sentiment behind the motion is correct.

I welcome the work that has been done by many Departments on this issue. Indeed, I was heartened to hear Mr McCarthy refer to the work that the Employment and Learning Minister is doing, because I believe that providing work and opportunities for people with mental illnesses so that they can get into some sort of mainstream employment to perhaps help them focus their minds on being productive in the workplace and so on is an excellent way of dealing with these issues. I welcome that news because, unfortunately, a number of schemes that provided the flexibility that patients with mental illnesses need within the workplace have ceased or been done away with. I welcome the news that new schemes are perhaps going to be put in place.

Another issue that has not been touched on yet is the challenges of mental illness in rural communities. A lot of services are quite urban-centric, and I know that there are good reasons for that — of course you have to follow the population base. However, there are issues, particularly within our farming community, where, over the past number of years, there has been an alarming rise in the rate of depression. Unfortunately, that has manifested itself in a number of farmers taking their own lives. Therefore, we have to ensure that that issue is dealt with.

At the start, I mentioned relatives and loved ones, which moves us to the issue of respite. That issue is brought to me quite regularly. Of course, when it comes to respite, we are dealing with people with very severe mental illnesses — those who are almost completely incapacitated by their illness. Respite services are important and, indeed, I have corresponded with the Minister, who has given me a number of assurances about good work in my constituency that is going to continue.

Whilst I pay tribute to Mr McCarthy and believe that, in proposing the motion, he was very sincere, one or two of the other contributions — one in particular — have risked veering into the realm of, I suppose, playing politics with this issue. I think that we have to be very cautious of that when it comes to an issue as sensitive as this. The Minister has been very supportive of schemes such as Grangewood in Londonderry, a new facility that was opened at the tail end of last year. That constituency and area should perhaps reflect on that. They have been very well facilitated in that regard.

When it comes to Bamford, we have to accept the fact that 83% of the proposals and the progress have been implemented. None of that progress is not going to happen. One or two elements have been slightly delayed. I will end my comments there; I know my time has run out.

**Mr Principal Deputy Speaker:** Indeed. Thank you very much.

**Mr D Bradley:** Go raibh míle maith agat a Phríomh-LeasCheann Comhairle as an deis cainte a thabhairt dom ar an cheist rithábhachtach seo faoi shláinte intinne. Éirím ar an ócáid seo le tacaíocht láidir a thabhairt don rún. Thanks very much, Mr Principal Deputy Speaker, for the opportunity to speak on this very important issue. Of course I support the motion, and I pay tribute to Mr McCarthy for bringing it to the House.

It is often said that mental health is one of the Cinderellas of illness. It still suffers the sort of stigma that was associated with cancer until recent times. I believe that, as the motion states, we should do all in our power to reduce and remove that stigma.

I was in the company of Mickey Brady and Willie Irwin when we met CAUSE in Newry. Indeed, that group highlighted to us the issues that carers have, especially in dealing with people who have serious mental illnesses.

We gave the group an undertaking that we would highlight the issues they brought to us, and we asked the Southern Health and Social Care Trust for a meeting with carers to give them the opportunity to highlight their issues.

CAUSE shares a lot of issues with other mental health charities and advocates. It launched its manifesto 'Transforming our care' earlier in the year. That manifesto outlines carers' needs, the need for services to work with carers and to see them as an asset in supporting the recovery of their loved ones from mental illness rather than feeling excluded and sometimes left to cope alone without the actual help they need.

The manifesto was drafted through a number of meetings with carers across Northern Ireland and outlines three main areas for consideration: greater assistance and support for carers, first, as equal partners in care, secondly, as supporters in recovery and, thirdly, as advocates for change.

During the meeting, we talked about serious issues around, for example, carers assessments, the absence of respite for carers and, as they describe it, a complete lack of funding for mental health services. They relayed very clearly to us the issues caused by confidentiality and the sense that carers are not valued and are not listened to. They asked us to ensure that Transforming Your Care took cognisance of their issues.

We know that health and social care services are changing radically. There is increased emphasis on the home being the hub for treatment under Transforming Your Care. CAUSE expressed to us the growing concern that, under Transforming Your Care, pressures on carers will increase and not decrease. Serious mental illness can result in significant life changes for everyone close to it; obviously, the patient and family members.

The manifesto highlights the strong assertion that carers need to be more involved in care planning as they provide a valuable perspective that can really help to support recovery when working with professionals and with their loved ones.

Mr Principal Deputy Speaker, I thank you for the opportunity to contribute to the debate. I am sure that the Minister will listen carefully to all the points raised here today, and there has been a wide range of them. I do not think that anyone is using this issue as a political football. All Members who spoke have a genuine interest in improving services.

**Mr Gardiner:** The Assembly has debated mental health before. Last November, the leader of my party proposed a world class mental health facility in Ormiston House. It was a good idea then and, six months later, it remains a good idea. My party leader was right to link mental illness with the after-effects of the Troubles and how we deal with the past. Another colleague, Mr Copeland, drew our attention

to the fact that welfare reform was also leading to a lot of mental health problems in deprived households.

We have a great deal of hidden prejudice to overcome in dealing with mental health problems. When this subject was debated in the Welsh Assembly, we received the recent research carried out by Time to Change Wales which showed: first, that one in four people believe that those with mental health problems should not be allowed to hold public office and, secondly, that one in 10 people believe that those with mental health problems should not be allowed to have children.

Those attitudes are very badly informed. In the context of mental health, I often think about our greatest Prime Minister, Sir Winston Churchill, who suffered throughout his life from serious bouts of depression — the “black dog”, as he called it. However, where would we be without Winston Churchill? His contribution to our survival as a country was enormous, yet he had mental health problems.

#### 4.30 pm

He was not the first Prime Minister to suffer from such illnesses. Over 260 years ago, William Pitt the Elder, another of our greatest Prime Ministers, also suffered from mental illness. He had a complete nervous breakdown and for two years sat in his chair simply staring at the window. The fact that that happened a long time ago makes no difference. His suffering was just as real as people's suffering today. His great contribution to the United Kingdom remains the same. Both those men were great servants of our country, despite having mental health problems. We would do well to remember that when we debate mental health.

I think that we need to seek a broad political consensus on dealing effectively and compassionately with mental health problems. I support the motion and hope that our Minister takes swift action to facilitate the people here in Northern Ireland especially.

**Mr Wells:** First of all, I apologise to the proposer of the motion, Mr McCarthy, for not being here for all his contribution. He has always been a great stalwart and supporter of mental health initiatives on the Health Committee. You can guarantee that if he spots an opportunity to raise that important issue he will always take it. However, I wish to correct him on one figure that he quoted. He suggested that the implementation of Bamford could be done for £600,000. I understand that the Minister is a bit of a wizard with the economics of health and has been able to strip out £500 million worth of savings, but not even Mr Poots on his best day could implement Bamford for £600,000. I suspect that the figure was £600 million. I just want to correct that, because I do not want people to believe that it is just as simple as that.

We should look not only at solving the problems that are raised by the increasing mental health issues in Northern Ireland but at the causes. If we as a society are determined to undermine every bedrock and building block of our society, is it any wonder that mental health problems are increasing? We make alcohol available to our young people at ridiculously low prices. There is a very clear link, unfortunately, between alcohol dependency and mental health issues. We make it cheaper than water. We sell it at 35p a tin, and we allow young people to develop that

addiction. We allow them ready access, unfortunately, to soft drugs and then on to harder drugs.

We undermine the principles of marriage. We do nothing whatsoever to bolster and support marriage and to nurture children within loving, faithful, married relationships. Then we wonder why so many of our young people are either feral or are completely disorientated about where they are coming from and where they are going to. We put the most enormous pressures on people in their workplace, and then we wonder why there are so many difficulties with mental health issues. We need to address those causes, as well as to address the outcomes of those causes.

I accept, as everyone said, that mental health spending in Northern Ireland has been the Cinderella, as quoted by Mr Bradley, but it has not been Cinderella; it has been Cinderella's mouse. There has been even less spending than in other jurisdictions where it is also the Cinderella of health service spending. The reality is that, for every Minister, both direct rule and, more recently, devolved, faced with a clamour from the Nolans of this world demanding more expenditure on the big-ticket items in health and social services, which, of course, are A&E and acute care, there is always a temptation to pump money into those big, high-profile aspects of the Department to the detriment of mental health provision.

Unfortunately, although this should not be the case, the Minister will never be hauled across the coals for reducing mental health provision and spending, but he will always be criticised when it comes to our A&E hospitals. That is the difficulty that we face in Northern Ireland. As a result of decades of direct rule, we are in a position where everyone agrees that expenditure on mental health is grossly underfunded in Northern Ireland.

An opportunity to address those fundamental issues is now coming before us: it is, of course, legislation. It is no exaggeration to say that the Mental Capacity Bill will be the biggest single piece of legislation faced by the Assembly and will require the most enormous efforts by those on the Health Committee and the Justice Committee, and by me, who is on both. Once introduced, the Bill will dominate the work of those two Committees. It would be very helpful if the Minister, in his response, could give us a cast-iron guarantee that the legislation will be introduced in time and processed before the next Assembly election. I have been given, at the last count, seven different dates for its introduction, long before the present Minister came to power. We really need certainty on the issue. It is absolutely essential that the Bill is brought through and expedited. Unfortunately, I was in the Chamber in 1983 when the previous Bill went through. Little did I think then that — what, 29 years later? — I would be back, sitting through the second Bill. I can assure you that I have no intention whatsoever of being around in 25 years' time for the third Bill.

**Mr Maskey:** Are you sure?

**Mr Wells:** You never know.

We have a wonderful opportunity to address those important issues, put right the lack of emphasis on mental health in Northern Ireland —

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

**Mr Wells:** — and build into the Bill opportunities that will make certain —

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

**Mr Wells:** I certainly will.

**Mr McCarthy:** I acknowledge that I made a mistake. I ought to have said £600 million.

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

**Mr Wells:** Thank you very much for the extra minute, Mr McCarthy. You are absolutely right to correct that.

To all those who have been very quick to ask the Minister to spend more money on mental health, which is the right thing to do, I say this: the Minister will find it very difficult to deliver the budget within the present constraints, but, if we go down the route that we may do on welfare reform and start to strip out large amounts of money to fund someone's fad or support the barriers that have been put up to welfare reform, the money simply will not be there — full stop — to implement any form of healthcare never mind welfare reform. Before you call for extra money for various services in health, remember that you cannot do that and then demand that we block welfare reform changes, which none of us wants, but, unfortunately, we have to do. Just remember that.

Finally, the Minister should be very careful about the small number of people — about 100 — who are still left in institutions such as Muckamore. The resettlement of those individuals —

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

**Mr Wells:** — must be treated with the most enormous care and consideration.

**Mr Poots (The Minister of Health, Social Services and Public Safety):** I am grateful to the honourable Members for raising such important issues and welcome the contributions made.

It is widely recognised that Northern Ireland has higher levels of mental ill health than any other region in the United Kingdom. It is estimated that one in four adults in Northern Ireland will suffer from a mental health problem at some stage in their life. Many in the Chamber today will have a friend, family member or colleague who has experienced a mental illness.

Mental ill health does not discriminate. It affects people from all walks of life. Despite recent advances in the treatment of mental illness and the better outcomes that people with a mental illness can now experience, stigma is still attached to mental illness and prevents many from coming forward to seek help. The majority of people who experience mental illness consistently identify stigma as one of the main obstacles to seeking help and making a recovery. Hopefully, many of you have seen the Public Health Agency's mental health campaign featuring a boxer, which urges people to "talk about it". The campaign has been very well received, and it encourages people to talk about their feelings, seek help and promote recovery.

The motion is timely, as the Cycle Against Suicide initiative commences today in Dublin. The cycle will go around the Republic of Ireland and Northern Ireland raising awareness of suicide prevention, decreasing stigma

and promoting help-seeking. The cycle will spread the message that it is OK not to feel OK. Next week, it will bring that message to Northern Ireland.

My Department will continue to work closely with the Public Health Agency to tackle stigma and to encourage people with a mental illness to talk about how they feel and seek help. We in government will continue to tackle stigma by ensuring that policies and services enable people with a mental illness to live full and purposeful lives in their communities. We will also support our local mental health charities that work tirelessly to educate the public about mental health issues. My Department provides almost £700,000 to those organisations.

The Bamford review set in motion some of the most significant changes ever seen in mental health services. Those changes have transformed how we care for people with a mental illness and have significantly improved the outcomes that are achievable for those people today. The Bamford vision is that people with a mental illness should be treated in the community close to their friends and family unless there is a clinical reason for not doing so. Inpatient care should be provided only for acute cases or where someone needs to be detained for their own safety and well-being. In line with the Bamford recommendations, the focus in the last number of years for mental health service development has been on early intervention, home treatment services and the development of psychological therapy services. Since Bamford reported in 2008, an additional £40 million has been invested recurrently in mental health services, bringing current expenditure to around £240 million a year.

At the time of the Bamford review, we were spending 60% of the mental health budget on hospital services and 40% on community services. The balance of that expenditure has shifted, and currently we spend 44% of the mental health budget on hospital and 56% on community services, with the aim that a shift to 60% spend on community services will be achieved by March 2015. Significant reform and modernisation of mental health services has taken place, but much more needs to be done. Transforming Your Care endorses the Bamford approach to service development and will take this agenda forward into the future.

The Health and Social Care Board (HSCB), Public Health Agency (PHA) and trusts are rolling out the Implementing Recovery through Organisational Change (ImROC) programme. ImROC is all about embedding recovery-focused practice throughout all mental health services in line with the Bamford vision. The concept of recovery is also central to the mental health service framework, published by the Department in 2011 and endorsed by Transforming Your Care. Recovery-focused practice will allow individuals to take control and to build socially inclusive, connected lives that are satisfying, fulfilling and enjoyable, even if they continue to experience symptoms related to mental ill health. The challenge for professionals and service providers is how we can better support the people whom we serve in their recovery journey.

One of the key developments in mental health services in recent years has been in the provision of psychological therapies, or talking therapies as they are commonly called. In 2010, my Department published a strategy for the development of psychological therapy services. The HSCB and PHA have led on the implementation of that

strategy and the key actions flowing from the strategy have largely been implemented.

The strategy was underpinned with recurrent funding of £4.4 million. Today, some £6.5 million is spent on those services. That funding provides a range of services, including psychology, psychotherapy, cognitive behavioural therapy (CBT) and trauma therapy. The HSCB estimates that between 75,000 and 80,000 face-to-face therapy sessions are provided each year.

Recent investment has been focused on the training of existing staff in psychological therapies and the establishment of primary care talking therapies. Primary care talking therapy hubs bring together GPs, mental health clinicians and third-sector providers into a single service consortium. Those hubs will improve access to care for people with common mental health problems. The HSCB is investing £1.4 million into that initiative and is committed to incrementally building those hubs as a new way of working over the next three years.

Psychological therapies do not just help those with mental health problems; they can also help those with physical health needs, such as those with pain management needs, cancer patients, patients with HIV and older people. The HSCB recently invested around £300,000 to enhance psychological therapy services for those with physical health needs.

The Bamford review also set out the strategic direction for children's mental health services and supports cross-sectoral collaborative working among key agencies and Departments. Child and adolescent mental health services are delivered through four community based teams. The Belfast team also provides services for the South Eastern Trust population.

For children and young people who cannot be treated effectively in the community, there is a 33-bed children and adolescent mental health inpatient unit at Beechcroft.

#### 4.45 pm

In July 2012, my Department published a stepped-care service model for CAMHS, which promotes a more consistent, person-centred approach to mental health service delivery for our children and young people. Improvements to CAMHS will include an increased focus on early intervention, better multidisciplinary working and better collaboration with the community and voluntary, education and youth justice sectors. That will ensure that our children and young people have access to the full range of support that they need, no matter where they live in Northern Ireland.

The HSCB recently invested an additional and recurrent £2.27 million in CAMHS, which will greatly assist in the implementation of the service model. That recent investment brings the total figure currently invested in CAMHS to some £19 million, which is double what was being spent in 2006. That figure does not include investments made by the Public Health Agency in a wide range of children's services, such as family support services, safeguarding and primary care services.

It is vital that people with a mental illness are supported to take control of their life and live a purposeful life in their community. However, support for people with a mental illness is much wider than health. It is a societal issue and,

therefore, a government-wide issue. It is about education and training. It is about housing. It is about employment. It is about the day-to-day issues that are important to us all.

Although our mental health services have come a long way since Bamford, we still have much more to do. Further reform will require further funding. Some of that can be found by moving resources from hospital services to community services. However, new money will also be needed, and that is difficult to find in the current economic climate and given the range of pressures across the entire Health and Social Care system, particularly when we are losing money from the health service to pay for welfare reform.

I want to respond to a number of Members. Pam Cameron raised the issue of promoting good mental health and well-being for children and young people. The Public Health Agency is taking forward a range of programmes to promote mental health and emotional well-being in our young people, including the roots of empathy courses in school and the iMatter pupils' emotional health and well-being programme. The next suicide prevention strategy will also include an early intervention section, which will include promoting good mental health and well-being in our young people.

Maeve McLaughlin raised the issue of resettlement: 44 long-stay patients are to be resettled from long-stay wards in psychiatric hospitals; and 46 delayed discharge patients are to be discharged to the community. The HSCB has advised that it has the funding to discharge the long-stay and the delayed discharge patients by March 2015.

Ms McLaughlin mentioned the new Mental Capacity Bill, as did Mr Wells. That will be publicised for consultation over the next few months. Mr Wells asked for a cast-iron guarantee on that, to which I heard Mr McCarthy say, "Hear, hear". I cannot give a cast-iron guarantee because, up to now, this has been held back by the Department of Justice. So Mr McCarthy's "Hear, hear" might assist in getting the Department of Justice up to full speed with the Department of Health, and then perhaps we can give the guarantee that Mr Wells was looking for.

Mr McKinney raised the issue of the Bamford action plan. We are looking at how we can ensure that Bamford is fully implemented, and we have made considerable progress. To assist us in doing that, there will be a meeting of the Bamford ministerial group this Thursday. The action plan is largely on track for achievement. We will update the group at that time and identify any other work that needs to be carried out.

David McIlveen and Mickey Brady raised the issue of mental health in rural communities. It is recognised that there can be particular mental health issues in such communities. The farm families health checks scheme has been very beneficial and assists in ensuring that farming families can receive free health checks, sources of support and information at a local level. It has been widely used at farmers' markets. Lifeline has also been working recently to raise the profile of its helpline services for anyone in distress in rural areas, and the community-based approach of the Protect Life suicide prevention strategy ensures that services are available at a local level in rural communities.

I thank Members who raised these important issues. I assure Members that service development will be informed by such issues, and I am always happy to listen

to proposals and ideas that will help improve the lives of vulnerable members of our society.

**Mr Lyttle:** I thank Members for their contribution to the debate on the motion tabled by my party colleague Kieran McCarthy. The Alliance Party has sought to put the issue of mental health firmly on the Assembly agenda, and, indeed, to put forward a simple motion that states clearly that we, as an Assembly, will take mental health as seriously as physical health; that we will work tirelessly to end the stigma against mental health; and, indeed, that we will seek to address underfunding for child and adolescent mental health services.

I congratulate my colleague Mr McCarthy on having this issue put on the agenda today, and I pay tribute to his tireless work on this issue. He highlighted the underfunding of mental health compared with physical health issues, and with other regions in this jurisdiction regarding child and adolescent mental health services. He also highlighted the need for improved funding for psychological therapies.

Consistent issues were raised by all contributors to the debate, one of which was for community mental health services to be signposted as much as physically possible. In that regard, I commend the work of the East Belfast Partnership in my constituency. It has created an east Belfast health framework, which the Minister has supported, that aims to deliver healthy hearts, bodies and minds in order to build good health and well-being in our neighbourhoods.

We also want to see the preventative power of good mental health being utilised to achieve positive outcomes in other areas, including to access and sustain employment, and to tackle social deprivation and unemployment in many areas, which Mr McCarthy referred to as a vicious cycle that must be broken. Members also referred to other policy areas, such as good housing, education and social inclusion that must be levered to address this issue. I have been raising, in particular with the Minister of Education, the need for improved counselling services at primary-school level for our children and young people. It is a statutory provision at secondary level, but many educationalists think that we need to address that at primary-school level to have early intervention around many of these particular issues.

Mr McCarthy also identified the critical challenge that we face to combat the stigma in our society, which many other Members referred to. Pam Cameron mentioned the excellent work that is done by voluntary and community sector organisations in campaigning to tackle stigma in our society and, indeed, to encourage people to talk about mental health issues. She stressed also the importance of early diagnosis and support for people with mental health issues. Indeed, she has seen, first hand, the difference that good early diagnosis and treatment has made to putting people on the road to recovering good mental health. She urged the Minister to prioritise mental health provision. To her credit, despite the Minister being her party colleague, she frequently advocates and fights for many of those issues, which are close to her heart. We welcome the call that she made today.

Maeve McLaughlin, the Chair of the Health Committee, identified two key areas that need improved: rehabilitation and the forthcoming legislation. Maeve McLaughlin said

that we need to have a recovery-based approach, and I am glad that the Minister endorsed that as well. Indeed, she highlighted the fact that, although £19 million was spent on child and adolescent mental health services in 2012-13, it equated to around only 8% of mental health expenditure.

Fearghal McKinney also focused on the need for adequate and well-coordinated information about mental health service provision. He noted that, while we have seen improvements in child and adolescent mental health services as recently as 2012, it is somewhat concerning that it has taken us until then to start better coordinating that provision. He identified funding, commissioning and infrastructure as three key areas for improvement in mental health services provision.

Roy Beggs MLA also acknowledged the role of psychotherapy and talking therapies in addressing the issue and put forward the useful statistics provided in the Appleby report: although there is a 44% higher per capita need here, we have 10% lower spend than in other, neighbouring regions.

Gordon Dunne put forward the startling information that the World Health Organization has indicated that depression would be the second leading cause of disability by 2020. That highlights the link between mental and physical ill health, as if we needed it even more. He referenced the good practice of the South Eastern Health and Social Care Trust in identifying areas for single mental health units and indeed for focused rehabilitation centres in his area.

David McIlveen rightly said that the Assembly must send a clear message that it is fundamentally wrong for us to differentiate between mental and physical ill health. Sam Gardiner backed that up with some startling statistics that show the full extent of the problem of hidden prejudice in our society, where studies have shown that one in four people believe that the mentally ill should not be allowed to hold public office and that one in ten people believe that people with mental health issues should not be allowed to have children. Those are startling statistics that show that, as Dominic Bradley also said, we must reduce and remove this stigma. Dominic Bradley also usefully emphasised the need for us to do better in our support for carers for people with serious mental health issues. There is strong agreement in the Assembly on that.

Jim Wells identified some realism for the debate in the difficult choices that the Assembly has to make in order to fund these resources. A lot of the time, that does not come into the debates around these issues. However, we have some difficult policy issues ahead of us with the Welfare Reform Bill, and I would add to that the fact that, of a childcare budget of £12 million, to my understanding £9 million has gone unspent in the Budget period 2011-15. We know of the high cost of division to our society here in Northern Ireland and, if we needed any issue to focus our minds on dealing with and tackling many of those issues that cost us huge amounts of money every year, hopefully this one will lead people to realise that we need to get agreement around some of those vital issues so that we can invest as much funding as possible in key issues such as mental health provision.

I welcome the Minister's contribution today and the commitment that he has given to tackling the stigma around mental health issues. He rightfully referenced the

good work of the Public Health Agency's mental health campaign. In my constituency, YouthAction has a Young Men Talking project. Young men in particular, and men in general, are a key constituency for us to interact with in making people feel comfortable in discussing these issues. The Public Health Agency's campaign, which uses images of boxing and good sporting issues, will hopefully make people feel more comfortable about discussing this type of issue.

The Minister endorsed a recovery-based approach to mental health provision and the need for more collaborative working in relation to CAMHS. He referenced the £19 million a year invested in that area. However, as I said, that has been raised as a relatively low percentage of the mental health budget, and I think that all Members of the Assembly will receive frequent inquiries from their constituencies about children and adolescent mental health services, which is an area that we need to see improved provision in.

I also want to reference the good work of Action Mental Health, the Assembly's charity of the year last year. I found interaction with this organisation extremely helpful, particularly around the workplace and good mental health in employment scenarios. I would like to credit them for the good work that they do.

#### **5.00 pm**

MindWise's 'You Can Take Control' campaign has been mentioned and I encourage anyone in our community who has experience of living with and recovering from mental health issues to visit the MindWise website and post their stories to encourage others to come forward.

The Children's Law Centre also offers free legal advice and representation for children with mental ill-health and plays a crucial role in policy development in these areas.

I welcome the focused and unanimous support for the motion and I look forward to seeing the Minister deliver on many of the calls that have been made from the Assembly for improved mental health service provision.

*Question put and agreed to.*

*Resolved:*

*That this Assembly believes that mental health should be taken as seriously as physical health; urges the Executive to take action to end stigma against mental health; further believes that psychological therapies should be at the heart of the mental health services agenda; and calls for the current underfunding of child and adolescent mental health services to be addressed.*

*Adjourned at 5.01 pm.*



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# Northern Ireland Assembly

Tuesday 29 April 2014

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

*Members observed two minutes' silence.*

## Assembly Business

**Mr McGlone:** On a point of order, Mr Speaker. Yesterday, I missed posing a topical question on the Floor due to being unfortunately and inevitably delayed in my constituency. So, I was not in the Assembly on time to ask the question. My apologies to you and the House for not being here for that.

**Mrs D Kelly:** I also have to make an apology. I understand that I was last on the list for topical questions. I had a meeting of the Historical Enquiries Team working group here in Parliament Buildings. So, I was in the Building, but I was not aware of how quickly time had moved on. I apologise to you and the House.

**Mr Speaker:** First of all, I wish to say a word of thanks to Mr McGlone and Mrs Kelly for coming to the House this morning and apologising. A number of other Members were missing yesterday. I said yesterday that I know that minds may be somewhere else at this time, and that is understandable, but I would like to think that other Members who were missing yesterday will follow the example of the two Members and come to apologise to the House. Quite a number of Members do not turn up at Question Time when they are down on the list for a question to a Minister, and they do not come to the House to apologise and do not believe that they should give any reason to apologise and more or less treat the House with total contempt. So, we are mindful of those Members, and we are just waiting to see whether those Members come to the House and follow the example of the two Members who have apologised this morning.

## Executive Committee Business

### Financial Provisions Bill: Royal Assent

**Mr Speaker:** I wish to inform the House that the Financial Provisions Bill received Royal Assent on 28 April 2014. It will be known as the Financial Provisions Act (Northern Ireland) 2014.

### Carrier Bags Bill: Royal Assent

**Mr Speaker:** The Carrier Bags Bill received Royal Assent on 28 April 2014. It will be known as the Carrier Bags Act (Northern Ireland) 2014.

## Private Members' Business

### Giro d'Italia 2014

**Mr Speaker:** The first item of business is a motion on the Giro d'Italia 2014. The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes to make a winding-up speech. One amendment has been selected and published on the Marshalled List. The proposer of the amendment will have 10 minutes to propose and five minutes to make a winding-up speech. All other Members who wish to speak will have five minutes. The Minister of Enterprise, Trade and Investment is unable to be here for the start of the debate. However, she hopes to arrive in time to respond to it, and I understand that Mr Ross is taking notes on behalf of the Minister.

If that is clear, we shall proceed.

**Mr Douglas:** I beg to move

*That this Assembly recognises that the Giro d'Italia is one of the biggest events in the international sporting calendar; warmly welcomes it to Northern Ireland; acknowledges the significance and magnitude of being chosen to host the Grande Partenza; understands the benefits to be obtained in terms of the economy, tourism, cultural exchange and education, promotion of a healthy lifestyle, and worldwide publicity for Northern Ireland; and calls on the Executive to take all necessary steps to maximise the potential to be gained through such a prestigious event.*

As chairman of the all-party group on cycling, I propose the motion in my name and that of my North Down colleague Peter Weir. I note that the Alliance Party amendment is within the spirit of the motion, so we are happy to support it.

Next week, the Stormont estate will be buzzing when up to 30,000 people will gather to witness one of the biggest sporting events ever to hit these shores. The Grande Partenza, or Big Start, of the Giro d'Italia will be a spectacular event happening outside this very Building. As we came into Stormont this morning, I am sure that we all noticed the decorated lamps on Prince of Wales Avenue, which is testimony to the pink revolution that is taking place as Northern Ireland hosts the opening stages of the 2014 Giro d'Italia and welcomes 200 of the world's top cyclists.

The Giro's choice to hold this iconic event in the Province is historic because it will be the first time that it has ever been held outside continental Europe. The Giro event

was first organised in 1909 to promote the 'Gazzetta dello Sport' newspaper and gained prominence to become one of the world's largest sporting events. We have all seen the impressive figures on television of the potential global audience of millions, and I am sure that others will speak about some of those figures later. This is undoubtedly one of the biggest opportunities that Northern Ireland will ever have to sell itself and to showcase the Province on the world stage. What an opportunity to show all that is good and creative about our Province. What an opportunity to promote tourism, increase healthier lifestyles, improve the environment and encourage voluntary effort.

We should be proud that the organisers of the Giro d'Italia, one of the world's most iconic and famous cycling events, second only to the Tour de France, have chosen Northern Ireland for the Big Start. On their visits here, the organisers will have noted that we have not rested on our laurels after successfully hosting world-class events such as the MTV Europe music awards in 2011, the Titanic centenary event just two years ago and the most successful and peaceful G8 summit ever in — I am sorry that the Minister is not here to hear me say this — beautiful Fermanagh. Who can forget the wonderful World Police and Fire Games or the hugely impressive UK City of Culture celebrations? That all points to the fact that Northern Ireland is making outstanding progress in establishing itself to stage world-class events that require first-class organisational skills to host them.

I pay tribute to the Northern Ireland Tourist Board (NITB) for its work to date, particularly Susie McCullough and her Giro team, who have done a magnificent job in coordinating the work of the various Departments — we all know what it is like trying to coordinate work between Departments — and other working groups. There has also been work with councils across Northern Ireland, and I pay tribute to the PSNI for its work to date. It has stepped up to the plate to make sure that we will have a first-class, enjoyable and safe Giro event.

I have been told that the Giro team has visited here a number of times and has been hugely impressed on each occasion with the event management. It is a great testament to the skills of our people and bodies such as the Northern Ireland Tourist Board. One of those organisers, who I think was from Italy, was even heard to say, "If Carlsberg did Grande Partenzas, they would probably be like this".

I would like to acknowledge the many schools, businesses, community and church groups and, yes, MLAs, who have caught the vision. Some MLAs here this morning are in their pink. I pay tribute to them, particularly my colleague Gordon Dunne who is wearing a pink tie. Next week, Minister Edwin Poots and I will be participating in a smashing event — a Royal National Institute for the Blind tandem cycling event from Lisburn to Newtownabbey. That event involves dozens of blind and partially sighted participants; the Giro is for everybody.

I was on the excellent Northern Ireland Greenway's website last night. It reckons that over 20 MLAs are into cycling. Last Saturday afternoon, three of those MLAs — me, the First Minister, Peter Robinson, and junior Minister Jonathan Bell — went on a 25-mile cycle. Sadly, Jonathan Bell fell at Becher's Brook — *[Laughter.]* Sorry, he fell at the harbour estate, but he is OK now. I am sure that people

witnessed some of the grizzly photographs that he posted on Twitter.

I was struck by a comment on the Northern Ireland Greenway's site, which we need to take on board. It states:

*"The Northern Ireland government needs to seize the chance to use the Giro d'Italia Grande Partenza 2014 for more than cycling sport promotion and a fleeting tourism boost."*

I agree with that sentiment. While we know that the eyes of the world will be watching, we need to make sure that Northern Ireland utilises this unique opportunity to bring an increase in cycling and a lasting legacy for young and old alike. Northern Ireland has the potential to become a hotspot — indeed, a major European destination — for cycling if we can maximise this unique opportunity. This debate is about how we can maximise the opportunities.

The Giro can be a wonderful showcase and an inspiration to a new generation of cyclists. Hosting such a high-profile event will definitely encourage cycling, but it also highlights the need for good infrastructure for everyday cycling to schools, work and, dare I say, shops. Part of that legacy is the need to encourage more children to take up cycling. Just this morning, when I was coming up to Stormont, I noticed a number of cars outside a school. I have been one of those people in the past who have taken the kids to school. Yet, when we look at Amsterdam and Utrecht in the Netherlands, we see that 50% of kids travel to school on bicycles. Let us expand schemes such as the excellent Sustrans active school travel programme, safe routes to school.

Mr Speaker, I have a word of caution: the giro legacy, or the Giro legacy, must be for all.

**Mr McKinney:** The giro. *[Laughter.]*

**Mr Douglas:** That was a Freudian slip when you hear what I have to say. The Giro legacy must be for all.

**Mr McGlone:** We do not want any more drops like that.

**Mr Douglas:** Any chance. The Giro legacy must be for all, not just a cycling elite. We must ensure that benefits are not lost in our communities. A couple of miles from here, the Ballybeen Improvement Group is doing great work with parents and children. Local men have established a cycle hub in the estate, with excellent support from Sustrans Northern Ireland and the Public Health Agency. We need more of those community-led schemes. Let us be clear: social inclusion must be a major focus of any legacy or cycling revolution. Let us not forget the Ballymacarrett, the Ballymurphy, the Ballysillan or the Ballycolman estates.

To conclude, Mr Speaker, to host an event of this kind is a real coup for Northern Ireland — for the economy, tourism, health and cycling, to name but a few. The three-day event next week is set to ignite interest in cycling around the country. Cycling in Northern Ireland will never be the same again. A cycling unit has been set up, we are looking at a strategy, and we are looking forward to major changes and progressive developments for cycling in Northern Ireland. As our motion states, we call on the Executive to take all necessary steps to maximise the potential that is to be gained through such a prestigious event. I commend the motion to the House.

**10.45 am**

**Mr Lyttle:** I beg to move the following amendment: At end insert

*“and to allocate adequate resources for the delivery of a suitable Giro legacy plan to include improved provision and infrastructure for schools, commuting, leisure, tourist and sporting cycling in Northern Ireland.”*

As chair of the all-party group on cycling and on behalf of the Alliance Party, I am delighted to support the motion and propose the amendment. I congratulate those who tabled the motion. It is only right that the Assembly recognises the significance of the Giro d'Italia coming to Northern Ireland to our economy, tourism, cultural exchange, education, health and worldwide publicity for Northern Ireland. It is important, however, that the Assembly recognises and notes the unique opportunity that this is to allocate adequate resources and deliver a robust legacy plan for cycling in Northern Ireland.

On 9 to 11 May, Northern Ireland will host the opening stages of the Giro d'Italia. Around 22 teams containing 200 of the world's best cyclists from over 30 countries will be here for the Grande Partenza, or Big Start, of the race. We will, therefore, be on a truly global stage that weekend. It is a fantastic opportunity to highlight all that is positive about Northern Ireland to a huge audience. It is important to recognise the excellent work of the Northern Ireland Tourist Board and Discover Northern Ireland and the excellent set of videos presented by our very own Graham Little. The videos showcase the infrastructure, the sights, the countryside, our city and the glories of east Belfast and the Stormont estate on the World Wide Web and the world stage. They also contain really interesting interviews with Giro winner Stephen Roche and are a fantastic promotion for the pink revolution that is coming to Northern Ireland.

I agree with the proposer of the motion that the benefits of hosting such an event are many. There is huge potential to be gained from the event on many different levels. With the amendment, I wanted to emphasise that there is an opportunity to ignite a spark that will lead to more investment in and commitment to cycling in the region. I also wanted to propose to the Executive that there be an increased allocation of resources for the delivery of a robust legacy plan to include and address provision for cycling: in infrastructure, schools provision, commuting, leisure, tourism and the sport in Northern Ireland.

As chair of the all-party group on cycling, I liaise with cycling organisations. As a novice cyclist, I am increasingly aware of the benefits of the pursuit, and they should be covered in any legacy plan. Although provision and infrastructure for cycling in Northern Ireland is improving, it still falls significantly behind other areas. In the past decade, there has been a major rise in cycle commuters in Northern Ireland, with an estimated 60% increase in Belfast alone. A 2012 DRD Northern Ireland travel survey found that the average person makes seven journeys by bike each year as opposed to five journeys by train. That said, the Executive spend in the same year was £1 million on cycling but £44 million on the railways. That is a total spend of 58p on cycling per head of population in Northern Ireland, whereas, in the Netherlands, for example, the spend is around £24 per head of population, which has helped to produce first-class cycling provision.

A 2013 TomTom survey named Belfast as the most congested city in the UK and revealed that, every time you drive during peak periods in the city, you could face significant delays. Drivers who make a half-hour daily commute to work spend significant time in traffic. One way of tackling that problem would be to increase cycling provision and to use this unique opportunity to promote that. A recent QUB study for the Connswater Community Greenway project found that there was also an issue of people thinking it too dangerous to participate in cycling. This event will show just how enjoyable and safe it is as a pursuit. The recent DOE advertising campaign also displayed the challenges facing cyclists in the region, but, hopefully, it will go some way to increasing the safety and awareness of cyclists on our roads.

Educating young cyclists and getting more children cycling will be another vital element of any plan. We have the lowest numbers of children cycling to school in the UK. It pales in comparison with other European countries. Further, cycling training in our schools is often seen as in need of modernisation, although I would like to recognise the excellent work of Sustrans in that regard. I know that the Department of the Environment has conducted a review of the active school travel programme. It would definitely be welcome if that could be increased and rolled out to a level 2 standard, which would include road travel training qualifications, in our schools to build on the momentum behind the Giro, produce future generations of cyclists in Northern Ireland and, indeed, encourage more children to cycle to school.

Access to bicycles is another barrier to cycling reaching its full potential in the region. Over 60% of households do not own a bicycle. There also appears to be a gender imbalance, with around seven males for every one female cycling to work here. Establishing and promoting social inclusion programmes alongside well-promoted schemes and initiatives, such as the cycle-to-work scheme, are going to be crucial to removing any such barriers and should form part of a Giro legacy plan.

Expansions and upgrades of our cycle networks and greenways — we have the excellent Comber greenway that goes through my constituency of East Belfast — should help to attract more cyclists in the region. Improved upkeep of these networks, with measures such as regular gritting, maintenance and lighting, would also help us see more cyclists using these routes. It is essential that we have improved information about the routes and the cycling opportunities that exist in Northern Ireland through adequate provision of mapping. Good advertising to promote them could achieve that aim. Improvements on this note would also be beneficial in promoting our cycling product to tourists. That has been displayed in examples such as the Great Western Greenway in Mayo, which opened in 2011 and has won a European Destinations of Excellence award. It is also crucial, of course, that the Giro promotes the sport of cycling in the region and that cycling clubs and events receive relevant support further to it so that they can benefit fully from this event coming to Northern Ireland.

I hope that Members will be able to support the amendment — I welcome that that is the case for the proposer of the motion — and that this House will unite around the unique opportunity that hosting this event here in Northern Ireland is going to give us.

Bike Week will take place from 14 to 22 June this year. The all-party group on cycling hopes to use that event to engage with cycling in Belfast city centre and across the region. Hopefully, we can get even more MLAs out on their bikes to experience the commute in and around our city. More information about that will come forward.

I echo the sentiments of the proposer of the motion and encourage everyone in Northern Ireland, elected representatives and members of the public alike, to think pink; to get onto the Discover Northern Ireland website to get as much information about this fantastic event as possible; and to embrace the Giro d'Italia as it comes to Northern Ireland. It is going to pass through many amazing locations in Northern Ireland, including right here in the Stormont estate and east Belfast. I agree with the proposer that we hope that this event will provide a launch pad for the cycling revolution that the Minister for Regional Development has committed to delivering here in Northern Ireland. An essential aspect of that will be having in place a real, meaningful and robust legacy plan for the Giro.

**Mr McKay:** Go raibh maith agat, a Cheann Comhairle. I support the motion and the amendment. The Giro will be an event on a scale that we have not seen in Ireland since the Tour de France way back in 1998, and, of course, it did not even come North at that time. On this occasion, from Ballycastle and all the way to Dublin, we can make a great success of this event. Of course, the legacy is absolutely crucial. In north Antrim, everything is going pink, from the cupcakes in Pappy's Bakery in Dunloy to Seamus McShane's Massey Ferguson in Ballintoy. We have a high concentration of cycling clubs in Dunloy, Ballymoney, Ballymena, Ballycastle, Loughguile and, indeed, Portglenone, all of which will be providing volunteers on day 2 to support stage 2 of the Giro through County Antrim.

Of course, there will be a huge tourism benefit, and we need to realise the longer term potential for sports, events, tourism and cycling. We need to invest to realise that potential. Millions will be watching, and I think that the general public have perhaps not realised the scale of the event that we are holding and the amount of people who will come from across Europe and the world to watch it. As has been flagged up by NITB in a number of presentations, it is a great marketing opportunity.

It is interesting that a number of cycling developments seem to be dovetailing at this time. The Sam Thompson Bridge was opened recently, which, I should point out, was made in Rasharkin. The Belfast bike hire scheme will be introduced shortly, and there is the Giro. There is a greater political focus on the issue of cycling, and the impact so far of the cycle-to-work scheme should not be underestimated.

I am sure that no one has failed to realise that there has been a huge increase in the number of cyclists on the road. If every person who would like to cycle to work did so, our obesity levels would plummet. We would have fewer mental health problems, and there would be big savings for the health service and better outcomes in health and well-being. However, the fact is that people will not do that because they feel that the roads are not safe enough and that the current infrastructure is totally inadequate. There is a culture of "car first" in road design and in Roads Service that we need to tackle. Many politicians, including us, and many stakeholders are still

very car centric when it comes to transport. We do not recognise as much as we should and as much as many European mainland politicians the potential health impacts of better road and transport design.

Sinn Féin wants to see investment in cycling increase from the 58p to which the chairperson of the all-party group referred to £10 per person each year. We want to ensure that cyclists are properly accommodated on public transport, including bus and rail. We want to see the proper enforcement of cycle lanes. There are many cycle lanes throughout this city and the North, and many a lick of new paint has gone down, but if they are not enforced and you have many different vehicles parking in them and blocking them, what is the point of them? There needs to be consideration by the roads Minister of how that can be more greatly enforced. We also support the 20's Plenty campaign and recognise that more 20 mph zones will increase the amount of walking and cycling.

If you look south to Dublin, you will see that the infrastructure is not great there either. The Dublinbikes scheme has been introduced, but the most recent figures have shown that the number of people using bikes will soon surpass the number using the Luas in the city. That should flag up the fact that a great proportion of transport users are using bicycles, but they are not getting the same level of investment as people using the Luas, the buses or the trains. If we invest and put £10 per person into cycling infrastructure, we will get more than double that back from potential health impacts and the reduction in congestion. Cyclists take up much less room than motor vehicles, so cycling leads to less congestion in our towns and cities. That improves everyone's lot, not just that of cyclists.

The legacy of the Giro will be reliant on political leadership on cycling. Although I have praised the Minister for some of the decisions that have been made, they have been easy decisions.

**Mr Speaker:** I ask the Member to bring his remarks to a close.

**Mr McKay:** If we are serious about public health, obesity and relieving stress on the health service, we need to get serious about cycling.

**Mr D Bradley:** Go raibh míle maith agat, a Cheann Comhairle. Tá mise sásta tacaíocht a thabhairt don rún agus don leasú. I support the motion and the amendment. I welcome the opportunity to add my congratulations to all who have been involved in attracting and hosting the Giro d'Italia Grande Partenza, which kicks off in Belfast and travels through County Antrim and, via County Armagh, to Dublin.

#### 11.00 am

On day three, the Giro will travel through some of the most beautiful countryside that we have, starting at Armagh City, and then through the south Armagh villages of Newtownhamilton, Belleeks and Lislea, through the beautiful Ring of Gullion, on to Forkhill and across the border. We very much welcome the Giro in County Armagh. It is an excellent opportunity to showcase the beauty of the countryside.

Many roadshows, public meetings and community gatherings have already been held in the area to inform people about the event, encourage as many as possible

to get involved, and present the Giro toolkit. The Northern Ireland Tourist Board has the support and backup of Armagh City and District Council and Newry and Mourne District Council in dressing the Giro route in our area. That will help to maximise the impact for Northern Ireland as a whole.

The councils are actively promoting the event, and information flyers, posters, outdoor banners and adverts have been distributed throughout the area to raise awareness. There is tremendous enthusiasm for the event and the public are very much looking forward to it. Newry and Mourne District Council has purchased extra bunting and is working with groups along the route in dressing and decorating various areas. The council is keen to support the Tourist Board to present the best possible image of our area to the approximately 800 million television viewers.

The council is keen that the Tourist Board helps it as much as possible in dressing the route. I think it has been in touch with the Tourist Board to ask for extra help to ensure that all the route is properly dressed. I am interested to hear from the Minister the response of the Tourist Board to that request. There is great enthusiasm for the event in the area and the councils in Armagh and Newry are doing all possible to ensure the greatest possible tourism impact for the area as a result of the event.

Two hundred-plus professional cyclists will participate in the first three stages, of the gruelling 21 stages of the race, that will take place here. The race will finish in Trieste, in Italy, on 1 June after 2,141 miles. That is a huge distance by any measure. It is a coup for Northern Ireland to have this event here. Tourism is extremely important to us, supporting 40,000 jobs. The tourism strategy for Northern Ireland 2020 is ambitious and plans to increase visitor numbers to 4.5 million and earnings from tourism to £1 billion by 2020. Those targets will be achieved only if all of us as individuals recognise opportunities such as the Giro and give such events every possible support.

**Mr Speaker:** I ask the Member to bring his remarks to a close.

**Mr D Bradley:** I very much welcome this event and wish all those involved success.

**Mrs Overend:** It is a pleasure to speak on one of the most uncontentious motions that I have ever seen in the Chamber. It is fair to say that, on this occasion, everyone in the Chamber will be embracing the pink revolution.

Few of us, apart from avid fans of cycling, would have been aware of the Giro d'Italia a year ago. Most of us could have named the Tour de France, but that was where our knowledge of bicycle road races started and finished. Now, less than a fortnight away from the start of the three stages, the Grande Partenza, it is fair to say that Northern Ireland has gone Giro mad, in a good way of course.

It is now the world's second largest cycle race, ranking behind only the Tour de France in prestige. The Giro d'Italia is one of the highlights of the racing calendar. The riders love it, I understand, because it is more relaxed than the Tour and because the tifosi, the Italian fans, are passionately enthusiastic and knowledgeable. Last year's Giro was broadcast in 165 countries, with an estimated global audience of 775 million people. What is also exciting about the Giro d'Italia is the level of community events that are running in tandem with the race itself in and

around the route of the Giro. I see great parallels with the community events that surrounded the Olympic torch run and the Queen's jubilee two summers ago. That, along with having our very own home-grown successful cyclists, such as Wendy Houvenaghel from Upperlands in County Londonderry, works to highlight and increase Northern Ireland's interest in all things cycling.

The aim is for there to be a great party atmosphere during the weekend of the event as Ulster gears up for what is set to be one of the highlights of the sporting calendar. As a keen but fair-weather cyclist myself, I and my family certainly look forward to the Giro. The party Giro d'Italia atmosphere is certainly catching right across Northern Ireland. I was at Glenariff forest park at the weekend, and, from there all the way up to the north coast, I saw pink everywhere, from lamp posts to shop windows, bus shelters and even garden ornaments, leading right up to Bushmills, where my colleague and friend councillor Sandra Hunter has even dyed her sheep pink.

**A Member:** *[Interruption.]*

**Mrs Overend:** Absolutely. Towns, villages and community and sporting organisations are all getting involved. The event is truly bringing an infectious smile to Northern Ireland, a bit like our friend the late David McClarty, to whom we all paid tribute yesterday but we will remember today, as he would also have been very keen to join in this sporting event.

At a local mid-Ulster level, despite the fact that the event does not visit my constituency, I am particularly delighted to see Cicli Sport, a cycle firm from Moneymore in the heart of mid-Ulster, with almost 40 years in the business, being so much involved in the preparations of the Giro d'Italia events. The recent Giro hall of fame celebration event at the Giant's Causeway, which saw Stephen Roche inducted to the roll of honour, follows Cicli's involvement in the Giro d'Italia launch last year. Cicli has been asked to supply a number of Pinarello bicycles for the launch and associated events, and it has brought its rich heritage in cycling to the build up to the historic race. Cicli Sport, which takes its name from Italian roots and brings three generations of cycling tradition to mid-Ulster, will tie the best of Northern Irish cycling with the world class sporting event. I would like to take this opportunity to congratulate that local business on its success and contribution to cycling.

In terms of a legacy, of course we hope to benefit from an increase in tourism, but, more than that, as legislators we should really tap into the current enthusiasm for all things bike related by kick-starting a cycling revolution. My colleague the Regional Development Minister, Danny Kennedy, has already signalled where we should be going. As he said in March:

*"We need to create an environment which invites people to walk and cycle as much as possible. That is my vision for Northern Ireland and I am committed to making it happen."*

The Minister has created a dedicated cycling unit in his Department to develop infrastructure plans, working closely with organisations such as Sustrans, as well as other cycling stakeholders such as the national cycling charity. I have no doubt that the all-party group on cycling will keep a close eye on how things develop in the months to come.

I would like to add my congratulations to those who successfully brought the Giro d'Italia to Northern Ireland for promoting the event within Northern Ireland and across the world. I look forward to hearing about the results and the successes for the economy. I will conclude by saying that —

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

**Mrs Overend:** Let us all commit to creating a cycling revolution in Northern Ireland as a fitting legacy to the Giro d'Italia in 2014.

**Mr D McIlveen:** I am very happy to rise in support of the motion and the amendment that has been brought forward in the name of Mr Lyttle. I do so as chair of the all-party group on tourism and also as a representative of the most beautiful constituency in Northern Ireland, North Antrim, which benefits very well from the route of the Giro d'Italia. I certainly look forward, at a constituency level, to seeing the benefits that will come to the area from that route.

Perhaps a year ago, as Miss Overend mentioned, other than avid cycling fans, very few people knew much about the Giro d'Italia. However, I think that many of us are now feeling the excitement build towards 9 May and are looking forward to seeing the race get under way. We are also looking forward to seeing all the hard work that the promoters, the Northern Ireland Tourist Board and the Department put in yield the results that we all want to see. It is estimated that 100,000 spectators will be on the streets watching the race go by and cheering it on. That cannot fail to benefit our local businesses, as the spectators will avail themselves of the services that will be provided in many of our towns and villages. An estimated £10 million of revenue will come as a result of the event. That is an exceptional return for the amount that has been put in; the estimate is that around £3 million of investment will receive a £10 million return. I think that that is a good news story for anyone in the Assembly.

Twenty two teams are due to take part, with 200 cyclists. The event will be broadcast in 165 countries, and I gather that that number has now increased slightly. That is the type of publicity that money simply cannot buy. Watched in 165 countries, the event will give an estimated 775 million viewers the opportunity to see what I believe to be the picture-perfect postcard view of Northern Ireland as the cyclists go around our north coast and then back down into Armagh at the end of the stage.

The one thing that I have to say is this: I feel that this is probably one of the most positive motions brought to the Assembly in recent days. It is regrettable that, unfortunately, it is not the one that will most likely grab the headlines today. For those who make the argument that, because of positions that are taken on certain issues, Northern Ireland can be viewed as a laughing stock, I say this: Northern Ireland has hosted the World Police and Fire Games; it has hosted world-leading golf tournaments; it is now the most economically developing region of the United Kingdom among the devolved regions; we had the UK City of Culture in Londonderry; we had the Turner Prize; we have weekly announcements — at times daily announcements — of foreign investment from companies creating jobs and wealth in Northern Ireland; we hosted the G8; and we are now hosting the Giro d'Italia. This country is no laughing stock. This country is the envy of the world.

**Mr Boylan:** Go raibh maith agat, a Cheann Comhairle. Ba mhaith liom labhairt i bhfabhar an rúin seo agus ar son an leasaithe. I am in favour of the motion and the amendment. I agree with the comments of the previous Member who spoke that this is a positive motion. It is one of those motions that, if people cared to tune in and listen to the debate, they would know how it impacts on the ground.

Given that everybody is plugging all the other areas, I want to talk about the best part of the North of Ireland, which is Armagh city and district and into Newry and Mourne. A key element for me is that, over the past weeks, I have met a number of community groups and have seen the way that they have embraced the event. I have to mention my own town. Last June, myself, Conor Murphy MP and Councillor Roy McCartney took the opportunity to engage with and meet members of the organising committee. I commend Stephen Gallagher and Darach McQuaid. People may or may not know Stephen Gallagher. Stephen was a professional cyclist from Richhill, and he played a big part in bringing the event to the North of the island. We took the opportunity to meet him, and when I asked him when he was coming to Armagh city and district, I suggested that he visit my own town of Keady and maybe travel up through Keady mountain, on up to Newtownhamilton and into Slieve Gullion. Thankfully, that is going to happen, and the people of Keady have embraced it. A number of groups, including the community festival group, have, thankfully, got funding through the council to decorate the town and so forth.

#### 11.15 am

I congratulate the groups that are playing their part, because it is about the community. I will talk about the legacy in a few minutes, but I want to commend all the groups that have embraced it. I also thank the Minister for Social Development and the local councils. Money is available to decorate all those towns. A number of dilapidated buildings now have a beautiful frontage; however, there is a storey behind the facade of those buildings. I do not want to be too negative, but I congratulate the councils for giving the money to clean up the towns.

This race will pass through our towns and villages for a couple of days and it will be away. However, it gives us a massive opportunity to grow and to build on. Armagh has a huge tourist potential with its cathedrals, Navan Fort, the observatory and the planetarium. Whilst I have said on a number of occasions that we have only the public sector — thankfully, the public sector — jobs in Armagh, there is an opportunity for tourism potential through the likes of this. I know that the Minister has done a lot of good work. I welcome the Minister at any time to Armagh City and District Council, and she has been down a few times. A lot of good work has been done, but there are great opportunities for tourism as a result of this.

I want to speak about health as well. If we give people the idea of getting on bicycles and getting fit, it will have a long-term impact on the health budget, and we will be able to redirect money to other things. However, this is the starting point, and I certainly welcome it.

In closing, I also want to thank all the schools that got involved. It has been absolutely incredible. I can speak only from Armagh city and district and Newry and Mourne's point of view, but the number of people who will

be out on that day and the thousands of people who will flock to our part of the country to see it will be absolutely fantastic, and we look forward to it.

Obviously there is the legacy issue; other people have mentioned different things, and I do not propose to go into every single thing that other Members have said. I certainly do support it: I will be a good day. This is a good motion and it should be looked on positively. With regard to what the previous Member said, it is up to the media's portrayal of the motion as to whether anything will come out of this. However, I hope that they can see the significance and the potential of the Giro d'Italia.

**Mr Dunne:** I, too, am happy to support the motion brought by my keen cyclist friend Sammy Douglas. There seems to be something about east Belfast; people seem to have really got on their bikes and made an effort. I had the privilege of the First Minister coming down to my constituency in North Down by bike during the summer holiday, accompanied by his colleague Sammy Douglas. Unfortunately, I was not there; I was away on holiday. Fortunately, the office was open for business, and they were assured that business was being done within the constituency — no doubt.

This is a very prestigious event to be brought to Northern Ireland, and we should put on record our thanks to the Minister of Enterprise, Trade and Investment, Arlene Foster — as we probably would do, over on this side of the House — for heading up this project. It is a very exciting event and another of the major flagship events that have come to Northern Ireland and that will come in the future.

The support of the Executive is very important, along with that of the Northern Ireland Tourist Board, as has been mentioned, and the various councils that have got involved. Of course Tourism Ireland, to be fair, has also put in sponsorship. Without that sponsorship and support, these events would not happen. It is important that we recognise that and put it on record.

Of course, there are also the volunteers, the marshals, the club officials and the enthusiasts who get involved. Without enthusiasts, these things would not happen. The people who have the ideas, the drive and determination to bring forward these projects and who have a keen interest and commit to give of their time voluntarily are the people who make these sort of events happen, and it is important that we record that.

No doubt, this event will bring great excitement across most of Northern Ireland. Such events will bring a real boost to tourism. This is a great opportunity for first-time visitors to Northern Ireland. We have a lot to be thankful for in that things have moved on in this country and that such events happen. When people come here and meet the people and sample the food, the hospitality and the warmth, they come back.

A great example of that over the Easter period was the Circuit of Ireland rally — I suppose that that is my hobby horse — and it was a great success. The event is part of the European Rally Championship, and this was the second time that we managed to get it, again with the support of various Departments. The competitors who came here from some 16 European countries were most impressed by what they saw. Fortunately, the weather was brilliant, as were the crowds that turned out to see it and the enthusiasm. In Newtownards alone, which,

unfortunately, is not in my constituency but just outside it, 20,000 people watched the rally on a summer evening.

The most positive part of the event was the television coverage on Eurosport, which was beamed throughout the world. Just today, the organiser Bobby Willis, who is the enthusiast behind it, said that the head of Eurosport was blown away by the pictures of Northern Ireland's scenery. That scenery consisted of the Titanic Quarter, where part of the rally was based; Scrabo Tower; the Ards peninsula; and the Mourne mountains. South Down got quite a bit of coverage in the whole thing. It is a good news story.

These sorts of events have great potential, and I think that we as an Assembly and through the Executive should do all that we can to encourage them. It is positive news that promotes a very positive image of this country. As for the airtime that the rally got on television, two 35-minute programmes went out on Eurosport during the week, which were repeated in another hour-long programme. The television coverage, the footage and the scenery were mind-boggling. It is great, positive news. I believe that we should grasp and promote such events. When people get a taste of this country and the people here, they are bound to come back.

**Ms McCorley:** Go raibh maith agat, a Cheann Comhairle. Ba mhaith liom labhairt ar son an rúin agus an leasaithe. I support the motion and the amendment.

Cosúil le gach duine eile, tá áthas an domhain orm a fheiceáil go bhfuil an Giro d'Italia ag teacht go hÉirinn ar an tseachtain seo chugainn, nuair a thitfidh na chéad chéimeanna amach i mBéal Feirste, in Aontroim agus in Ard Mhacha, roimh bhogadh ó dheas go Baile Átha Cliath. Like everyone else, I am delighted that the Giro d'Italia will come to Ireland next week, when its opening stages will take place in Belfast, Antrim and Armagh before moving south to Dublin. As a Belfast woman, I am very happy to see the cyclists coming to my city. Like everybody else, I am more than happy to wear pink to show my support. This is a huge event, and it is a great boost for us that the Big Start, or the Tús Mór, will happen here in Belfast. Is ócáid mhór í seo atá ina neartú iontach dúinn go mbeidh An Tús Mór ag tarlú anseo i mBéal Feirste.

I have to admit that I did not know much about the Giro, but I have learned a lot over recent weeks. It has been running for over 100 years and will involve upwards of 200 professional cyclists from all over the world. While three days of the event will be held here in the North of Ireland, it is primarily an Italian long-distance road bicycle stage race held annually over a three-week period in May and June.

We can expect a major influx of cyclists and cycling enthusiasts for the event. For tourism, it is a fantastic opportunity to capitalise on having so many foreign visitors and to showcase all that we have to be proud of. We want to impress people who have maybe never thought of coming here before but are coming now because of the Giro. It is important that we ensure that those visitors have a great experience beyond the cycling and see it as a place that they will come back to visit again. Tá sé tábhachtach go ndéanfaimid cinnte de go mbeidh eispéireas iontach ag cuairteoirí amach ó rothaíocht agus go bhfeicfeadh siad an tír seo mar áit ar mhaith leo teacht ar ais ann.

The world will be watching us between 9 and 11 May, because, as we are told, the Giro will attract a potential

global audience of 800 million. In 2012, the opening stages of the Giro were held in Denmark, and the reports show that it was an extremely successful event. Up to half a million spectators were in attendance, generating an economic turnover of around €14.5 million, with €5.4 million coming from international tourists, so, clearly, we can reap economic benefits from the event.

Although, for here, the event will be over this time two weeks, we need to ensure that there will be a legacy that will last far beyond that. We hope that it will prove to be an inspiration to many, who, as a result, will take up cycling as a sport, pastime, or, more importantly, just as a way of keeping healthy. It would be wrong to miss this opportunity to encourage our community to think about adopting healthier approaches. Bheadh sé mícheart má chaillimid an deis seo ár bpobal a spreagadh maidir le cur chuige níos sláintiúla.

We already know about the trend towards people being overweight and having increasing levels of heart disease, diabetes and mental health issues and the absolute importance of looking at ways of improving our lifestyles. None of us needs to be told any more that we need to eat healthier and take more exercise if we are to increase our chances of living a long, active life. So if the Giro d'Italia can inspire any of us to take up cycling or any other way of keeping fit, that will be a worthwhile legacy.

If we are to encourage people to get on their bikes, we need to enable them to do so by increasing the number of cycle lanes and making cycling a safe activity. In that regard, of course, the Cycle to Work opportunity is also a positive message. We know as well that the DRD cycling unit is working on developing a clear and aspirational vision for cycling that will be articulated through a long-term bicycle strategy for the North, which will take into account factors such as the wider, long-term economic, social and environmental benefits. Those are all positive developments.

The pink spectacle of the Giro d'Italia will last here for three days of its total three weeks. Like everyone else, I am sure that it will be a great event. However, I hope that its legacy will be even greater, with long-lasting positive outcomes in increased tourism, economic benefits and healthier lifestyles.

Mar fhocal scoir, ba mhaith liom comhghairdeas agus buíochas a ghabháil le gach duine, grúpa agus eagraíocht atá páirteach san ócáid seo. On a final note, I congratulate and thank every person, group and organisation involved in this great event.

**Mr McGlone:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis na daoine a mhol an rún agus, ar ndóigh, leo sin a chuir an leasú os ár gcomhair. I thank the proposers of the motion and of the amendment, which is very helpful indeed.

Along with the Tour de France and the Vuelta a España, the Giro d'Italia is one of cycling's three Grand Tours — marathon events that take place over three weeks. They are the test for professional cyclists. Being chosen to hold the Grande Partenza is a huge honour for this small part of Ireland. It is also recognition of the growth in popularity of cycling as a sport, not just in Ireland but across these islands. No one can have failed to notice the increased and increasing numbers of cyclists, in particular cycle club races, on our roads.

The popularity of cycling in these islands will also see this year's Tour de France begin in Yorkshire. The rise in popularity has no doubt been helped by the success on Europe's roads of British riders such as Bradley Wiggins, Chris Froome and the Manx missile, Mark Cavendish. Irish cycling is also in good health, with Nicolas Roche and Dan Martin winning Grand Tour stages in recent years. Of course success on the roads has been matched by success in the velodrome. I highlight the recent track record of Newtownards rider Martyn Irvine, who is undoubtedly an inspiration to many young cyclists. Unfortunately, Wiggins, Froome and Cavendish have opted out of the Giro this year; Yorkshire and the Tour de France are too close.

I am sure, however, that the riders who come here to compete will provide the spectacle that cycling fans are used to from the Giro. The Causeway and Antrim coast will certainly provide a stunning backdrop for the action on the road. I am sure that the organisers are hoping some for some crosswinds on the day for teams to negotiate.

The Executive have a responsibility to ensure that the tourism potential of the Giro is not just maximised in the here and now but that a legacy remains when the Giro leaves the island. At this stage, so close to the start of the Giro, I fully expect the tourism Minister to be able to recite — I am sure that she is — a list of promotional events and other measures geared towards maximising an immediate boost in visitor numbers and encouraging returning visitors in the future. I also expect there to be a concerted cross-departmental drive to ensure the smooth running of the Giro d'Italia 2014. On policing, transport, roads and accommodation, Ministers will be doing all they can to make sure that the Giro d'Italia is a great success.

#### 11.30 am

My party colleague the Environment Minister would, I am sure, want me to mention his contribution in banning election posters from the route. Let us hope that all political parties can remember what they have agreed not to do.

It is disappointing, however, that, on the eve of the Giro d'Italia 2014, a major section of the national cycle network line is to close to walkers and cyclists for two years while Belfast City Council builds a £29.5 million extension to the Waterfront Hall. Surely, a somewhat better solution could have been found to that particular problem.

Executive Ministers have been concentrating on the immediate issue of making the Giro d'Italia 2014 a success, but it is also important that we build on the opportunity that we have been presented with. We need a legacy plan. That is what the motion and, in particular, the amendment, call on the Executive to do: to plan now for the moment that the Giro leaves the island and to create a legacy for future generations. That legacy should be for cycling, sport, health, education, transport, tourism and the economy. We need to provide the necessary resources to deliver that legacy.

The SDLP wants the arrival of the Giro d'Italia 2014 to be a landmark moment for Northern Irish sport. We also want it to be the foundation of a greater future for cycling on this island. I support the motion and the amendment.

**Mr McKinney:** I welcome the opportunity to contribute to the debate today, and I support the motion and the amendment. Many Members have mentioned the scale of

the Giro d'Italia, and I am delighted to see that the Estate here is already gearing up for the event.

The SDLP feels that the amendment tabled to the motion is very fitting, as, for us, it is the legacy of the Giro that will arguably be the most important part of its effect on Northern Ireland. In the short term, the tourism boost offered by it will be sizeable. We are hearing that 140,000 tourists are expected, and it will offer a chance for Northern Ireland to market its unique selling points to a worldwide audience, including its beautiful coastlines and the hospitality of its people. The real challenge now, however, is that legacy. We cannot allow it to become a fleeting showpiece; rather, it must kick-start a firm and sustainable cycling tradition here in the North.

We cannot underestimate the effect that cycling promotion and success can have on the economy. Look at Olympic cycling and the achievements of Team Sky. The UK cycle tourism market was worth £635 million in 1997, and that has now grown to an estimated £1 billion. That is staggering growth in anybody's money. Who is to say that we cannot replicate the successes of Team Sky and its riders, such as Bradley Wiggins and Chris Froome, when we possess talents such as Nicolas Roche and Dan Martin and the marketing opportunity that is Giro d'Italia? We must have the ambition to grow our cycling market and build on the success of our riders.

Look how Scotland, as was mentioned, has utilised leisure cycling. That may, too, be instructive in how we could do the same. The emphasis that the Scottish Government placed on the brand of Scottish cycling and the use of theme has generated sizeable benefit, way beyond just cycling and revenue. However, the combined revenue from Scottish cycling in a single year, taking into account the additional benefits such as health, employment and cycling infrastructure, is up to £350 million. It is right to ask where our plans are.

The SDLP believes that too much of our health focus is on treating ill health and not sufficiently promoting active health lifestyles. The Scottish example is further proof that preventative health works economically, and, if Northern Ireland can build a cycling legacy, we, too, could see that economic and health benefit.

The Giro d'Italia originated in Italy and now receives worldwide affection when it comes to other countries. We have other two-wheel pedigrees: where is our ambition to promote our proficiency on two wheels in, for example, motorbike racing? How have we built on the legacy of people such as Joey Dunlop and can we do more?

In 2012, the Giro started in Denmark. They measured its effect, stating that it was a tremendous success in enhancing local tourism and expanding its international market. It has been done before, and it can be done again. Northern Ireland has been trying to achieve foreign direct investment and the recent troubles over the flag protests have harmed that. The international marketing improvements that Denmark has experienced would no doubt have great effect on the marketability of Northern Ireland and the vitality of the small and medium-sized enterprises (SME) sector in exports.

It has been said a number of times here that the Giro is a magnificent coup, and those involved must be congratulated for bringing it here. The SDLP has no doubt

that it will be a success and encourages everyone to become involved and experience it at first hand.

It is particularly pleasing that, at this point, as my colleague said, there is broad consensus about the removal of election posters from the Giro route. However, to reiterate: this Government must work to ensure that the Giro is not a fleeting tourism spectacle.

**Mr Elliott:** I thank the Member for giving way. Bringing the Giro to Northern Ireland is a very positive thing, and we heard about the other countries that it has been in. Although he does not represent Fermanagh, I am sure that, as a native of the county, he would be very pleased if it came as far as Fermanagh which, unfortunately, is missing out on this occasion. Maybe that will happen next time, but I am sure he would be interested in having it in the county.

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

**Mr McKinney:** Thank you very much, Mr Speaker. Of course I would be absolutely thrilled if it was in every county, but the point I am trying to arrive at is not so much that we look within but that we use the experience of the Italians. They took a small annual event and broadened it out, and they now export the Grande Partenza. That is what we need to do: have vision and ambition similar to that which the Italians had with this project. They are sharing that project with us, and we are allowed to grow as a result. Is that not what part of our vision and ambition for this should be?

You are absolutely right, Mr Elliott: of course Fermanagh, Down, Armagh, Tyrone, Derry and Antrim should all have a share of this, but let us see if we can have a vision and ambition to share this out further. What unique products of ours can we share with other parts of the world?

**Mrs Foster (The Minister of Enterprise, Trade and Investment):** Grazie, Mr Speaker, thank you very much. It is very welcome and, indeed, timely that Members have had the opportunity to debate this motion, because, in just a few days, we will be hosting the Grande Partenza of the 2014 Giro d'Italia, and we will be firmly in the international spotlight. The Executive, my Department, the Northern Ireland Tourist Board and others have all worked very hard and have committed significant resources to secure this historic and, we hope, spectacular event for Northern Ireland.

The World Police and Fire Games, which was the major sporting event of last year, generated a real sense of public ownership, involvement and celebration. Now, through the Giro, there is a growing excitement and anticipation right across Northern Ireland. I know that Members wanted to make comments about their own constituencies, but, as I travel around, I know that all of Northern Ireland is very excited about the fact that we are hosting this great sporting occasion.

Pink mania is spreading across Northern Ireland with talk of shops, restaurants, landmark buildings and even livestock going pink to welcome the Giro spectacle, and I have seen pink sheep on the north Antrim coast. Just today, Royal Mail announced that it has created a special commemorative postmark to mark the Giro d'Italia coming to Northern Ireland. Such postmarks are issued only when there are major or historic events in the United Kingdom,

and it is the very first time that we are going to have a commemorative postmark for a Northern Ireland event. We should all welcome that initiative by Royal Mail.

Bringing the Giro to Northern Ireland has the potential to contribute significantly to the economy by attracting additional visitors and generating additional tourism revenue. Up to 140,000 visitors — 42,000 of whom, we estimate, will come from out of state — are expected to attend the event, generating a festival atmosphere, boosting business and generating tourism opportunities in cities, towns and villages. Our tourism industry will be in full swing during the event, and hotels, pubs, restaurants, cafes and food producers can all expect to benefit.

It was very interesting to hear Mrs Overend say that a business in her constituency has benefited from the Giro d'Italia because people sometimes miss the fact that there are businesses here in Northern Ireland benefiting from the Giro coming. Yesterday, I visited John McQuillan (Contracts) Ltd, which put down the hard standing at the Titanic Quarter and which has benefited from supplying that facility to the Giro d'Italia, working with Titanic Quarter Belfast. We must not lose sight of the fact that many other local businesses are benefiting from the Giro d'Italia.

However, an event of this size and scope — one of the biggest events in the international sporting calendar — goes much wider than the economy and tourism, very significant though those are. I think a lot of Members have recognised that through references to health and the fact that we are trying to generate interest among young people in getting involved in fitness and, essentially, getting on their bike. That should all be welcomed as well.

It is expected that the Giro will generate some £10 million worth of worldwide publicity for Northern Ireland, as well as promoting and encouraging, as I said, sporting and cultural exchanges, educational opportunities and a healthy lifestyle. It is worth reflecting on the fact that the Giro goes out to 174 countries around the world. It has a daily audience of 1.7 million and a total TV audience reach of some 800 million. Approximately two million people stream the event live, and it gets a million page views per day on the Giro website during the event, as well as 100,000 followers on Twitter and 120,000 app downloads. That gives you a sense of the scale of what we are going to be involved in next week.

This represents an unprecedented opportunity to showcase Northern Ireland, our people and some of our best tourism assets and scenic landscapes to millions of cycling enthusiasts and general holidaymakers around the world. It will build on our international reputation, already enhanced and primed by the successful hosting of last year's G8 summit in Fermanagh, the World Police and Fire Games, Derry/Londonderry's tenure as the first UK City of Culture and the highly successful ni2012 campaign the previous year.

Preparations to ensure that our Big Start is one of the Giro's best ever are now well advanced. The key stakeholders and partners in Northern Ireland are working closely with the race organisers, RCS Sport. My Department, through the Tourist Board, has set up a number of working groups specifically designed to address all aspects of the Giro d'Italia. Those working groups were exclusively created to discuss how local councils can

capitalise on the Giro and the opportunities it brings to their areas.

Through the NITB, the Department has already committed £3 million to secure the event for Northern Ireland, and over £300,000 has now been utilised by NITB on event dressing to ensure that the route and surrounding areas are appropriately dressed. On Mr Bradley's issue around that and Newry and Mourne council, the Tourist Board has purchased very significant dressing and has given Newry and Mourne council the full dressing pack. It was waiting for the council to come through with potential dressing sites, but it has just received those, and the dressing plan has been agreed with both Armagh and Newry and Mourne councils. That is happening as we speak.

Of course, the dressing is very important to show the world, especially global event organisers, not only that we are capable and competent at hosting world-class events, but that we go the extra mile and really want to welcome people to Northern Ireland. In that respect, both my Department and NITB very much welcome the Environment Minister's temporary ban on election posters. I think that most parties had indicated their willingness to comply with that in any event, but it is good to have the ban in place. It is important that we are viewed in the most positive light while hosting this magnificent event.

We have a full programme of marketing activity to ensure that the benefits of hosting the event are fully maximised. We have put out a full suite of messages welcoming the Giro d'Italia to Northern Ireland at key points of entry into Northern Ireland, including Belfast International Airport, Belfast City Airport, Stena Line, P&O, Belfast Central station and Great Victoria Street station. Also, I am sure that everyone has received their Giro d'Italia guide, which was delivered to every household in Northern Ireland last week.

To promote the Giro to potential visitors, the Tourist Board is rolling out a fully integrated domestic marketing campaign to raise awareness of the event and to educate and encourage participation in the many festivals and events surrounding it. That campaign activity is being underpinned by extensive PR, social media and activation activity, and integration with our own Discover Northern Ireland consumer website.

#### 11.45 am

Also, we are reaching out into the Republic of Ireland, to 600,000 homes in Dublin, Kildare and Donegal, encouraging people to book short breaks in Northern Ireland around the Giro festivities. Everyone knows by now that we have secured the services of the legendary cyclist and former Giro d'Italia winner, Stephen Roche, to market and promote tourism in the lead up to Giro, and he has done a magnificent job in his ambassadorial role for the event.

Mr Dunne mentioned the amount of coverage that the Circuit of Ireland rally received on Eurosport. I was delighted to hear what he had to say in relation to that. We supported the Circuit of Ireland through our events fund. I was also delighted that there was good weather for that event this year. Television coverage will play a huge role for us with the Giro as well. We want to reach out to overseas markets and it is very important that we do so through all media.

We have been focusing on the event itself, but today Members have obviously wanted to talk about legacy issues as well. Indeed, the amendment refers to that. I am responsible for tourism and economic development; other Ministers have responsibility for schools, sporting cycling and all those things. My Department has invested in off-road cycling, as you know, in Castlewellan, Rostrevor, Blessingbourne in County Tyrone and Fivemiletown. The whole ethos of cycling and outdoor activities very much forms part of our tourism offering in Northern Ireland at present. I understand that my colleague the Health Minister has also been very much involved in promoting cycling as a way of keeping fit, and the Public Health Agency promotes the uptake of cycling through a range of initiatives as well.

In short, the 2014 Giro d'Italia will be a very significant event for Northern Ireland. Part of its legacy will include footage and imagery of an iconic cycling event travelling through our city streets, tourism landmarks and stunning landscapes. Everything is in place and we can only hope that the weather will be similar to what it was over the Easter period so that we can show off our best assets in the best way.

We have a legacy plan for the event itself. The Giro d'Italia's legacy is the Gran Fondo. I have already talked to a number of MLAs who are not hosting the Grande Partenza but who would like to host the Gran Fondo, and that is something that I continue to talk to them about. They want to be positive about the event and welcome the legacy event to their area. I continue to talk to those people.

As well as that, other cycling races have developed as a result of the Giro coming here. Indeed, in Fermanagh, Curadmir, a cycling event, is happening over the May period as well. So, we will see a roll-on event from the Giro d'Italia coming to Northern Ireland.

In conclusion, Mr Boylan's point about the community embracing this event has been very much part of what we in the Department and the Northern Ireland Tourist Board have been trying to do throughout our events. We want people who live here to have a sense of civic pride about the events we bring to Northern Ireland. I am very pleased to say that, so far —

**Mr G Robinson:** Will the Minister give way?

**Mrs Foster:** Yes, I will indeed.

**Mr G Robinson:** Could we also include that, about a week later, the North West 200 motorcycle race takes place on the north coast? There is also the Milk Cup competition as well, which attracts quite a big audience to our towns, cities and the country in general. I commend the Minister for the great work that she has done in trying to host all those events.

**Mrs Foster:** Indeed, May is a very busy month. We started off with the Circuit of Ireland; we have the Giro d'Italia; and, of course, we have the very important North West 200 and the Milk Cup as well. The Milk Cup continues to be called that; despite the fact that it has changed its sponsor, it is still very much the Milk Cup. I look forward to those events growing as well. We have a real desire to see our home-grown events grow and be sustainable. We will work with our local promoters and we want to bring events in as well.

Northern Ireland has now placed itself very much in the area where we are seen to be a home for events. That is something that we should be very proud of.

**Mr Lyttle:** I welcome the unanimous support and positivity that we have had for the motion and amendment and, indeed, the encouragement that the Assembly is giving to everybody in Northern Ireland to join the Giro d'Italia pink revolution between 9 May and 11 May. It is truly a world-class and iconic sporting and cycling event, and our businesses, restaurants, shops, hotels, visitor attractions, community organisations, volunteers and clubs are all ready to provide first-class hospitality to the world. As the Minister rightly said, we have inspirational locations, stunning landscapes and the friendliest people to offer that welcome. The excitement and drama that will hopefully be provided by the time trials really will be a spectacle for everyone to behold.

All Members who spoke rightly referred to their respective "best" constituencies in Northern Ireland that will be part of this fantastic event, from Titanic Belfast to the Causeway coastal route, the glens and the historic city of Armagh. Of course, I would encourage people to particularly take in day 1 stage 1 in east Belfast from Titanic Belfast and the Titanic Quarter along the Newtownards Road. The Holywood Arches area has been dressed fantastically with Freddie Forte by the Tourist Board, the council and everyone involved. On the Upper Newtownards Road, Dave Kane Cycles and the Ballyhackamore Business Association have done fantastic work to ensure that everyone who visits that part of the route will get a really warm welcome.

However, all Members have rightly acknowledged that we want the ambition of the Northern Ireland Executive for the legacy of the Giro d'Italia to be broad and high. We hope that the debate initiates a real and meaningful discussion and action plan for cycling in Northern Ireland to deliver the cycling revolution and legacy that the Minister for Regional Development has committed to. We hope that that includes greater investment, better road and transport design, increased school cycling and active travel education for our young people, enforcement of our cycle lanes and information about and enhancement of the dedicated cycle network that we have in Northern Ireland. That will take political leadership and Members to step up to the calls they made today.

I would like to echo the huge positivity that there is around the event. I also want to congratulate everyone involved in bringing the Giro d'Italia to Northern Ireland, including the work of the Minister of Enterprise, Trade and Investment and the fantastic work of the Tourist Board and Discover Northern Ireland. I encourage everyone — all members of the public — to visit the Discover Northern Ireland website for the Giro d'Italia. It is a fantastic website. It has some really interesting videos and a fantastic social hub in which people from all organisations and backgrounds are contributing to the excitement around the event with information on the routes. I encourage everyone to be part of the start and to make this a landmark moment for Northern Ireland.

**Mr Weir:** I welcome the very positive contributions from all parts of the Chamber that have embraced the motion. I suspect that we may soon be moving into slightly more contentious territory, but it is good that the Assembly has spoken very much with one voice in this debate. Indeed,

the closest that we came to any degree of contention was when the proposer of the motion inadvertently referred to the event as the giro rather than the Giro. For one awful second, I thought that we were going to be dragged back to welfare reform. What has also been significant is that a number of MLAs from different parties across the Chamber have a strong commitment to cycling issues.

As mentioned by a number of the Members who spoke, there has been a sense that the community in Northern Ireland as a whole has embraced the Giro. That has been important as well. From the hard work of the volunteers to the pink sheep in north Antrim, as, I think, Sandra Overend indicated, it shows a spirit of embracing the Giro. I see that one of the Members for North Antrim was very confused at that sight. From that point of view, I think that it is important that we pay tribute to the Enterprise Minister and all those involved who have helped to bring this iconic event to Northern Ireland.

Many of us have not fully grasped the sheer scale of the event. Patsy McGlone and others mentioned that it is one of the triple crown events and one of the most significant world sporting events in existence. Sandra Overend referred to the 775 million viewers, and I think that Rosaleen McCorley added an extra 25 million to that. David McLlveen referred to the fact that the event will be shown in 165 countries, and the Minister referred to the one million hits on the website every day. That is an indication of the sheer implications for Northern Ireland.

I welcome the Minister's remarks about the range of proactive activities that have taken place promoting the event. The principal initial focus is obviously on tourism. Mention has been made of the direct benefits of £10 million of direct revenue. The most significant element, which, unsurprisingly, various Members around the Chamber have been making everyone aware of, is the tour of Northern Ireland that we will go on. Whether it is East Belfast, North Antrim, South Down, Newry and Armagh or a range of other areas, Member after Member expressed the beauty of their own constituency. Mrs Overend and Mr Elliott even took the opportunity to say how beautiful their constituencies are, even though the Giro will not go through them. As a Member for North Down, which, unfortunately, the Giro is also missing, I have to add that it is a pity that it is not going through the beautiful scenery of North Down. If anything, that is the one regret for some of us, but, inevitably, any route will not be able to encompass everywhere.

However, there is a very serious point. It is natural that Members will highlight the beauty of their own constituency, but I have to say that it is something that, at times, we get a bit blasé about in Northern Ireland. Northern Ireland is a magnificent place with its built heritage, natural environment and scenery. It is a place of great beauty, and, at times, those of us who live here simply take that for granted.

From a tourism point of view, this is an opportunity to highlight that across the world. The Member who moved the motion and others highlighted that this is not simply a one-off coup for us to have obtained this event and that it is not simply an action in isolation but that it is part of a series of events that have taken place that have been able to highlight Northern Ireland to the world. Those events include the G8, the World Police and Fire Games, the City of Culture and annual events. Indeed, mention was made

of the North West 200, the Milk Cup and the Circuit of Ireland rally. All those things contribute to a wider tourism strategy.

I mentioned that the House is united, and I am glad to say that, where the amendment is concerned, Mr Lyttle and I have been able to cycle in tandem on the issue. From that point of view, it is an issue of legacy, and I think that legacy can be seen in a number of different ways. It can be the inspiration that is produced for a new generation. For instance, during the London Olympics, so many gold medals were won, particularly by British cyclists, and it was very noticeable to anybody going about the country during that period that a number of people were inspired to dust off a bike that had not been used for quite a while and get out there. I hope that there will be a similar level of inspiration with this event.

Legacy is also vital for the long-term position. We often look at things in the here and now, but, in the context of infrastructure and long-term development, I can see that, in my constituency, the legacy from the Olympics is the Aurora swimming and leisure complex, where we have been able to provide 50-metre swimming facilities. That is a long-standing legacy, and it is vital that that legacy is built on.

#### 12.00 noon

A number of Members have mentioned the need for investment, particularly in infrastructure. That is a key point about legacy. Indeed, the proposer of the amendment rightly said that we need to be aware of the barriers that need to be overcome if we are to transform into that cycling revolution that has been mentioned by the Minister for Regional Development. We should embrace good practice from various parts of the world and look at where it is being done.

It is also important, as highlighted by the proposer and others, that, in looking at the issues of legacy, we also ensure that we have social inclusion. It should not be seen simply as something that is to benefit a few people; it should be built into communities.

There is no doubt that, for the past number of years, there has been a growing cycling revolution from the grass roots upwards. The very fine work of Northern Ireland Greenways, Sustrans and a whole host of community groups around the country has been mentioned, and individual cycling activists have been pushing a cycling agenda. That is very welcome. We are starting to see at government level — the establishment of the cycling unit in DRD is a good example of it — the green shoots appearing in the Executive to embrace that. However, it is important that it is all-embracing, because the benefits of cycling will impact on a wide range of Departments and require action from a number of Departments.

A couple of Members rightly praised the work of DSD on the presentational efforts that it has made in towns. DOE's good work has been mentioned, but cycling will have a range of impacts. It will have an impact on transport and infrastructure and will have a major impact on education and sport. Indeed, given the increasing pressures on the health budget, we should embrace a healthier environment and one in which more and more of our people are taking exercise and perhaps helping to avoid illness and problems.

Rarely would I quote him, but I saw a very apposite retweet this morning from Eamonn Mallie — sort of the éminence grise of the press — of a slogan that said:

*“You are not stuck in traffic. You are traffic. Get a bike.”*

That is a very positive message and a very positive way of doing it.

There is cycling revolution going on in this country that is operating from the grass roots. It requires leadership from all of us in the Assembly to be able to embrace that, and I think the Executive are up to that. However, for once, let us unite today with a very positive message that we welcome the Giro, we see the enormous benefits for Northern Ireland and there is a collective determination to build upon the benefits of the Giro and create a legacy that will permeate generations as a result of this magnificent coup for Northern Ireland. I urge people to support the motion and the amendment.

*Question, That the amendment be made, put and agreed to.*

*Main Question, as amended, accordingly agreed to.*

*Resolved:*

*That this Assembly recognises that the Giro d'Italia is one of the biggest events in the international sporting calendar; warmly welcomes it to Northern Ireland; acknowledges the significance and magnitude of being chosen to host the Grande Partenza; understands the benefits to be obtained in terms of the economy, tourism, cultural exchange and education, promotion of a healthy lifestyle, and worldwide publicity for Northern Ireland; and calls on the Executive to take all necessary steps to maximise the potential to be gained through such a prestigious event and to allocate adequate resources for the delivery of a suitable Giro legacy plan to include improved provision and infrastructure for schools, commuting, leisure, tourist and sporting cycling in Northern Ireland.*

## Marriage Equality

**Mr Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes in which to make a winding-up speech. All other Members who are called to speak will have five minutes. As a valid petition of concern was presented on Monday 28 April in relation to the motion, the vote will be on a cross-community basis.

**Ms Ruane:** I beg to move

*That this Assembly notes that other jurisdictions on these islands have moved forward with equal marriage rights for same-sex couples; believes that all couples, regardless of gender or sexual orientation, should have the same legal entitlement to marry and to the protections, rights, obligations and benefits afforded by the legal institution of marriage; supports freedom of religion by allowing religious institutions to define, observe and practise marriage according to their beliefs, granting them the freedom whether or not to conduct same-sex marriages; calls on the Minister of Finance and Personnel to introduce legislation to guarantee that couples of any sex or gender identity receive equal benefit; and further calls on the First Minister and deputy First Minister to ensure that all legislation adheres to the Executive's commitments to protect equality for all.*

Go raibh maith agat, a Cheann Comhairle. Molann Sinn Féin an Ceart um Chomhionannas Sóisialta, Gnéis agus Cultúrtha. Sinn Féin advocates the right to social, economic, gender and cultural equality. That encompasses equality for all irrespective of race, age, marital or family status, sexual orientation, physical or mental capacities, ethnicity, social origin and political or religious affiliations. Creating the conditions for establishing an equal society means recognising the many diverse groups and sections of Irish society that need protection from the state.

We must tackle the trend to blame a person or group for their exclusion from society. Irish republicans are only too aware of what it means to be treated as second-class citizens. Our politics are the result of decades of resistance to marginalisation and discrimination.

Last night, demonstrations were held in Belfast and Derry, organised by the National Union of Students–Union of Students in Ireland. I was at the Belfast event. It is fitting that it was held at the City Hall, home of the first council in Ireland to pass a motion in favour of equal marriage. That motion was proposed by Sinn Féin councillor Mary Ellen Campbell. I pay tribute to the National Union of Students–Union of Students in Ireland, Rainbow, Cara–Friend, Amnesty International, the Equality Commission and the Human Rights Commission for their very strong stand on this important issue. They all deserve credit because, to stand up for your rights, loudly and proudly, is a brave thing to do. What struck me about last night was the number of young people who speak out on this important issue. Maith sibh — well done — for leading from the front. Those young people come from all communities, all political and religious beliefs and all affiliations, but what unites them is a strong belief that enough is enough. They instinctively understand the damaging effects of gay-bashing and the effect that inequality and discrimination have on the

lesbian, gay, bisexual and transgendered (LGB and T) community.

Attitudes are changing all over Ireland, all over England, all over Scotland, all over Wales, all over Europe and throughout the world. In some ways, it reminds me of how attitudes on unplanned pregnancy changed in a very short time. Women and girls who became pregnant were expected to hide, give their babies up for adoption, travel abroad and, in many cases, never come back to this country. They were traumatised, and, in some cases, they searched the globe, across a lifetime, for their children. However, a previous generation of women and men, led by feminists, was not willing to allow the criminalisation of women and those little babies to continue.

It takes courage for our LGB and T communities, because, in the past, the North was synonymous with the “never, never, never” brigade embodied by the DUP. The DUP was against the decriminalisation of homosexuality and against civil partnership. It is now against equal marriage, gay people adopting and people from the gay community donating blood. It is against, against, against. What is it for?

It takes courage for the lesbian, gay, bisexual and transgendered community because fear of rejection by your family is probably the biggest fear of all. It takes courage from them because a gay couple knows only too well how scary it is in the dark of night, when a brick might come in through the window. It takes courage because hate crime is on the rise. I urge every politician in the House to ensure that their words and actions do not fan the flames of hate crime. Do not wring your hands and say that you are against violence if your words are the words ringing in the ears of the person throwing the brick through the window, because you are as guilty as they are.

Let us examine some of the arguments that are used against marriage equality. It is said that we should not be wasting public money debating the issue; it is a gimmick; we should not be threatening family values; we should not be redefining marriage; they have civil partnerships, why do they want marriage; it denies the right to religious belief; Sinn Féin is using it to gain votes; and Sinn Féin will lose votes because it is bringing it forward. We then have the wild nonsense peddled about incest and polygamy. I note that the person saying that is not in the House today.

I want to take each of those arguments in turn and respond to them. This debate, and the earlier two debates that we had in the Assembly during this term, are not a waste of time or money. Equality is a matter of public interest. The mental and physical health issues of the LGB and T community, discriminating against a community and constantly bombarding them with negative messages takes its toll. Despite the strength, resilience and courage shown by that community, it impacts on them. That is why there are higher rates of suicide and self-harm. Is anyone telling me that suicide and self-harm is not an issue of public interest?

The no-men are using the gimmick argument to try to stop the debate. They are not so worried about wasting public money. Their Minister Mr Poots has no problem with wasting public money: £48,149 to date appealing against decisions about adoption in the High Court and Supreme Court, and £37,112 on the lifetime ban on blood donations. I expect those costs to rise.

What about threatening family values? The same arguments were used to justify the laundries — women were packed away to the laundries so that family values would not be threatened — and adoption practices in the past. What threatens family values is discrimination against some members of and children in families. What about threatening the institution of marriage? Where did we hear that before? It was in the apartheid regime, to justify why white and black could not marry. Enough said. Some say, «They have civil partnerships. Now they want more». Yes; the LGB and T community are entitled to full equality. It is the state's duty to legislate for that.

What about the argument that it denies the right to religious belief?

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

**Ms Ruane:** I will.

**Mr Beggs:** The Member is seeking marriage equality for the gay, lesbian and bisexual community. How is she going to achieve marriage equality for bisexuals in Northern Ireland?

**Ms Ruane:** What we need is equality for the LGB and T communities.

The Sinn Féin motion states that it:

*“supports freedom of religion by allowing religious institutions to define, observe and practise marriage according to their beliefs, granting them the freedom whether or not to conduct same-sex marriages”.*

We are not here to legislate according to our consciences; we are here to legislate on the basis of equality. I thank the Catholic and Presbyterian Churches for sending letters that lobbied us to vote against the motion, as is their right to do. I encourage them to engage with us and the LGB and T community on this important issue. I am not even going to waste time dealing with the offensive claims made by a Member in the media yesterday about polygamy and incest. It was well and truly fanning the flames.

We now have marriage equality in South Africa, Belgium, Denmark, France, Iceland, the Netherlands, Norway, Portugal, Spain, Sweden, Argentina, some parts of Mexico and the United States of America, Uruguay, Canada, New Zealand, England and Wales. We will soon have it in the South of Ireland. We will also have it here in the North of Ireland. The best way would be for the House to legislate for it. Failing that, I have no doubt that the LGB and T communities will continue to legally challenge discriminatory decisions in local and international courts. Why wouldn't they? Leanaigí ar aghaidh.

**Mr Storey:** There are many pressing issues facing Northern Ireland that impact on all our families and communities. It is, yet again, unfortunate that those issues are not being addressed in the House today. Rather, we are returning to an issue that has been rejected. On each previous occasion, the House has rejected same-sex legislation. I am confident that the outcome of the debate today will be the same. I am sure that that will not stop the parties opposite subjecting us to further similar motions in the months to come, but the answer will still be the same.

**12.15 pm**

Marriage has only one definition. It is the lifelong commitment between one man and one woman. That has been the accepted position since the dawn of creation. It is a creation institution. As the Evangelical Alliance in England has said:

*"Marriage is now a fluid, gender-neutral institution defined by consumer demands and political expediency and it is likely that pressure for further changes to it will follow."*

The Archbishop of Canterbury stated:

*"Marriage is abolished, redefined and recreated, being different and unequal for different categories."*

This is a reminder of the seriousness of the issue that faces us as a society. The traditional value of a family unit is the bedrock of any stable society. It has been undermined in many ways in the past number of years, and we all reap the consequences in our communities.

The redefinition of marriage would represent a change of monumental significance. It must not happen in Northern Ireland. I know that I speak for a large number of people across the community divide. When we come to the House, we are often challenged about being in the sectarian camp. On this issue, Members, many Protestants, Roman Catholics, people of other persuasions or of none want no change to the definition of marriage. Many in the Roman Catholic community feel let down and indeed betrayed by their political representatives. They are turning to this party as the only major party in this Assembly that takes a clear and unambiguous stand on the issue. This is not an issue for trivial dismissals. This is not an issue for political bantering. This is an issue of the utmost seriousness that this House needs to respect today.

As we have heard, Sinn Féin is always very keen to portray itself as the champion of equality and human rights, but today's motion has nothing to do with equality or human rights. The European Court and other legislators have ruled that same-sex marriage is not a human rights issue. That is a fact. I know that it is difficult for some to accept, but that is how it is. During the campaign for civil partnerships, we were told that those partnerships would ensure equal rights in law for same-sex couples and that there would never be any campaign for full marriage. Here we are today —

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

**Mr Storey:** I will give way.

**Mr Poots:** Does the Member agree that it causes people real concern that this is the thin end of the wedge? We see people who have already been tried in court in England and who have been sacked from jobs for expressing a viewpoint. It is an issue of major and real concern that people will be forced to do things against their will. No matter what goodwill parties may have, they have no control over how the courts interpret things thereafter. Consequently, this is a freedom of conscience issue.

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

**Mr Storey:** I concur with the comments of my colleague. They lead me onto the broader point that the LGB agenda

is part of a much broader campaign to bring about a social revolution. Pressure for further change will undoubtedly come. This is the beginning of a process that will undoubtedly continue. If we follow the spurious argument that it is all about equality, human rights, love and so on, the logical outworking of that can go in many ways. If a man says that he loves his sister or brother and wants to marry them, surely that is his human right. If a group of people of whatever gender decide that they love each other and want to get married, why not? Those are just a few of the possible scenarios.

**Mr Speaker:** Will the Member bring his remarks to a close?

**Mr Storey:** In conclusion, Mr Speaker, I will quote what the apostle Paul said in Ephesians chapter 4, verse 15:

*"speaking the truth in love" —*

I want this quote to be placed on record so that we dispense the issue of homophobic —

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

**Mr Storey:** — actions.

*"Loveless truth is brutal. Truthless love is hypocrisy. Love in truth is necessary."*

**Mr D Bradley:** Go raibh míle maith agat, a Cheann Comhairle. Tá áthas orm an seans a bheith agam chun labhairt ar an rún tábhachtach seo. Is rún tábhachtach atá faoi bhraid an Tionóil inniu mar go mbaianeann sé le cearta tábhachtacha do dhaoine. Sílim go bhfuil cothromas áirithe sa rún seo sa mhéid go n-aithníonn sé cearta an lucht creidimh agus cearta na ndaoine sin atá ag éileamh a gcearta.

I thank the Members who brought the motion to the Floor of the House. I think that it is a balanced motion in so far as it seeks to uphold the rights of all concerned. I pay tribute to the late P A Maglochlainn, a member of the SDLP who was a pioneering crusader for lesbian, gay, bisexual or transgendered (LGBT) rights in Northern Ireland. Yes, this is a debate about rights and equal rights. It is also a debate about freedom: freedom from discrimination and freedom from stigmatisation. It is about legal protections, responsibilities, rights, obligations and benefits afforded by the legal institution of marriage, but it is also —

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

**Mr D Bradley:** Yes.

**Mr McKinney:** The Member referred to the fact that the debate is about rights. Does he agree that it might be worthwhile to reflect on a number of the rights that we are talking about? I will highlight one or two of them. There is the right to time off work to care for a spouse and the right to be considered next of kin for emergency medical decisions. One more among a range of others is that unmarried surviving partners do not automatically inherit property should their loved one die without a will. These are the types of rights that we are talking about in this debate. Does the Member agree?

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

**Mr D Bradley:** I thank the Member for that intervention, and I do agree. There are further rights that the Member could have mentioned. As I said, it is a debate about rights, but it is also a debate about real people. It is about sons, daughters, brothers, sisters, uncles and aunts. It is about

people who want to live in a loving, secure, stable and permanent relationship protected by the legal institution of marriage. It is about parents who want to see their children in a loving, secure, stable and permanent relationship protected by the legal institution of marriage. It is about parents who do not want to see their children marginalised, stigmatised or wondering what the future may hold for them. Their love for each other and their commitment to their relationship should be afforded the very same protections and benefits that the rest of us derive from marriage. In this case, it refers to civil marriage.

As I said before in this House, the LGBT community is not asking for more, as some suggest. It is simply asking for the same. Extending the rights to those who are denied them should not be seen as a threat to anyone or to those who already have those rights or to their faith, belief or right to hold a different view. The motion makes a clear distinction between the civil and religious aspects of the issue. It states:

*“all couples, regardless of gender or sexual orientation, should have the same ... entitlement to marry”.*

However, it also states that religious institutions ought to continue to have the right:

*“to define, observe and practise marriage according to their beliefs”.*

The SDLP is strongly in favour of that right being enshrined in legislation so that there is absolutely no doubt about that question.

**Mr Storey:** I thank the Member for giving way. Will he not recognise that, in relation to the recent Tony Barlow case, the first surrogate parents said:

*“I want to go into my church and marry my husband ... The only way forward for us now is to make a challenge in the courts against the church.”*

That is where this is going to lead.

**Mr D Bradley:** If the Member had been listening to me, he would have heard me say that the rights of Churches and faith communities should be enshrined in legislation. There is no desire for any religious denomination or celebrant to be compelled to perform same-sex marriage ceremonies against their beliefs or their faith. The SDLP strongly believes that that should be the case, and the motion indicates that. Those who propose equal marriage in Northern Ireland are also committed to the protection of the rights of religious denominations and celebrants who do not wish to conduct same-sex weddings.

**Mr Speaker:** I ask the Member to draw his remarks to a close.

**Mr D Bradley:** The motion recognises that the state does not have any role in dictating to religious groups which ceremonies they can and cannot conduct. I support the motion. I realise that there is a petition of concern —

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

**Mr D Bradley:** — but, eventually, this motion will prevail.

**Mr Kennedy:** I will be opposing the motion. This is the third debate on this issue in approximately 18 months. It is clear to everyone that the decision of this House will not change. I say to the proposer and her party that those who

tabled this motion are guilty of engaging in a highly cynical political exercise — perhaps an electoral exercise — that has no benefit for any section of our community, not least the LGBT community, from which, presumably, Sinn Féin and others expect support.

I choose to speak not as a Minister or on behalf of the Ulster Unionist Party. The House will know that my party believes that issues of this nature are matters of personal conscience. Therefore, although called as an Ulster Unionist, I speak in a personal capacity. It is a matter of regret that members of all political parties are not allowed the liberty to speak freely to their conscience on this issue.

In the previous debate on this matter, I made clear my opposition to any change in the current legislation in order to allow for same-sex marriage. That remains my position. It is a position based on my religious beliefs and is consistent with the teaching of my Church, the Presbyterian Church, and the publicly expressed views of other Churches, including the Roman Catholic Church and the Church of Ireland. Finally, it is a position that is fundamentally consistent with the teaching of Holy Scripture.

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

**Mr Kennedy:** I will give way.

**Mr Agnew:** I ask the Member whether he believes in religious freedom and, if so, although it is his belief that same-sex couples marrying is outside his religious views, whether he agrees that religious institutions that wish to have the freedom to bless civil partnerships or, should we get it, marriages of same-sex couples, should have the religious freedom to do so?

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

**Mr Kennedy:** I am grateful to the Member for his intervention. My position is that the most fundamental position is the teaching not of any Church but the teaching of Holy Scripture itself. It is clear to me that that teaches that there should be no change in the current situation.

I ask Members who support the motion to consider this point, which I made in the previous debate: the law of the land is something that it is necessary for all of us to obey. Indeed, as public representatives, we have an obligation to do so. However, I contrast that with obeying the teaching of the Church — not a church; the Church. That is an entirely personal and voluntary decision, based on individual free will. The historical separation of Church and state therefore becomes of extreme importance. The Church should never be the slave of the state and, consequently, the state has no right to dictate the terms of religious marriage to the Church. The state has created the mechanisms under which same-sex civil partnerships can be enacted with protections under the law, which, in most cases, are equivalent to the rights enjoyed by married heterosexual couples. In my view, it is neither sensible nor desirable to allow the state to interfere in the religious institution of marriage simply for political convenience.

Redefining marriage would have far-reaching consequences for our entire society. Furthermore, I do not believe that there is widespread public support in Northern Ireland for such a proposal. In holding my view, I do not believe that I should be regarded as homophobic. Indeed, any suggestion would offend and abhor me. I do not disparage the LGBT community, many of whom I count as personal friends, neither is it my role or practice

to be judgmental. However, although I remain tolerant of the views and lifestyles of others, the same cannot always be said of all those who want to promote change of that nature to Christians, whose personal convictions put them at odds on an issue such as same-sex marriage.

For the reasons I have set out, personal and deeply held convictions that I cannot and will not set aside, I remain opposed to the proposal.

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

*The debate stood suspended.*

*The sitting was suspended at 12.31 pm.*

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

**2.00 pm**

## Oral Answers to Questions

### Culture, Arts and Leisure

#### Archaeological Artefacts

1. **Mr Dallat** asked the Minister of Culture, Arts and Leisure whether she plans to transfer the thousands of unclassified archaeological artefacts, currently stored by private companies, to a more appropriate storage facility with an adequate curative process to enable long-term preservation and public access. (AQO 6020/11-15)

**Ms Ni Chuilín (The Minister of Culture, Arts and Leisure):** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Member for his question. The Department of the Environment and the NIEA hold responsibility for policy and licensing in the matter but are urgently considering the issue, with input being provided by my officials and museums in an advisory capacity. On 2 July 2012, an Assembly debate was held on the management of artefacts that have been generated since the introduction of planning policy statement (PPS) 6 in 1999. At that debate, Alex Attwood, who was then Environment Minister, gave a commitment to present an Executive paper setting out the need for a strategic shift in resources, policy and law related to the protection of our heritage. Since then, officials from DOE, NIEA, museums and DCAL have sought to identify the full range of issues and possible solutions.

**Mr Dallat:** I thank the Minister for that very positive answer. Does she agree with me that every town and village has its secrets? Kilrea, for example, has its arrowheads and stone hatchets and so forth that came from the River Bann when it was excavated. Does the Minister agree with me that there has to be a better way in which local communities can share their heritage and past and, in doing so, perhaps come to a better understanding of where we are today?

**Ms Ni Chuilín:** I certainly do agree with the Member. In his constituency, Mount Sandal is earmarked as one of the first settlements. He will, I am sure, agree that the success of the Broughter hoard, which was brought to Limavady, is an example of a treasure of such stature being brought to a local facility. I look forward to the process being concluded so that we can ascertain what artefacts there are and what status they have. Given the nature of some of the history and heritage in our surrounding towns and villages, some of which the Member pointed some out, there is nothing to say that artefacts cannot be brought to a local art gallery, museum or school to be exhibited. Local people want to see big government working locally.

**Mr Ó hOisín:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Is the Minister concerned that some valuable materials and artefacts have potentially been lost because of the storage and archiving system that has or has not been in place to date?

**Ms Ní Chuilín:** I thank the Member for his question. In fairness to him, I think that that is a concern across the board and one that has been brought to my attention from both the professional and community sectors. I note that the Member used the word "potential". That will always be there until we ascertain what we have. Many collections have been discovered by private companies in the process of developing certain works. When the findings of the joint working group come before the Executive, which they will do in an Executive paper, they will map out not only the process but the way forward and the implicated cost. Once that happens, we will be able to engage in a process that will very quickly ascertain what we have. If there are occasions where treasures or findings of significant importance have been uncovered, we will do our best to make sure that they are not lost and, in response to his colleague John Dallat, we will do our best to make sure that they are preserved and exhibited.

**Mr Principal Deputy Speaker:** Pat Ramsey is not in his place. I call Sandra Overend.

### Giro d'Italia 2014: Legacy

3. **Mrs Overend** asked the Minister of Culture, Arts and Leisure to outline any discussions that have taken place between her Department and local cycling clubs to ensure that a new generation of cyclists is a legacy of the Giro d'Italia 2014. (AQO 6022/11-15)

**Ms Ní Chuilín:** My Department and Sport NI are working with a variety of cycling bodies, including local clubs, to ensure that a new generation of cyclists is a legacy of the Giro d'Italia. That activity is set out in the Giro legacy plan, which is led by NITB and includes contributions from key stakeholders.

Sport NI continues to support Cycling Ulster as it takes forward a number of strategies to develop cycling here and, in particular, its youth strategy, which aims to increase participation in cycling in local clubs, communities and schools. Sport NI is providing specific courses for local cycling clubs, which will see more leaders and coaches trained to promote cycling from grass-roots groups to high-performance levels. The giro legacy plan also includes a schools engagement programme, and Sport NI is working closely with schools to offer competitions and activities to promote the event and the benefits of cycling to ensure that we can maximise the legacy outcomes.

**Mrs Overend:** I thank the Minister for that response. It would be good to get further details of the work that is ongoing with the young people and trying to get them involved, whether that is through schools or youth organisations. Will the Minister provide some specific information about what is happening in my constituency of Mid Ulster?

**Ms Ní Chuilín:** I am certainly happy to write to the Member with the details of what is happening in her own constituency, but I can give her some broad headlines. Through her own inquiries and contacts with local schools, she can ascertain how that impacts on the mid-Ulster area. For example, as I outlined, work is under way with Sport NI and some of the local schools to look at a youth strategy. It also involves Sport NI, in conjunction with Cycling Ireland, looking at performances.

Clubs, communities and schools are also involved, and 71 schools have been involved in cycling opportunities and designing banners and bags around the giro and cycling. Indeed, they have been involved in cycling charities. The VC Glendale club received £10,000 as a result of the World Police and Fire Games legacy to try to promote and enhance cycling in the Shankill and Colin areas. However, as I said, I am happy to write to the Member with details specific to her constituency.

**Mr Hilditch:** To follow on from that, it is good to hear of the coaching, the projects and the programmes involved. However, Minister, will it take us any closer to the much-needed facilities for cycling?

**Ms Ní Chuilín:** The Member may be aware, through his participation in the Committee for Culture, Arts and Leisure, that Sport NI and DCAL have been working very closely with Cycling Ulster and Cycling Ireland. It is really important to identify gaps in facilities, even though we know where they are in our constituencies. At times, we probably know them more acutely than some of the governing bodies. However, work is well under way to look at gaps, feasibility studies and business cases, more so in the preparation for a velodrome, but not exclusively for that.

It is also about how we can work existing coaching programmes with emerging sports, and cycling is one of the sports that is not just emerging but growing. Therefore, I am happy, through the Committee for Culture, Arts and Leisure and through direct correspondence, to keep the Member up to date on that. It is very important, particularly at community level and grass-roots level, to see the gaps in facilities and to encourage better participation.

**Mr McKay:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. During the past three or four years, we have already seen the new generation of cyclists coming through, especially in a sporting and competitive sense. In my constituency of North Antrim, we have no fewer than seven cycling clubs at present, and that was not the case five years ago. In that context, and given the increased competition in the sport of cycling, can the Minister update the House on the business case for a velodrome? A velodrome is not present on the entire island of Ireland, and it would be a crucial piece of infrastructure to try to develop cyclists to a more professional standing.

**Ms Ní Chuilín:** I thank the Member for his supplementary question. I touched on this very briefly in answering David Hilditch's question. DCAL and Sport NI have been working very closely with Cycling Ireland and Cycling Ulster. At this stage, we are looking at the governing body, with support of officials from DCAL, bringing forward the business case for a velodrome.

Cycling has taken off quite well over the past couple of years, and the Member's constituency is one example of where numerous clubs have been looking at getting more people involved and looking at elite performance. Certainly, the business case for a velodrome did not stack up a few years ago, but my understanding is that that has changed.

The process has started and is well under way. When the process has been completed, I will need to find out exactly what the figures are. If the numbers are there, and if it has the support of the governing bodies, we need to take it forward in the future. However, it is very, very early days.

To give the Member some good news, the process has started and it is very encouraging.

### City of Culture: Legacy

**4. Mr Nesbitt** asked the Minister of Culture, Arts and Leisure for an update on her work to ensure the legacy of the UK City of Culture. (AQO 6023/11-15)

**Ms Ní Chuilín:** I thank the Member for his question. In November 2013, I announced that I would set up a DCAL north-west office and a company limited by guarantee to deliver City of Culture legacy programmes and activities. The north-west office is now in place. I met the Minister of Finance and Personnel on 31 March to discuss my proposals for the north-west. DCAL officials are progressing plans to set up a company, subject to a funding bid being agreed by the Executive.

In the interim period, I have continued to support a number of legacy projects in collaboration with Derry City Council, with over £2 million being invested since January 2014 in projects such as Other Voices, the Walled City Tattoo and the iconic 'Armoured Pram for Derry' artwork. I have also allocated £2 million capital funding towards the Daisyfield/Showgrounds project, which will contribute to the regeneration of one of the most-deprived areas in the city.

Next month, I will host an all-Ireland creative industries conference in the city, which will highlight Derry as a regional driver for the creative industries.

**Mr Nesbitt:** I thank the Minister for that information. In her keynote legacy speech at the Gasyard in Londonderry last November, she referred to developing modern sports facilities, including complexes in Derry, Dungiven and Coleraine. I would appreciate being given a knowledge of what those are and the timeline for their completion.

**Ms Ní Chuilín:** I mentioned the Foyle valley gateway, which is looking at the Daisyfield/Showgrounds project. That is primarily about sport in the city of Derry. A total of £2.5 million has been identified, through Limavady Borough Council, for a new sports complex in Dungiven and £1.5 million for Coleraine Showgrounds. Indeed, some capital moneys will be put into boxing as well. Needless to say, I have absolutely no doubt that Strabane and other surrounding towns and villages will come forward. I am sure that the Member agrees that there has been underinvestment in that geographical area for some time now. This is a good start, but we are not done yet.

We will make sure that we put money into collaboration and partnership working with projects that have already started and are under way and that we do that on the basis of identified need. That will ensure that, when there are a couple of funders and a cocktail of funding, projects will happen, that there is better economic sustainability and that there is buy-in from as many people as possible in the community.

**Mr Campbell:** The Minister will be aware that, for the year and a half before the City of Culture year, issues arose about trying to make sure that the year was celebrated in an all-inclusive way in Londonderry. That was dealt with fairly early on in the year, thankfully, at some considerable length. Now that the legacy is being built on and that a considerable amount of public expense is quite rightly going into the legacy project, what steps will she take to ensure that that inclusivity is deepened and broadened

throughout not only Londonderry but the entire north-west?

**Ms Ní Chuilín:** I thank the Member for his question and for his support in making sure that there is investment not only in his constituency but in the broader north-west. A lot of work has been under way, and there have been a lot of mature discussions. Many people, despite some of their differences, have put their shoulder to the wheel and moved this forward. That is continuing.

At the weekend, there was a Pan Celtic Festival in the city and elsewhere. I was in Dungiven for one of the sports elements. The festival is also about music, and it involves the Bands Forum, the Walled City Tattoo and all the people who participated in the feadh. It is growing.

Those conversations have happened and are continuing and growing. We need to make sure that all that good work, all that pain and all that maturity are sustained now and into the future. I am encouraged by some contributions from political representatives for the area who have said that, in the here and now, they will support the groups making those mature decisions as well as supporting their journey in the future.

**Mr Eastwood:** I thank the Minister for her answers thus far. She mentioned the £2 million for the Daisyfield development. When is that likely to be allocated, and when are we likely to see work on the ground?

**Ms Ní Chuilín:** The Member should be aware that that money has been allocated, and we are working with Derry City Council and other partners, including Ilex and DSD. As the Member will be aware, the Foyle valley gateway has more than one funder, which is the way that it should be. Moneys were made available, and I bid for that in the October monitoring round last year. The work, albeit preliminary, has started. I am happy with the progress that has been made.

As for what is needed in the future for other facilities in that area, work has already started to try to secure funds not only for the Brandywell stadium but for other projects in the city of Derry to make sure that there is a lasting legacy from the City of Culture.

2.15 pm

### Sporting/Cultural Events

**5. Miss M McIlveen** asked the Minister of Culture, Arts and Leisure to outline any engagement her Department, or its arm's-length bodies, have had with the Northern Ireland Tourist Board to develop bidding plans for major sporting and cultural events. (AQO 6024/11-15)

**Ms Ní Chuilín:** In 2010, the Executive agreed that responsibility for events would transfer from DCAL to DETI. My Department and its arm's-length bodies work closely with DETI to bring internationally recognised sporting and cultural events here.

With regard to sporting events, DCAL and Sport NI have key roles in the Giro d'Italia Big Start, which includes participation on the local steering committee, the activation committee and the groups dealing with the cycling legacy, as well as promotion in schools and volunteering. Sport NI is also providing technical expertise to the race committee. My Department is also working with DETI, the NITB and

other key stakeholders, to see how we can bring the Rugby World Cup to Ireland in 2023.

With regard to cultural events, my Department has engaged with NITB to secure events such as 2012: Our Time Our Place, the City of Culture, the World Police and Fire Games and the forthcoming 'Game of Thrones' exhibition.

Looking ahead, collaborative work between DCAL and DETI will continue, thus helping to ensure that we continue to benefit from hosting major sporting and cultural events.

**Miss M McIlveen:** The Minister has highlighted a number of events where the Department is a minor partner. However, last year, we saw the success of the UK City of Culture and the World Police and Fire Games, which demonstrated that Northern Ireland has the capacity to deliver key cultural and sporting events. The lack, to date, of a DCAL-led strategy to attract similar-scale events is disappointing. Would the Minister not agree that that perhaps demonstrates a lack of innovation in her Department?

**Ms Ní Chuilín:** The Member will be aware that on her colleague's watch, the events, for reasons that will be known to the Assembly fairly soon, had to be transferred. So, poor governance and poor performance under the DUP watch meant that the events had to be transferred to another DUP Minister to mop up their mess. I have brought the City of Culture and the World Police and Fire Games, in partnership with my Executive colleagues. I am happy to do that and to work in whatever role that I can in future to make sure that we have events that we can all, rightfully, claim as ours.

I do not think it helpful that people score cheap political points over something that you know is beyond my control. However, I look forward to seeing the result of the inquiry into what happened in the events and to sharing it not just with the Member, as Chair of the Committee for Culture, Arts and Leisure, but with other Members of the Assembly. That is because we need to learn what happened and what mistakes we can avoid for the future. We need to have a reputation that does not put people off coming here for big events in the future.

We are lucky that we have plenty of sporting and cultural champions who help to attract people to our shores. We need to focus on that: rather than look back we need to look forward.

**Mr McGimpsey:** Minister, we are not just looking for events coming in, which is all well and good, and we have a number of notable successes in that. However, we also have home-grown events that do much for our image. I am talking about the North West 200, the Ulster Grand Prix and, indeed, the Milk Cup, for example. The Milk Cup has been described by Alex Ferguson as the finest youth soccer tournament anywhere in the world. It has challenges as far as its sponsorship is concerned. Will the Minister outline what steps she is taking, individually or with colleagues, to ensure that this vital tournament gets the support that it requires?

**Ms Ní Chuilín:** I thank the Member for his question. Rather than wait for one Department to pass the buck to another, I lifted the Milk Cup and the Foyle Cup last year and funded them directly from DCAL, simply because I totally agree with the Member, irrespective of the view

that Alex Ferguson, or anybody else, holds, although that is important in giving a status to a competition that has an international status. It also attracts many children and young people to aspire to play on those pitches and to be part of that competition. To that end, rather than wait for someone coming back and making a decision at the last minute, I made an intervention for both. I will do it again if I have to, because I think that it is money well spent.

## Film Extras

6. **Mr McNarry** asked the Minister of Culture, Arts and Leisure how many local people have been employed as film extras in the projects developed by her Department and Northern Ireland Screen in the past two years. (AQO 6025/11-15)

**Ms Ní Chuilín:** As sponsor Department for NI Screen, my Department's role is to support the organisation to meet its business objectives across all its activities. NI Screen does not develop projects but instead provides funding for a variety of film and television productions.

Local extras for individual productions are supplied by an external agency and, according to the figures from that agency, almost 2,000 positions for extras from the North were created by NI Screen-funded productions in 2012-13, rising to over 3,000 in 2013-14. In addition, a total of 246 extras from the South of Ireland were employed during the same periods. The film extras have worked on a range of productions, with the majority having appeared in large-scale productions such as 'Game of Thrones', 'Dracula Untold' and 'The Fall'.

**Mr McNarry:** I am grateful to the Minister for her comprehensive answer. Looking around here at the moment, I think that we could do with some extras to fill the empty spaces, which may make my supplementary a bit more interesting. The Minister mentioned the numbers, but I wonder whether she is in a position to indicate what sort of pay rates a film extra could expect to earn and how much additional money has been introduced to the local economy through that type of employment. Can she possibly relate any specific examples?

**Ms Ní Chuilín:** I do not have information on the pay rates, but I am happy to raise that on the Member's behalf, and —

**Mr McNarry:** If I was wondering what we earn in here —

**Mr Principal Deputy Speaker:** Order.

**Ms Ní Chuilín:** I am not sure, but, when we find out exactly what the pay rates are, perhaps people can make a decision about whether they want to moonlight part-time, although most of us should not have any spare time at all if we are as busy as we say we are.

Local film and television production has provided nearly £40 million to the local economy. That is certainly not to be sniffed at by anyone. The creative industries are not just accruing money through their own productions but are providing employment for local people, not just extras but those involved in hospitality, accountancy and trades. Hotels, B&Bs and guest houses have certainly benefited. As the Member might be aware, for example, 'Game of Thrones' has travelled to a couple of different locations and has therefore invested in those local towns and villages at times. That is the sort of economy that we need

to see grow. The local, small businesses depend on us to bring those opportunities.

I am happy to get the information about pay scales to the Member.

**Mr McKinney:** What potential benefits will Northern Ireland Screen's Opening Doors fund bring to the local community?

**Ms Ní Chuilín:** As the Member will know, the Opening Doors fund has created a lot of employment and support in the local film and television industry. The strategy aims to help the screen industry in this part of the island. We are looking at high-end television and drama tax credits; further incentives; budgets; and showcasing sets and scenery that other areas and regions cannot offer. The Opening Doors strategy is not just about making this area an attractive option for marketing but about what we do in investing in those companies. The strategy ends this year, and NI Screen is well on board with its targets if it is not exceeding them, which is good news for us all.

## Kelly Gallagher

7. **Mr Cree** asked the Minister of Culture, Arts and Leisure, in light of the gold medal success of Bangor Paralympian, Kelly Gallagher, what further action her Department can take to support and promote sporting participation by people with disabilities. (AQO 6026/11-15)

**Ms Ní Chuilín:** I believe that Kelly Gallagher's gold medal success at the Winter Paralympic Games in Sochi will inspire more people to get involved in sport, particularly women and those with disabilities. Kelly was quick to acknowledge the support she received from Sport NI and particularly the Sports Institute in her preparations and at events.

My Department's strategy for sport aims to realise a 6% increase in participation rates among people with a disability by 2019. There are indications that we are making good progress towards meeting that target. However, to help achieve it, we need to work with other Departments, councils and sporting bodies. Disability Sports NI (DSNI) has outlined to me its plans to maximise the legacy of the Olympic and Paralympic Games. The plans suggest new a disability active partnership across local authorities and Departments. I have written to my Executive colleagues to explore opportunities for interdepartmental support, including funding to take forward the DSNI proposals.

**Mr Cree:** I thank the Minister for her reply. Minister, you obviously share my view that, given the inspiration of Kelly and our Paralympians in London, we really need a legacy that we can build upon. I am glad to hear that you have started work on that but, for that legacy to be developed, we need immediate plans. You mentioned one partnership, but are there any other specific plans in place to develop this issue?

**Ms Ní Chuilín:** I met Disability Sport NI in February and I have regular meetings with that organisation, as perhaps the Member will be aware. It has looked at the targets that have been identified in the Sport Matters strategy and has set additional targets. As I mentioned in my original answer, I have written to Executive colleagues and I aim to follow that up with meetings. I am not just writing to them to tick a box; I am going to follow that up by having meetings and I am going to be very proactive.

I know that Sport NI has also been very proactive, particularly in looking at the role of the sports institute. It is not just about working with some of the governing bodies on disability but with youth clubs and schools. Our Active8 programme, other programmes that resulted from the Olympic Games and the Paralympic Games and, indeed, last year's World Police and Fire Games are all going to be brought into that.

I want to assure the Member that I will not be sitting still and resting on this; I am going to try to push it forward to get the maximum possible, because these people do not just deserve our support; it is our duty to make sure that they have it.

**Mr McMullan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for her answers so far. What other actions are taking place to improve participation in sport among those with disabilities and special needs?

**Ms Ní Chuilín:** I thank the Member for his question. I do not want to repeat my answer to the previous question, but I will elaborate on it. The Active Communities programme, the Awards for Sport programme and other programmes resulting from the Paralympic and Olympic Games in 2012 are being brought forward. The Sports Forum and Disability Sports have come to us in a very proactive way to raise the profile of disability sport. We have done that, not only in the Department but through working with some of the governing bodies.

District councils have been very good, and with the encouragement and support of their chief officers, they have been involved in the Active Communities programmes. They have been looking at countryside access and activities and working with schools to make sure that those with disabilities and special needs are not missing out on opportunities to participate in sport. As I said to Mr Cree, I will not just write to each of the Departments but I will follow up with meetings and persist until we get a better, joined-up way of working with people who, up to now, feel that they have not received the investment and support that they are entitled to.

## Irish Language Strategy

8. **Mr D Bradley** asked the Minister of Culture, Arts and Leisure for an update on the progress of the Irish language strategy. (AQO 6027/11-15)

**Ms Ní Chuilín:** I thank the Member for his question. The Irish language strategy has been revised and strengthened following a comprehensive public consultation exercise and has also been informed by engagement with other Executive Ministers. The crucial role of Irish language stakeholders and the community has been more fully reflected in the strategy.

The strategy sets out a framework for the next 20 years in areas such as public services, education, the home and community, the media and economic life to enhance, protect and develop the Irish language. A strategy delivery group will progress the strategy by agreeing detailed action plans with each Department. In line with the 2011-15 Programme for Government, my intention is to shortly publish a strategy to enhance and protect the development of the Irish language and a strategy to enhance and develop the Ulster-Scots language, heritage and culture.

**Mr D Bradley:** Go raibh míle maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a freagra. Dúirt an tAire go bhfuil sí ar tí an straitéis a fhoilsiú. Arbh fhéidir liom a fhiafraí di an dtig léi bheith níos beaichte faoi dháta an fhoilsithe? I thank the Minister for her answer. Can she be more precise about the publication date of the strategy?

**Ms Ní Chuilín:** I do not have a date here, but I assure the Member that I intend to do this before the summer recess commences. As I am sure he will appreciate, I am still waiting for some responses from Departments, but if the Departments do not respond by a certain time, I am going to publish the strategy anyway. A lot of work has been put into both strategies by the Ulster-Scots Agency and by many groups in the Irish language sector. They have taken a lot of time to respond to the consultation document. In my view, that consultation is all the better for those responses, so in fairness to them I am going to give Executive colleagues time to respond. If they do not do so, I am going to publish it before the summer recess.

2.30 pm

**Mr Principal Deputy Speaker:** That brings us to the end of the period for questions for oral answer. We will now move on to topical questions.

### Museums: DCAL Support

1. **Ms Lo** asked the Minister of Culture, Arts and Leisure whether she has talked to other relevant Ministers to see how we can have a strategic approach to promoting our museums in Northern Ireland, given that, even though the Minister and the Executive have continually talked about stimulating the economy by promoting the creative industries and tourism, National Museums Northern Ireland has seen a £6.6 million reduction in its funding over the past few years and, as I understand it, a drop in visitors of 200,000 last year. (AQT 1041/11-15)

**Ms Ní Chuilín:** I thank the Member for her question. I am not too sure where she got her facts, but they are wrong. In fairness to the Member, she needs to go back, because, whatever information she has been given, she has not been given the full picture. I give the Member the assurance that I will go and check the information she has asked me for and give it back to her, but let me say this: museums, sports and arts received a slight reduction in their budgets in order to keep libraries open. That is something that I was happy to do. It was to make sure not only that libraries stayed open but that people, particularly in rural areas and from deprived communities, had the opportunity to avail themselves of libraries. Even within that, museums received an uplift in budget, and told me that the numbers have increased, so I am concerned by what the Member has said in relation to the numbers dropping.

**Ms Lo:** I thank the Minister for her answer. The 200,000 drop was told to me by the chief executive of National Museums Northern Ireland. I had a meeting with him just about two or three weeks ago, so I think those are up-to-date figures. I think we should all be concerned about a drop, particularly as this is the year we mark the 50th anniversary of the Ulster Folk and Transport Museum.

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

**Ms Lo:** Yes. The question is, in relation to this, the Ulster Folk and Transport Museum is going to have a massive programme promoting the anniversary, and is the Minister going to attend? Is the Minister going to help with funding for the various programmes?

**Ms Ní Chuilín:** The Member will be aware that I have visited, and will continue to visit, all the different branches of the museums, including the Ulster Folk and Transport Museum. I appreciate the Member clarifying where she received the information from, which is quite helpful. I will be able to go back to museums and chase that up. I understand that museums and arts and all the members of the DCAL family have a role to play in promoting tourism, and not only that but certainly the decade of centenaries and many other opportunities that we have, particularly with our ongoing programmes around reconciliation. It is vital that we have good public services to help assist those processes. But again, as I said in reply to the Member's primary question, I will write to her with that information.

### Gaelscoileanna/Altram: Collaboration

2. **Mr Ó hOisín** asked the Minister of Culture, Arts and Leisure to confirm that Gaelscoileanna could provide effective collaboration with Altram in the North and to state whether there have been any discussions with both groups about a possible merger. (AQT 1042/11-15)

**Ms Ní Chuilín:** The Member will be aware that the new core funding arrangements will commence on 1 July. Up until this morning — and I ask this on a daily basis — Altram has refused to engage with Gaelscoileanna around any potential mergers. I am concerned about this. I am concerned about the staff who are working in the organisation, the duty of care to those staff, and indeed the work to ensure that the skills and expertise, particularly in early years, are protected.

**Mr Ó hOisín:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. I am shocked to learn that Altram has not engaged in any discussion on the way forward. Notwithstanding that, can she assure us that the door still remains open for any discussion of a possible merger?

**Ms Ní Chuilín:** I assure the Member, and other Members, that the door is open and will remain firmly open, because we believe that, particularly around early-years intervention, which is key to a child's development in education, the support is there. Altram has a duty of care to not just its staff but to all the other services that rely on its excellent expertise and support. The door is open, and I encourage it to walk through that door.

### Portavoe Reservoir

3. **Mr Hazzard** asked the Minister of Culture, Arts and Leisure to outline what discussions her Department has had with NI Water on Portavoe reservoir. (AQT 1043/11-15)

**Ms Ní Chuilín:** In response to the Member and to other Members who have written to me on this issue, I can say that we have had ongoing discussions with the owners of Portavoe reservoir and, indeed, with NI Water, about trying to keep the reservoir open. It had to undergo major repair works last year, and, as a result, I was not able to stock the reservoir, which is a popular angling location in the area. Discussions about restocking the reservoir

once the work has been completed are ongoing and will be concluded fairly soon. *[Interruption.]* I am sorry, a Phríomh-LeasCheann Comhairle, I cannot hear.

**Mr Principal Deputy Speaker:** I heard you make the point; I did not mean to interrupt you. There is far too much noise from my right.

**Ms Ní Chuilín:** They are like owl dolls at bingo. *[Interruption.]*

**Mr Campbell:** Maybe a syringe is required.

**Mr Principal Deputy Speaker:** Mr Hazzard —

**Ms Ruane:** On a point of order — On a point of order — I just want to raise an issue. It is very offensive — *[Interruption.]*

**Mr Campbell:** No points of order in Question Time.

**Mr Principal Deputy Speaker:** We do not take a point of order during Question Time. I have already made the point. Let us listen to the questions and to the answers.

**Mr Hazzard:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for her answer thus far. Given NI Water's refusal to extend the lease of fishing rights to DCAL, can she outline NI Water's plans for the future?

**Ms Ní Chuilín:** It is regrettable that NI Water has refused to give a longer lease to DCAL to prepare the waterway for angling. The waterway is very popular in that area, as well as among people visiting and looking for angling opportunities. We are having ongoing discussions with NI Water about the reservoir. So far, we have been told that the lease will be extended only on an annual basis, not on a five-year basis, as it was previously. Let me assure the Member that I will continue with those discussions until they are concluded. However, because the reservoir is not within the DCAL estate, there is little I can do other than what I am doing at the minute.

## Budgets 2013

4. **Ms Ruane** asked the Minister of Culture, Arts and Leisure to outline why she has not signed off the 2013 budgets. (AQT 1044/11-15)

**Ms Ní Chuilín:** I assume that the Member is asking about the 2013 budgets for the Irish and Ulster-Scots language bodies. They have not been signed off because I refuse to implement cuts. The Irish Government are insisting on an additional 5% cut on top of what they asked both Finance Departments to agree. That would result in a cut of almost 10%, which I am refusing to implement. From 2013, and even for this year, both bodies — the Ulster-Scots Agency and Foras na Gaeilge — have received indicative budgets. It is regrettable that that is the position, but I am not installing cuts on behalf of the Irish Government or anyone else to two bodies that do very valuable work.

**Ms Ruane:** Gabhaim buíochas leis an Aire as an bhfreagra sin. I thank the Minister for that response. I commend her for the action that she is taking, and I ask that she continues to desist and to ensure that the language bodies' budgets are not cut. I also ask that she continues to liaise with the Irish Government.

**Ms Ní Chuilín:** I will continue to liaise with the Irish Government. I intend to raise the matter before the full meeting of the North/South Ministerial Council. I also

intend to raise it at that meeting if the discussions that were mentioned previously are not concluded. Let me assure the Member and other Members who have an interest in this that I will not agree to cuts to Foras na Gaeilge or to the Ulster-Scots Agency. I did not do it in 2013, and I will not in 2014, 2015 or 2016.

## Reservoirs: DCAL/DRD Lease Arrangements

5. **Mr Cree** asked the Minister of Culture, Arts and Leisure for details of the nature of the contracts between her Department and the Department for Regional Development, which is responsible for the use of reservoirs by anglers. (AQT 1045/11-15)

It is nice to speak to the Minister again. She has touched on the question that I wanted to ask, but my question is broader in its approach.

**Ms Ní Chuilín:** I have no details of the contract, other than that it is a leasing arrangement. I have no details of the actual wording of the lease. The Member and other Members have raised this on the basis that, wherever angling occurs in that constituency, it is very popular and is a sport that many people have been involved in and that many continue to engage in across generations.

I will have ongoing discussions, not just with DRD — although this is with NI Water rather than DRD — to have those lease arrangements concluded, not just for Portavoe but other reservoirs that may be affected.

**Mr Cree:** I thank the Minister for that. Bearing in mind that many of the reservoirs are not in use and, in fact, may be sold off, do you feel that that will have any direct effect on angling and the issuing of permits by your Department?

**Ms Ní Chuilín:** Not every reservoir has fishing rights. For those that have and that are not up for sale or for renewal of lease or that we do not stock — really there could be many out there that I am unaware of. I am only dealing with the reservoirs that I am going into a lease or contractual agreement with to stock with fish and work with angling clubs and sometimes local councils and other community stakeholders.

I can assure the Member that angling is one of the sports that has grown in popularity over the years among people of all abilities and across the generations. It is a good example of where you can make a small investment on an interdepartmental basis with other councils and communities to make sure that you have a good legacy for sport and physical activity. So, I am really keen to ensure that what we have we hold and that we certainly try to increase and advance future potential and opportunities.

## Cliftonville FC/David Jeffrey: Congratulations

6. **Mr Nesbitt** asked the Minister of Culture, Arts and Leisure to join him in congratulating Cliftonville Football Club on its historic first back-to-back league title success and David Jeffrey on a phenomenally successful career as Linfield manager. (AQT 1046/11-15)

**Ms Ní Chuilín:** Absolutely. David Jeffrey has given a lifetime to sport. I released a statement to congratulate David on his achievements, and I have written to him to thank him for his personal contribution to sport.

Cliftonville won back-to-back, two years in a row; my local team, in my constituency. I think that they have done

very well. Again, when you see sport of that nature on television, you see young girls and young lads out kicking footballs, jumpers on the ground and people getting involved in soccer. That is a good thing. That is a good side of Irish League football that we need more of and certainly need to celebrate more of, particularly in the House.

**Mr Principal Deputy Speaker:** I call Mr Nesbitt for his complimentary supplementary.

**Mr Nesbitt:** Let me think about that, Mr Principal Deputy Speaker. I thank the Minister. Does she have any plans to host a reception at Stormont, perhaps jointly for Cliftonville and David Jeffrey and Linfield?

**Ms Ní Chuilín:** I have certainly written to David Jeffrey and would like to have a meeting with him to thank him for what he has done for sport. You are about the third person between yesterday and today who has asked me about a reception, and I am certainly looking at opportunities to hold another reception for Cliftonville Football Club. Certainly the contribution that David Jeffrey has made to sport needs to be recognised and the contribution that Cliftonville has made, including all the staff and everybody involved, also needs to be recognised. Everybody needs to have an opportunity to get involved in that, too.

### Irish League: Funding

7. **Mr Easton** asked the Minister of Culture, Arts and Leisure what discussions she has had with the Finance Minister to release the £36.2 million for Irish League clubs to upgrade their grounds. (AQT 1047/11-15)

**Ms Ní Chuilín:** The discussions I have had with the Finance Minister have primarily been about the regional stadia developments. However, he is certainly well aware that once we get Windsor Park under way we will have an opportunity to start the subregional programme. I have the skills and capability in DCAL to do that, so there is a seamless link for that. Once we get Windsor Park and Casement Park up and running, the subregional programme for football will be the next step, and the subregional programmes for Gaelic games and rugby will come soon after that. So, the discussions I have had with the Finance Minister were just about the budgets for this mandate. However, I have certainly flagged up potential for the next mandate.

**Mr Easton:** I thank the Minister for her answer. Does she agree that the sooner we can get that money down to local clubs, such as Bangor Football Club, which came second in the Championship at the weekend, the sooner we can upgrade their grounds and encourage more people to watch the matches?

**Ms Ní Chuilín:** The sooner we can get the subregional programme started the better. I could not comment on facilities for Bangor, but I take the opportunity to wish them well.

**Mr Principal Deputy Speaker:** Time is up.

## Education

**Mr Principal Deputy Speaker:** Questions 1 and 3 have been withdrawn.

### Welfare Reform: Financial Penalties

2. **Mr Clarke** asked the Minister of Education to outline the impact the removal of £30 million from his budget, because of the failure to implement Welfare Reform, will have on the delivery of education. (AQO 6035/11-15)

**Mr O'Dowd:** The Executive have not yet come to an agreed position on welfare reform, neither have they agreed to remove £30 million from the education budget.

### 2.45 pm

**Mr Clarke:** I thank the Minister for that very short answer. It has been well publicised and anticipated that the Minister of Finance is suggesting that £30 million could be removed from the education budget. Given the circumstances in which that might happen, has the Minister had any thoughts about what parts of education will suffer the loss of £30 million?

**Mr O'Dowd:** I think that our energies would be much better used in dealing with the British Government and relaying to them the detrimental impact that welfare reform will have on our society and community than anticipating or speculating on figures that may or may not come out of my budget or any other departmental budget. I assure the Member that I will continue to manage my budget efficiently and effectively and will deliver education services across the board. Along with my colleagues, I will continue to resist the current welfare reforms and to ensure that we get a fairer deal for the most vulnerable people in our society.

**Mr Brady:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for his answers so far. Given the clear link between disadvantage and poor educational outcomes, will he comment on the potential impact of the proposed Welfare Reform Bill on our young people?

**Mr O'Dowd:** It has been widely reported that the proposals under welfare reform will have a major impact, particularly on the most vulnerable in our society and those on the lowest income levels. That includes the working poor and those who are not working for a variety of reasons.

A number of surveys have been carried out, including by the Institute for Fiscal Studies. It concluded that, by 2020-21, as a result of the tax and benefit changes that include those proposed under the welfare reform agenda, relative and absolute child poverty here are projected to rise by 7.5% and 10.4 percentage points respectively. That in itself will have an impact on the educational well-being of young people in our society and the educational outcomes for our entire society. It is only right and proper that serious concerns are being raised about welfare reform, not only its immediate impact but its long-term impact on our young people.

**Ms D Kelly:** I welcome the Minister's comments to date. You referred to our most marginalised people and to those in receipt of unemployment benefit. I am sure that you will also acknowledge the fact that there are rising levels of poverty among the working poor. Will you continue your efforts to ensure that funding is secured so that schools not only provide education but help with the well-being of their young people and help with affordable childcare through breakfast clubs and after-school clubs?

**Mr O'Dowd:** I referred to poverty and deprivation, and a growing number of people are working and unable to pay many of the bills that are bearing down on them. I have lowered the level required for entitlement to free school meals. I will continue to examine other ways to assist not only those who are unemployed but those who are on benefits such as family tax credits to ensure that they access greater support from our schools. Many of our schools are benefiting from programmes such as the extended schools programme. Many run breakfast clubs, after-school clubs, and so on, and my recent changes to the common funding scheme will allow schools, particularly in socially deprived areas, to increase those programmes of work.

**Mr Copeland:** I thank the Minister for his answers so far. Will he assure us that, should the predictions of doom emanating from some of his Executive colleagues prove to be correct, the most disadvantaged pupils in our education system will not end up paying the price?

**Mr O'Dowd:** It is quite clear that, even from the report that I read out, the most disadvantaged in our society will suffer if we introduce the current welfare reform legislation. That is the reality of the situation. Those are independent figures, and anyone who wishes to examine what is happening in England as a result of welfare reform will know only too well what the detrimental impact will be. My view is, instead of speculating on what may or may not be taken from budgets, that we approach the British Government as an Executive, in a united form, and press them to alleviate the most damaging parts of the Welfare Reform Bill, therefore ensuring that our society has a secure basis on which to move forward.

## Post-primary Withdrawals

4. **Mr Givan** asked the Minister of Education what assessment his Department has made of the numbers of young people withdrawing from years 13 and 14 of post-primary education. (AQO 6037/11-15)

**Mr O'Dowd:** The proportion of pupils who leave year 14 without completing their courses or exams is small. In 2012-13, 231, which is 1.7%, of the 13,766 pupils who were studying post-16 qualifications withdrew from school during year 14. Year 13 comprises a range of pupils, including those who are completing GCSEs or equivalent qualifications and those who are in the first year of their post-16 qualifications. It is not currently possible for the Department to identify the numbers of young people who begin and then withdraw from a course of study during year 13. Work is under way to develop new data sources that will provide that information in future. Available data shows that over half of those — 57% — leaving school at the end of year 13 take up places in further education (FE) colleges with a further 27% moving on to training or employment.

Young people who see their time in education as relevant to their future and who have access to courses that interest and motivate them are more likely to remain engaged with their education and achieve their full potential. That is why I have introduced the requirements of the entitlement framework. Effective and timely careers guidance is also important. When they are supported by timely, high-quality careers education, information, advice and guidance, young people are more likely to make informed choices.

When they can see exactly where their courses can take them and lead to, that will help them to decide on and commit to finishing courses.

**Mr Givan:** I thank the Minister for that response and encourage him to expedite the data sources to give him the information about the number of pupils who leave or withdraw during year 13. I have spoken to my further education college, and the evidence is that it is having to pick up a number of pupils who leave during year 13. Given that there seems to be an issue, what consideration is being given to provide additional support to schools so that, once they complete their GCSEs, children are properly placed in the right academic work that they wish to continue with.

**Mr O'Dowd:** I thank the Member for that question. From speaking to the further and higher education sector, I am also aware of anecdotal evidence on children — they are young adults at that stage — dropping out of year 13. I assure him that we are working towards gathering that data in a more uniform manner. The key is to ensure that the proper careers advice is being given at the correct time in a young person's educational pathway.

Recently, the Minister for Employment and Learning and I launched a careers review to assist us in ensuring that we have the right advice at the right time for young people so that they choose the right career pathway, whether academic or otherwise, and know where their courses will lead. That will ensure that we retain more and more young people in our education system and ensure that they qualify in future.

**Mrs Overend:** The Minister has more or less answered my question. I will just develop that. I believe that there needs to be a robust system of scrutiny to track why year 13s especially and year 14s are withdrawing from education. Does the Minister agree that work needs to be done in earlier school years to try to bring forward the idea of where the young people need to go and how education can help them to develop their career?

**Mr O'Dowd:** I agree with you. Careers advice should not be a one-off event. It should be part of a young person's educational pathway and development as they progress through post-primary school and choices are coming up for them, particularly as they advance towards GCSEs and decide what subjects to study. The careers review that we launched along with Minister Farry is independent and has a wide remit. I hope that it comes back to us with imaginative suggestions and that it learns from best practice, whether here or in other jurisdictions, to ensure that young people are given the correct advice at the correct time during their educational pathway.

## Educational Attainment Gaps

5. **Mr Lyttle** asked the Minister of Education for his assessment of the educational attainment gaps identified recently in the Community Relations Council third peace monitoring report. (AQO 6038/11-15)

**Mr O'Dowd:** I have said many times that our education system continues to fail too many young people. The attainment gaps are simply unacceptable, and I am working hard to tackle that inequality. In 2011-12, a total of 1,151 Protestant young people entitled to free school meals left our schools. Of those, 853 did not attain the

benchmark of five or more GCSEs at grade A\* to C or equivalent, including English and maths. That represents 74.1% of that cohort.

A total of 2,524 Catholic young people with free school meals entitlement left in 2011-12. Of those, 1,552 left without the benchmark. That represents 61.5% of that cohort.

The evidence shows that pupils from disadvantaged backgrounds have greater obstacles to overcome. Their schools need additional resources to help them do that, and, last month, I announced changes to the way in which schools are funded in order to target additional resources at schools serving high proportions of disadvantaged pupils.

I have kept a clear focus on improving outcomes. I have continued to implement policies and provide funding for a range of additional interventions, with a focus on improving standards and tackling educational underachievement. Despite improving outcomes at all stages, the gap between those from socially disadvantaged backgrounds and other pupils remains.

The message from international evidence is clear: a socially balanced education system enables all pupils to perform better. While some of our schools persist in the use of academic selection, we will be unable to eradicate this social division.

Inequality in outcomes is a societal issue and one that education authorities and schools cannot tackle on their own. The challenge of tackling inequalities, be they educational, health or economic, is one that we all face, and success will depend on all stakeholders working together in order to achieve greater equity in society.

**Mr Lyttle:** I thank the Minister for his response. Can the Minister give the House an idea of specific interventions that he is bringing forward to tackle economic and cultural barriers to higher education achievement, particularly amongst Protestant working-class boys? Is he willing to meet the east Belfast education working group, which is endeavouring to bring principals, parents, the community and voluntary sector and elected representatives together to coordinate a better approach to education in the area?

**Mr O'Dowd:** In my response, I mentioned one of the most significant interventions I have made, and that is changing the common funding formula and diverting more money towards those schools in socially disadvantaged areas than is being diverted to schools that are not in socially disadvantaged areas. The Member may recall the lack of support in the House for that measure and the fierce resistance I met with from certain political parties and individuals on that matter. Indeed, I was threatened by the DUP with being brought to court if I proceeded with the process.

**Mr Storey:** You might still be.

**Mr O'Dowd:** The Member pre-empts me. I am aware that it may still be considering bringing me to court for diverting more money — *[Laughter.]* — as we stop the laughter and joking from the other side as we talk about social disadvantage in Protestant communities.

It may still be contemplating bringing me to court to prevent more money going to socially deprived schools. So, square that circle. How do I as Education Minister

move forward in ensuring that policies that are required to eradicate barriers to good education in socially deprived communities can be moved forward in those circumstances?

On the other measures I have put in place, I have ensured that the entitlement framework is brought to the fore within our schools. The entitlement framework allows children from all abilities and backgrounds to access relevant courses that they will enjoy, which they can contribute to and from which they can see a career pathways outcome. As I mentioned in response to a previous question on extended schools funding, I have also ensured that extended schools funding continues. No one event will solve this problem. It has to be multidimensional and multifunctional, and we require the support of parents, pupils —

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

**Mr O'Dowd:** — teachers and communities to eradicate educational underachievement.

**Mr Newton:** I thank the Minister for his answers so far. I make no apologies for opposing the common funding formula on the basis of the number of schools that were going to be disadvantaged through it. He knows that that opposition did not come from just the DUP Benches; other political parties opposed it. My question is this: how much money are you going to invest to address this problem, which is a problem that has been identified in report after report after report and, indeed, requires an answer on specific investment?

You also made a comment about how the entitlement framework —

3.00 pm

**Mr Principal Deputy Speaker:** You must be brief.

**Mr Newton:** — was part of your solution. Is it not the case that you are actually going to reduce the amount of money available under the entitlement framework?

**Mr Principal Deputy Speaker:** Members must be brief with their supplementaries. I do not wish to repeat that.

**Mr O'Dowd:** Where does the Member suggest I get the money? I have a global budget that I have to use to the best of my ability and direct where I believe is necessary. I could use the money to continue the status quo, as the Member's party suggested, even though it would result in greater disadvantage in socially deprived communities, or I could change how I use the money and redirect funds towards schools that most need it. That is what I did. I carried out a consultation. The Member's constituency of East Belfast benefited from the common funding formula. Schools significantly benefited in your constituency as a result of the changes that I made and you opposed. I made the changes and you opposed them. Schools in your constituency benefited.

The entitlement framework was also opposed by the DUP. However, the entitlement framework is seen as key in ensuring that all young people have access to a wide range of courses that meet and challenge their abilities. The entitlement framework is key, especially to young people who are not academically gifted but gifted in other ways. If I had followed the DUP's advice on that, I would not have introduced the entitlement framework, but I did.

Schools and communities that you serve are benefiting from it.

I face a very difficult budget. I have committed funding of £4.5 million to the entitlement framework in the time ahead. I will continue to review my budget. If I can secure funding for the entitlement framework, I will.

**Mr Kinahan:** I thank the Minister for his answers so far. He slightly ducked the question from Mr Lyttle. What multidimensional approaches are there? Is the Minister looking at any pilot schemes to put into areas in which education is particularly struggling? Is he liaising with OFMDFM on any projects that it might be doing on the same?

**Mr O'Dowd:** I do not accept that I dodged Mr Lyttle's question, although I did not respond to the point about meeting the east Belfast partnership. I am more than happy to meet the east Belfast partnership on that matter. Community involvement in education is vital if we are to succeed. I have no difficulty in doing that whatsoever.

As for pilot projects, OFMDFM is funding a number of programmes along with the Department of Education. We have the nurture unit project, for instance, in primary schools. Somewhere in the region of 300 newly qualified teachers have been injected into our schools as a result of collaboration between the Department of Education and OFMDFM. That is a sign that, when the Executive work well together, they work well for our society. That might be a wee lesson for the Executive.

There is no secret to success. What you need to do is known. We need strong leadership in our schools, and we need to support that. That includes boards of governors and senior management teams. We need good teachers in the classroom. We need to allow good community and parental involvement in schools. We also need to eradicate academic selection. It is socially divisive. It separates young people on the basis of a very iffy educational basis, if there is any educational basis whatsoever. It is more of a socio-economic basis on which our children are separated. Successful education systems around the world have all done away with academic selection. Why did they do that? They recognised that schools with a socio-economic mix and an all-ability mix do much better than selective schools anywhere. *[Interruption.]*

**Mr Principal Deputy Speaker:** Order.

## Rural Schools: Enrolment

6. **Mr McGlone** asked the Minister of Education to outline the impact that the minimum enrolment threshold is having on rural primary schools. (AQO 6039/11-15)

**Mr O'Dowd:** The minimum enrolment threshold outlined in the sustainable schools policy is just one of six criteria used to assess a school's sustainability. Sustainability is based on quality educational experience; stable enrolment trends; strong financial position; strong leadership and management; accessibility; and strong links with the community. Therefore, the minimum enrolment threshold alone does not have an impact on rural primary schools. The enrolment of a school is not a trigger for automatic closure but rather for review of the school's sustainability. The sustainable schools policy recognises the particular needs of rural communities. This is reflected in the minimum enrolment threshold of 105 pupils for rural

primary schools and in the accessibility criterion that provides guidance on home-to-school travel times.

The focus of the area planning process that is under way is to develop a network of viable and sustainable schools capable of delivering high quality education to our children and young people. The focus is not, as often asserted, to close rural primary schools. I have repeatedly said that I will not close schools just because they fall below the minimum enrolment threshold.

**Mr McGlone:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an bhfreagra sin. I thank the Minister for his response. Can he be specific and respond by advising whether he will introduce a small schools policy that will help address the needs of some of our smaller rural communities?

**Mr O'Dowd:** I will keep the matter under review, but I am of the view that the sustainable schools policy is protection for small rural schools moving forward. It sets out clearly specific criteria for rural primary schools that urban primary schools do not enjoy. It is worth noting that the definition of "rural" in the sustainable schools policy is everything outside Belfast City Council area and Derry City Council area. So, the definition of rural communities is very wide.

The Member may want to avoid having to make decisions about schools in the future. He may want to avoid having to make a decision that sees a school that is unsustainable and that cannot deliver educational well-being to the young people close down. It is never a nice decision to have to make, but it is the right decision to make. Surely the Member agrees that young people in rural communities should have the same right to high quality education as young people in urban communities. Whatever policy you come up with to enshrine educational quality, you have to set criteria on the basis of which school is sustainable moving forward. The only basis upon which a policy should be set is that it is there to enshrine high quality education. Where a school falls below the ability to deliver high quality education, the only right and proper thing to do is to close that school.

**Mr McAleer:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Could the Minister tell us what steps his Department has taken to ensure that the needs of rural communities are fully met from within its remit?

**Mr O'Dowd:** As regards rural proofing, DE consulted with the Department of Agriculture and Rural Development in developing the sustainable schools policy. The policy was also assessed against the Rural Development Council's rural-proofing checklist that was set out in its 'Striking the Balance' report. No adverse impact was identified. Staff in DE's area planning team attended a rural-proofing training course in December 2013 to help further inform the consideration of decisions about rural schools in relation to area plans and their outworkings. I have no policy to close rural primary schools. I have a policy to ensure that high quality education provision is delivered to rural and urban communities.

**Mr Storey:** One could be convinced that the Education Minister wants to blame everybody else and is ducking the issue. When will he tell the House how many rural schools have been closed under his watch and how many he plans to close in the next number of months, particularly in light of the review of his transport policy, which is based on

distance to school and not on educational quality? Will the Minister come clean and tell that to the many rural schools that are sitting worried about the future of the small schools factor in the common funding formula, the small schools policy and their long-term viability rather than ducking and diving and trying to blame others?

**Mr O'Dowd:** Let me spell it out quite clearly for the Member: I do not blame anybody else. I am the Minister of Education. I have responsibility for making decisions, and I make decisions. Unlike the Member and his party, who do not make decisions and avoid and run away from decisions, I make decisions.

Information on the number of schools that have been closed under my watch is accessible. In fact, I will provide the Member with the information. I have no plans to close a number of schools going into the future. School closures come about only as a result of the managing authority, whether that is the education and library board, the Council for Catholic Maintained Schools (CCMS) or, in the case of a voluntary school, the board of governors, making a development proposal seeking the closure of the school. I then go into a two-month consultation period with all interested parties. I gather verbal and written evidence from communities that are to be affected, and only then do I make a decision about whether a school should or should not close. However, if I am not convinced that a school can continue to provide high-quality education to the young people it serves, as Minister of Education, I am duty-bound to make the decision to close it.

### **Enniskillen Collegiate/Portora Royal: Amalgamation**

7. **Mr Elliott** asked the Minister of Education how much funding has been agreed for the new school build for the proposed amalgamation of Enniskillen Collegiate Grammar School and Portora Royal School. (AQO 6040/11-15)

**Mr O'Dowd:** The provision of a new school to facilitate the amalgamation of Portora Royal Academy and Enniskillen Collegiate was one of the 22 projects announced in January 2013 to be advanced in planning. Funding for the project cannot be confirmed until an approved economic appraisal is in place. Work on an economic appraisal cannot begin until the size of the new school building has been confirmed. The development proposal process will confirm the size of the new building. The Western Education and Library Board has advised that consultation on the development proposal process has commenced.

**Mr Elliott:** I thank the Minister for that. Can the Minister give me any assurance that there will be no further work on the amalgamation until there is certainty over a newbuild and that the proposal for a newbuild will have commenced to a significant degree before the amalgamation can or would take place?

**Mr O'Dowd:** As I outlined to the Member, following that pathway would mean that nothing happens. There has to be a development proposal process for me to be able to move into the economic appraisal process. The development proposal will tell me how many pupils will be attending the school and what size it will be. We would then move forward to an economic appraisal process on the cost of providing such a school, if agreed. We will allow the Western Education and Library Board to carry out its work. If and when it moves to the publication of a

development proposal, it will become my responsibility, and I will listen to the concerns and views in support of or against whatever the development proposal is at that stage. I will then make a decision. If I make a decision to move forward with a newbuild, there will be a responsibility on me to secure that newbuild. As difficult the times that we live in are, we are now in a rolling programme of new school builds moving into the future. In the context of giving surety on a new building programme for Enniskillen or elsewhere, despite the difficulties that we face, I assure you that a rolling programme of new school build programmes is continuing.

**Mr Flanagan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a fhreagraí go dtí seo. The Minister will be aware of the changing demographics in the controlled sector in Fermanagh and the need for changes to take place, particularly to keep Devenish College sustainable. So, can the Minister give us an indication of what approvals are required before the development proposal can be published?

**Mr O'Dowd:** Gabhaim buíochas leis an Chomhalta as a cheist. As I said, the relevant managing authorities, which in this case is the Western Education and Library Board, have to do a pre-consultation process. If after that pre-consultation process it is satisfied, it can move forward to the publication of a development proposal. It is quite clear to any observer that decisions need to be made in the Fermanagh area, including the Enniskillen area, on the entire controlled education sector. For far too long, there has been a focus on one side of that sector and on the needs of a number of schools in it instead of people looking at the entire needs of pupils who wish to attend schools in the controlled sector in Fermanagh. It goes back to the earlier debate that we were having on educational achievement and educational well-being in Protestant working-class communities. If you focus on only a small section of society, obviously a significant part of that society will drop behind. So, the Western Education and Library Board has to make a decision. I think that there is a responsibility on elected representatives in the area to encourage it to come forward with a development proposal, whatever it may be, that secures the educational well-being of all the young people in Fermanagh in the controlled sector.

3.15 pm

**Mr Principal Deputy Speaker:** That ends questions for oral answer to the Minister; we now move on to topical questions.

### **Poverty/Educational Attainment**

1. **Mr Milne** asked the Minister of Education what steps, in light of the recent Community Relations Council report, he is taking to break the link between poverty and poor educational attainment. (AQT 1051/11-15)

**Mr O'Dowd:** I thank the Member for his question. As outlined in responses to other questions, I have changed the common funding formula to direct more funding towards schools dealing with higher levels of social deprivation. Although money on its own is not the only answer, it is quite clear that schools facing such challenges

require extra resources to provide more opportunities for their young people.

In the implementation of the entitlement framework, I mentioned greater funding for community projects for the first time. Over the past number of years, the Department of Education has been concentrating more on what is happening outside the school gates. I believe that the policies within schools are right, but we now need to ensure that communities and parents are supported to ensure that their young people can achieve their full educational potential.

**Mr Milne:** Gabhaim buíochas leis an Aire as na freagraí go dtí seo. I thank the Minister for his answer. How much of an impact does the continuing use of academic selection have on exacerbating the kind of inadequacies featured in the report?

**Mr O'Dowd:** As uncomfortable as it is for some in this House and beyond to hear, it is the single biggest factor, in my opinion, holding back our education system. It is an inequality that needs to be challenged by not only educationalists but anyone with an interest in equality matters in our society. Whether it be the trade union movements, the churches or civic society, they need to come out and take a firm position and campaign to end one of the last social inequalities in our society, which divides 11-year-old children not on the basis of their educational ability but largely on the basis of their socio-economic background.

In no other function in public services do we divide people in such a manner. When people go into our hospitals or seek services from any other Department, we do not establish their socio-economic background. In education, we do, and it is a disgrace that, in the 21st century, we are continuing this practice, which has been left behind by the vast majority of modern education systems throughout the world.

**Mr Principal Deputy Speaker:** Questions should be directed through the Chair. Members should listen rather than mutter when the answer is being given. I am fed up having to repeat that information. People understand the rules of this House and let us abide by them.

## Education: North/South Progress

2. **Ms Maeve McLaughlin** asked the Minister of Education for an update on areas of North/South progress following his address at the INTO conference in Kilkenny. (AQT 1052/11-15)

**Mr O'Dowd:** Gabhaim buíochas leis an chomhalta as an cheist. I welcome the work that has been taken forward by the Department and the Department of Education and Skills to examine new and innovative ways to address educational underachievement. Both Departments face similar challenges: significant impact of socio-economic factors on educational outcomes; multi-generational and cultural obstacles to realising the value of education; and the need for long-term and strategic impact.

Both Departments are working across a wide range of areas. Just to mention a few, work between both Departments' inspectorates has been progressing for many years and is paying dividends for both education systems. The work of the Middletown Centre for Autism has broken through the political suspicions around that

programme, and it is delivering highly respected autism services on both sides of the border. Some of the other programmes of work that we are involved in are just weekly projects, for instance, Maths Week Ireland and Children's Books Ireland.

However, I am pleased with the level of progress and cooperation between both Departments. I believe that it is paying dividends for children on either side of the border.

**Ms Maeve McLaughlin:** Go raibh maith agat. I thank the Minister for that, particularly his comments about the work that is done between the inspectorates, North and South. I am pleased that there is progress with the Middletown Centre for Autism, and I am simply asking him for guarantees that the centre is now on track and delivering high-quality programmes and initiatives for people dealing with autism.

**Mr O'Dowd:** Middletown is now an integral part of our education system. It is delivering to thousands of families on either side of the border annually. As I said, its services are highly respected, and both Departments have long-term plans to ensure that that continues.

## St Joseph's High School, Crossmaglen

4. **Mr D Bradley** asked the Minister of Education whether he agrees that the provision of a newbuild for St Joseph's High School, Crossmaglen, should not be contingent on or tied in any way to whatever happens in Newry city. (AQT 1054/11-15)

Ba mhaith liomsa ceist a chur ar an Aire, an aontaíonn sé liom nár chóir soláthar foirgnimh nua do Scoil Naomh Iósaf i gCrois Mhic Linnáin a cheangal le cúrsaí faoi mar atá siad in Iúr Cinn Trá?

**Mr O'Dowd:** What the Member is really saying is, "Minister, build us a new school in Crossmaglen, and I won't have to stand up to the grammar schools in Newry". I go back to the question from the previous Member. The SDLP's policy is to oppose academic selection.

**Mr Storey:** Here we go again.

**Mr Principal Deputy Speaker:** Order.

**Mr O'Dowd:** There is a clear example of there being a detrimental impact on an area that goes wider than Newry. I can draw a line from Banbridge to St Joseph's in Crossmaglen and show you the impact that Newry is having on schools. The SDLP has a responsibility to live up to its policy commitment and stand up against academic selection.

I am on record as saying that St Joseph's requires a newbuild. I am also on record as saying that the number of schools requiring newbuilds does not match up to my budget. I am working my way through proposals from the education and library boards, the voluntary grammar schools, the CCMS, the integrated sector and the Irish-medium sector on a number of newbuilds. I hope to be in a position to make announcements on newbuilds in the very near future. However, the elections and purdah may get in the way of my making those announcements, I am still in discussions with my officials about that.

I have yet to finalise the list. However, I assure the Member that, when it is finalised, I will inform the schools that have qualified. As I said to previous Members during Question

Time, we are now in a rolling programme of building new schools. They are no longer one-off events or events every couple of years. We will make regular announcements and move them forward.

**Mr D Bradley:** I thank the Minister very much for his answer. Go raibh míle maith agat, a Aire. I refute his suggestion that it is in some way the SDLP's fault that he has not yet moved to build a new school in Crossmaglen. I welcome him saying that he will make an announcement at some time, possibly after the election, and I hope that St Joseph's, Crossmaglen, will be on that list.

**Mr O'Dowd:** Let me reassure the Member that I am not blaming him for a new school not being built in Crossmaglen. I am blaming him for his party not moving forward on our policy, which would assist in championing an end to inequality and social exclusion and would ensure that all schools in our society are on a level playing field. I assure the Member that I am working my way through the lists that have come in from various bodies, and I will make my announcement as soon as possible.

### Ann Maguire

5. **Mr Dallat** asked the Minister of Education what implications the tragic death of Ann Maguire in a school in Leeds has for our schools and what advice he would give them, given that he, along with other Members of the House, will have been appalled by the incident. (AQT 1055/11-15)

**Mr O'Dowd:** First, I offer my deepest sympathy to the family, colleagues and friends of Ann Maguire and, indeed, to the entire teaching profession. It was an absolute tragedy, and a horrific way for anyone to lose their life, particularly a teacher in a school, who was, by all accounts, a very highly regarded teacher who worked for all her pupils.

The full circumstances will come out in due course. However, I do not want to be alarmist — I am not suggesting that the Member is — about those matters. It is only the second such killing in Britain in a 20-year period; I think that Dunblane was the last such example. We want to do everything in our power to ensure the safety of all our teaching and school staff when they are on school premises. Each school will have its own health and safety measures in place, and our schools remain very safe places. There are, occasionally, violent incidents against teachers or other pupils. Sometimes, verbal exchanges go way beyond acceptability and put significant pressure on teaching and support staff. Nevertheless, our schools remain very safe places.

**Mr Dallat:** I concur entirely with the Minister that our schools are safe places and should remain open places. However, the Minister will be aware that, in addition to two people losing their life in Britain, 1,000 teachers were attacked and 550 pupils have been expelled since 2011. Although I draw no parallel with Northern Ireland, does the Minister agree that teachers need reassurance that the school is a safe place?

**Mr O'Dowd:** I assure the Member that I continue to work with teachers' unions and representative bodies in discussing any concerns that they may have relating to particular circumstances or developing trends in our schools. Of those violent incidents and suspensions, there

will be an individual story behind every one of them. Our schools are, at times, a reflection of what is happening in our society. The problems of society, families and individual children are not left at the school gates; they bring them into the schools with them. The vast majority of the time, our schools act as comfort zones for troubled young people. Unfortunately, in these circumstances, that went extremely and horrifically wrong. I assure the Member that I continue to work with teachers' representatives to ensure that our schools remain safe places.

### Shared Education Campuses

6. **Ms McCorley** asked the Minister of Education for an update on the shared education campus programme under the Executive's Together: Building a United Community initiative. (AQT 1056/11-15)

**Mr O'Dowd:** Gabhaim buíochas leis an Chomhalta as an cheist. The call for expressions of interest closed on 31 March. We had 15 expressions of interest from various quarters, all of which have to be assessed against the criteria. I hope to make an announcement later in the summer as to which has been successful. We will then move on to the next phase.

**Ms McCorley:** Go raibh míle maith agat. I thank the Minister for his answer. Will he provide an update on progress on the flagship shared education project at Lisanelly?

**Mr O'Dowd:** As Members will be aware, the demolition of the old buildings on the site is well advanced. We are now clearing the site in preparation for construction of the Arvalee special needs school, which will move on to the site and be the first school to be completed on the shared education campus.

My Department and the management bodies continue to engage on the way forward for the planning of the school estate on the Lisanelly campus. At this stage, I am content with the pace at which we are moving forward. It is a significant capital investment, and a significant infrastructure is being built on the site. That will present challenges as we move along. However, I am content that, at this stage, we are moving along at proper pace.

**Ms Ruane:** On a point of order, Mr Principal Deputy Speaker. Comments were made during Question Time to the Minister of Culture, Arts and Leisure following a complaint by the Minister that she could not hear. Mr Gregory Campbell said, very audibly, that she should syringe her ears. Is it possible for you to look at the Hansard report and take appropriate action?

### 3.30 pm

**Mr Campbell:** Further to that point of order, Mr Principal Deputy Speaker, I am quite content to leave it to you and the Speaker to assess what was said in Hansard, which is not what the honourable Member has just said. I am quite happy if the matter comes back to the Floor of the Chamber, where I will stand over every word said, seated or standing.

**Ms Ruane:** Further to that point of order, methinks he doth protest too much. I heard, and I have no doubt that Hansard heard, "syringe her ears". It was very, very rude, and not what is becoming of the House. *[Interruption.]*

**Mr Principal Deputy Speaker:** Order. I think the behaviour of Members during Question Time, particularly from one side of the House, was unacceptable. I intend, in any event, to refer this to the Speaker. With regard to the particular remarks that were made, we will examine exactly what was recorded by Hansard, and we will make a report to the Chamber in that respect.

**Mr D Bradley:** On a point of order, Mr Principal Deputy Speaker.

**Mr Principal Deputy Speaker:** Is it further to this point of order?

**Mr D Bradley:** It is less controversial, you will be pleased to hear. I want to apologise to you and the House for not being in my seat when I was called recently to ask a question for oral answer. Thank you very much.

**Mr Principal Deputy Speaker:** I appreciate that you had the courtesy to come to the House. Thank you.

The House will take its ease for a moment.

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

## Private Members' Business

### Marriage Equality

*Debate resumed on motion:*

*That this Assembly notes that other jurisdictions on these islands have moved forward with equal marriage rights for same-sex couples; believes that all couples, regardless of gender or sexual orientation, should have the same legal entitlement to marry and to the protections, rights, obligations and benefits afforded by the legal institution of marriage; supports freedom of religion by allowing religious institutions to define, observe and practise marriage according to their beliefs, granting them the freedom whether or not to conduct same-sex marriages; calls on the Minister of Finance and Personnel to introduce legislation to guarantee that couples of any sex or gender identity receive equal benefit; and further calls on the First Minister and deputy First Minister to ensure that all legislation adheres to the Executive's commitments to protect equality for all. — [Ms Ruane.]*

**Mr Lyttle:** This will be the second time that I have spoken on the issue in the Assembly. I previously voted in favour of an amended motion on 29 April 2013, and my contribution will be similar to before. I will speak in support of the motion on behalf of the Alliance Party.

It is the vision of the Alliance Party to build a shared society based on religious and civil liberty and equality for all citizens, regardless of age, gender, disability, race, ethnicity or sexual orientation. It is Alliance Party policy to support the extension of civil marriage to same-sex couples and legislative protection for the religious freedom of faith groups and people of faith to define and observe marriage as they determine. I therefore welcome the opportunity to speak on the issue. My party and I believe that respectful and meaningful dialogue is clearly needed if we are to address the concerns of Members of the Assembly and the public about the issue.

I have carefully considered a wide range of sincerely and strongly held views on the issue. Some people oppose the proposal because they believe that equality is afforded to same-sex couples via civil partnerships; others oppose it because they believe that it is against their Christian faith or conscience; some support it because of their Christian faith or conscience; and some believe that it is the duty of the state to treat all citizens fairly and equally before the law. I believe that the democratic principles of freedom of religion, freedom from religion and equality before the law for all citizens is the best framework for government by the people, and that they can guide us on this particular issue.

As a Christian, I value greatly the freedom of religion that I have in a democracy to live and communicate my faith and my belief that marriage is the voluntary lifelong union of one man and one woman to the exclusion of all others under God.

I therefore believe that the religious freedom of people and groups of faith to define and observe their understanding of marriage should be upheld.

However, I take very seriously my responsibility as a democratically elected representative to uphold not only the principle of freedom of religion but freedom from religion, and equality before the law for all citizens. It is my assessment that the law on marriage in Northern Ireland, as set out in the Marriage (Northern Ireland) Order 2003, distinguishes between religious marriage and civil marriage, and that the law makes it a legal requirement that civil marriage be conducted with no religious or spiritual basis. The proposal before us is that state-provided civil marriage be extended to same-sex couples, with legislative protection for faith groups and people of faith to define and observe marriage as they determine. I therefore find it reasonable that a couple of same-sex orientation — a legal sexual orientation in Northern Ireland — under these principles and provisions, should expect to have access to state-provided civil marriage, with legislative protection for faith groups and people of faith to define and observe marriage as they determine.

We heard quite a few points here today about marriage being undermined or abolished, thin edges of wedges and far-reaching consequences. It is my sincere belief that people and groups of faith who have the freedom to define and observe religious marriage as they determine can ensure that the aspects of marriage that they hold dear and value greatly for themselves and for society can survive and thrive within this framework.

For all those reasons, and in line with Alliance Party policy and our vision for a shared society for everyone in Northern Ireland, I support the motion.

**Mr Givan:** The Assembly has voted conclusively on two previous occasions — I trust that it will do so again today — to uphold the institution of marriage as the union between one man and one woman to the exclusion of all others. That definition of marriage has been the foundation of our society, predating Governments. However, over time, Governments have recognised that union, because of its undeniable benefits, as opposed to creating the institution.

Sinn Féin uses this issue as a weapon to attack those in our society who disagree with its perverse interpretation of equality. Given its track record as a sister organisation of the Provisional IRA, which was responsible for gross human rights violations, it is hardly in a position to present itself as a paragon of virtue when it comes to rights.

The motion is fundamentally flawed in that it calls for marriage equality for same-sex couples. Marriage being between a man and a woman is not discriminatory; it is the recognition of the natural truths that men and women are different and complementary, and the biological fact that reproduction depends on a man and a woman. But, when it comes to children, those who advance same-sex rights ignore all the evidence and place the demands of adults over the needs of children.

The motion is also flawed in that if you accept — I patently do not — that marriage should be redefined and extended to same-sex couples on the basis of a loving, committed relationship, why discriminate against people in multiple relationships? Some in the Chamber believe that the state should recognise polygamy, but why stop there? Why discriminate against brothers and sisters who have a brotherly and sisterly love towards each other and are in a lifelong committed relationship? Surely they should have

the same legal and financial entitlements if marriage is to be defined as being a loving, committed relationship. That can be the only logical position of those who argue for redefining marriage to include homosexuals.

Some in the gay rights lobby aggressively attack anybody who takes a contrary opinion and go out of their way to be offended. Yet, those who hold to a biblical position or just a logical position, recognising the fundamental physics of procreation and how best to support that reality in the interests of society, are labelled as bigots and homophobic.

The Roman Catholic cardinal Timothy Dolan, of New York, responded to those who make such accusations, when he said:

*“Unjust discrimination against any person is always wrong. But [this law] is not ‘unjust discrimination’; rather, it merely affirms and protects the time-tested and unalterable meaning of marriage. The suggestion that this definition amounts to ‘discrimination’ is grossly false and represents an affront to millions of citizens.”*

I could not agree more.

The Northern Ireland Human Rights Commission has recognised that the demand for gay marriage is not a matter of equality. Importantly, the European Court of Human Rights has accepted that it is a matter for member states, under article 9 of the Charter of Fundamental Rights, which states:

*“The right to marry and the right to found a family shall be guaranteed in accordance with the national laws governing the exercise of these rights.”*

I believe in devolution because it allows the people of Northern Ireland to take their own position on all of the issues devolved to us. Marriage is a devolved matter, and, within the constitutional arrangements of the United Kingdom, it is for the Northern Ireland Assembly to legislate on the issue, as it was Westminster for England and Wales and the Parliament in Holyrood for the people in Scotland. Notably, it was not the courts that changed the law in any of those United Kingdom jurisdictions. It cannot be for the courts in Northern Ireland, whom some will seek to use to bypass this democratic institution, to change the law. The courts should not usurp the legitimate role of the Northern Ireland Assembly to take decisions on sensitive social policy that will have far-reaching consequences for the fabric of our society.

Increasingly, senior members of civic society have expressed their concerns to me at the commentary on these areas, not just from judicial figures in Northern Ireland but from members of the UK Supreme Court. Reassuringly, however, when I met the vice-president of the European Court of Justice recently, we discussed how European courts recognise different laws on social policies within devolved regions of member states, and he was emphatic in his response that they do. So, those who call for the same law within the United Kingdom on this issue are, again, mistaken.

I trust that not only will politicians and the Northern Ireland Human Rights Commission respect the Assembly's responsibility for this matter, but so, too, will the courts in Belfast, as any form of judicial activism on this issue would be a gross abuse of that office and a serious and fatal

blow to the democratic legitimacy of the Northern Ireland Assembly. I urge the House to reject the motion.

**Mr Deputy Speaker:** Before I call Mr Daithí McKay, I encourage Members to please stay within the remit of the motion that is before the House.

**Mr McKay:** Go raibh maith agat, a LeasCheann Comhairle. First, I think that a lot of progress has been made on this issue since it first came to the House. Marriage equality will be introduced and, in years to come, many in this and other societies will look back and ask, "What was all the fuss about?", similar to the decriminalisation of homosexuality, which was opposed by the opposite same-sex Bench as we have today. It has happened in a number of other issues as well.

People, of course, have the freedom to disagree with same-sex marriage on the basis of their individual religious views. However, as legislators, we have to legislate for everybody. The legislation we are proposing will not cover religious groups; it is civil marriage. The argument today from the other Bench has been pretty poor. They say that marriage is sanctity, but marriage is what you make of it. Marriage is unique to each and every one of us. The argument used about the institution of marriage could be used against adultery or divorce, but I do not see any legislation coming from those opposing the motion in regard to those particular areas.

This is being rolled out across Europe. It is being rolled out in Britain and will be shortly in the South of Ireland as well. The North will be left behind and will be an embarrassment because of the DUP and others, which, of course, is no surprise. We hear nonsense from those on the Benches opposite. I sometimes think that they are obsessed with sex, because that is all they talk about when it comes to arguments in regard to this issue.

Since this was introduced in England and Wales, I would just like to confirm that there has been no plague of locusts in London; the Four Horsemen of the Apocalypse have not ridden into Cardiff; and the sky has not fallen in on Liverpool — although that is perhaps open to interpretation.

All that has happened is that people who love each other have got married. In England and Wales, that has not lessened anybody else's marriage in any way. In England and Wales, in Scotland and in the South, this will be introduced. Of course, that being the case, and given the proximity of all those jurisdictions, gay people living in the North will go and get married anyway. So, it is an absolutely —

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

**Mr McKay:** I will, yes.

**Mr Allister:** The Member says that this is all about allowing people who are in love to get married. Can I test just how far he takes that facile argument? If a man says, "I am in love with two women", is he entitled to be polygamous? Does the Member's view of equality — a perversion of equality just as this is a perversion of marriage — embrace polygamy?

Is he going to say that we have to provide for everyone because that is their right?

### 3.45 pm

**Mr Deputy Speaker:** Order, please. I remind Members that interventions are supposed to be concise and to the point. Continue.

**Mr McKay:** If the Member wants to get married to two women, that is his business. It has nothing to do with this particular argument.

**Mr Allister:** What does the state say?

**Mr McKay:** It is a heterosexual argument and not a homosexual argument. OK?

**Mr Allister:** What does the state say? What do you say?

**Mr McKay:** The Member, as we all know, opposed the decriminalisation of homosexuality —

**Mr Allister:** Answer the question.

**Mr McKay:** He might not want Members to be reminded of this, but when it was discussed in 1982, he wanted the British Government at that time to derogate from the relevant article of the European Convention on Human Rights. That is what his agenda is.

**Mr Allister:** Answer the question.

**Mr McKay:** It is not anything about polygamy. It has nothing to do with it.

**Mr Deputy Speaker:** Order, please.

**Ms Ruane:** Will the Member take an intervention?

**Mr Deputy Speaker:** I am sorry. I have the Floor at the moment.

I remind Members that Mr McKay has the Floor, so I encourage other Members to please remain quiet and listen to what is being said. Continue.

**Ms Ruane:** Will the Member take an intervention?

**Mr McKay:** Yes.

**Ms Ruane:** Under civil law, can heterosexual people marry two wives?

**Mr McKay:** Under the law at the moment, members of the public have married more than once. There are Members in this House who have married more than one woman or who have married more than one man, I am sure. So, that is a totally separate argument to what we are debating here today.

At the end of the day, there is a very serious aspect to this through how people from the lesbian, gay, bisexual or transgendered (LGBT) community are treated in Ireland and further afield. Unfortunately, homophobia is fuelling the political representation in much of the debate here today. This is about gay people being treated as less than everyone else. Gay men and women are deserving of the same rights that I have and of the same rights that you have, a LeasCheann Comhairle. Two people who love each other and who have their love recognised through marriage pose no threat to anybody. I urge the House today to do the right thing and to think about the consequences of this in the prejudice, bullying and suicides that occur, as that is a big issue in the LGBT community. So, do the right thing and vote in favour of the motion.

**Lord Morrow:** Marriage is the voluntary union for life of one man and one woman to the exclusion of all others. It

has been the bedrock of society for generations and has enabled communities to prosper. The Sinn Féin motion is titled "Marriage Equality", but it is, in fact, not about equality at all. It is about redefining marriage. It is about removing the traditional and biblical definition of marriage and replacing it with a new definition. It is about redefining marriage, thereby bringing about a societal change in the understanding of what marriage is. This would be a radical redefinition of society's most fundamental institution and a radical deconstruction of the institution of marriage.

The terms "husband" and "wife", and, indeed, "father" and "mother", would become meaningless. Of course, some advocates of so-called same-sex marriage argue that this would not interfere in any way with the rights of those who hold to a traditional understanding of marriage. However, that is simply not true. Marriage would be redefined for everyone, and our historic understanding of marriage as the union of one man and one woman would be replaced by a new paradigm for marriage as the union of two people, regardless of gender.

This is about imposing a new, genderless definition and a new genderless version of marriage on the whole of society. Thereby, this new, redefined version of marriage as a genderless institution would be the only legalised definition of marriage in Northern Ireland. That new definition of marriage would become the norm and would be taught in our schools as being the norm, even to young children, thereby interfering with parents' rights to pass on their own values to their children.

The true nature of marriage cannot be changed by Parliaments or Assemblies, but rewriting the definition of marriage would lead to confusion and would erode and downgrade the status of marriage in society. Advocates of this same-sex marriage say that there can be a distinction between civil marriage and religious marriage and that they want to redefine civil marriage, leaving religious marriage alone. That is impossible. There can be only one definition of marriage in society. Whether the wedding is in the form of a civil ceremony or a religious ceremony, the outcome is the same: the joining together of a man and a woman in marriage. The ceremonies and the settings may be different, but the institution is the same.

Redefining marriage as a genderless institution would mean merging two things that are radically dissimilar under the single word "marriage". A same-sex relationship and a traditional marriage would be recognised and promoted by the state as being the same thing. This legal redefinition would abolish the traditional definition of marriage.

I am pro-marriage and pro-family, and I believe that we would go down a very wrong road today if we were to redefine such a fundamental institution. I implore the House to reject the motion.

**Ms McGahan:** Go raibh maith agat. Sinn Féin is committed to the equality agenda, and we believe that all citizens, regardless of race, religion or sexuality, should be treated as equals in the eyes of the law. Human rights should be enjoyed by everyone without discrimination.

The Universal Declaration of Human Rights states:

*"Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political*

*or other opinion, national or social origin, property, birth or other status."*

In addition, the declaration states that everyone is:

*"entitled to equal rights as to marriage, during marriage and at its dissolution."*

Article 18 states:

*"Everyone has the right to freedom of thought, conscience and religion"*.

It is important to make it clear that this right also extends to religious groups and organisations, which have the right to freedom of religion. Overall, the Universal Declaration of Human Rights makes it clear that, no matter who we are, what we look like or where we come from, we are entitled to equality and human rights.

I recognise and respect that there are deeply held religious, cultural and personal views, but we must respect and appreciate the views of each individual with regard to this very important issue. Sinn Féin advocates the right to social, economic, gender and cultural equality. The rights of the LGBT community and human rights are not separate; they are one and the same. You cannot support equality and be a racist, nor can you support equality and perpetuate sexual discrimination. You cannot support equality and be homophobic.

All MLAs represent every section of our community, including our LGBT members. The motion is about ensuring marriage equality for everyone, regardless of their sexual orientation. A growing number of states allow same-sex marriages. Along with France and the UK, other countries, including Spain, Canada, the Netherlands and Argentina, and nine US states have extended marriage rights.

**Mr Agnew:** I thank the Member for giving way. She mentioned some of the states that have changed their laws to allow for same-sex marriages, as did Caitríona Ruane. Will she confirm that none of those states has gone on to legalise polygamy and, equally, that none has challenged the Churches' right to define marriage as they see fit?

**Ms McGahan:** You are right on that one. It is stating the obvious, but I thank you for the intervention.

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

**Ms McGahan:** No, there is really no point.

The constitutional convention in Dublin voted in favour of extending marriage rights to same-sex couples. Seventy-nine per cent of convention members voted to recommend that the constitution be amended to allow for same-sex marriage. The convention's recommendations will, hopefully, be viewed by the Government quite soon. Every citizen should enjoy the same rights and entitlements under state law, and that includes those in relation to marriage. What the Churches do is a matter for them, but the state needs to treat everyone with equality. It is important to note that the motion supports religious institutions to define, observe and practise marriage according to their beliefs.

All family forms should be given equal respect and value in law. The traditional family form based on marriage should not be given higher status in law or practice than any other family form. Law and social policy should recognise

the diversity of family life in Ireland. All families, including unmarried families, have the same rights to respect, care, support, protection and recognition. The equality regulations and sex discrimination regulations state that it is unlawful for service providers to discriminate against a person because of his or her sexual orientation in the provision of services and public functions.

Surveys have shown that negative perceptions about lesbian, gay and bisexual people were getting progressively worse in the North of Ireland, and a report on mental health showed that a quarter of young gay or bisexual men in the North of Ireland have attempted suicide. There is no doubt that lesbian, gay and bisexual people are valued and are seen as participating members of society, although there remain prejudice and barriers to accessing equality of opportunities.

Fermanagh man Dwaine Vance, who is in the Public Gallery, wrote an article in last week's 'Impartial Reporter'. He comes from a unionist point of view and would prefer equal marriage to be brought through Stormont rather than through the Supreme Court in London.

Finally, the Assembly, by supporting the motion, can give a strong message that prejudice, discrimination and intolerance must be rejected.

**Mr Eastwood:** I thank the proposers for bringing this important motion forward, albeit it seems somewhat pointless because there is a petition of concern. Nevertheless, it is still important that the Assembly debates the motion and recognises that a lot of people in our community would love to see this motion pass today — in fact, recent polls would say, a majority. What those figures show is that an increasing number of people, year on year, support this policy. I think that that has been lost in all of this. Society's opinions on these issues have changed, because of people's own experiences, their family's experiences and their community's experiences. They have changed for the better.

I was very proud, when I was mayor of the city of Derry, to lead, along with other public representatives, the first Foyle Pride march in our city. You would not believe the number of people who were out in our community supporting that festival. That has happened right across the North. It has happened right across this country, and that is a very positive step. It shows that this community is moving forward and is prepared to view members of the LGBT community as a full and equal part of our society.

I understand that people have a difficulty with this. I understand that people have a deeply held religious view on this, and I have no difficulty with that. That is what democracy is about; that is what a modern democracy is supposed to be able to accommodate. However, if I can respect that point of view, people need to respect the fact that many people in our society from the LGBT community feel left out; feel left behind; feel as if this Assembly has a lot of work to do to make them feel full members and full citizens of this country. That is a lesson that we all need to learn.

Lots of figures have been given today about the number of young people who struggle with depression and difficulties in coming to terms with these issues. The Assembly has a duty of care to them, and we have a duty of care, I believe, to say that this is not about diminishing marriage; it is about strengthening it. It is about ensuring that more people can have access to this great institution.

I am not against marriage — I got married in December. I do not know whether that was a good idea or not, but I believe very strongly — *[Interruption.]* Hopefully she is not watching. I believe very strongly in the institution of marriage. I believe that two people — let us not all get upset now — who love each other and who are prepared to commit to each other in a loving relationship should be afforded recognition by the state.

**Mr Agnew:** I thank the Member for giving way. He mentioned the importance of marriage, and the number of people getting married has been going down. Does he agree that people who are willing to campaign for the right to marry show a great commitment to that institution?

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

4.00 pm

**Mr Eastwood:** I thank the Member for his intervention, and he makes a very good point. We are all saying that we believe very strongly in the institution of marriage. It is an institution that people are not exactly queuing round the block to get involved in or to stay committed to. These are people who want to be married, who want to do all —

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

**Mr Eastwood:** I will surely. Go ahead.

**Mr Wells:** It may interest the Member that, since 2005, 66,529 marriages have occurred in Northern Ireland and only 727 civil partnerships. So, it looks like traditional marriage is pretty popular in Northern Ireland.

**Mr Eastwood:** That is good to hear. Unfortunately, a lot of people do not have the option of getting married, and that is what this is about. I hope that Members opposite join us, get rid of their petition of concern and recognise that there are many unionist people who would love to be married as well. This is not a nationalist/unionist issue, though, unfortunately, it is portrayed as such.

Marriage is an institution that has evolved over time. One hundred and fifty years ago, Catholics and Protestants in Ireland could not be married at all; now they can. Marriage used to be a property transaction rather than an institution in which two people loved each other and wanted to commit to each other. It used to be the case that, if a man was accused of rape, it would be all right if the victim was his wife. That is how far we have come in society. Adultery used to be a criminal offence. Divorce in Ireland was not legal. It was only in 1981, because of the Dudgeon case, that homosexuality was decriminalised.

So, I do not despair. I am very, very confident that, in time, whether in this House or in a court of law somewhere, this part of Britain or Ireland — however you want to describe it — will catch up with the rest of these islands and with the way the rest of the western world is going. I am very confident that those people, on whom we have turned our backs and whom we have not shown that they are proper, true and equal members of society, will finally one day be entitled to access the great institution that is marriage.

**Mr Copeland:** I do not wish to tread on the faith sensibilities of anyone, but simply to speak for myself, from my personal experiences and on behalf of people I have known through my constituency work.

As is patently obvious, I am neither a lawyer nor a theologian. I am just over 60 years of age, closer in many ways to the last chapter than the first in my own journey, and the world has changed immeasurably in the 60 years that I have been in it. Things that were beyond comprehension 10, 20, 30 or 40 years ago are now viewed differently. In my constituency work and within my family, I have seen the disastrous implications that flow from the prejudice that is felt by those who know themselves to be different by reasons of gender, where their feelings and affections are viewed by society as being in some way corrupt or incapable of being spoken about in polite society. I have had young people in my office driven almost to the point of suicide, including a young woman, born within the shadow of this Building, who was confined to her room for about six months and continual attempts were made to exorcise — whatever that means — this demon that was allegedly possessing her.

Marriage has been held up as an institution, I know. I have been married for 32 years, I think. I did some research, incidentally, just to introduce a degree of laxity, prior to the previous vote. I met a guy on the Newtownards Road outside a public house who had obviously had several beers. I asked him his opinion about what I should do in the vote on equal marriage. His gruff Belfast reply was, "Is that the gay thing?" I said yes. He said, "Wait till I tell you, Michael, I have been married to a woman for 30 years, and I wouldn't recommend it to anyone. If gay people want to get married and be as miserable as me, it is up to them." There is a truth that runs through that, which says live and let live.

The institution of marriage has a legal position that has changed throughout the years. I was going to say "as recently as 1782", but it actually was in 1782 that Presbyterian weddings were adjudicated to be unlawful. The Presbyterian form of worship was adjudicated to be unlawful to such a degree that thousands of people had to row from Donaghadee to Scotland to be afforded freedom of worship according to their choice. The children of those marriages were considered to be illegitimate and the marriages null and void unless they were re-performed in a Church of Ireland parish and a stipend was paid to the minister. That changed.

I do not know the moral rights and wrongs of this, but I know that the words that we use in the Chamber will echo to reinforce prejudice, or not to reinforce prejudice. We must bear in mind that the ultimate judgement on issues of morality are with a much higher authority than is exercised in the House. I do not consider myself to be a worthy person to sit in judgement, moral or otherwise, on the emotions of other human beings.

**Mr B McCrea:** I must say that I am surprised by the argument that has been made by Members on the Benches opposite that go under the title of unionists. When England and Wales and Scotland — the rest of the United Kingdom — think that it is a good idea and, in fact, the Prime Minister said that it sends out a "powerful message" to the rest of the world, I am surprised that they have distanced themselves from it. I am also conscious that the message that we send out from the Chamber is also powerful. I am disappointed that Members have, yet again, felt the need to table a petition of concern. That means that, no matter what vote we have, nothing will happen. We

then get into the situation of asking why we are having the debate.

Members who spoke earlier talked about homophobia, the bullying that comes from it, the suicides and the victimisation. I think that people on other Benches who profess that they do not worry about gay activity are not telling us the real truth. There is actually a reaction against that. You can dress it up any way that you like and say, "Oh, no. I do not want to do that." Whatever. That is not the truth.

I think that it was Mr Kennedy who said that he has a deep personal conviction. I think that it is really wrong that we allow personal morals to influence what should be a legislative assembly. I do not think that this should be a free vote. I think that it should be a proper whipped vote, because this —

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

**Mr B McCrea:** I am sorry, I will not take it. I do not have enough time. There is an issue here about people recognising that there is a debate that has to be had. I have to say to you that, at some stage, we will need to confront this properly. Members who are present might consider bringing forward a private Member's Bill through which we can deal with these issues. Of course, I understand that Members opposite will oppose it. At least, on that particular position, I know that that is their standing. I can also admit that there is deep disquiet in our society from certain quarters that must be respected.

One of the things that attracted me to the motion was that it states that there will be no imposition on Churches or people of faith to do things that are not in their philosophy. That is the standard that has to prevail. I heard Members refer to what Catholic bishops or archbishops said. As I understand it, there is a prohibition in the Roman Catholic Church on divorce, yet I do not see any legal challenges to force second marriages in a Catholic church. These things are scurrilous. They do not happen. They are red herrings.

An issue was brought up — I have been waiting for Mr Allister to interject — on the issue of polygamy, which was a great challenge that he put out. The real issue is that I have three tests about any legislation. First, does the activity that you are talking about do any harm? Whatever that activity is, does it do any harm? Secondly, would legislation be effective and make things better or worse? Finally, does it affect a lot of people? I would be against polygamy, because the evidence is that they are not real wives, and you are getting into servitude and other issues — *[Interruption.]* That was the Supreme Court.

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

**Mr B McCrea:** Yes, I will give way.

**Mr Allister:** The Member says that he would be against polygamy and that one of the tests would be whether it causes any harm. Is that not a moral judgement? If he is entitled to make a moral judgement as the touchstone as to whether you legislate on something, why are the rest of us not entitled to make a moral judgement on whether you legislate for same-sex marriage? He cannot have it both ways. If a moral judgement is apt for him, it is apt for everyone else.

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

**Mr B McCrea:** The one thing that I will say about Mr Allister is that when I give him the courtesy of taking an

intervention, he should be a little bit more succinct in his argument.

The issue is this: I am not giving him the moral right to decide any of these things. I am saying that this is a legislative body that has to legislate for everybody. We are not attacking the institution of marriage. It is an honourable institution. However, there are many people in our society who live different lifestyles. That is what we have to try to legislate for.

I remember a great campaign that started something like "Save Ulster from sodomy". Well, look where that got us. Our society is moving forward. It is a wonderful, diverse society made up of lots of different individuals, and our job is to try to find a way to make sure that all people can live together —

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

**Mr B McCrea:** I am sorry, I do not have time, Mr Kennedy.

Our job is to do that. Let me put out a challenge to the xenophobes, homophobes and people who think that bullying is OK: that is not the right way to go forward. Let us have a proper debate. Let us not put forward petitions of concern, and let us not have a debate that is constrained to one and a half hours. Why can we not have proper discussions back and forth? I would like to engage with Mr Kennedy, and I apologise for not being able to let him in, but I am short of time.

This is a signal opportunity for all parties in the House to say what they want to do, and I have to say to those parties that espouse equality that I think that all their Members should be voting for their party policy along with NI21.

**Mr Givan:** On a point of order, Mr Deputy Speaker. Will the Speaker rule on whether language around xenophobia and homophobia used in the context of those who signed a petition of concern is appropriate to be used in the Assembly Chamber on a very sensitive and emotive issue?

**Mr Deputy Speaker:** I am sure that the Member will agree that moderate language is very appropriate at all times. Indeed, there are times when no language is appropriate. There was too much shouting across the Chamber. I hope that the Minister will be given greater courtesy than some Members got.

**Mr Clarke:** Further to that point of order, Mr Deputy Speaker, is the Deputy Speaker going to refer that to the Speaker to look at the language used by the previous Member when he was making his contribution?

**Mr Deputy Speaker:** I will give it careful consideration, but I repeat what I said: Members should choose their language wisely when they are engaging in a debate.

**Mr Hamilton (The Minister of Finance and Personnel):** A motion on same-sex marriage was debated by the Assembly on 29 April 2013. On that occasion, I spoke on behalf of my party to oppose the motion. As I said at that time, the opposition was not grounded on opposition to what a person is or how a person chooses to live his or her life, but rather on support for the traditional, longstanding, centuries-old definition of marriage.

I have listened with great care and interest to the points that Members made during this further debate today. However, my support for the traditional approach to marriage has not waned, and I cannot, therefore, support

the motion. I will not, as the motion asks me to, bring legislation to the House to legalise same-sex marriage in Northern Ireland.

The motion suggests that:

*"other jurisdictions on these islands have moved forward with equal marriage rights for same-sex couples".*

I assume that this is a reference to the British Isles, which includes Great Britain, Northern Ireland, the Republic of Ireland and our offshore islands. The jury is still out in the Republic of Ireland, and I suspect that there are quite a few in that jurisdiction who would be quite happy to align themselves with the position that the Assembly has adopted on previous occasions. Likewise, the Isle of Man has not introduced same-sex marriage.

Legal developments in other jurisdictions may be of interest, but they are not determinative of the law in this jurisdiction, and it is wrong to suggest that they should be. Differing laws in different jurisdictions is the very essence of devolution. It is for this Assembly and this Assembly alone to determine. It is not for any other Parliament or Assembly in these islands, and certainly not for any judge in a court, to determine the law of Northern Ireland.

When we decide what the law of this land ought to be, we should do so by reference to principled and informed debate, rather than by automatic adoption. We should not make our minds up on the basis of who shouts the loudest, although I have to say that this is not an issue that especially exercises my constituents, who seem much more interested in jobs, the economy and the health service, and nor should we decide simply because some argue on the grounds of discrimination, without testing whether an issue of inequality exists.

#### 4.15 pm

The latest motion seeks to emphasise the concept of equality and implies that same-sex couples do not receive equal benefits. When the Assembly first debated same-sex marriage, my colleague Michelle McIlveen said:

*"It is time to tear down the smokescreen that this is about discrimination."* — [Official Report, Bound Volume 77, p317, col 1.]

It is regrettable that some in the Assembly are still maintaining that smokescreen. People in Northern Ireland have an equal opportunity to enter into a committed relationship with all the benefits that that entails. Opposite-sex couples can do that through marriage, and same-sex couples can do it through civil partnerships. It has been acknowledged that a same-sex marriage in England and Wales confers the same benefits as a same-sex civil partnership. Equality per se is not, therefore, the issue.

Article 16 of the United Nations Universal Declaration of Human Rights, as upheld by the UN Human Rights Committee, defends the traditional view of marriage. In European law, article 12 of the European Convention on Human Rights also upholds that definition, and the European Court of Human Rights has deemed the definition of marriage not a matter of equality but a matter for individual state law. The Northern Ireland Human Rights Commission has highlighted the international

treaties that protect the right to marry but has conceded that:

*"The restriction of marriage to opposite-sex couples does not violate the international standards and this is clear from both the International treaties and the jurisprudence of the European Court of Human Rights and the United Nations Human Rights Committee."*

It is clear, therefore, that the United Nations, Europe and our own Human Rights Commission all agree that this is not an issue of equality.

The key questions that we should be asking ourselves are these: "Is the balance of our current law right?"; and, "Has the range of interests that fail to be accommodated been afforded equal respect?" In my view, the answer to both those questions is an unequivocal yes.

Our law already affords same-sex couples legal recognition of their relationship and, at the same time, respects freedom of thought, conscience and religion. Supporters of same-sex marriage are quick to point to the so-called protections that have been built in to the various pieces of legislation in Great Britain. However, leading lawyers have queried how effective those protections will be. Moreover, the protections are largely designed to protect the clergy and to prevent any claim that a member of the clergy is obliged to conduct a same-sex marriage. They do not protect the religious beliefs of others, such as teachers or registrars, and it is entirely possible that faith organisations in Great Britain will be precluded from accessing public funding, services or public buildings because they object to same-sex marriage. I, for one, would not want that to happen here.

Furthermore, I am in no doubt that the same individuals who offer up tokenistic protection for Churches today would, if same-sex marriage were legal in Northern Ireland, be the first to jump on a future bandwagon when the inevitable lobby begins for Churches to be required to permit same-sex marriages on their property.

There will always be those who call for more and who want their personal interests to be prioritised above all else. However, I have to place those calls alongside the many other calls for legal reform and must ultimately decide the priority actions. I have done so and have determined that there are other more important issues that need to be addressed. Those issues are of concern to people across Northern Ireland rather than of concern to one small but very vocal lobbying group.

The current law on civil partnership is in place and is operating effectively. I see no need to revisit it at all. In adopting that position, I am neither demeaning nor discriminating against people. Rather, I am ensuring that there are appropriate protections for all and that the current balance of the law is maintained. I want to make it clear that, whilst there is obvious disagreement in the House on this issue, that should be no excuse for us to be intemperate.

Just as no one has the right to abuse anyone physically, mentally or verbally because of their sexuality, so too is it unacceptable to belittle or besmirch someone simply because they possess a different view from you.

It is not appropriate to brand those who oppose same-sex marriage as being bigoted or backward. Good people —

people of the Protestant faith, people of the Catholic faith and people of no faith — oppose same-sex marriage, and they should not be lambasted because they do so.

For saying what I have said today, I will no doubt be damned by some as a bigot and as being intolerant. Nothing could be further from the truth. I do not expect some who support same-sex marriage to accept that, because of the personal stance that I have taken on the matter, but it is the truth nonetheless.

All I seek to do today is to state my view, which I believe is the mainstream view in Northern Ireland. We all need to be careful with our language, be considerate in our choice of words, treat each other with respect and accept that there are differences. As I have said in the House previously, I was always taught that you show tolerance when you disagree with people, but you respect their right to have a different position from you. Today, unfortunately, it would seem that, for some, when you fail to fall in line with their thinking, you are the intolerant one.

I place on record my admiration for Members who will display great courage today in the face of the personal pressure that they have been placed under from inside and outside their parties. Their resolve stands in stark contrast to others who defy the teachings of the Church of which they have been senior members for years, or others who are not brave enough to vote the way they want to and are, oddly, absent today.

Some Members can choose to ignore the deeply held views of the majority of people in Northern Ireland if they wish. I will not. I oppose the motion.

**Ms Fearon:** Go raibh maith agat, a LeasCheann Comhairle. I welcome the debate and thank and acknowledge everyone for participating in what was, for the most part, a fairly temperate debate. It is an honour for me to be able to speak in favour of extending the right of civil marriage to those who are LGB and T.

Today, we have the DUP saying that this is not an equality issue. I get it that the notion of equality might go over your heads, because I think that we have over 20 unionist men in the Chamber discussing an equality issue. It is absolute nonsense to say that this is not an equality issue. Equality is an all-or-nothing concept. You cannot be a little bit equal to someone else. That is not how it works, so civil partnerships are not enough. Equality is not a concept that we should be striving for either; it is an absolute necessity.

Of course, in the overall fight for LGBT equality, we should recognise that the issue of marriage is just one of the many battles that need to be fought. In the past few months, we have seen the disgraceful squandering of public money in the pursuit of a personal agenda against unmarried and same-sex couples by our very own Minister of Health who, ironically, is trying to limit how many people can perform the simple life-saving act of giving blood. It is nothing short of shameful that people face discrimination every day of their lives because of nothing more than their sexual orientation.

Caitriona Ruane referred to the fact that hate crime is on the rise. We should absolutely condemn that. I think that it was Michael Copeland who said that our voices are going to echo from the Chamber, so we should not perpetuate negative views.

Thankfully, the Minister's appeals on family and adoption rights were rejected. The old narrative that a child needs a man and a woman to be raised properly is totally incorrect. Paul Givan referred to that. In reality, all a child needs is a loving home and environment in which to grow up, and it is insulting to single-parent families everywhere to say that a child needs a mother and a father to have a wholesome upbringing. I understand that some people choose to hold sincere religious beliefs and that they are very important to a lot of people, but they should not be foisted on others, and they absolutely should not impact on the law that affects everyone.

It is important to note that there are lingering unaddressed inequalities facing those who have undergone gender reassignment. Someone who is married must have a divorce to undergo gender reassignment or have their civil partnership dissolved before they can have a gender reassignment certificate. That is important because, all too often in these debates on LGBT issues, the transgender community is forgotten.

Mervyn Storey spoke about his fear of a social revolution and the "LGB agenda", as he put it. Maybe you need to wake up a bit, because there is no revolution; that is just the way the world is. Gay people are not looking for any more or any different rights from those that straight people already have. They just want equality under the law.

For the record, in case anyone is in any doubt, this has absolutely nothing to do with polygamy. You cannot marry more than one person under civil law at present. It is a completely spurious argument — *[Interruption.]*

**Mr Deputy Speaker:** Order, please. I direct my attention to one particular Member who has frequently shouted across the Chamber. I ask that Member not to do it again. Continue.

**Ms Fearon:** The single most important part of the debate today is the message that we are going to send out to young people, particularly young LGBT people, who are struggling. There are people out there who would rather not live than be openly who they are because of the intimidation or discrimination that they would face because they do not conform to the notion of heteronormativity or they do not stick to distinct gender roles. That is unacceptable. I say to those today who talked about their own outdated views — I am using moderate language so that I do not upset anyone — that I wonder whether you would be able to repeat what you said to the faces of a family who have lost a loved one to suicide because they were gay. It is one thing to do it to a hall full of schoolchildren.

We are dealing with real people with real personal struggles and real relationships. To that end, I will use this opportunity to give as many people as possible a voice inside the Chamber. Yesterday, I started a hashtag on Twitter to facilitate this. Instead of going over what has been said in here, I will air some of what is being said out there. I will go over some of the tweets that I was sent.

The hashtag was #IWantMarriageEqualityBecause. Leona said that every single person is equal and should not be treated differently because of who they love. Hollie Morrison said that she did not think that we should have to vote in the first place; she said that everyone should be able to get married and be happy. Daire Hughes said that civil partnerships are not the same as marriage

and LGBT groups deserve equality. Catherine Seeley questioned whether we voted on your marriage. Sinead Henry stated that the church did not invent marriage, and so questioned why it should define who is fit for it. Ellen said that it is 2014 and we are still fighting for LGBT rights; it is time that we realised that gender and sexuality are social constructs. Dwaine Vance said that he wanted to be given the right to marry and consecrate his relationship with his soul mate, as straight couples do. Lauren said that people do not choose who they love and we should choose to respect that. She said that civil partnerships are not enough. Maeve Burns said that love is love and religion should have no place in politics. Dáire Toner said that he should have the same rights and access to marriage and that he should not be treated as a lesser person than a heterosexual. Andrea Nash said that it is the right thing to do; it is a disgrace that, in 2014, discrimination against the LGBT community is still rife. Abigail Foran said that denying marriage to two individuals who love each other is to deny them a fundamental freedom. Mary Ellen Campbell said that everyone should be equal under the law and, quite simply, it is the right thing to do. Barra O'Murrai said that he believes that no one can quantify or judge true love. Louise Reilly said that we do not want gay rights; we just want equality: the same laws and rights for all. Jess Magowan said that she and her partner would take their lives and business further afield. She said that it would drive them away, and wondered who else. Aodhan Hamill said that it is not a religious issue; it is an equality issue. He said that no one should be denied that basic civil right. Naomh Gallagher said that it is progress and that we, as a society, need always to strive to be better. She questioned how anyone could be against love. Willie Quinn said that equality cannot be handpicked, the same way that rights should not be. He said that we should let people who love together be together. Johnny McGibbon said that there is no almost equal; there is equality or no equality.

The battle for LGBT rights is the equivalent of the civil rights movement for my generation. There is a global momentum building towards LGBT equality. Stephen Fry was talking about this debate on social media. It is time that the Assembly got its act together, caught up and made its way into the 21st century. That does not just mean endorsing motions or saying that you support something. We cannot stop until we have achieved full legislative equality, extending the same rights, privileges and protections to all. The words "diversity" and "inclusivity" should be our cornerstone as we work to build a truly shared future for everyone. I encourage everyone today to do the right thing and support the motion. Despite the abuse or use of the petition of concern, we can at least have a moral victory if people choose to vote for the motion and not abstain.

**Mr Deputy Speaker:** I remind Members that the vote on the motion will be on a cross-community basis.

*Question put.*

*The Assembly divided: Ayes 43; Noes 51.*

## AYES

### Nationalist

*Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Ms J McCann, Mr McCartney, Ms McCorley, Dr McDonnell,*

*Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mr McKinney, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Ms Ruane, Mr Sheehan.*

**Unionist**

*Mr Copeland, Mr Kinahan, Mr McCallister, Mr B McCrea.*

**Other**

*Mr Agnew, Dr Farry, Mr Ford, Ms Lo, Mr Lyttle.*

*Tellers for the Ayes: Ms Fearon and Ms Ruane.*

**NOES**

**Unionist**

*Mr Allister, Mr Anderson, Mr Beggs, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McNarry, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells, Mr Wilson.*

**Other**

*Mrs Cochrane, Mr Lunn.*

*Tellers for the Noes: Mr McQuillan and Mr G Robinson.*

<i>Total Votes</i>	<i>94</i>	<i>Total Ayes</i>	<i>43</i>	<i>[45.7%]</i>
<i>Nationalist Votes</i>	<i>34</i>	<i>Nationalist Ayes</i>	<i>34</i>	<i>[100.0%]</i>
<i>Unionist Votes</i>	<i>53</i>	<i>Unionist Ayes</i>	<i>4</i>	<i>[7.5%]</i>
<i>Other Votes</i>	<i>7</i>	<i>Other Ayes</i>	<i>5</i>	<i>[71.4%]</i>

*Question accordingly negatived (cross-community vote).*

*Motion made:*

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

## Adjournment

### Downe Hospital: Minor Injuries Unit

**Mr Deputy Speaker:** The proposer of the topic will have 15 minutes and all other Members who wish to speak will have approximately six minutes.

**Mr Hazzard:** I start today by thanking the Business Office for accepting this topic for debate. I hope that today's proceedings can contribute to the increasing efforts of those who continue to rally to the cause of the Downe Hospital and local health service in the wider south Down area.

I also take this opportunity to thank those who work day and night throughout our health system. Their professionalism and altruistic dedication to our community is not only the bedrock on which the success of the health service is built but is evident for all to see as they continue to stand shoulder to shoulder with campaigners against the current policy of cuts, centralisation and, indeed, privatisation. Finally, I would like to put on record my thanks to the wider south Down community who have mobilised in their thousands behind the Save Downe campaign.

Since the news broke at Christmas that the future of emergency care at the Downe looked bleak, an active and coherent community campaign has been to the fore in mobilising opposition. Approximately 1,000 people attended three public meetings in Downpatrick, Ballynahinch and Newcastle, where, by and large, political representatives spoke in unison against the cuts. Indeed, in the past couple of weeks, the Minister was presented with a petition of more than 20,000 signatures of those local people who are opposed to the current status of emergency care and to the direction of travel of the trust's vision for the future of emergency care at the Downe Hospital.

#### 4.45 pm

Minister, last month, you stood in the House and spoke of your anger and deep disappointment that the trust had taken a decision to downgrade the status of emergency care at the Downe. You gave assurances that you would challenge the trust, the Health and Social Care Board and, indeed, the Department. You outlined that you would challenge the trust to manage the consequences of such closures and said that the South Eastern Trust had, indeed, given you assurances that the additional numbers at the Ulster Hospital would be managed successfully. Yet the Ulster Hospital continually fails to meet patient admissions targets, with more than one in four patients forced to wait for more than 12 hours. If the Ulster Hospital cannot manage current numbers, why should the people of Down accept that they will receive the appropriate care in the future? Indeed, when we look at the experiences of changes at the Mid-Ulster and Whiteabbey accident and emergency departments, we see that those led to serious problems at Antrim and Causeway hospitals as a consequence.

Secondly, you outlined that fresh efforts would be made to secure medical staff for the Downe. Those efforts have, of course, proved fruitless. Or have they? Many of us contend that the process is designed not to secure additional permanent doctors. Indeed, when you consider that the recruitment agency that is used for such a venture

is called Locumotion, surely it is questionable whether the motivation for securing full-time permanent doctors exists at all.

At the last public meeting in Newcastle, we listened to a recruitment expert describe the process of sourcing professional doctors throughout Europe. He talked of the cultural challenges in adapting to a new workplace that are easily overcome and said how, with the appropriate support and guidance, emergency doctors from around Europe or further afield can integrate into our local hospitals. Indeed, the same recruitment expert had just hired more than 40 full-time doctors from Romania for positions in hospitals in the Midlands and Drogheda. Minister, if those doctors are good enough for the people of Drogheda, why are they not good enough for the people of Downpatrick?

Moreover, during recent debates on recruitment, the Minister and his colleague Mr Wells have bemoaned the fact that so many of our young graduate doctors leave Irish shores for a sunnier climate in Australia. Yet we have heard nothing about attempts by our local health system to engage with those same doctors so that, after a short period of work abroad, they may be tempted by the prospect of work at home. I would be grateful if the Minister could provide us with his thoughts on that and outline any plans that he has to find a solution to the problem.

Finally, you tasked the trust and the Health and Social Care Board with bringing forward detailed plans for the future of emergency care at the Downe, coupled with an implementation plan. You said that such a plan would:

*“secure confidence in the community that the best possible steps are being taken.”*

Minister, the people of Down are still waiting not just for sight of the plan but to be an active part in its formation. It is the best part of six months since the current crisis transpired in the weeks before Christmas. We need to see productive engagement on the road ahead. Just as the Education Minister put out to public consultation plans to reform the schools funding formula or the ongoing area planning process, so, too, any plans to reform or alter healthcare provision in Down should be open to public consultation and engagement.

Our health and care services must be fully accountable to the public and fully transparent in all that they do. As Minister, you must enable staff, patients and the wider public to scrutinise any and all plans to reform their health service. Space must be created for honest and productive dialogue between those who use and work in the health service and those who are responsible for its delivery.

So, I ask the Minister today whether he will ensure that, no matter what the final destination of travel, the people of Down are afforded the right to determine what health services are appropriate for Down. Moreover, any such reforms must be subject to the appropriate equality impact assessments. The absence of such screening thus far has been a failing of the trust and, indeed, your leadership as Minister to deliver equitable health services across the North.

One of the fundamental aims of the health service must be to eliminate health inequalities and, in turn, to contribute to reducing social and economic inequality throughout our society. Although the people of Down undoubtedly

acknowledge that specialised services cannot be provided in every town in the district, we expect appropriate emergency care services to be available at the Downe Hospital.

As the Minister is no doubt aware, local patients and families continue to experience difficulties in the process of repatriation from the Ulster Hospital back to the Downe. In light of that, I hope that the Minister will also provide an update on the ongoing review into repatriation processes and protocols.

Linked to the issue of health inequalities and the repatriation problems is, of course, the rural demographics of the local area. As has been outlined in previous debates, we do not have a single inch of carriageway, and existing public transport links to centralised services in the greater Belfast area are simply not what they should be. Compounding such inequalities, we also suffer the effect of over-stretched ambulance cover — cover that needs to be seriously enhanced and supported for rural areas.

Again, I use education as a parallel. The Minister's own colleagues today argued vehemently for special treatment for rural schools and said that, no matter the cost or the hurdles, those rural communities were entitled to the same educational services as their urban neighbours. Why then should it be any different for health services? Why should the people of Down settle for less than the people of Dundonald? I am afraid, Minister, that we will not settle for any less than we deserve. Despite the best wishes of your officials and figures within the trust, the people have been galvanised by the onset of the reductions and the downgrading of our emergency care services. We did not ask for a minor injuries unit, and we will not settle for a minor injuries unit. You yourself asked that appropriate A&E services be restored at the Downe, and we will certainly hold you to that commitment in the months ahead.

**Mr Wells:** Mr Hazzard, Mr Rogers and I attended an emergency meeting of Down District Council just before Christmas. At that meeting, trust officials went to great lengths to explain the situation that we are in in Downe Hospital. It is not a lack of will by the Minister or the trust to have a fully fledged A&E service in Downpatrick. It is not a lack of money, unusually; there is enough money to provide for the posts that are needed. What was explained to us that night, and what Mr Hazzard and many others have to accept — they accept it privately but not publicly — is that the only reason for the situation that we are in is a lack of middle-grade doctors to staff A&E out-of-hours in Downpatrick. The facts are very simple; three issues have come together to create a perfect storm, which has made the decision of the South Eastern Trust on this absolutely inevitable.

The first is that, on average, 50 qualified doctors leave Northern Ireland for greater experience and, indeed, greater pay and better conditions in Australia and other countries, and we could not have predicted that eight or 10 years ago. That is not unique to Northern Ireland. It happens in the Irish Republic. It is happening throughout the United Kingdom and western Europe. Mr Hazzard said that they had left the shores of Ireland; no, they have left the shores of Northern Ireland — I would never use that other phrase. However, it is worth commenting on the fact that other smaller hospitals in places such as Roscommon are experiencing exactly the same situation. There are not enough middle-grade doctors to man hospitals in the

British Isles, full stop. It is no good saying that you should go out and advertise; you cannot go out and advertise if they are not there in the first place. Even though there are more middle-grade doctors working in Northern Ireland than there were three years ago, we still have a shortage and we cannot get them.

Secondly, there is the issue of the feminisation of the health service, and we welcome that. It is great news, because it has allowed us to have a pool of very highly qualified, able women coming out of medical school. Indeed, the majority of those coming out of medical school at the moment are women, and that is good. However, the problem is that women demand a different type of working rota from men. They demand, and quite rightly demand, flexible working, and they demand time off to look after children and for other caring responsibilities. They take career breaks, and the trusts are absolutely right to facilitate anyone who asks for that, whether they are male or female. However, the vast majority are female. That makes it much more difficult to ensure coverage at our A&E hospitals.

Thirdly, A&E cover at weekends and at night is becoming a very, very unattractive option for any grade of doctor, whether they are junior, middle grade or consultant, and we as a society have to accept that. As the facts have recently shown, 80% of those who present themselves at A&E in our hospitals at weekends in Northern Ireland are under the influence of alcohol. The abuse, the violence and the insults that our medical staff have to take, particularly on a Saturday and Sunday night, are absolutely dreadful. When middle-grade doctors have a choice, particularly if they are women, they make the choice that they prefer not to have the abuse, the insults and the violence; they prefer to work ordinary daytime shifts. Therefore, it is becoming much more difficult to get people to cover for those shifts.

Compounding that in the Downpatrick situation was the fact that one doctor from South Africa, who had worked a huge number of hours, decided, quite rightly, to go back to his home country for a well-earned rest. That was granted, and the result was that the rota collapsed. Locums were not obtainable, and the staff were not there. So the South Eastern Trust had absolutely no option before Christmas but to close A&E at weekends. The fact is that, had it not done so, it would have been acting illegally.

At the time, the Minister said, quite rightly, that he was appalled by the situation and would do everything that he could to rectify it, but not even he can produce middle-grade doctors out of a hat. To turn that tank around, you would need to have started eight or nine years ago. Therefore —

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

**Mr Wells:** Yes.

**Mr McCallister:** I do not recall the Member being that sympathetic when Mr McGimpsey was forced to make decisions like that about the Mid Ulster Hospital

**Mr Wells:** If the honourable Member checks the record, he will see that I fully understood the position that the Minister was in with the Mid Ulster and Whiteabbey. He made it very clear that he did not have the staff. If the staff were not there, not even the most anti-Mr McGimpsey DUP Back-Bencher would criticise him for taking the steps that

he had to take. We are in the same situation. The South Eastern Trust made the only decision that it could. Nobody — not the trust, board, Department or Minister — wants to be in this position. We want to rectify it, and we want to get the doctors that we need.

There are options, such as trying to attract doctors from Europe. I know that at least one professional in south Down is trying to pursue that option. However, there were difficulties with the previous attempt to do that. There were problems with language and experience. However, every effort is being made to resolve this position, and every attempt is being made to ensure that we can rectify it. I think that we all hope that this is temporary.

We have a wonderful new hospital in Downpatrick. It is a fantastic facility, but, unfortunately, since the day and hour that it opened, various forces have acted against it. I want to see that building completely utilised and packed to the rafters with patients enjoying first-rate care. Rather than simply making cheap party political points leading up to 22 May, as many political representatives in Down district are doing, you should understand the facts of what is happening and rally together to help the Department to ensure that we get the staff that we need to keep the hospital up and running.

**Mr Rogers:** Thanks to Chris for securing an Adjournment debate on this topic.

The minor injuries unit was established to lessen the impact of the temporary weekend closure of the emergency department at the Downe Hospital. I would like to stress my admiration for the nurse practitioners who work at that unit. They offer a wealth of skills and experience and, at present, deliver an excellent service to the people of south Down. However, it cannot be ignored that that is no substitute for what is needed in the area: a fully operational accident and emergency unit. Unfortunately, the needs of local communities in south Down are not being met, and we cannot ignore that.

On 11 February, Mr Poots stated:

*The first elements of the provision of health and social care are safety and quality ... If it falls short, it will be a matter of real concern to all of us. — [Official Report, Bound Volume 91, p419, col 2.]*

We are all in this together, and we have been elected by our constituents to voice their concerns and raise the issues that affect them. I have been stopped in the street by a number of constituents regarding the need for A&E at the Downe Hospital. People of all ages have had their safety removed by the Department of Health's decision to close the accident and emergency unit at the Downe. It is in the interests of everyone that A&E is restored.

The BBC 'Spotlight' episode, 'The State of Emergency', shown on 12 February, flagged up too many warnings about the state of our A&E units, once again fuelling the public consensus that there needs to be an operational A&E in Downpatrick to lessen the stress on A&Es in Belfast.

The minor injuries unit came into effect on 1 March, and the service will be evaluated after three months. I speak on behalf of my constituents when I comment that I hope that the evaluation is not three months too late for anyone

who has had to wait an unnecessary length of time on an ambulance trolley or in a hospital bed.

Minister, today's debate could be a rerun of an earlier Adjournment debate, but we need to start doing things differently. The problem has been well articulated: there are not enough middle-grade emergency doctors, and there is no local solution that can remedy that within five years. The solution is that we need to recruit from Europe and further afield. There are suitable doctors out there with the right basic skills that could be enhanced to the required level, but they need training and development to operate effectively.

#### 5.00 pm

There are recruitment businesses that can find suitable doctors abroad, but some exploratory work needs to be done. Precisely how many doctors do we need? What are their training needs? Who will train them? What retention strategies will be employed? What will the costs be? Minister, I urge you to take up the challenge: form a small project team that can carry out the scoping exercise, but, in the process, do not reinvent the wheel. Hand this over to an international medical recruitment specialist — Mr Wells mentioned that we have one in South Down — who can form this team. Scope it out, and I can guarantee you that, in three months' time, he will be back with solutions on your desk.

Minister, the answer to Downe A&E and, indeed, to A&E generally, lies in recruiting the right person in the right way with the right skills and having the processes to develop the team. If we or the trust imagine that only doctors from the UK and Ireland can grasp the role of an A&E doctor, we are deluding ourselves. We should be selling the whole package of living and working in Northern Ireland, in places such as St Patrick's country, with our schools, beautiful countryside and cheaper housing. We should be looking at alternative contracts that meet the needs of our people. We have the opportunity to work with well-trained doctors who may not have the desired UK experience but have the right basic skills and are able and willing to learn and be trained.

You are the Minister. You have said that you want A&E to be restored at the Downe. Minister, you lead from the front: take up my challenge of establishing this little project team, then we will all begin to think differently, and it will be better for us all.

**Mr Nesbitt:** I am grateful to the Member for securing the Adjournment debate. The Downe Hospital is not in my constituency, but many of my constituents use and cherish it and, indeed, are concerned that not all services are available to them 24/7. From the outset, therefore, I reiterate my position and that of my party that we oppose the downscaling of the emergency department, just like that at Lagan Valley.

Of course, it is hoped that the minor injuries unit, which opened at the start of last month, will mitigate the impact. However, the unit will still be open only from 9.00 am to 5.00 pm at weekends. So the point stands that, after 8.00 pm during the week and 5.00 pm at weekends, there is no service, emergency or minor injury. I am not opposed to change across our hospitals. Indeed, when my party held the Ministry, we took some difficult decisions. We

completed the review of public administration. However, in these circumstances, we simply disagree.

The trust said that it was experiencing difficulties in maintaining sufficient medical staffing in the unit, but what efforts were really being made to sustain the existing services? I know that, when the trust is challenged, you get an almost stock response, "The trust continues in its efforts to recruit middle-grade doctors for the emergency departments in both Downe and Lagan Valley Hospitals". What does that mean? How many middle-grade doctors have now been identified and directed to those hospitals for employment? If doctors feel that working in emergency departments is not for them, as Mr Wells articulated, what is being done not only to rectify that but to retain, retrain and upskill nurses to fill the void?

I am sure that the Minister, in his remarks, will express his concerns about the reductions in the Downe and tell us that he hopes that they will be only temporary. However, let us look briefly at what happened in Lagan Valley Hospital, when emergency services there were first reduced to daytime and weekends in summer 2011. At the time, staffing concerns were given, and we were again assured by the Minister that the decision was only temporary. Nevertheless, and despite his public statements at the time, the opposite has happened, with the services being further reduced at the end of last year.

I have every confidence in the staff working in the minor injuries unit at the Downe. I am sure that they are doing their utmost to make it safe and to offer an efficient system, but I am also sure that even they would say that it still falls some way short of the previous full emergency service.

I note that the current system has been referred to as a "pilot". Again, I question the longevity of the new unit, because, if the trust and the Minister were really trying to restore a full service, the question is: why would a pilot really be necessary? Nevertheless, I hope that any issues that have been identified in the first nine weeks of the unit are being addressed.

I have been told previously that, following the downscaling of services and with the introduction of this minor injuries unit, the Downe Hospital will be linked more closely with the Ulster Hospital. The reduction in services was, conveniently for the Minister, announced in the mouth of Christmas and implemented days after new year, and it will have already placed greater pressures on the Ulster.

Let us not forget that the A&E department in that hospital was already under great strain. Although, fortunately, it appears to be coping slightly better than the Royal, I know, through talking to people in the hospital, that the pressure is immense. Indeed, the most recent report on waiting times, published only last Thursday, states that only 69% of patients attending it are being treated and discharged or admitted within the four-hour target. Of course, the Minister does not need to be reminded that the target is 95% not 69%. Were he in England, no doubt he would long ago have been hounded out of office.

**Mr Hazzard:** I thank the Member for giving way. Does he agree that recent comments from a DUP councillor at a public meeting were unwelcome? That councillor, Billy Walker, asked for the closure of Lagan Valley to support the Downe Hospital. Does the Member agree that the future of the Downe Hospital and Lagan Valley Hospital is important to everyone in the community?

**Mr Nesbitt:** I thank the Member for his intervention. I was going to ask the Minister to address that point, because, at that public meeting that Mr Hazzard and I attended, Councillor Walker of the DUP called for the full closure of the Lagan Valley emergency department and the transfer of those resources to the Downe Hospital. Perhaps the Minister will clarify whether that is indeed a policy.

I have every confidence in the nurse practitioners working in the minor injuries unit, but I am concerned that there could be delays when it comes to their needing to confer with a doctor at the Ulster. People across south County Down deserve some honesty in this matter. That has been lacking for too long. Is it the Minister's preference and his expectation that the full emergency services will be reinstated at the Downe, or does he believe that the minor injuries unit is now a permanent step? What has really been happening over recent months in the recruitment of the required medical staff for the Downe? Specifically, how many doctors have been identified, how many contracts have been signed, and when does he believe there will be the necessary complement of staff in order to allow it to re-open?

At another public meeting in Newtownards recently on the future of the Ulster Hospital, an experienced consultant made a compelling case with the argument that, if you reduce the offer in one area of a hospital, such as the emergency department, it will impact negatively on the whole, on the services and the willingness of specialists and professionals to serve. I look forward to hearing the Minister's vision for the future.

**Ms Ruane:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas le Chris as an díospóireacht seo a thabhairt go dtí an Teach. I thank Chris for bringing the debate to the Floor of the Assembly and for his sterling work in support of the Downe Hospital. I join Chris in recording our support for A&E in Lagan Valley.

We have seen a litany of cases where there has been no support for the Downe Hospital. We hear the excuses and we see the wringing of hands about there not being enough doctors or people attending when we know that one reason why is because of memorandums that were put in place about ambulances and various A&E departments in Belfast.

There have been ongoing changes to emergency care at the Downe Hospital without public consultation. There was no equality impact assessment and there was a complete and utter failure to plan for the future. We heard Mr Wells talk of the failure to recruit sufficient doctors, and, yes, Minister, you have failed to recruit doctors. You have failed. You can dress it up and you can pretend that somehow we cannot get doctors, but you are the boss. You are in charge. Can you imagine John O'Dowd or I when I was in Education not being able to recruit principals?

For young people, places to study medicine are rarer than hen's teeth. Young people want to go into medicine: what has the Minister done about that? If we do not have enough doctors, if he cannot get doctors, why does he not do something about the thousands of young people across this island who are doing aptitude tests and studying day and night so that they can enter medicine?

Our doctors and consultants are paid good money, and that is fine, but the Minister's job is to ensure that their contracts are such that they have to work in various

hospitals. It is not good enough that doctors can say that they will work here but will not work there. It is the Minister's job to ensure that the system works, and, frankly, Minister, this is not working under your watch.

Mr Wells talks about Roscommon. I know all about Roscommon; I grew up in the neighbouring county. I will be driving there this weekend, and I will see the critique of Fine Gael for closing an A&E in Roscommon on the billboards and posters, because its arguments are the exact same arguments. There has been a failure by government to deliver in the way that it should have delivered.

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

**Ms Ruane:** Mr Wells had his time, so, maybe he will do me the dignity of listening to me.

So, you have a job of work to do. You need to do it. The Minister has over half the entire Executive Budget, but what is he doing? He is squandering it on unnecessary court cases. We had a debate about equality earlier. He is squandering it. He has no money for x, y and z, yet he has money to fight discriminatory court cases. This is not leadership. We are going from crisis to crisis, and there is a failure of leadership by this Minister. Really, he needs to take control, but he should not be taking control at the expense of the people in Down. That hospital was built because of a Sinn Féin Minister, and it was approved because of a Sinn Féin Minister, Bairbre de Brún, who stepped up to the plate. The people of Down are being failed by this current Minister, and it is not good enough.

I call on the Minister to reverse the decisions, because we do not want a minor injuries unit. The people of Downpatrick and the Down area want a fully functioning hospital with a 24-hour, seven-days-a-week A&E department. That is what is wanted in County Down. What you are doing is creating logjams in hospitals as you move in towards Belfast. You are creating difficulties; you are not just failing the people of County Down but the people of County Antrim, because the A&Es are clogged up. We have seen the fiasco of what has happened recently in those hospitals. I want to put on record my commendation of the staff and the wonderful work that they do; this is not their fault. This is a failure of leadership by this Minister.

**Mr McKinney:** I welcome the opportunity to take part in this debate, and I thank Mr Hazzard for bringing it to the House. The SDLP's South Down representatives have been vocal on this issue for some time, joining in with and leading a political and public chorus for action.

I listened with interest to Mr Wells, if you like, diagnosing the whole situation. For months now, we have been saying that the issue needs to be resolved by, first, diagnosing the problem. Mr Wells gave us a range of problems. He said that there are three big ones linked to others as well, creating what he described as the perfect storm. There is the fact that 50 qualified doctors leave in a year. There is the feminisation, he said, of the health service, and the fact that A&E cover is unattractive and beleaguered with constant and ongoing alcohol-riddled problems. Then there are the additional issues of locums not being available and the issue of one particular member of staff. Apart from that one last issue, what links them all? I will tell you: they are all long-term problems that nothing was being done about.

So, Mr Wells, I thank you at last, from a DUP perspective, for giving us some picture of what is in your mind and how you analysed what the problems were, but what happened? Did the Department or the trust do anything about these long-term problems? They did not. They pitched up shortly before Christmas and shut the unit down.

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

**Mr McKinney:** Of course.

**5.15 pm**

**Mr Wells:** Is it not unusual that Dr Reilly in the Irish Republic, 153 other health trusts in the rest of the United Kingdom, and most of western Europe, are facing exactly the same perfect storm and exactly the same problems? Why is he pointing the finger of blame at this Department when this is universal throughout most of western Europe?

**Mr McKinney:** Because, at the start, we said that a lot of this erupted in what happened at the Royal A&E and said that these things were linked. We were told then, directly by the Minister — I will not quote precisely, but the indications were — that there was not a problem. This was a specific thing; it was a one-off. You have managed to tell us that there is a whole long tale, going right back. We thank you for that revelation.

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

**Mr McKinney:** I will.

**Mr Hazzard:** Of course, as Mr Wells points out, the hospitals in the South are doing something about it. I mentioned that 40 Romanian doctors have just been employed on a full-time permanent basis in Drogheda and Roscommon. If they are good enough for Roscommon and Drogheda, surely they are good enough for Downpatrick.

**Mr McKinney:** I am not sure whether it was in answer to you specifically, but I know that there was reference some months back to how some of these questions would be resolved in that context. I would like to know whether anything has been done about that. I am sure that the Minister will be able to inform us.

The issue is also about public confidence. Downe Hospital is an excellent facility with excellent staff. However, when an A&E unit has its services restricted in this way, it undermines confidence. It no longer becomes a tangible front door for services. The erosion of services at Downe is regrettable, and the introduction of a nurse-led unit, although welcome in the short term, will not answer all the problems. The Minister has admitted that because, on the day when he was presented with the 20,000 signatures, he explained that he would like to see different answers. At the time, he said that it was the wrong decision, just as, ultimately, he said the Northern Trust's shutting of nursing homes was wrong.

What we are saying is that there needs to be more strategic thinking around all these problems. I am delighted that the Member for South Down is able to bring some knowledge that at least there has been thinking around this and some analysis of what the problem is. However, we need longer-term strategic thinking at departmental and ministerial level to resolve these particular problems.

We have seen, for example, how stripping services from a hospital becomes a slippery slope, and we have seen it in Omagh. We have to hope that what happened there in the removal of services does not ultimately happen in Downe. I commend the work of the Down Community Health Committee, which has been so proactive in lobbying for the full restoration of A&E services at Downe Hospital. The will is there; the strategy is not.

**Mr McCallister:** I am grateful to Mr Hazzard for securing this Adjournment debate. I want to pick up on many of the points that have been made. Like colleagues from across the constituency, I have been involved in this campaign since I was elected to the Assembly in 2007— not only fighting to secure the hospital, but in the constant battle about what services are going to be in that hospital, and about keeping them there. I am hearing today from both Mr McKinney and Mr Nesbitt a warning on the dangers, when you start to strip those services out, about what is left. I very much concur and agree with the point that Mr McKinney made: once you take away certain services, there is an element of draining the confidence from that hospital. Mr Nesbitt said that it can almost become a self-fulfilling prophecy.

Once you take away certain services from that hospital, you change its very nature. You change what it was meant to be, which was an enhanced local hospital, move it away from that status and downgrade it. Ever since, literally, the day and hour it opened, the battle has been about maintaining services at the hospital. One of the biggest disappointments for me is that, nearly three years ago, there was a great debate about changing from a consultant-led A&E department and moving to a GP-led model. That was supposed to take the Downe Hospital off the radar in some of the cases in A&E. That would have safeguarded Downe, even throughout the whole Transforming your Care debate and the Minister's target of reducing the number of A&Es across Northern Ireland.

This was taking the Downe Hospital off the radar; it would secure it. That almost goes to the heart of why people across Down district, the South Down constituency, and, indeed, parts of the Strangford constituency, have lost confidence in the Minister and in the trust. They have lost confidence because they keep getting told: "It is a pilot scheme"; "It is temporary"; "This will not happen"; "We are just trying this"; and "If this is successful, it is going to secure it for the long term." We heard that and, two or three years on, we are back having the same debate again. They are back saying, "We cannot maintain it the way it is and we are going to downgrade it. We are going to close it at this part of the day and open it at that." There is no confidence left and that is the key problem.

Look at the location of the hospital. It is in a rural district, as colleagues have said, with no dual carriageway, motorway or prospect of a quick drive to Belfast. Journey times from places like Killough or Ardglass to Belfast can be pretty slow, even at off-peak times of the day.

I would welcome the Minister's comments on this question: what contact has he had with the ambulance trust? What reassurances can it give to people across the South Down constituency about ambulance response times, ambulance availability and the danger of ambulances being tied up on longer, slower journeys to Belfast hospitals? That is becoming a real concern to me and other colleagues elected to here because, once you start to chip away and

erode that confidence, people start to query the knock-on effect on services.

Look at the demographics of employment: two of the largest industries in south Down are fishing and farming. Can the Minister name two more dangerous professions? I know that he, like me, has a good knowledge of farming and is acutely aware of the dangers in agriculture. That is why it is imperative that we maintain services at the Downe Hospital.

Let me pick up on some of what Mr Wells said about the shortage of doctors. I, too, accept that there is a problem there; but, next month, this Minister will have been in post for three years. Are we any further on in developing proper workforce planning or in recruiting and retaining doctors? Are we any further on in looking at how we should rotate doctors and make sure that they keep up their skills?

A great argument for smaller hospitals is that you can keep up the doctors' skill sets by rotating them around different parts of the hospital. Can we even rotate doctors between trusts? Can we look at all the options to make this work and give people the confidence to buy into some of the changes? Quite frankly, confidence in the Minister and in the trust is at an all-time low. People are just not buying into it. We need to find out how we are going to address those problems.

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

**Mr McCallister:** How are we going to get on top of those issues and actually solve this problem, once and for all, not just for the Downe but for Lagan Valley Hospital as well? I dare say that the Minister has a very keen interest in preserving that hospital. However, we need to do this across Northern Ireland.

**Mr Poots (The Minister of Health, Social Services and Public Safety):** The temporary reduction in the opening hours of the emergency department at the Downe Hospital was the subject of an previous Adjournment debate on 14 January. I also made a written statement to the Assembly on 18 March, providing an update on the progress of actions in relation to emergency departments in Northern Ireland. That statement includes details of the steps I have taken to manage the consequences of the temporary changes in the Downe and Lagan Valley hospitals, and the measures put in place by Health and Social Care to reduce the impact of the changes on neighbouring hospitals.

I have already told the House of my deep disappointment at the South Eastern Trust's decision to reduce the opening hours, but on examination of the facts, I accepted that, in the circumstances, there was no other option. Given the debate in January and my statement last month, the circumstances that led to the South Eastern Trust's decision and the action that has been taken since then have been made clear.

It was not down to money, as Mr Hazzard or Mr Rogers would have you believe, and it was not down to policy. Let us get the facts out and not try to mislead or deceive people. The fundamental reason that led to the South Eastern Trust's decision is that the trust was unable to recruit middle-grade doctors in emergency medicine or to source enough locums to sustain the rota. Therefore, the safety of the people in south Down would have been compromised. That is the reason — no other.

In view of this —

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

**Mr Poots:** In view of this, and in the interests of ensuring patient safety, the trust had no alternative but to take action to manage that risk.

A recruitment drive in January by the South Eastern Trust for emergency department staff for all its hospitals attracted applications from consultants and emergency nurse practitioners but none for the middle-grade doctor posts that were needed for the Downe Hospital. The shortage of emergency medicine doctors is a regional one, not a local one. There is no quick fix for the shortage of those key medical staff. However, I have taken a number of steps, which I will say a bit more about later. Perhaps I might cover in that what Mr McKinney wants to ask about.

I referred to contingency arrangements being put in place to reduce the impact of the temporary changes on neighbouring emergency departments. It is equally important that steps are taken to minimise the impact on local people. Local arrangements were, therefore, put in place to minimise disruption to patients. For example, there were GP direct admissions to the Downe and Lagan Valley hospitals, thus avoiding the need for some patients — indeed, quite a lot of patients — to go to an emergency department. There was also early repatriation of patients from other hospitals to the Downe and Lagan Valley hospitals. Additional ambulance provision — I hope that Mr McCallister is listening — was also put in place to improve emergency responses for life-threatening and critical cases. He can update himself with the Ambulance Service, which will be very accommodating at any time.

Another measure concerns the topic of this debate. That is the weekend minor injury service, which was introduced at the Downe Hospital from 1 March. No one is suggesting that the minor injury service at the Downe Hospital can replace an emergency department service. It is, by definition, a service that treats minor injuries and, therefore, cannot treat people suffering from serious injuries or critical illness. The South Eastern Trust has made it clear that the service has been introduced to help to mitigate the impact that the temporary weekend closure has had on local people. It is not providing a substitute for it.

It is an excellent service. I know that Mr Nesbitt made it clear that he did not want it, but it is an excellent service. Minor injury units play an important role in urgent and unscheduled care services, treating people with a variety of injuries that are not major or life-threatening. They are typically staffed by emergency nurse practitioners, who are experienced nurses with specialist training and experience that allow them to work independently to treat minor traumas.

There are seven minor injury units across Northern Ireland, excluding the weekend service at the Downe. They are particularly valuable in rural areas, where people might otherwise have to travel a considerable distance to an acute hospital emergency department. Examples are the Tyrone County Hospital's urgent care and treatment centre in Omagh and South Tyrone Hospital's minor injury unit in Dungannon.

In 2012-13, there were 83,000 attendances at minor injury units, representing 11.7% of all emergency care attendances. Almost 100% of patients who attended minor injury units were treated within four hours of arrival.

The minor injury service at the Downe has proved effective in its first month. In March, there were 210 new attendances. That represents 210 people who did not have to travel to one of the neighbouring emergency departments or wait until the Downe emergency department opened on Monday morning. On average, there were 44 attendances each weekend in March, compared with 100 attendances when the emergency department was open at weekends.

So, I am sure that those 44 people each weekend were glad of the service, even if Mr Nesbitt did not want it.

### 5.30 pm

The opening hours of the minor injuries service in the Downe Hospital are based on the hours during which the majority of minor injury-type patients attended the emergency department when it was open at the weekends. Collected evidence suggests that the majority of patients attend during the daytime on Saturday and Sunday, with the majority of attendances relating to sports-related injuries, particularly on Saturday and Sunday afternoons. Combine that with the enhanced arrangements for direct GP admissions when the emergency department is closed, which, on average, is around eight each weekend, and we can see that a substantial amount of emergency care activity is being retained in the Downe. The South Eastern Trust has indicated that the level of attendances is just under 80% of the volume before the temporary change.

It is important to recognise that this is about the people of Down, first and foremost, and almost 80% of the people are availing themselves of the service that is available to them in a satisfactory manner. That was important because I asked the trust to take interim measures while it sought to obtain more doctors, and a very clear effort has been made to deal with that.

Demand for emergency services tends to fluctuate, so monthly figures must, therefore, be used with caution. However, there were 1,467 attendances at the Downe Hospital emergency department in March 2014 compared with 1,675 in March 2013. That represents 200 fewer patients.

While I welcome the development, I continue to stand by my comments made during the debate on 14 January, when I said that I certainly want to have the best possible care available right across Northern Ireland, including for people who are living in the south Down area and those who are cared for in the Downe Hospital. I was deeply and profoundly disappointed when I received the news that there was a proposal to close the facility at weekends. That was not something that I supported, and I have made that very clear to the trust's chiefs. It is, therefore, something that I wish that they would turn around, and I have made it very clear to them that I have an expectation that they will turn it around.

The weekend minor injuries service is not a substitute for the emergency department, and I have asked that fresh efforts are made to secure medical staff for the site. I understand that the South Eastern Trust intends to advertise again in the near future and that it is also continuing to work with recruitment agencies, and I recognise that increasing the number of emergency medicine doctors cannot be left solely to individual trusts. It requires a regional and national approach.

I have engaged with the College of Emergency Medicine to explore options to improve emergency medicine as a career choice. I have also met the British Medical Association to consider solutions to current medical staffing issues in emergency medicine. I have also corresponded with the Secretary of State for Northern Ireland and the Home Secretary on the impact of the delays in progressing immigration relating to international recruitment, because, in many instances, we have identified doctors who want to come to work here, but by the time the immigration process is completed, the vast majority will have found jobs and gone elsewhere.

Locally, my Department will be carrying out workforce planning activity at all levels for the medical workforce, including undergraduate intake levels. Specialties where there are currently shortages, such as emergency medicine, are being given priority. Negotiations are also under way nationally to agree a new junior doctor contract and a consultant contract. That is unlikely to solve the medical staffing issues in the emergency department, as the Downe relies on experienced middle-grade doctors, but it is essential that we work to ensure that, in the future, we have an appropriate level of emergency doctors at all levels.

I know that some people fear that changes to the emergency department might lead to the downgrading of the Downe Hospital. That is absolutely not my intention. The Downe Hospital is a prime example of how an enhanced local hospital can operate at the centre of a network of secondary, primary and community services. The Downe Hospital has links with specialist acute services in the Ulster Hospital and with primary and community care services in the Down area. It houses GP out of hours —

**Mr Deputy Speaker:** Will the Minister bring his remarks to a close?

**Mr Poots:** Apologies, Mr Deputy Speaker — GP practices and community health. It is looking at new ways of working in line with Transforming Your Care, which envisages closer working relationships with secondary care.

As I said before, I do not want a reduction in emergency services at the Downe Hospital, and we will do what we can to recruit further doctors to ensure that we can provide the service that the people in Down want.

*Adjourned at 5.35 pm.*



# Written Ministerial Statements

The content of this written ministerial statement is as received at the time from the Minister. It has not been subject to the official reporting (Hansard) process.



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# Written Ministerial Statements

The content of this ministerial statement is as received at the time from the Minister. It has not been subject to the Official Report (Hansard) process.

## Environment

### PPS 23 — Enabling Development for the Conservation of Significant Places

*Published at 12.00 noon on Monday 14 April 2014.*

**Mr Durkan (The Minister of the Environment):** I am pleased to inform Assembly members that the Executive, at its meeting on 7 April 2014, agreed Planning Policy Statement (PPS) 23 'Enabling Development for the Conservation of Significant Places', which I am now publishing today.

PPS23 provides planning policy for proposals for 'Enabling Development'. This is development necessary in order to secure the long-term future of a significant place, which includes all parts of the historic environment of heritage value including scheduled monuments, archaeological remains, historic buildings (both statutorily listed or of more local significance) together with any historically related contents, industrial heritage, conservation areas and historic parks, gardens and demesnes.

Northern Ireland is blessed with a wealth of significant places, be these historic buildings, parks or gardens; scheduled monuments, or reminders of our rich industrial heritage. The cost of maintaining or renovating these places can be prohibitive and frequently exceeds the value to the owner or the market value following renovation. Funding for the conservation and upkeep of these important places is therefore difficult to secure from traditional sources. As a result, many of these important places are left to deteriorate and ultimately may be lost forever.

Enabling Development can therefore provide an important source of funds to make good this 'conservation deficit' and ensure that these important places are secured for future generations. PPS23 provides policy and guidance which will create additional certainty for developers, planners and other stakeholders to understand when enabling development proposals are acceptable to safeguard the future of heritage assets.

The final policy has been revised following consultation on Draft PPS23, which was first published in January 2011. There were a total of 62 responses to the public consultation.

When published in draft form PPS23 made provision for a wide range of development types that could be considered to benefit through proposals for 'Enabling Development'. These included schemes for the provision of educational, community and leisure facilities, including social and health infrastructure. This went much further than the established

use of Enabling Development in other jurisdictions, namely to finance the conservation deficit in relation to proposals to secure the upkeep of a significant place.

A wide variety of detailed comments were received to the public consultation but the key issue to emerge was opposition to applying the principle of Enabling Development beyond places of heritage value. The opinion was expressed that Enabling Development should only apply to proposals to conserve significant places of heritage value in the public interest.

I have taken on board these comments in the finalised policy which now relates Enabling Development solely to schemes for the conservation of significant places of heritage value. This is in line with planning practice elsewhere in the UK and Ireland.

In line with the RDS, PPS23 enables developers to present proposals, which meet their entrepreneurial objectives and at the same time delivers wider public benefits by ensuring the future of Northern Ireland's significant heritage sites. It will create clarity for all those involved in the process to understand when proposals might be considered acceptable and indeed how they will be assessed when a planning application is submitted. The Department of Regional Development have advised that PPS23 is in general conformity with the Regional Development Strategy.

Under PPS23 proposals for Enabling Development can be permitted even when there is divergence from other planning policies, provided it is demonstrated that they are necessary to secure the long-term future of a significant place in the public interest. Whilst the policy allows for enabling developments that are contrary to established planning policy, it contains the safeguards that the enabling development does not harm the heritage values of the significant place or its setting and that it does not result in detrimental fragmentation of the management of the significant place.

The finalised version of PPS23 contains one operational planning policy – Policy ED1 'Enabling Development' – which sets out the criteria that proposals for enabling development will have to meet if they are to be considered acceptable. Under the policy proposals for the re-use, restoration and refurbishment of significant places will be permitted only where it can be demonstrated by the applicant, in the submission of a Statement of Justification to accompany an application for planning permission, that all of the following criteria are met:

- a) the significant place to be subsidised by the proposed enabling development will bring significant long-term benefits according to its scale and location;

- b) the conservation of the significant place would otherwise be either operationally or financially unviable;
- c) the impact of the enabling development is precisely defined at the outset;
- d) the scale of the proposed enabling development does not exceed what is necessary to support the conservation of the significant place;
- e) sufficient subsidy is not available from any other source;
- f) the public benefit decisively outweighs the disbenefits of departing from other planning policies;
- g) it will not materially harm the heritage values of the significant place or its setting;
- h) it avoids detrimental fragmentation of the management of the significant place;
- i) it will secure the long term future of the significant place and, where applicable, its continued use for a sympathetic purpose; and
- j) it is necessary to resolve problems arising from the inherent needs of the heritage asset, rather than circumstances of the present owner, or the purchase price paid.

The Best Practice Guidance 'Assessing Enabling Development' accompanying the PPS will also be taken into account in considering proposals.

I believe that PPS23 will make a real difference to how we secure the future our historic cultural heritage. Its publication represents my Department's continuing commitment to preserving and enhancing the Region's rich past so that it can continue to enrich the lives of this and future generations.

# Committee Stages



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# Northern Ireland Assembly

Committee for Justice

3 April 2014

## Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill [NIA 26/11-15]

### Members present for all or part of the proceedings:

Mr Paul Givan (Chairperson)  
Mr Raymond McCartney (Deputy Chairperson)  
Mr Stewart Dickson  
Mr Tom Elliott  
Mr William Humphrey  
Mr Seán Lynch  
Mr Alban Maginness  
Ms Rosaleen McCorley  
Mr Jim Wells

**The Chairperson:** I will take members through the Bill clause by clause. We have had two weeks in which we have had some discussions about it. This is the third week, and we will put most of the clauses formally to members, then, on Tuesday, we will put the remaining clauses formally to members. Hopefully, the papers have highlighted in advance of this meeting the ones that we need to formally agree or disagree. I will take you through each clause, and we can have discussions on them.

**Mr A Maginness:** What document are we working from?

**The Chairperson:** There is a tabled pack, commencing at page 13. You will see the Clerk's memo on page 13, and page 15 starts with clause 1. That is what I will be going through.

**Mr A Maginness:** Thank you, Chair.

### **Clause 1 (Definition of human trafficking and slavery offences)**

**The Chairperson:** The Committee agreed that it was content with clause 1 as drafted at this stage. However, depending on the results of the Department of Justice's consultation on its proposals to simplify and consolidate the legislative framework around human trafficking and slavery offences, some changes may be required. They will all be very technical in nature; therefore, we agreed that we were content to go with clause 1.

*Question, That the Committee is content with the clause, put and agreed to.*

**Mr Elliott:** Chair, can I just make a point at the start? I have not been here for the last two weeks — my apologies for that; I had apologies in for both. I am happy in principle to accept the Bill as it is going through. However, we reserve our judgement to make amendments, as any party does, at a later stage or to oppose something. There are

a couple of clauses that I have specific issues with, and I have raised some of them here in Committee, but that will be for a later stage. I am content at this stage.

**Mr A Maginness:** On a point of order, Chair. When we express that we are content with clauses, we are not saying in absolute terms that we agree with every dot and comma in the clause.

**The Chairperson:** No. I think that is standard for Committee consideration. From a Committee point of view, at this stage of a Bill, we have to agree or disagree with each clause, but we can also put commentary around the clause. Then, as Chair of the Committee, I can reflect where there has been discussion and where members have some issues. It would be useful if members would indicate — some have done so already — where their current thinking is on the clauses. That will obviously go into the Committee report, but that does not preclude parties putting down further amendments. Indeed, the Department and Lord Morrow have not been able to provide us with the final amendments to the Bill, so they will have to do it as well.

### **Clause 2 (Consent irrelevant for victim of human trafficking or slavery offences)**

**The Chairperson:** The Committee agreed that it was content with clause 2 as amended by Lord Morrow to make it clear that consent is irrelevant. Members also noted that a consequential amendment may be needed to the clause if proposed clause 2(2) of the Modern Slavery Bill is enacted in a similar way in Northern Ireland following the Department of Justice's consultation. The Question will be put on the clause as amended by Lord Morrow, and the text of the report will reflect the context of the Committee's position.

Is the Committee content with Lord Morrow's proposed amendment?

*Members indicated assent.*

*Question, That the Committee is content with the clause, subject to the proposed amendment, put and agreed to.*

### **Clause 3 (Aggravating factors)**

**The Chairperson:** The Committee has agreed that it is content with clause 3 as amended by Lord Morrow and the Department of Justice. The Committee noted that the Department was still looking at the definition of

“vulnerable adult”. The Department is seeking to agree two further amendments with Lord Morrow and has indicated that it should be able to give us those for Tuesday’s meeting. I know that members had indicated that we were content with the direction of travel, but, for the sake of completeness, if we can get the exact wording of the amendments, that is better. So, clause 3 will be formally put at Tuesday’s meeting.

**Clause 4 (Minimum sentence for human trafficking and slavery offences)**

**The Chairperson:** Last week, the Committee considered advice provided by the Bill Office on the amendments proposed to clause 4(2) by Lord Morrow and the Attorney General. That indicated that the amendments have the same objective, which is to avoid a suspended sentence being imposed under clause 4. In the Committee’s deliberations, we erred towards Lord Morrow’s amendment, which is what the Bill Office indicated was the most appropriate to use. The Question on clause 4 will be formally put on Tuesday. Previously, some members had indicated some concern about the general concept of a minimum sentence in legislation. Other members indicated that they did not have a difficulty with that, and some members indicated that they felt that the exceptionality element to the amendment meant that it was not a minimum sentence because there was an exceptional clause to it. At the moment, that has been the general conversation around this clause. I am happy for some members to comment on it, and we will formally deal with it on Tuesday.

**Mr Elliott:** Obviously, the Department raised the issue of the minimum sentence. Are there ongoing discussions with the Department and Lord Morrow on the clause? I am not sure whether you highlighted that? Are those discussions exhausted?

**The Chairperson:** My understanding is that those are exhausted and that the Department will oppose clause 4 because of the view around the minimum sentence concept. Lord Morrow indicated that he had had discussions with the Attorney General and that the exceptional element meant that it was not a blanket minimum sentence and there could be exceptionality to it. Therefore, Lord Morrow has put it forward that this is not a blanket minimum sentence, and that has been the discussion.

**Mr McCartney:** I think that you have summed it up. Our position is in and around the concept of minimum sentences, but we are willing to listen to how people explain exceptionality, where the onus lies and what the latitude is for a presiding judge.

**Mr A Maginness:** To reiterate what I have said on previous occasions, I believe that there should be judicial discretion. This narrows the judicial discretion to some extent but does not exclude it with the exceptionality clause.

**The Chairperson:** OK. We will put the Question on the clause formally on Tuesday.

**Mr Elliott:** Chair, can I ask for clarification?

**The Chairperson:** Yes.

**Mr Elliott:** The print in red in the papers: what is that?

**The Chairperson:** The papers highlight the clause as originally conceived in black, and the amendments are in red.

**Mr Elliott:** Those could be the Department’s amendments, the Committee’s amendments or Lord Morrow’s amendments.

**The Committee Clerk:** It should say on it.

**The Chairperson:** If you look at, for example, clause 3, which we were discussing and is on page 23, you will see at the bottom, immediately after the writing in red, “Clause 3 - Aggravating factors” and “Lord Morrow’s proposed amendments”. That gives you the exact wording, which is then translated above into the Bill. You have the line going through what was originally there.

**Mr Dickson:** Chair, are those the accepted changes?

**The Committee Clerk:** No.

**The Chairperson:** They are the proposed amendments.

**Mr Elliott:** Sorry, Chair, I follow. That gives clarification. Thanks.

**The Committee Clerk:** It is just trying to let you see how the new clause would look.

**Mr Dickson:** I see.

**Clause 5 (Amendments to the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004)**

**The Chairperson:** The Committee agreed that it was content with clause 5 as drafted, recognising that, subject to the results of the Department of Justice’s consultation on a proposal for a new consolidated offence of human trafficking, which would result in the repeal of section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, clause 5 could become redundant. Members also noted that, if clause 5 remains, technical amendments would be necessary. So, the Committee previously agreed that it was content with this.

*Question, That the Committee is content with the clause, put and agreed to.*

**Clause 6 (Paying for sexual services of a person)**

**The Chairperson:** As agreed at last week’s meeting, clarification was sought from Lord Morrow on his thinking about his amendments to change the word “person” to “prostitute” and whether that remains his position in light of the Attorney General’s letter, which indicated that, in his view, using the word “prostitute” goes further than is necessary to limit the scope of clause 6 and will create a hurdle to prosecution that could be avoided. Clarification was also sought from Lord Morrow on whether he will carry out an equality impact assessment on the Bill.

We await a formal response from Lord Morrow on that. I had some informal conversations with him, and he has indicated that he has engaged with the Attorney General and is moving towards leaving it as “person”. However, he has not reached a final view. I hope that, by Tuesday, we will be clear on the “person” or “prostitute” argument and that the formal Question can be put.

The current position of the parties that I am aware of is as follows: my party indicated its support for clause 6, and we have raised the issue of the use of “person” or “prostitute”

and are still trying to bottom that out; Mr Dickson indicated that his party had not yet reached a definitive view on clause 6; Mr Maginness indicated that his party was content to support it; and Mr McCartney had indicated that Sinn Féin had not reached a definitive view on it. That is my understanding of where we are at. Is anyone able to elaborate at this point? Do anyone wish to elaborate?

**Mr A Maginness:** The PPS gave evidence to the Committee. I have not checked the transcript of their evidence, but I thought that they supported the idea of using the term “prostitute” rather than “person”. I think that that was their position.

**The Chairperson:** That was why Lord Morrow proposed the amendments. My understanding from speaking to Lord Morrow is that the amendments were proposed partly to try to deal with the unintended consequences of telephone conversations, webcams and things like that, which were not in the design of the clause but would be captured by it. The PPS raised that as a concern. Lord Morrow is trying to see whether keeping the word “person” but amending the clause as the Attorney General suggested would work. It would mean that the clause was focused only on the real reason behind it and would not capture lap dancing, telephone services and those aspects. Hopefully, on Tuesday, we will be clearer on the issue of the use of “person” or “prostitute”, but we will have to formally consider it then.

**Mr Elliott:** I just want to say that we reserve our position on clause 6 at the moment. We will take a definitive decision in the near future.

**The Chairperson:** Then, on Tuesday I will put the formal Question on the matter.

#### **Clause 7 (Requirements and resources for investigation or prosecution)**

**The Chairperson:** The Committee agreed that it was content with clause 7 as amended by the Department of Justice to remove subsection (1) and cover training in clause 15, thus omitting unnecessary words in clause 7(2). Is the Committee content with the Department of Justice's proposed amendments?

*Members indicated assent.*

*Question, That the Committee is content with the clause, subject to the proposed amendments, put and agreed to.*

#### **Clause 8 (Non prosecution of victims of trafficking in human beings)**

**The Chairperson:** Clause 8 may not be necessary if assurances given by the PPS in relation to its prosecutorial guidance, which deals with human trafficking cases, address Lord Morrow's concern on the non-prosecution of victims of trafficking in human beings. Lord Morrow also indicated that he was awaiting recommendations from the Joint Committee in Westminster that is considering the question of how the non-prosecution of victims should be dealt with as part of its scrutiny of the draft Modern Slavery Bill.

We agreed to give further consideration to whether we support the principles underlying clause 8 as outlined by Lord Morrow in his letter. My sense of where the Committee was going with this was that, while disagreeing with the clause, it was supportive of the principles behind it. So, we would formally disagree with the clause but

support the principles, which would allow us to withhold judgement pending the outcome of the work of the Joint Committee at Westminster. However, for the purposes of next Tuesday, we need to agree a position, but that was my sense of where we were going.

**Mr Elliott:** I have always had problems with clause 8; it has exercised my mind probably more than clause 6. I understand the reasoning and the sentiments behind it. Again, I can accept the principle; it is just the specifics that I do not agree with. There are probably mechanisms and ways to deal with that. I spoke to CARE on the matter, and they gave advice to Lord Morrow on it in some depth. CARE anticipates significant amendments to it or maybe its removal.

**Mr A Maginness:** The PPS had concerns about clause 8 but gave a reassurance, I thought, at the time, that the prosecutorial code would meet the ostensible objective of clause 8 as outlined by Lord Morrow, so I think that the necessity for the clause is probably in doubt. If Lord Morrow is reassured, this clause will not go forward.

**The Chairperson:** OK. We will prepare the formal Question on the basis of that position, which is that we can formally disagree with the clause but support the principles behind it, with a further caveat that it does not preclude anyone from doing something if they do not feel that the other avenues that Lord Morrow is awaiting bear fruit. For the purposes of next Tuesday, we will prepare a Question on that basis.

#### **Clause 9 (Victim of trafficking in human beings)**

**The Chairperson:** The Committee agreed that it is content with clause 9 as amended by Lord Morrow, subject to the Department of Justice's proposed amendments to clarify definitions of victims of human trafficking in relation to the distinct roles and responsibilities of the DOJ and the Department of Health in providing support to victims and potential victims of human trafficking. The definitions are connected to the proposed amendments to clause 10. The wording will not be available before the end of Committee Stage. Nevertheless, the Committee was of the view that the amendments were technical and was content to support the clause.

Is the Committee content with Lord Morrow's proposed amendments?

*Members indicated assent.*

*Question, That the Committee is content with the clause, subject to the proposed amendments, put and agreed to.*

#### **Clause 10 (Requirements for assistance and support)**

**The Chairperson:** The Committee has agreed that it is content with clause 10 subject to the Department of Justice and the Department of Health's proposed amendments, which, again, set out the respective functions and responsibilities of each Department in relation to the assistance and support to be provided to victims of human trafficking. Officials indicated that the wording of the amendments will not be available for consideration before the end of Committee Stage. That is the argument that was used for the previous clause. The amendments are technical, and the Committee had agreed that it was content with where it was with this clause.

*Question, That the Committee is content with the clause, put and agreed to.*

**Clause 11 (Compensation for victims of trafficking)**

**The Chairperson:** Concern was expressed that the guidance proposed by the Department's amendment to clause 11 may not ensure that adequate compensation could be paid to victims of trafficking. The Committee agreed that it would consider options available to provide the Assembly with a degree of control over the content of the guidance. The Bill Office prepared draft amendments that include a regulation and guidance that would be subject to the affirmative or negative resolution procedure. However, it was highlighted that it is usual to see regulation-making powers or duties to issue guidance in legislation but not usually together.

An alternative option, which would not require an amendment to the Bill, is to seek a commitment from the Minister either in writing or on the Floor of the Assembly at Consideration Stage that the Department will consult the Committee on its draft guidance and take full account of its views. We discussed this briefly last week, and I indicated that I wanted to bring it back. Mr Maginness, I know that you raised this: do you want to comment before the Committee takes a final view on how it will handle this?

**Mr A Maginness:** I am not sure of the technical approach. However, it could well be that, at the end of the day, the Minister will state on the Floor of the Assembly that the Department will consult the Committee about the draft guidance. That might be a better way of doing it. There are so many obstacles in the compensation scheme that, no matter what way you do it procedurally, it might be difficult to get the desired result, which is actual compensation for the victims of trafficking. So long as there is a commitment on the part of the Department to try to resolve the issue, we should be content.

**The Chairperson:** OK; well, I am certainly content to push the Minister to give a commitment on the issue on the Floor of the Assembly. We will take it forward on that basis. Are Members content with that approach?

*Members indicated assent.*

**The Chairperson:** I will put the formal Question on clause 11 next Tuesday.

**Clause 12 (Child trafficking guardian)**

**The Chairperson:** The Committee agreed that it was content with clause 12 as amended by Lord Morrow. The Committee noted that the Department of Health had advised that it did not intend to bring forward any amendments to the clause. The Minister of Health has communicated with us. I have not had an opportunity to read that yet, so just give me a minute. It does not tell me a lot. The Minister of Health continues to liaise with Lord Morrow on this, but there does not seem to me to be any indication that it will be completed by Tuesday. On that basis, I will put the formal Question today.

Is the Committee content with Lord Morrow's proposed amendment?

*Members indicated assent.*

*Question, That the Committee is content with the clause, subject to the proposed amendment, put and agreed to.*

**The Chairperson:** If there are technical amendments from the Minister of Health, we will have to deal with them as they arise. However, as they are not here in time, we cannot deal with them.

**Clause 13 (Protection of victims in criminal investigations)**

**The Chairperson:** The Committee agreed that it was content with clause 13 as amended by Lord Morrow and the Department of Justice. We noted that the Department may need to bring forward a further technical amendment. The Department has now indicated that it does not plan to bring forward any further amendments.

Is the Committee content with Lord Morrow and the Department of Justice's proposed amendments?

*Members indicated assent.*

*Question, That the Committee is content with the clause, subject to the proposed amendments, put and agreed to.*

**Clause 14 (Amendments to the Criminal Evidence (Northern Ireland) Order 1999)**

**The Chairperson:** The Committee agreed that it was content with clause 14 as amended by Lord Morrow and notes that the results of the Department of Justice consultation may have a bearing on the clause.

Is the Committee content with Lord Morrow's proposed amendment?

*Members indicated assent.*

*Question, That the Committee is content with the clause, subject to the proposed amendment, put and agreed to.*

**Clause 15 (Prevention)**

**The Chairperson:** The Committee agreed that it was content with clause 15 subject to the final wording of the Department's proposed amendment. The Department provided an indicative draft of the wording of the amended clause and is seeking to agree the final wording with Lord Morrow and the Office of Legislative Counsel. They have indicated that they should have that with us for Tuesday's meeting. I know that we are agreeing clause 15, but, for the sake of completeness, it would be more beneficial to have the exact wording. Hopefully that will be here on Tuesday, and I will then put the Question on that clause formally.

**Clause 16 (Northern Ireland Rapporteur)**

**The Chairperson:** The Committee noted that the remit of the anti-slavery commissioner that would be created by the draft Modern Slavery Bill could be extended to Northern Ireland. Members agreed to consider whether they wanted to indicate that they supported clause 16 but wished to consider the position further when there is clarity on the position regarding the anti-slavery commissioner or, alternatively, indicate that they did not support clause 16 at this time. We could consider the matter further when there is clarity on the position regarding the anti-slavery commissioner. Some of us may be content to agree the inclusion of that but, if the anti-slavery commissioner will do this work, it will be likely that we would not see the need for duplication.

Some members indicated that they supported a Northern Ireland rapporteur being created. Lord Morrow indicated that he wanted to see what the anti-slavery commissioner's role would be, and he is in discussions with those who are responsible for that to see if it will happen. However, for Tuesday, we need to decide how we will deal with it. My party will agree to the clause, subject to what happens with the anti-slavery commissioner's position. We would withhold a definitive position if that were to develop. Are members content that a Question to agree it will be put with the commentary that members' views are subject to how the anti-slavery commissioner role is handled?

*Members indicated assent.*

**Clause 17 (General interpretation)**

**The Chairperson:** We agreed that we are content with clause 17 as amended by the Department of Justice. Is the Committee content with the Department of Justice's proposed amendment?

*Members indicated assent.*

*Question, That the Committee is content with the clause, subject to the proposed amendments, put and agreed to.*

**Clause 18 (Orders)**

**The Chairperson:** We agreed that we were content with clause 18 as amended by Lord Morrow. We noted that the Department was working on minor technical amendments that it hoped to forward to the Committee before the end of the Committee Stage. The Department has indicated that the further amendments are subject to clause 16 falling from the Bill and, as the position will not be settled before the end of Committee Stage, the wording of any necessary amendments is not available.

Is the Committee content with Lord Morrow's proposed amendment?

*Members indicated assent.*

*Question, That the Committee is content with the clause, subject to the proposed amendment, put and agreed to.*

**Clause 19 (Short title and commencement)**

**The Chairperson:** We considered the draft amendments prepared by the Bill Office to make provision for the Bill to commence on Royal Assent or, alternatively, a short time after Royal Assent, to build in some flexibility for the Departments and other organisations that would be involved in the implementation of the Bill. Members indicated a preference to set a time frame for commencement of the Bill. We agreed to give further consideration to whether that should be two months or three months. I am content to go with three months, if members are content that that is the exact wording of the amendment. If members are content, we will put that Question formally on Tuesday.

That concludes that element of the Bill. The remaining Questions will be put formally on Tuesday. Thank you for your forbearance.



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# Northern Ireland Assembly

Committee for Justice

8 April 2014

## Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill [NIA 26/11-15]

### Members present for all or part of the proceedings:

Mr Paul Givan (Chairperson)  
Mr Raymond McCartney (Deputy Chairperson)  
Mr Sydney Anderson  
Mr Tom Elliott  
Mr William Humphrey  
Mr Alban Maginness  
Ms Rosaleen McCorley  
Mr Jim Wells

**The Chairperson:** Item 3 on the agenda is the formal clause-by-clause consideration on the remaining clauses that need to be agreed formally by the Committee, which we commenced on Thursday 3 April. Formal Questions were put on a number of clauses, and we agreed to complete the process at today's meeting in order for the draft Committee report to be provided to the Committee meeting this Thursday, before Committee Stage ends at the end of the week.

There is a paper in members' information packs outlining the Committee's position on the remaining clauses. I will work through each, clause and put the formal Question. Where there are amendments, I will put the Question on the amendments first, followed by the Question on the clause.

### Clause 3 (Aggravating factors)

**The Chairperson:** We agreed that we were content with clause 3 as amended by Lord Morrow and the Department of Justice and noted that the Department was still looking at the definition of "vulnerable adult" with a view to bringing forward a further amendment. The Department has now provided the wording of two further proposed technical amendments to define "vulnerable adult" and the family of the victim by reference to article 34 of the Sexual Offences (Northern Ireland) Order 2008. Lord Morrow has indicated that he is content with the proposed amendments.

Is the Committee content with Lord Morrow and the Department of Justice's proposed amendments?

*Members indicated assent.*

*Question, That the Committee is content with the clause, subject to the proposed amendments, put and agreed to.*

### Clause 4 (Minimum sentence for human trafficking and slavery offences)

**The Chairperson:** We considered advice provided by the Bill Office on the amendments proposed to clause 4(2)

by Lord Morrow and the Attorney General for Northern Ireland indicating that the amendments had the same objective, which is to avoid a suspended sentence being imposed under clause 4. The advice from the Bill Office on the proposed amendments to clause 4 is in members' information packs.

A range of views was expressed by members on the clause. Reservations were expressed by some in relation to the general concept of including a minimum sentence in legislation, the issue of exceptionality and the latitude for a presiding judge. Other members expressed support for the clause as amended by Lord Morrow and indicated that, although clause 4 narrows judicial discretion, it does not exclude it.

In correspondence dated 18 March, Lord Morrow indicated that he intended to insert a new clause 17A to make consequential amendments to clause 4. He has now decided to address the matter through a further amendment to clause 4 and has provided the wording of that amendment.

Is the Committee content with Lord Morrow's proposed amendments?

*Members indicated assent.*

**Mr McCartney:** We have that sort of broad thing around minimum sentences.

**The Chairperson:** OK.

*Question, That the Committee is content with the clause, subject to the proposed amendment, put and agreed to.*

### Clause 6 (Paying for sexual services of a person)

**The Chairperson:** Clarification was sought from Lord Morrow on his thinking about his proposed amendments to change the word "person" to "prostitute" and whether that remained his position in light of the Attorney General's letter indicating that, in his view, using the word "prostitute" goes further than is necessary to limit the scope of clause 6 and would create a hurdle to prosecution that could be avoided. Some members agreed to support clause 6 and give further consideration to the issue of the use of "person" or "prostitute", while others indicated that they had not yet reached a definitive view on the clause.

Lord Morrow has responded with his position on the use of "person" or "prostitute". After consultation with the Attorney General, he has provided revised amendments to clause

6 that will narrow the offence whilst keeping the word "person"; remove any reference to the age of the person who is selling the sexual services; remove the reference to payment "including sexual services"; provide some further options on sentencing; and require an advertising campaign to ensure public awareness of the change affected by clause 6. A copy of Lord Morrow's letter is in members' meeting folders.

The Department has indicated that it remains opposed to clause 6. That being the case, it does not intend to make any amendments to the clause, although it has indicated that, if it proceeds, it may require amendment. Should clause 6 not stand part of the Bill, the Department intends to table an amendment to extend the time limit for the prosecution of offences under Article 64A of the Sexual Offences (Northern Ireland) Order 2008 from six months to three years and has provided the wording of the proposed amendment. However, the amendment will not be moved if clause 6 stands part of the Bill.

Members, I am happy to give you the opportunity to state your position. Obviously, clause 6 has generated most public debate, and the Committee now needs to reach a final, definitive position on it. I will start with Mr Wells.

**Mr Wells:** I suppose that this is the defining moment as far as clause 6 is concerned in the Committee.

Our group is very supportive of the clause as amended after our various consultations. We have been to Sweden and have taken evidence from a wide range of groups. It is noticeable that organisations such as the Irish Congress of Trade Unions, Women's Aid and the Northern Ireland Human Rights Commission back the clause, which is a very broad church indeed when you add it to the supportive views of churches such as the Church of Ireland and the Roman Catholic Church.

We have also seen increasing political support for the equivalent of clause 6, and the Nordic model has now been adopted by Iceland, Norway and Sweden. France is going through the process of adopting it, and it is before its Senate at the moment. There have also been some notable supporters in the Irish Republic, and we accept that it is important that the two jurisdictions move in tandem on the matter. We went to Dublin, and I was particularly impressed by the comments of Pádraig Mac Lochlainn, TD for Donegal North East. He said that he had started from a position of scepticism about the Turn Off The Red Light campaign and the report of the Oireachtas Justice Committee but, having looked at the evidence, had become a very enthusiastic supporter of the equivalent of clause 6. Of course, we also heard evidence from the Turn Off The Red Light campaign.

Since then, we have had a vote in the European Parliament, and I am delighted that Martina Anderson and Diane Dodds supported an equivalent call for the outlawing of the purchase of sexual services. Today, the elected members of the European Council voted by a huge majority to adopt a stance similar to that proposed by Lord Morrow.

All the evidence seems to be stacking up in favour. The only people who have opposed clause 6 are those whom we have shown, through cross-examination, to have a direct pecuniary interest in the prostitution trade, particularly organisations such as UglyMugs.ie and Escort-Ireland.com, who clearly fear this proposal as leading to a diminution of their trade.

There is a small group of others, but of course it has been co-ordinated by Amnesty International. We showed, through cross-examination, that Amnesty International's initial policy was adopted through a proposal from a gentleman who turned out to be a leading beneficiary of the prostitution trade in the north-west of England. It is noticeable that a small number of witnesses simply followed the Amnesty International line. Of course, Amnesty International has not as yet adopted a policy of supporting the prostitution industry, but that is coming up at its international congress, which I think is in Chicago this week.

All the evidence indicates that, if you cut off the trade — the vast majority of those who are trafficked, particularly women, are trafficked for the purposes of prostitution — you diminish the demand for prostitution. It was a great pity that more members did not turn up to hear the evidence given by the lady from Romania, who indicated that she had been kidnapped off the street and trafficked to Galway for £20,000 and had been locked in a room for 11 months and treated in the most horrendous way. That is what is going on. We do no service to the equality of women if we allow that to continue.

We need to make Northern Ireland and, indeed, the island of Ireland a cold house for prostitution, and we need to set an example that hopefully other jurisdictions will follow. While I reserve the right to comment on other members' views on this, I believe that we should most certainly give this our enthusiastic support and do something for the many scores of women in Northern Ireland who, even at this moment, may be locked in rooms being forced to service 20 or 30 clients a day. They deserve the right and the protection of society through this legislation.

**Mr Elliott:** I appreciate Mr Wells's point. I have listened carefully to all the evidence that has come forward, and we have discussed it as a party group. Our party certainly would not vote against it at this stage, but we reserve our position until Further Consideration stage.

**Mr A Maginness:** In general terms, we are content with clause 6. The preponderance of the evidence given to the Committee has been in favour of clause 6, and certainly there seems to me to be an international trend in favour of what has been termed the Nordic model. This is a variant of that model. I also think that we need to be congruent with the developments in the South. I think that they will also go for a form of clause 6. Certainly, the report by the Oireachtas Committee on Justice indicated that on an all-party basis, and I think that that is strongly supportive of a provision similar to clause 6.

At the end of the day, there are details in clause 6 that may need attention. I have read briefly the letter from Lord Morrow to the Committee in relation to his amendments, and I need to study it in more detail. However, on superficial reading, I am sympathetic to his changes. I do not want to give a definitive position until I have read the thing properly. In general terms, we are content with the clause, subject to my latter remarks in relation to the amendments that Lord Morrow proposes.

**Mr McCartney:** As outlined last Thursday, we are not in a position to offer support either way.

**The Chairperson:** Everyone has had an opportunity to state their final position at this stage of the consideration.

Is the Committee content with Lord Morrow's proposed amendments?

*Ayes 5; Noes 0; Abstentions 2.*

#### **AYES**

*Mr Anderson, Mr Givan, Mr Humphrey, Mr A Maginness, Mr Wells.*

#### **NOES**

*No members voted no.*

#### **ABSTENTIONS**

*Mr McCartney, Ms McCorley.*

**The Chairperson:** I am recording two abstentions and that the Committee is content, unless anyone else wants to abstain officially.

*Question put, That the Committee is content with the clause, subject to the proposed amendments.*

*The Committee divided: Ayes 5; Noes 0; Abstentions 2.*

#### **AYES**

*Mr Anderson, Mr Givan, Mr Humphrey, Mr A Maginness, Mr Wells.*

#### **NOES**

*No members voted no.*

#### **ABSTENTIONS**

*Mr McCartney, Ms McCorley.*

*Question accordingly agreed to.*

#### **Clause 8 (Non prosecution of victims of trafficking in human beings)**

**The Chairperson:** Clause 8 may not be necessary if the assurances given by the Public Prosecution Service in relation to its prosecutorial guidance, which deals with human trafficking cases, address Lord Morrow's concerns in relation to the non-prosecution of victims of trafficking in human beings. Lord Morrow also indicated that he intends to await the recommendations of the Joint Committee in Westminster, which is currently considering the question of how non-prosecution of victims should be dealt with as part of its scrutiny of the draft Modern Slavery Bill.

Members gave further consideration to whether they supported the principles underlying clause 8 as outlined by Lord Morrow in his letter dated 18 March 2014. Members indicated that they were not in a position to support clause 8 as drafted but agreed that the report should reflect that the Committee supports the principles underlying it and wishes to consider the findings of the Joint Committee on the matter. The Director of Public Prosecutions has written to the Minister acknowledging the level of public concern around the issue and has given a commitment to issue further detailed guidance to prosecutors that will be consistent with the intent behind clause 8.

I think that that is helpful. I will put the Question on the clause as drafted, and the text of the report will reflect the context for the Committee's decision on the clause. Previously, members indicated that they would formally, for the record, say that they were not content but would support the principles behind it.

*Question, That the Committee is content with the clause, put and negated.*

#### **Clause 11 (Compensation for victims of trafficking)**

**The Chairperson:** Concern was expressed that the guidance proposed by the Department's amendment to clause 11 may not ensure that adequate compensation could be paid to victims of trafficking. We agreed to give further consideration to the options available to provide the Assembly with a degree of control. We considered that last week, and we agreed that we would seek a commitment from the Minister on the Floor of the House on the clause. The Department has now provided the wording of a proposed minor technical amendment to clause 11 to correct an error in the previous drafting. Is the Committee content with the Department of Justice's proposed amendment?

*Members indicated assent.*

*Question, That the Committee is content with the clause, subject to the proposed amendment, put and agreed to.*

#### **Clause 15 (Prevention)**

**The Chairperson:** The Committee agreed that it was content with clause 15 subject to the final wording of the Department of Justice's proposed amendment. The Department had provided an indicative draft of the wording of the amended clause, and that has now been provided. The final wording of the proposed amendment to clause 15 has been agreed by Lord Morrow. Is the Committee content with the Department of Justice's proposed amendment?

*Members indicated assent.*

*Question, That the Committee is content with the clause, subject to the proposed amendment, put and agreed to.*

#### **Clause 16 (Northern Ireland Rapporteur)**

**The Chairperson:** The Committee noted that the remit of the anti-slavery commissioner that would be created by the draft Modern Slavery Bill could be extended to Northern Ireland. Members agreed to consider whether they wished to indicate that they did not support clause 16 at this time but would consider the matter further when there was clarity on the position regarding the anti-slavery commissioner or, alternatively, indicate that they wished to support clause 16 at this stage but would wish to consider the position further when there was clarity on the position regarding the anti-slavery commissioner. We indicated last week that our preference was to support clause 16 as drafted at this stage and consider the matter further subject to the position regarding the anti-slavery commissioner.

*Question, That the Committee is content with the clause put and agreed to.*

#### **Clause 19 (Short title and commencement)**

**The Chairperson:** We considered the wording of draft amendments that had been prepared by the Bill Office to make provision for the Bill to commence on Royal Assent or, alternatively, to commence the Bill a short time after Royal Assent to build in some flexibility for the Departments and other organisations that will be involved in the implementation of the Bill, for example, to provide

training and the introduction of support mechanisms. The draft amendments can be found at page 54 of the meeting pack.

Last week, Members agreed a preference to set a time frame for commencement of the Bill three months after Royal Assent. The amendment will therefore read:

*“Clause 19, page 10, line 12*

*Leave out from ‘in’ to ‘order’ on line 13 and insert- ‘3 months after royal assent’”*

Is the Committee content with the proposed amendment to set a time frame for commencement for the Bill three months after Royal Assent?

*Members indicated assent.*

*Question, That the Committee is content with the clause, subject to the proposed amendment, put and agreed to.*

### **Long Title**

**The Chairperson:** As this is the end of the clause-by-clause consideration of the Bill, the Committee must now consider the long title of the Bill.

**Mr Wells:** Before we move to that, at the previous Committee meeting, reference was made to the forced marriages proposal. Are we still in the position that we will not see that proposal before we adopt the report?

**The Committee Clerk:** Yes.

**Mr Wells:** Is it going to be dropped in by formal amendment by the Minister or does it come from this Committee? How does that work?

**The Committee Clerk:** As the Committee asked, we wrote to the Department of Finance and Personnel asking for some more background and for the proposed wording of the amendment, if the Department had it. We have not received a reply yet. In the body of the report, we will reflect that the Committee has been advised of the Department’s intention and that we have requested further information. That is probably as far as we can go in the report because you have not got it yet, but you will be able to look at it in more time.

**Mr Wells:** So, we will get that before Consideration Stage.

**The Committee Clerk:** We are waiting for a response. The Department was hoping that it might have been able to get it to us this week, but it will be too late to put it in the report now. The report will reflect that there is a proposed amendment. We just do not have very much information on it, but we will indicate that the Committee has asked for the further information and that it will consider it when it is available.

**Mr Wells:** I think that most of us would probably favour the principle. I am just a bit concerned about whether, if there is something in the wording that we are concerned about, we will have time to reflect on that and take a policy decision on the amendment?

**The Committee Clerk:** My understanding is that Lord Morrow is not intending to move Consideration Stage until after the summer to allow the Department of Justice to bring forward more amendments as a result of its consultation.

**Mr Wells:** The problem is solved, then.

**The Committee Clerk:** There should be time. As soon as we get the information from the Department of Finance and Personnel, we will bring it to the Committee for consideration.

*Question, That the Committee is content with the long title, put and agreed to.*

**Mr Elliott:** Chair, I certainly did not vote for, vote against or abstain on any of the clauses. There are clauses that I am still not totally content with, but I do not want to hold it up. I certainly do not want to vote against it at this stage, but I would like it recorded that I reserve my position on them. I think that I made that clear the previous day as well. There are a number of specific issues. I do not want to vote against, because that would probably send out the wrong signal, but I reserve the right to table amendments at Consideration Stage.

**The Chairperson:** All of the differences in the Committee will be reflected in the report. Ultimately, when it gets into the Chamber, I will do that where members have indicated issues. Of course, once you get into the next stage in the Assembly, it is open to others to table amendments.

There is a list of documents for inclusion in the appendices to the Committee report on the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill, and that has been provided for members’ consideration. Lord Morrow’s letter dated 7 April will be included in appendix 3, and the letter from the Department dated 7 April will be included in appendix 4. Do members have any other views on other documents that need to be included on the list, or are they content with the exhaustive list that we have?

*Members indicated assent.*

**The Chairperson:** We will be asked to formally agree the contents of the appendices when agreeing the Committee report on Thursday. Sections of the draft report will be circulated as soon as they are ready.

One other item has come in correspondence for inclusion in the appendices. Philip Bradfield, a journalist from the ‘News Letter’, communicated with the Committee following the oral evidence sessions with Laura Lee, International Union of Sex Workers, and Dr Graham Ellison. Mr Bradfield is concerned that, during the evidence sessions, the witnesses appeared to forget or misremember details of what they had told him during their interviews with him and that this has had the unintentional effect of implying that his journalism was inaccurate or misrepresenting. He has provided a link to the transcripts of his interviews with Laura Lee and Dr Graham Ellison and has indicated that he wants this correspondence to be brought to the Committee’s attention and included in the Committee report. Are members content?

*Members indicated assent.*

**The Chairperson:** We will meet this Thursday at 2.00 pm, when we will formally agree the report. I thank members; this has been a very long process. I will do that properly on Thursday. It has been a long number of months for Committee members, but, eventually, we have got as close as possible to an agreed position. I express my appreciation for the work of members and of Committee staff, who have supported the Committee to enable us to get to this stage.

# Written Answers

This section contains the written answers to questions tabled by Members.

The content of the responses is as received at the time from the relevant Minister or representative of the Assembly Commission, and it has not been subject to the official reporting (Hansard) process or changed.



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# Northern Ireland Assembly

Friday 4 April 2014

## Written Answers to Questions

### Office of the First Minister and deputy First Minister

#### **Omagh Ethnic Communities Support Group**

**Mr McElduff** asked the First Minister and deputy First Minister for their assessment of the contribution of Omagh Ethnic Community Support Group to working towards a more cohesive community.  
(AQO 5113/11-15)

**Mr P Robinson and Mr M McGuinness (The First Minister and deputy First Minister):** We believe that the Omagh Ethnic Community Support Group has an important role to play in Omagh and the surrounding district in helping minority ethnic people to feel that they belong and in building good race relations and a more cohesive community.

We are pleased to be providing financial support through the Minority Ethnic Development Fund to the Group. Our current funding commitment to the Group totals £45,000 for each of the two financial years 2013-14 and 2014-15. This funds two posts within the group to deliver a range of activities to foster a more cohesive community.

#### **OFMDFM: Preventative Spending**

**Mr McKay** asked the First Minister and deputy First Minister what consideration they have given to the need for preventative spending within their departmental budget.  
(AQW 31808/11-15)

**Mr P Robinson and Mr M McGuinness:** The Department has been investing in a number of preventative initiatives such as the Social Investment Fund, Delivering Social Change Framework, Childcare Strategy and Together: Building a United Community.

#### **St Lucia Barracks, Omagh**

**Mr Hussey** asked the First Minister and deputy First Minister, pursuant to AQO 5603/11-15, whether they have had any discussions with the (i) Minister of Culture, Arts and Leisure over the establishment of a military museum and resource centre within the walled barracks; (ii) Minister for Social Development over uses that his Department may have for buildings outside the walled barracks, such as the housing adjacent to the former military buildings; and (iii) Minister of the Environment on possible relocation of his Department from its County Hall location to the barracks.  
(AQW 31998/11-15)

**Mr P Robinson and Mr M McGuinness:** OFMDFM currently owns a portion of the St Lucia site. Discussions are ongoing with MOD regarding the historic portion of the site which is still owned by MOD. We have not had discussions with the Minister of Culture, Arts and Leisure over the establishment of a military museum and resource centre within the historic walled barracks.

Our officials are having ongoing discussions with officials in the Regional Development Office of the Department for Social Development and with the Housing Executive over uses for buildings on the site and outside the walled barracks including former military housing.

We have not had any discussions with the Minister of the Environment on possible relocation of his Department from its County Hall location to the barracks.

#### **Play and Leisure Policy**

**Mr Sheehan** asked the First Minister and deputy First Minister for an update on the Play and Leisure Policy.  
(AQO 5827/11-15)

**Mr P Robinson and Mr M McGuinness:** The Executive's Play and Leisure Policy Statement published in 2009 has been delivered through the Play and Leisure Implementation Plan which runs until 2016. Delivery against the Plan is progressing well.

To further support the Implementation Plan and build on its achievements, Junior Ministers Bell and McCann announced on 8 October our agreement to invest up to £1.6 million over three years to enhance opportunities for play and leisure across Northern Ireland. This will be provided as a Signature Programme through the Delivering Social Change framework, details of which will be announced in summer 2014.

### **Shackleton Barracks, Ballykelly**

**Mr G Robinson** asked the First Minister and deputy First Minister, in light of the recent soft market testing on Shackleton Barracks, Ballykelly, to outline any definite proposals for the development of the site.

**(AQO 5828/11-15)**

**Mr P Robinson and Mr M McGuinness:** The soft market testing exercise for the former Shackleton Barracks site at Ballykelly concluded on 24 January 2014. Over 40 expressions of interest have been received for a broad range of uses including commercial, agricultural, leisure and community sectors.

The 40-plus expressions will have to be considered very carefully to determine the optimum use of the site.

All expressions of interest are being considered and options, based on the expressions of interest, will be provided to us in order to determine the suitability to go forward with development plans. We recognise that value for the site is for economic and social benefits as well as monetary.

## **Department of Agriculture and Rural Development**

### **Remote Sensing Inspections**

**Mrs Overend** asked the Minister of Agriculture and Rural Development to detail the process by which an outside company was employed to conduct Control with Remote Sensing Single Farm Payment inspections.

**(AQW 32040/11-15)**

**Mrs O'Neill (The Minister of Agriculture and Rural Development):** In 2012 DARD appointed the services of an external supplier to carry out a proportion of the Department's on-the-spot checks by remote sensing. The contract was awarded to the supplier following an open procurement competition through the NI Civil Service's Centre of Procurement Excellence. The procurement tender was advertised in the Official Journal of the European Union. Four tenders were received.

The tenders were assessed and awarded on the basis of the Most Economically Advantageous Tender. The assessment consisted of three stages. These were selection based on Professional and Technical experience, a mandatory award criteria and thirdly qualitative and quantitative criteria

### **Remote Sensing Inspections**

**Mrs Overend** asked the Minister of Agriculture and Rural Development to detail the amount paid to an external company to conduct Control with Remote Sensing Single Farm Payment inspections.

**(AQW 32041/11-15)**

**Mrs O'Neill:** In accordance with contractual terms, the external supplier is due to receive payment of £93,115 for 2013 Single Farm Payment campaign.

### **Train Halt: Ballykelly**

**Mr G Robinson** asked the Minister of Agriculture and Rural Development what action her Department is taking to avail of European funding to develop a train halt at Ballykelly, to aid public transport provision for people wishing to avail of employment opportunities at her new departmental headquarters.

**(AQW 32135/11-15)**

**Mrs O'Neill:** I met with the Minister of Regional Development on 21 January 2014 to discuss the provision of a rail halt at Ballykelly. I highlighted the advantages of access by rail for the overall development of the site. My department does not have responsibility for rail travel and would not wish to comment on the potential for drawing down European Funding for rail development. I have agreed to meet again with Minister Kennedy to discuss the matter further when the outcome from the soft market testing of the Ballykelly site is available.

### **Animal Cruelty Legislation**

**Mr Easton** asked the Minister of Agriculture and Rural Development to detail the current legislation relating to animal cruelty.

**(AQW 32144/11-15)**

**Mrs O'Neill:** The current legislation relating to the welfare of animals is detailed below.

- Welfare of Animals Act 1972
- Animal Boarding Establishments Regulations 1974

- Sales, Markets and Lairs Order 1975
- Welfare of Animals (Fees) Order 1979
- Riding Establishments Regulations 1980
- Diseases of Animals Order 1981
- Welfare of Livestock (Deer) Order 1983
- Bovine Embryo Collection, Production and Transplantation Regulations 1996
- Welfare of Animals (Slaughter or Killing) Regulations 1996
- Welfare of Calves at Markets Regulations 1998
- Welfare of Animals and Poultry at Markets Order 1998
- Petshop Regulations 2000
- The Welfare of Animals (Transport) Regulations 2006
- Welfare of Animals Act 2011
- Welfare of Animals (2011 Act)(Commencement and Transitional Provisions No.1) Order 2011
- Welfare of Animals (Permitted Procedures by Lay Persons) Regulations 2012
- Welfare of Animals (2011 Act) (Commencement and Transitional Provisions No.2) Order 2012
- Welfare of Farmed Animals Regulations 2012
- Welfare of Animals (2011 Act) (Commencement and Transitional Provisions No.3) Order 2012
- Welfare of Animals (Docking of Working Dogs Tails and Miscellaneous Amendments) Regulations 2012
- Welfare of Animals (Dog Breeding Establishments and Miscellaneous Amendments) Regulations 2013

### **Foyle River Ambassadors Citizenship Scheme**

**Mr Campbell** asked the Minister of Agriculture and Rural Development what steps are being taken to ensure that young people from communities across the North West are able to avail of the Foyle River Ambassadors Citizenship Scheme. (AQW 32178/11-15)

**Mrs O'Neill:** The Loughs Agency is working in partnership with Co-operation Ireland and St. Columb's Park House Centre in the delivery of the pilot project, the Foyle River Ambassadors Citizenship Scheme. Co-operation Ireland has worked with St Columb's Park House Centre in previous youth programmes. The Centre seeks to contribute to peace building and social inclusion through a range of programmes which promote civic participation, human rights and democratic pluralism. The beneficiaries of this work are mostly young people, including young members of political parties.

St Columb's Park House Centre has encouraged participants to the programme from across the Derry City Council area and from within the cross community groups it works with.

The Loughs Agency is currently mentoring 12 young people through this personal development and citizenship programme, a programme which will also educate participants about the resources of the River Foyle.

### **Single Farm Payment: North Antrim**

**Mr Swann** asked the Minister of Agriculture and Rural Development, pursuant to AQW 31766/11-15, how many of the 237 claims were subject to remote/aerial inspection; and to detail when the inspections were completed. (AQW 32180/11-15)

**Mrs O'Neill:** The Department has delivered a record payment performance in 2013 with 90% of Single Farm Payment claims finalised in December 2013 and 96% of claims finalised in February 2014. 200 of the 237 farm businesses in the North Antrim constituency which had not yet received payment cited in AQW 31766/11-15 were subject to an inspection using Control with Remote Sensing. As inspection results continue to be processed, this figure has fallen to 100 businesses.

The inspections were completed by 28 November 2013.

### **Single Farm Payment: North Antrim**

**Mr Swann** asked the Minister of Agriculture and Rural Development, pursuant to AQW 31766/11-15, how many of the 237 farms are still waiting for an on farm inspection. (AQW 32181/11-15)

**Mrs O'Neill:** The Department has delivered a record payment performance in 2013 with 90% of Single Farm Payment claims finalised in December 2013 and 96% of claims finalised in February 2014. To date, 97.9% of claims have been finalised.

None of the 237 farms cited in AQW 31766/11-15 are still waiting for an on farm inspection.

Every effort is being made to pay all outstanding inspections by the end of April.

### Single Farm Payment: North Antrim

**Mr Swann** asked the Minister of Agriculture and Rural Development, pursuant to AQW 31766/11-15, when she expects payments to be made.

**(AQW 32182/11-15)**

**Mrs O'Neill:** The Department has delivered a record payment performance in 2013 with 90% of Single Farm Payment claims finalised in December 2013 and 96% of claims finalised in February 2014. To date, 97.8% of claims have been finalised.

Every effort is being made to have all outstanding inspected cases paid by the end of April. In any scheme year, there are a number of claims which cannot be finalised due to circumstances outside the Department's control such as probate proceedings, legal disputes between farm businesses or businesses not providing bank account details to enable payment.

### Single Farm Payment: Outstanding Payments

**Mr Swann** asked the Minister of Agriculture and Rural Development, pursuant to AQW 31766/11-15, how many Single Farm Payments to farmers are still outstanding for 2013, broken down by constituency.

**(AQW 32189/11-15)**

**Mrs O'Neill:** The Department has delivered a record payment performance in 2013 with 90% of Single Farm Payment (SFP) claims finalised in December 2013 and 96% of claims finalised in February 2014. The number of farmers awaiting their payments, broken down by constituency, is detailed in the table below.

Constituency	SFP 2013 Payments outstanding
Belfast East	1
Belfast North	2
Belfast South	0
Belfast West	0
East Antrim	9
East Londonderry	41
Fermanagh and South Tyrone	190
Foyle	10
Lagan Valley	13
Mid Ulster	111
Newry and Armagh	57
North Antrim	126
North Down	3
South Antrim	12
South Down	36
Strangford	16
Upper Bann	15
West Tyrone	103
No Constituency*	31
<b>Total</b>	<b>776</b>

The constituency information is drawn from the postcodes of businesses that submitted a Single Application Form in 2013.

\*The "No Constituency" figure represents businesses that either do not have a valid postcode recorded against their business or are businesses where the addresses held is outside the 18 constituencies listed above.

In March 2013, 1,844 claims remained outstanding for the 2012 scheme year. In March 2012, 2,284 claims remained outstanding for the 2011 scheme year.

### Rivers Agency

**Mr Allister** asked the Minister of Agriculture and Rural Development to detail the expected (i) costs; and (ii) savings as a result of incorporating the Rivers Agency in her Department.

**(AQW 32212/11-15)**

**Mrs O'Neill:** The Rivers Agency has always been an integral part of my Department. The change I am making means that, for example, there will no longer be a separate set of accounts for the Agency, and it will no longer present its Business Plan

to the Committee for Agriculture and Rural Development. It follows that cost, if any, will be modest and will be kept to a minimum. The savings will arise from the changes in governance and preparation and publication of accounts, and will similarly be modest.

## Licensed Dogs

**Mr Lunn** asked the Minister of Agriculture and Rural Development to detail the number of licensed dogs.  
(AQW 32234/11-15)

**Mrs O'Neill:** Dog control is legislated for here by the Dogs Order 1983, as amended by the Dogs (Amendment) Act 2011. Councils implement this legislation and provide statistics to my Department regarding its operation.

Dog licences issued by Councils remain valid for a period of one year. 129,180 dogs were licensed in the 12 months ending 31 December 2013.

## Rural Development Programme: West Tyrone

**Mr McAleer** asked the Minister of Agriculture and Rural Development to detail the projects in the West Tyrone constituency that received funding from the current Rural Development Programme.

(AQW 32377/11-15)

**Mrs O'Neill:** The projects that have been allocated funding following competitive applications processes by ARC North West under Axis 3 of the Rural Development Programme (RDP) are listed in the following table:

Organisation Name	Project Title
	Modernising machinery
	Water repair & maintenance services
	Caldwell Pressbrake
	Water repair & maintenance services
Aghyaran Development Association Cic	Aghyaran Multi Use Recreational Area
Airseal	AIRSEAL Airtightness Testing
	Showcase hi tech quality textiles
	Premium quality bespoke woodcraft manufacture
	Business Development & Tourist Complex Expansion Project
	Establishment of 2 Self-catering units opposite Urney Presbyterian Church
	Accommodation Enhancement
Ballyskeagh Stables	Ballyskeagh Stables Phase 2
	Provision of a Self Catering Cottage For Horse Riding Tourist
Camowen Farmers Combined Ltd	Camowen Rural Support Services
	Charles and Damien McSorley
	North West Gardening & Landscaping
	Wildlife fauna heritage and environmental trails
Clarke Road Contracts Ltd	CRC-Connect
Colton Concrete Limited	Colton Concrete Limited Press Project
	Colton Concrete Steel Machines Project
Colton Concrete Ltd	Colton Concrete Limited Casting Plant Project
	Coote Pallet Handler
	Shuttle Dosing System
Cornabracken Childcare	Development of existing Child Care Setting
	Concrete Laser Levelling
	ATF Expansion

<b>Organisation Name</b>	<b>Project Title</b>
Dimac	Sports Ground Maintenance
	West Star Welding
Drumduff & Drumnakilly Community Association	Mountain View Environmental Trail
Drumnabeys Kennels	Drumnabeys Kennels
Dsg2010	Provision of Community Building
	80mm Lathe and Piping Bender
	G.Winters Memorials Laser Etching
	New Office Accomodation
	Homecraft Revival
	175 Tonne Hydraulic Press-Brake
	Heavy Duty Plate and Ring Rollers
	Green Elves Playgroup - Investing for the Future.
Greencastle Athletic Club	New Greencastle 5: A Sperrins Flagship Event
Hollywood Furnishings Ltd	Hollywood Furnishings Growth Phase
	Creation of Fishing Ponds
	Lakeview
	Development and creation of licenced restaurant
	Organic Fibre Recycling Facility
	Healthbeat
	Engineering office and equipment
	Gutter Lining Manufacturing Equipment and Business Expansion
	Construction of self catering unit
	Katrina Taggart Photography and Framing Services
	Structural Steel Fabrication
	Kenneth McClure Design Studio
	Killeter & District Development Trust
Loughmacrory Community Development Association	The Lough Coffee Shop
	Ballyskeagh Farmhouse Accommodation
	Boiling House
Maxweld Engineering	Maxweld Engineering CNC Project
	Agricultural Drinker Moulds
	Modernisation of engineering equipment, to increase productivity
Mce Services	Development oof MCE Services On Site Capacity
	Establishment of MCE Services Assessment Laboratory and Offices
	Modernising Plant for McNelis Mobile clotheslines
	Modernising Plant for McNelis Mobile clotheslines
	Localised AI and Pregnancy Scanning Services
Mid Ulster Enterprises (Creggan) Ltd	An Clachan Cottages Extension/Pugrade

Organisation Name	Project Title
Miltown Gravel Ltd	Miltown Gravel Recycling
	Proposed barn conversion
	Horizontal Baler
	Extension of existing workspace to facilitate the production of equestrain equipment
	Tattykeel Mills: Water wheels restoration.
	Business Development
	Business Expansion
Newtownstewart Development Association Ltd	Modernising machinery.
	Provision of Wi fi Access,satellite television and marketing support at Grange Court Holiday Complex
Newtownstewart Leisure Complex Ltd	Provision of Minor Hall to compliment existing centre
	Hydraulic Hose assembly
Omagh District Council	Omagh Walking and Rambling Initiative
	Scoping Study and Action Plans for Villages in ARC north west area
Omagh Today	New Cross-community magazine
	Purchase of Concrete Grinding and Polishing Equipment
O'neill Concrete Flooring Ltd	Machinery
Owenkillew Development Company	Gortin Tourism Centre Development Project
	CNC Machine Centre and Overhead Crane
Party-Town	Party-Town Entertainment Hire and Sales
	Recycling Equipment manufacture
	Expansion of light engineering
	Mc Sorley CAD Solutions
	Powerwashing and general house maintenance services.
Pro-Fab Engineering	225 tonne Hydraulic Press Brake
	Waste Solutions NI
	Robert O'Brien Photography
	Seskinore Farm Meats - Stage 3
	Purchase and installation of Ironworker, Tooling and Inverter Welder.
	Purchase and Installation of Mandrel Tubular Pipe Bender
	Further Developments within CRS NI Ltd
	Recycling Equipment Design and Development
	Continual Expansion of CRS NI Ltd
	Erection of 11KW Wind Turbine
	Simply Special Business Expansion
	Camowen Green Firewood Processing
Soup Stone Productions	Onscreen
Spamount & District Community Assoc	Reach For The Sky
Sperrin Environmental	Manufacture and install energy recovery systems for the process industry
Springhill Golf & Country Club	Springhill Golf 2012

<b>Organisation Name</b>	<b>Project Title</b>
Strabane Community Project	Meals on Wheels Weekend Service
Strabane District Council	Explore More- Explore Strabane & The Sperrins
	Making Connections
	Youth Multi Use Games Area x 3
Stratex Ltd	Capital Equipment - Drill Rigs Complete
Sugar And Spice Early Years Centre	Welcome room to playgroup premises
Tereco Ltd	Waste Management Solutions
Thomas Irwin	Denamona Equine Funeral Services
Toolbox.Net Ltd	Repair Workshop
Tyrone Gaa County Board	Tyrone County GAA Centre Environmental and Heritage Project
Walleffects Ltd	Walleffects Development Project
Waterworx	Waterworx Pipeline Services
Weld-Tech Engineering Servives Ltd	To expand the bussiness and provide a tube manupalation service to smaller engineering firm
Aghyaran Development Association Cic	Aghyaran Commuity Fitness Hub
	Construction of Mourne self-catering accommodation
Arc North West	Co-Operation Through Enterprise Project
	Social Economy Co-operation Project
Ardstraw Quarries Ltd	Producing Recycled Aggregate
Castle Hotel Bar	Castle Hotel Bar - Bar Food
	Upgrading Machinery
Derg Valley Care	Transform
	Hilltop Aggregates Ltd
	West Star Engineering Project 2
Eco Technologies International (Ni) Ltd	Eco Tech Business Start-Up
	Cattle Foot Trimming
Glenbane Stone Ltd	Glenbanestone Ltd
Greencastle St.Patricks Gfc	Greencastle CORE (Community Outdoor Recreational Enterprise) Project
Hawthorn Brooke Stables Ltd	Manufacture of prefabricated walls for horse stables
Humac Engineering & Tuffmac Trailers	Purchase of a CNC Powerbend Pressbrake & a CNC HVR Guillotine
	Darragh Wind
	Chip Edger
	Healthbeat ---Health and Wellbeing facility specialist provision
	Carricklee outdoor events facility
	Cattle hoof trimming
Kinalf Engineering	Purchase of machinery for light engineering business.
Leckpatrick Development Association	New Community Hall
Little Angels Rural Family Centre Ltd	Little Angels Childrens Educational/Multi-sensory Garden
Loughmacrory Community Development Association	Loughmacrory Regional Outdoor Activity Centre

Organisation Name	Project Title
Mcc Building Systems Ltd	Development of Anti-Vandal Cabins to Add to Current Product Range
	Embalming studio & Chapel of Rest
Mce Services	Decontamination Site Team Equipment Project
	Kilcootry Barn Improvements
	Pat Larry's Self catering Cottage
Northwest Stone Works	Northwest Stone Works
Omagh District Council	Carrickmore Village Renewal and Development
	Gateways Project
	Gortin Recreational Hub
	Village Telecommunication Project
Party-Town	Party-Town Marquees and Entertainment Hire
	Legamaghery School Studio
	Light Engineering Works
	Purchase A 6M Press Brake
	Renovation of existing farm dwelling to self catering accomodation
Profab Engineering	Installation of a High Speed Computer Controlled (CNC) Plasma Cutter.
Road Restraint Systems Ltd	RRS
	Expansion of CRS NI Ltd
Sion Mills Buildings Preservation Trust	Stables Heritage Project
Sixmilecross Enterprise Ltd	Sixmilecross Enterprise Ltd (SEL) - Day Nursery
Strabane District Council	Glebe Community Park Regeneration
	Glenmornan Multi Use Games Area
	Integrated Tourism Package
	Plumbridge Health and Recreation Project
Stratex Ltd	Capital Equipment for Site Investigations
Super Skip Bag Ltd	Skip Bag Waste Recycling
Sydney Alexander	new production plant for S & M products
Tiny Tots Day Care	Relocation of Tiny Tots Day Care
Tyrone County Gaa Committee (Clg Thir Eoghain)	Garvaghey 3G Multi-Activity Pitch
	Tyrone Paving Brick

### Rural Development Programme: West Tyrone

**Mr McAleer** asked the Minister of Agriculture and Rural Development to detail the total funding invested by her Department, via the Rural Development Programme, in the West Tyrone constituency since 2011.

**(AQW 32379/11-15)**

**Mrs O'Neill:** I understand your question refers specifically to Axis 3 of the Rural Development Programme (RDP). Assisting Rural Communities in the North West (ARC NW) is the delivery mechanism responsible for Axis 3 delivery across the council cluster area of Omagh, Strabane, Derry and Limavady. ARC NW has awarded funding investment of £9.65m to 165 projects since 2011 in the West Tyrone Constituency.

### Single Farm Payment: Delay

**Mr Buchanan** asked the Minister of Agriculture and Rural Development how many farm businesses are still awaiting their Single Farm Payment.

**(AQW 32387/11-15)**

**Mrs O'Neill:** The Department has delivered a record payment performance in 2013 with 90% of Single Farm Payment claims finalised in December 2013 and 96% of claims finalised in February 2014.

To date, 97.9% of claims have been finalised and 801 claims remain outstanding. Over 300 of these are outstanding due to circumstances outside the Department's control such as probate proceedings, legal disputes between farm businesses or businesses not providing bank account details to enable payment.

### Single Farm Payment: Inspections

**Mrs Dobson** asked the Minister of Agriculture and Rural Development, pursuant to AQW 31900/11-15, to detail each year when Single Farm Payments were received and whether her Department has been subject to a (i) targeted or (ii) random inspection in relation to any of payments.

**(AQW 32435/11-15)**

**Mrs O'Neill:** The Department has received Single Farm Payments (SFP) for the College of Agriculture, Food and Rural Enterprise (CAFRE) and Forest Service on the dates as detailed in the table below:

SFP Year	CAFRE SFP Date Paid	Forest Service SFP Date Paid
2005	5 September 2006	18 July 2006
2006	3 April 2007	10 July 2008
2007	20 February 2008	11 July 2008
2008	22 January 2009	6 January 2009
2009	12 February 2010	17 February 2010
2010	23 February 2011	3 February 2011
2011	21 February 2012	23 January 2012
2012	10 June 2013	25 February 2013
2013	24 December 2013	N/A

CAFRE was selected for a land based inspection according to risk criteria in 2006. It was also selected under the risk selection process for a number of cross compliance inspections in relation to its land and regulatory requirements covering the environment, food safety, animal and plant health and animal welfare between 2006 and 2009. Forest Service was selected for a land based inspection according to risk criteria in 2006. It was also selected under the risk selection process for a cross compliance inspection in relation to regulatory requirements covering the environment in 2007.

### Single Farm Payment: Delay

**Mr McGlone** asked the Minister of Agriculture and Rural Development (i) how many farmers entitled to the 2013 Single Farm Payment are still awaiting payment; and (ii) what advice her Department has taken regarding the potential tax implications for those farmers still awaiting their 2013 payment and who will not receive the payment until after 5 April 2014.

**(AQW 32482/11-15)**

**Mrs O'Neill:** The Department has delivered a record payment performance in 2013. To date, 98% of claims have been finalised and 753 claims remain outstanding. In March 2013, 1,844 claims were outstanding from the 2012 SFP scheme year and 2,284 claims were outstanding in March 2012 from the 2011 SFP scheme year.

The Department has not taken advice on the tax implications to farmers of payments made after 5 April 2014. The tax implication of any subsidy payment is a matter for individual farm businesses.

## Department of Culture, Arts and Leisure

### New Council Areas: Staff Commute

**Mr McGlone** asked the Minister of Culture, Arts and Leisure to detail the number of staff in her Department, broken down by grade, travelling daily to their place of work from each of the eleven new council areas to the Greater Belfast area.

**(AQW 32318/11-15)**

**Ms Ní Chuilín (The Minister of Culture, Arts and Leisure):** The information relating to DCAL staff is contained in the table below.

The data has been provided by the NI Statistics and Research Agency (NISRA) and reflects the position at 1 January 2014.

As there is no definition for Greater Belfast, the analysis calculates travel for DCAL staff from the new council areas to the Belfast Metropolitan Urban Area (BMUA).

The BMUA is defined in the Statistical Classification and Delineation of Settlements (February 2005) and is available from NISRA at: [www.nisra.gov.uk/archive/demography/publications/urban\\_rural/ur\\_gaz.pdf](http://www.nisra.gov.uk/archive/demography/publications/urban_rural/ur_gaz.pdf)

New Council Areas	Analogous Grade									Total
	G5+	G6	G7	DP	SO	EOI	EOII	AO	AA	
Antrim and Newtownabbey	1	0	1	6	6	4	6	3	1	28
Armagh, Banbridge and Craigavon	0	0	3	2	6	3	1	5	0	20
Belfast	1	0	5	12	20	8	9	17	8	80
Causeway Coast and Glens	0	0	2	0	2	0	0	0	1	5
Derry and Strabane	0	0	0	0	0	0	0	0	0	0
Fermanagh and Omagh	0	0	1	0	1	0	0	0	0	2
Lisburn and Castlereagh	1	0	2	2	5	1	2	4	2	19
Mid and East Antrim	0	0	0	8	3	4	1	4	1	21
Mid Ulster	0	0	1	1	0	0	0	1	0	3
Newry, Mourne and Down	1	0	2	7	3	0	1	1	1	16
North Down and Ards	2	0	1	4	8	2	6	4	2	29
<b>Total *</b>	<b>6</b>	<b>0</b>	<b>20</b>	<b>44</b>	<b>61</b>	<b>23</b>	<b>26</b>	<b>48</b>	<b>16</b>	<b>244</b>

\* Total includes 21 (8.6%) staff whose home postcode was either missing or invalid and could not be allocated to a new council area.

## Boxing Investment Programme

**Mr Allister** asked the Minister of Culture, Arts and Leisure to detail (i) how much of the funding under the Boxing Investment Programme has been spent; and (ii) how has it been allocated, including the total (a) paid to clubs; and (b) on administration. (AQW 32346/11-15)

**Ms Ní Chuilín:** Sport NI, an arms length body of my Department, has spent a total of £236,427.24 on the Boxing Investment Programme to date.

Of this amount £169,821.57 has been paid to the Irish Amateur Boxing Association (IABA) for the supply of equipment to 94 boxing clubs affiliated to the IABA. Equipment delivered includes competition head guards and gloves, training head guards and gloves and punch bags.

A further £30,637 has been paid to the IABA for appointment of Watts Group PLC as project managers. The role of Watts Group PLC includes completion of building surveys on each applicant, procurement of design teams and contractors, management of project design teams and contractors during the construction phase of the programme.

In addition, £35,968.67 has been paid to the IABA for the appointment of a Club Development Manager. This role includes development and support offered to boxing clubs to build capacity and enable clubs to develop structures and receive funding.

## Boxing Investment Programme

**Mr Allister** asked the Minister of Culture, Arts and Leisure to detail the clubs that have received funding from the Boxing Investment Programme; and how much to has been allocated to each club. (AQW 32347/11-15)

**Ms Ní Chuilín:** Sport NI, an arms length body of my Department, identified an indicative funding package within its sports lottery funding of up to £3.27M to assist with the development of boxing. Under the first strand of the Boxing Investment Programme, £169,821.57 was paid to the Irish Amateur Boxing Association (IABA) for the supply of equipment to 94 boxing clubs affiliated to the IABA. A list of clubs that received equipment is attached at Annex A.

Furthermore, Sport NI has £2.52M Lottery funding allocated for capital works alone. The Clubs listed at Annex B have received an indicative award for capital works but final awards have not been approved at this stage.

**Annex A****Boxing Clubs that received equipment:**

Abbey ABC	Lisburn ABC
Albert Foundry ABC	Lisnafin ABC
All Saints ABC	Mark Heagney
Antrim ABC	Midland
Ardoyne Holy Cross	Sean Doran ABC
Ards ABC	Craigavon ABC
Ballykelly	Moneyglass ABC
Ballysillan ABC	Moneymore ABC/Spring Hill
Belleck	Moote ABC (Donaghadee)
Bishop Kelly ABC	Mourne Golden Gloves
Braid ABC	Mourne All Blacks ABC
Cairn Lodge ABC	Newington ABC
Camlough ABC	North Down ABC
Canal ABC	Oak Leaf ABC
Carrickfergus ABC	Oliver Plunkett ABC
Carrickmore ABC	Omagh Boys & Girls
Carryduff ABC	Phoenix ABC
Castle ABC	Red Triangle ABC
CBBA	Ring ABC
Churchlands	Rochesters ABC
Clonard ABC	Sacred Heart ABC
Clonoe ABC	Sacred Heart Omagh ABC
Coleraine ABC	Saints ABC
Cookstown ABC	Scorpion ABC
Corpus Christi	Silverbridge ABC
Derrylin ABC	Spartons ABC
Dockers ABC	Springtown ABC
Downpatrick ABC	St Agnes ABC
Dungannon ABC	St Brigids ABC
East Down ABC	St Bronaghs ABC
Eastside ABC	St Canices ABC
Ederney ABC	St Georges ABC
Eglinton ABC	St Jarlaths ABC
Emerald ABC	St John Bosco ABC (Belfast)
Ennisikillen ABC	St John Bosco ABC (Newry)
Errigal ABC	St Johns ABC (Maghera)
Gilford ABC	St Joseph ABC
Gleann ABC	St Malachys ABC
Hillview ABC	St Marys ABC
Holy Family Belfast	St Patricks ABC
Immaculata ABC (Strabane)	St Pauls ABC

Immaculata ABC	Star ABC
James McCoy Warrenpoint ABC	The Loup ABC
Kilmegan	The Skerries
Kronk	Toome ABC
Larne ABC	Townland ABC
Ligoneil ABC	Two Castles ABC

**Annex B****Boxing Clubs that have received an indicative award for capital works:**

ABC Kronk Belfast	£43,623
Antrim ABC	£49,018
Ardoyne Holy Cross BC	£200,000
Braid ABC	£666
Cairn Lodge ABC	£39,627
Castle ABC	£39,960
City of Belfast Boxing Academy	£92,188
Coleraine ABC	£61,139
Dockers Boxing Club	£17,316
Dungannon Boxing Club	£28,904
Eastside ABC	£39,294
Eglinton ABC	£7,752
Emerald Boxing Club	£14,652
Errigal ABC	£60,606
Glengormley ABC	£19,247
Hillview ABC	£53,879
Holy Family Golden Gloves	£9,724
Holy Trinity ABC	£36,563
Immaculata ABC, Belfast	£78,601
Ligoniel ABC	£27,972
Lisburn ABC	£16,290
Loup Boxing Club	£54,612
Midland ABC	£34,299
Moneyglass ABC	£71,928
Monkstown Boxing Club	£16,650
Newington ABC	£26,640
Oakleaf ABC	£56,610
Oliver Plunkett ABC	£48,551
Phoenix ABC, Lurgan	£200,000
Rochesters ABC	£45,288
Saints ABC	£58,581
Sean Doran ABC, Keady	£71,462
Spartans ABC	£13,986
Star ABC	£22,844

St Agnes ABC	£29,970
St Canice's ABC, Dungiven	£28,438
St John Bosco ABC, Belfast	£200,000
St Josephs ABC	£200,000
St Pauls ABC	£56,077
The Skerries ABC, Portrush	£42,291

### Boxing Investment Programme

**Mr Allister** asked the Minister of Culture, Arts and Leisure whether three members of St Paul's Amateur Boxing Club, which is set to benefit from funding under the Boxing Investment Programme, are employed by Sport NI, which administers the funding. (AQW 32352/11-15)

**Ms Ní Chuilín:** Sport NI has informed the Department that none of its employees are members of St Paul's Amateur Boxing Club.

### Foras na Gaeilge: Income

**Mr Humphrey** asked the Minister of Culture, Arts and Leisure to detail the total income of Foras na Gaeilge in (i) 2011; (ii) 2012; and (iii) 2013, broken down by source, including (a) government Departments in Northern Ireland and the Republic of Ireland; (b) earned income; and (c) all other sources. (AQW 32410/11-15)

**Ms Ní Chuilín:** The total income for Foras na Gaeilge for 2011, 2012 and 2013, broken down by source, is shown in the table below:

Source	2011	2012	2013
DCAL	£3,816,012	£3,605,080	£3,502,961
DAHG	£11,607,889	£10,671,549	£10,519,430
DCAL (Colmcille)	£133,164	£114,679	£137,631
DAHG (Colmcille)	£132,410	£117,038	£113,247
DAHG (Clár na Leabhar Gaeilge)	£1,148,999	£1,021,039	£994,527
Earned Income (Áis Book sales)	£896,471	£745,547	£767,892
Other Sources	£90,603	£22,422	£55,630
<b>Total</b>	<b>£17,825,548</b>	<b>£16,297,353</b>	<b>£16,091,318</b>

### Boxing Investment Programme

**Mr Allister** asked the Minister of Culture, Arts and Leisure whether a member of St. Paul's Amateur Boxing Club, who is also an employee of Sport NI, is one of the facilitators involved in visiting boxing clubs that are seeking funding from the Boxing Investment Programme. (AQW 32467/11-15)

**Ms Ní Chuilín:** Sport NI has informed the Department that none of its employees are members of St Paul's Amateur Boxing Club.

## Department of Education

### Educational Psychology Service: Waiting Times

**Mr Rogers** asked the Minister of Education to detail the percentage of children, at Stage Three of the Code of Practice, in each Education and Library Board who have been on a waiting list to see the educational psychology service for (i) less than three months; (ii) three to six months; and (iii) more than six months. (AQW 32141/11-15)

**Mr O'Dowd (The Minister of Education):** The Education and Library Boards (ELBs) have confirmed that the percentage of children, at Stage Three of the Code of Practice, who have been referred to the ELBs' educational psychology services and who are waiting for their initial appointment \*, in the timescales outlined below, is as follows:

	Less than three months	Three to six months	More than six months
BELB	82%	14%	4%
NEELB	62%	25%	13%
SEELB	52%	45%	3%
SELB	64%	27%	9%
WELB	54%	34%	12%

\* As at 20th March 2014

### Schools and Youth Services: Investment

**Mr Maskey** asked the Minister of Education how much his Department has invested in schools and youth services since 2011. (AQW 32228/11-15)

**Mr O'Dowd:** The amount of capital investment in schools and youth services since 2011 is follows:

Financial Year	Schools Capital	Youth Capital	Total Capital
	£000s	£000s	£000s
2011/12	109,967	4,133	114,100
2012/13	103,077	4,535	107,612
2013/14*	103,241	6,194	109,435

\* 2013/14 financial year figures are based on forecast outturn

### South Eastern Education and Library Board: Commissioner Meetings

**Mr Weir** asked the Minister of Education on how many days have the Commissioners at the South Eastern Education and Library Board met in each year since 2006.

(AQW 32254/11-15)

**Mr O'Dowd:** The South Eastern Education and Library Board (SEELB) has advised that since their appointment in July 2006 the Commissioners have held 150 board meetings up to the end of March 2014, with a day for each. The number of meetings in each of the financial years since 2006 is detailed below.

Financial Year	July 06/ 2007	2007/ 2008	2008/ 2009	2009/ 2010	2010/ 2011	2011/ 2012	2012/ 2013	2013/ 2014
No. of Board meetings	18	22	19	16	17	23	18	17

During the same period and in addition to these meetings, the Commissioners have also been involved individually in a wide range of other official meetings and events.

### Non-controlled Schools: Minor Works

**Mr Storey** asked the Minister of Education, pursuant to AQW 31630/11-15, how much funding has been allocated to each Education and Library Board.

(AQW 32294/11-15)

**Mr O'Dowd:** During 2014/15 a total of £2,397k has been made available to the Education and Library Boards to permit recruitment of permanent staff and external assistance to deliver a programme of minor works in non-controlled schools and has been allocated on an individual Board basis as follows:

Board	Allocation
BELB	£509k
SEELB	£351k
SELB	£605k
WELB	£523k
NEELB	£409k

In addition a resource budget allocation of £230k is being made to the ELBs as broken down below to recognise the increased administrative costs associated with the additional work being undertaken. This resource budget may be used to

employ additional administrative staff or to cover additional administrative or equipment costs associated with the additional technical staff.

Board	Resource Budget
BELB	£47k
SEELB	£34k
SELB	£54k
WELB	£51k
NEELB	£44k

### South Eastern Education and Library Board: Commissioner Meetings

**Mr Storey** asked the Minister of Education whether the meetings of the commissioners in the South Eastern Education and Library Board are held in public.

**(AQW 32297/11-15)**

**Mr O'Dowd:** The conduct of business of the South Eastern Education and Library Board (SEELB) Commissioners is set out in their Standing Orders. Provision 4.1 in the Standing Orders advises that the Commissioners can decide to hold some or all of their meetings in public.

The SEELB has also advised that, if requested in relation to a specific issue or proposal, the Commissioners provide the opportunity for delegations to have input into the decision making process at their meetings and that all disclosable papers from their meetings are published on the SEELB website.

### Devenish College, Enniskillen

**Mr Elliott** asked the Minister of Education when on-site works will begin for the proposed new Devenish College in Fermanagh.

**(AQW 32298/11-15)**

**Mr O'Dowd:** The project for Devenish College is being taken forward by the Western Education and Library Board. An Economic Appraisal has been completed and is currently with the Department for consideration.

It is not possible at this time to say when on-site works will begin for the proposed new Devenish College. Once the Economic Appraisal has been approved the scheme will move forward to the design phase and only when this is complete will a decision be made on the construction of the new school.

Any decision to move to the construction phase can only be made within the available capital budget for Education. I will continue to petition to secure additional capital funds to address the accommodation difficulties faced by many schools which includes funds for Major New Builds.

### Enrolment Figures

**Mr Wilson** asked the Minister of Education to detail the maximum enrolment figures allowed in (i) Downshire High School; (ii) Carrickfergus Grammar School; (iii) Carrickfergus College; and (iv) Ulidia Integrated College for the 2013/14 academic year.

**(AQW 32301/11-15)**

**Mr O'Dowd:** The approved maximum enrolment figures for each school for 2013/14 and 2014/15 are listed in the table overleaf:

School Ref	School Name	2013/14	2014/15
321-0232	Downshire High School	800	800
341-0098	Carrickfergus Grammar School	800	800
321-0091	Carrickfergus College	900	900
326-0299	Ulidia Integrated College	500	500

### Enrolment Figures

**Mr Wilson** asked the Minister of Education to detail the projected maximum enrollment figures allowed in (i) Downshire High School; (ii) Carrickfergus Grammar School; (iii) Carrickfergus College; and (iv) Ulidia Integrated College for the 2014/15 academic year.

**(AQW 32302/11-15)**

**Mr O'Dowd:** The approved maximum enrolment figures for each school for 2013/14 and 2014/15 are listed in the table below:

School Ref	School Name	2013/14	2014/15
321-0232	Downshire High School	800	800
341-0098	Carrickfergus Grammar School	800	800
321-0091	Carrickfergus College	900	900
326-0299	Ulidia Integrated College	500	500

### Outdoor Education Provision and Resourcing Review

**Mr Hazzard** asked the Minister of Education whether his Department has carried out, or will consider, a review of outdoor education provision and resourcing.

**(AQW 32310/11-15)**

**Mr O'Dowd:** In October 2013, I published Priorities for Youth, the new policy for youth work in education. Among the range of actions to be taken forward, the Education Skills Authority (or Education and Library Boards and the Youth Council in the interim) will carry out a baseline audit of currently funded/supported youth provision to identify gaps and potential for over provision to inform the development of a needs assessment. This will include a review of the statutory youth estate and outdoor education centres.

### New Council Areas: Staff Commute

**Mr McGlone** asked the Minister of Education to detail the number of staff in his Department, broken down by grade, travelling daily to their place of work from each of the eleven new council areas to the Greater Belfast area.

**(AQW 32319/11-15)**

**Mr O'Dowd:** The Department of Education (DE) has one office situated within the Greater Belfast area. The number of DE staff located in that office is fewer than five. As information about daily travel to their place of work constitutes personal data, it is exempt under section 40(2) of the FoIA as its disclosure would breach the first principle of the Data Protection Act 1998 in that it would be unfair.

### Bangor Central Integrated Primary

**Mr Agnew** asked the Minister of Education whether consideration has been given to making a formal cash offer to North Down Borough Council to secure the land at the old Bangor leisure centre site, to ensure that Bangor Central Integrated Primary has sufficient space for a new build to accommodate its pupils.

**(AQW 32332/11-15)**

**Mr O'Dowd:** There have been no further developments since my last response to your similar question on 25 February 2014. Following an open call for expressions of interest from North Down Borough Council on 26 April 2013, the South Eastern Education and Library Board made a formal written offer to secure part of the former leisure centre site for use by Bangor Central Integrated Primary School.

To date, the Board has still not been made aware of any decision by the Council.

### Schools: Physical Activity

**Mrs Dobson** asked the Minister of Education whether consideration has been given to increasing the time spent on physical activity in (i) primary; and (ii) post-primary schools.

**(AQW 32368/11-15)**

**Mr O'Dowd:** Legislation governing the revised curriculum prevents the Department from prescribing the amount of time to be allocated to any particular subject. The Department of Education has however issued guidance to schools recommending a minimum of two hours PE per week.

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

### Maintained Sector Grammar Schools: Lurgan

**Mr Moutray** asked the Minister of Education whether children, who are educated in the maintained sector in Lurgan, will have to pay for transport to their closest maintained sector grammar school when changes are implemented.

**(AQW 32448/11-15)**

**Mr O'Dowd:** Once a pupil has secured a place at a grant-aided school then under the Home to School transport Scheme, they are assessed by their Education and Library Board for assistance with transport based on their individual circumstances. Therefore, it is not possible to say generally whether pupils will be eligible for assistance or not.

The existing policy uses two criteria to assess pupils; namely 'distance' and 'suitable school'. When a pupil lives beyond the relevant distance criterion of a grant-aided school in a recognised category chosen by the parent(s), and when that pupil has been refused a place in all suitable schools (if any) in the chosen category within the relevant distance criterion, then they are eligible for assistance with transport.

### South Eastern Education and Library Board: Commissioner Meetings

**Mr Weir** asked the Minister of Education how many meetings of the Commissioners in the South Eastern Education and Library Board have been held in each of the last eight years; and of these, how many lasted more than one day.

**(AQW 32452/11-15)**

**Mr O'Dowd:** The South Eastern Education and Library Board (SEELB) has advised that since their appointment in July 2006 the Commissioners have held 150 board meetings up to the end of March 2014, with a day for each. The number of meetings in each of the financial years since 2006 is detailed below.

Financial Year	July 06/ 2007	2007/ 2008	2008/ 2009	2009/ 2010	2010/ 2011	2011/ 2012	2012/ 2013	2013/ 2014
No. of Board meetings	18	22	19	16	17	23	18	17

During the same period and in addition to these meetings, the Commissioners have also been involved individually in a wide range of other official meetings and events.

### Pupil to Teacher Ratio

**Mr Weir** asked the Minister of Education to detail the current pupil teacher ratio in (i) primary; and (ii) post-primary schools and how this compares with (a) England; (b) Scotland; and (c) Wales.

**(AQW 32453/11-15)**

**Mr O'Dowd:** The information is provided in the table below. All figures refer to the 2012/13 school year. Direct comparisons are not advised, as there are differences in the coverage and scope of the data collections.

	NI <sup>1</sup>	England <sup>2</sup>	Scotland <sup>3</sup>	Wales <sup>4</sup>
Primary	21.1	20.9	16.3	20.7
Post Primary	15.3	15.4	12.2	16.3

#### Sources:

- 1 NI School Census and Teachers' Payroll and Pensions Administration System;
- 2 English School Workforce Census;
- 3 Scotland Annual School Census of Pupils and Teachers;
- 4 Welsh School Census.

## Department for Employment and Learning

### DEL: Preventative Spending

**Mr McKay** asked the Minister for Employment and Learning what consideration he has given to the need for preventative spending within his departmental budget.

**(AQW 31812/11-15)**

**Dr Farry (The Minister for Employment and Learning):** The work of my Department is fundamentally concerned with preventative spending.

The Skills Strategy 'Success through Skills - Transforming Futures' articulates the Department's aims "to enable people to access and progress up the skills ladder in order to: raise the skills level of the whole workforce; raise productivity; increase levels of social inclusion by enhancing the employability of those currently excluded from the labour market; and secure Northern Ireland's future in a global marketplace."

Success against these objectives can only impact positively on such key indicators as public health and well-being, reliance on the welfare system, inward investment and job creation. This should result not only in savings to the public purse, but also in the generation of additional income.

The 'Structured to Deliver Success' document sets out how the Department's major strategies and activities combine to achieve the goals set out in the Skills Strategy. I plan to publish an updated version of this paper early in the new financial year.

My Department 'Pathways to Success' strategy is designed to address the significant issue of young people who are Not in Education, Employment or Training (NEET). The strategy has a range of measures aimed at preventing young people falling into the NEET category, and helping other young people who find themselves in this situation to re-engage with education, training or employment.

The Community Family Support Programme (CFSP) is a 'Pathways to Success' initiative and also a Delivering Social Change signature project entitled 'Pathways to Employment for Young People'. The intervention programme has been designed to support families with a high level of need to develop their capacity to reach their full potential by addressing the health, social, economic, educational, employment and training issues that impact on their daily lives.

By investing in the CFSP, my Department offers real benefits to families to change their prospects and become full participants in society and, in the long term, savings will be made in the public purse.

## Profoundly Deaf Students

**Mrs Dobson** asked the Minister for Employment and Learning to outline the assistance schemes available to help Further Education Colleges and Higher Education Institutes provide support services to profoundly deaf students who undertake extra-curricular activities.

**(AQW 32067/11-15)**

**Dr Farry:** My Department's Additional Support Fund (ASF) provides ring-fenced financial assistance for further education (FE) students with disabilities and/or learning difficulties. This funding enables FE colleges to provide technical and personal support to these students. However ASF does not extend to cover extra-curricular activities.

My Department does not have specific assistance schemes available to help profoundly deaf students undertake extra-curricular activities. However, some FE colleges provide additional support for a range of student activities including college formals, graduations and special events, sports teams, student union and student council activities.

In higher education, my Department provides funding, through Disabled Students Allowances, to help students pay for the extra costs they may incur when studying their course, as a direct result of a disability, mental health condition or specific learning difficulty. The allowances can help with the cost of items of specialist equipment, travel and other course related costs.

Through Disabled Student Allowances, my Department also provides funding for the administration and delivery of a Register of Support Providers in each of the two Northern Ireland Universities. These are registers of freelance professional and non-professional support workers who are recruited and trained to assist students with disabilities and learning difficulties carry out course related activities. Under the Disabled Students' Allowance Regulations there is no scope for students with disabilities to receive support from DSA to undertake extra-curricular activities.

My Department does not have assistance schemes available to help Higher Education Institutes provide support services to profoundly deaf students who undertake extra-curricular activities.

However, the Higher Education Institutions have in place a range of measures, sometimes delivered through their Student Unions, to facilitate and encourage students with disabilities to engage in both academic and non-academic extra-curricular activities.

## Driver and Vehicle Agency: Staff Assistance

**Mr Campbell** asked the Minister for Employment and Learning to outline any assistance his Department plan to offer people currently employed by the Driver and Vehicle Agency.

**(AQW 32136/11-15)**

**Dr Farry:** Department for Employment and Learning will follow the Redeployment Policy and associated procedures agreed centrally by Corporate HR, Department of Finance & Personnel, in consultation with Department of Environment in relation to these posts. Department for Employment and Learning has a network of 35 regional offices and will liaise with Department of Environment and Corporate HR to accommodate surplus staff, subject to available vacancies.

A senior representative from the Department's Human Resources Team is participating on the Northern Ireland Civil Service Redeployment Group which has been established to consider means to resolve the surplus situation. The first meeting of this group was held on 24 March 2014.

## Student Accommodation

**Mr D McIlveen** asked the Minister for Employment and Learning to detail any research carried out by his Department regarding standards of student accommodation.

**(AQW 32221/11-15)**

**Dr Farry:** My Department provides funding to the Higher Education Institutions for teaching and learning and research purposes. As my Department has no remit for student accommodation it has not carried out any research on this issue.

## Student Accommodation

**Mr D McIlveen** asked the Minister for Employment and Learning to detail (i) how many students live in privately rented accommodation; and (ii) the support offered by his Department to students experiencing problems with private rented accommodation.

**(AQW 32222/11-15)**

**Dr Farry:** My Department provides funding to the Higher Education Institutions for teaching and learning and research purposes. The Universities are responsible for their own policies and procedures, including those relating to privately rented student accommodation and my Department does not provide any specific support to students experiencing problems with this issue.

As my Department does not hold the information you have requested I have asked officials to refer your question to the higher education institutions so that they can respond to you directly on this matter.

## Part-time Courses

**Mr Flanagan** asked the Minister for Employment and Learning to detail (i) what support his Department offers to part time students to help meet the fee costs for part-time courses; and (ii) any changes he intends to make to this provision to further encourage participation in part-time courses.

**(AQW 32248/11-15)**

**Dr Farry:** My Department provides a range of financial help to assist part-time students with the cost of fees, for courses delivered in both further education (FE) colleges and local universities.

## FE Colleges

- (i) Further education colleges are responsible for setting their own level of fees, including concessionary fees, for all the part-time courses they provide. Students undertaking accredited courses, who require financial assistance with meeting the costs associated with learning, can apply for help through FE Awards and/or college Hardship Funds. The amount of support available from both these sources for eligible students is means tested based on household income and is dependent on individual circumstances.
- (ii) The maximum amount of assistance available to part-time students through FE Awards is £465 towards the payment of fees (tuition, examination and registration), plus a course grant (books and stationery) of up to £265 per annum. Hardship Funds provide assistance to those eligible students who are experiencing exceptional financial difficulty in meeting the costs associated with learning and are aimed at providing assistance with fees, books and equipment, travel costs and associated living costs, up to a maximum of £3,500 per annum for full-time students. The amount of financial help provided to part-time students is calculated on a pro rata basis.
- (iii) The overall amount of financial help provided through both FE Awards and Hardship Funds is monitored throughout the year and where possible additional funding is made available to meet any increase in demand for both full-time and part-time courses.

## Universities

- (i) Students who do not already have a degree can apply for part-time student support for up to nine months after the course commences. For eligible part time Northern Ireland domiciled students the tuition fee support available is £1,230 which is means tested and dependent on the intensity of the course. The tuition fee grant is means tested up to a household income of £25,421, after which no grant is payable. To be eligible for the financial help the students' course must be no less than 50% of an equivalent full-time course (i.e. it must not last longer than twice as long as the full-time course). An eligible student can apply for the non-repayable fee grants for up to 8 years.
- (ii) As part of my Department's Higher Education Strategy, 'Graduating to Success', a review of higher education funding is currently underway. A key aim of the review is to consider how an increase in part-time participation could be encouraged. As a result, it will include a review of both the current student support offering made available by my Department to part-time students and the level of core teaching grant provided. Any proposed changes will be subject to public consultation later in the year.

## Employment Agency Inspectorate

**Mr Spratt** asked the Minister for Employment and Learning for an update on the work of the Employment Agency Inspectorate.

**(AQO 5881/11-15)**

**Dr Farry:** My Department's Employment Agency Inspectorate is responsible for the regulation of the Northern Ireland private recruitment sector, and its primary purpose is to protect workseekers and hirers who use the services of employment agencies.

The Inspectorate operates a risk-based approach to inspection, and targets those agencies which operate in particular occupational or sectoral areas, or in geographic regions, to ensure that sufficient protections are in place for those who have been identified as the most vulnerable workseekers.

To inform this process, the last 12 months have seen the Inspectorate undertake awareness-raising and evidence-gathering exercises, using local information sources such as Jobs and Benefits Offices, Citizen's Advice Bureaux, and migrant worker representative groups.

On a yearly basis, the Inspectorate plans a programme of inspections. This programme is based on an ongoing identification and assessment of risks in the recruitment sector. These risks may be sectoral, geographical or historical, meaning that they could be based on, for example, previous infringements.

At present, the focus of the Inspectorate's attention is on the following areas:

- Complaints from hirers and workseekers, these take priority over any inter-agency complaints;
- Agencies and businesses that work in sectors with children or vulnerable adults, for example, nursing homes;
- Agencies that place a high proportion of migrant workers;
- Breached regulations which afford the most protection to workseekers and hirers;
- and finally, agencies about which the Inspectorate or other enforcement agencies have a concern.

## Steps 2 Success: Procurement

**Mr Rogers** asked the Minister for Employment and Learning for an update on the procurement process for Steps 2 Success. (AQO 5878/11-15)

**Dr Farry:** The Steps 2 Success employment programme is the Department's major employment programme, designed to move people from unemployment and economic inactivity into sustained employment. Steps 2 Success is replacing and building on the success of Steps to Work.

The procurement for Steps 2 Success is presently being carried out under the guidance of the Central Procurement Directorate of the Department of Finance and Personnel. Their role is to ensure that all legislative and policy requirements are met.

The procurement is being carried out in two stages. Stage one was designed to select six organisations in each of three contract areas to submit tenders at Stage two. This stage has been completed and six organisations were selected in each area, one organisation has subsequently withdrawn in one contract area.

At Stage one, bidding organisations provided examples of how they had designed and delivered employment programmes, to show their capacity and capability to deliver the new programme. Bidding organisations were also requested to provide evidences of their financial capability.

The procurement of Stage two was launched on 28 March, with the first participants starting the programme in September 2014.

In Stage two, bidding organisations will be required to demonstrate:

- how they will move programme participants into sustained employment. Organisations will be required to design a flexible, individually tailored programme designed to assess participants' needs and then to meet these needs;
- they will also need to show how they will work with employers and other stakeholders to identify appropriate job opportunities for participants and to meet the labour market needs of employers; and
- they will have to show how they will deliver a high quality service to all participants, and their proposed delivery structure, including their supply chain.

The standard of service offered to each participant is set out by the Department in a Service Guarantee.

## Youth Employment Scheme: South Antrim

**Mr Girvan** asked the Minister for Employment and Learning for an update on the Youth Employment Scheme in South Antrim. (AQO 5877/11-15)

**Dr Farry:** The Youth Employment Scheme was launched in July 2012. Since then, within the South Antrim area, employers have offered 413 opportunities to young people. At 28 February, 171 young people had taken up these opportunities, with 47 entering permanent subsidised employment and a further six gaining unsubsidised employment.

I am pleased with progress so far and expect numbers to build as we continue to engage locally with both employers and young people, to secure their commitment to participate in the scheme.

To assist in this, the Youth Employment Scheme formed part of a recent Skills to Succeed media campaign, to encourage both young people and employers to take part. Advertisements ran on TV and Radio in February. The campaign also included extensive web advertising, as well as outdoor advertisements in most major towns.

I appreciate your interest in the Youth Employment Scheme and would ask you to encourage employers and young people in your constituency to become involved.

## Disability Employment Service

**Mr Copeland** asked the Minister for Employment and Learning for an update on the Disability Employment Service strategic review.

**(AQO 5880/11-15)**

**Dr Farry:** The role of the Disability Employment Service is to support and assist people with health conditions and disabilities to progress towards, move into and stay in employment.

A strategic review of the Disability Employment Service commenced in 2013. However, as this work got underway it was decided that, in order to better inform the review, an overarching Disability Employment Strategy was needed.

A strategic working group was established, comprising of officials from the Department's Disability Employment Service and a number of key representatives from the local disability sector.

The direct involvement of the disability organisations is testament to the very positive relationship and partnership working that exists between my Department and the sector. Their involvement and influence will also help to ensure that any forthcoming strategy will focus on, and address, the specific employment related needs of people with disabilities.

In addition, seven user engagement events have taken place throughout Northern Ireland. These were extremely well attended and the volume of feedback captured will ensure that the views of people with a full range of disabilities are taken into consideration, when the final strategy is being developed.

At this stage, the Working Group has identified a number of key themes and specific areas of work that they believe form the basis of the Strategy. These will be encapsulated in a Strategic Framework document which is being drafted by the group.

It is proposed that the Strategic Framework document will be subject to a public consultation exercise later this year, with the intention to launch a new Disability Employment Strategy by January 2015.

## University of Ulster: GAA Shirts

**Mr Allister** asked the Minister for Employment and Learning to outline any discussions he has had with the University of Ulster regarding concerns that the proliferation of GAA tops on campus leads to an intimidating atmosphere for many students.  
**(AQO 5883/11-15)**

**Dr Farry:** My Department answered a written assembly question on a similar matter in July 2013. At that time the University of Ulster advised that it did not have a policy in relation to the wearing of sport shirts. However there were plans to develop a good relations policy, in conjunction with the Students Union.

The University of Ulster has now advised that a working group has been established to develop this policy. An action plan has been developed, which will be presented to the relevant University committee in April. The policy will cover, inter alia, political expression, culture, language and dress code.

## Youth Training Review

**Mr Douglas** asked the Minister for Employment and Learning for an update on the Review of Youth Training which was announced in February 2013.  
**(AQO 5884/11-15)**

**Dr Farry:** The aim of the youth training review is to provide a programme at level two, of sufficient breadth and depth to enable young people between the ages of 16 and 18 to progress to an apprenticeship programme at level three, a level three further education programme, or into employment.

I announced the review of apprenticeships and youth training in February 2013. As you are aware, the review of apprenticeships published its interim report in January 2014, setting out a range of proposals for the future of apprenticeships. As the youth training review needs to take account of the impact of these recommendations, it has operated to a longer timescale. The review has progressed over the past few months, through both research and stakeholder engagement activities.

In terms of stakeholder engagement, I recently chaired a meeting of the review's expert panel, to discuss findings and emerging issues to be addressed as part of the review. The Department also held a series of stakeholder engagement events to hear the views of employers, young people, and training providers. These events coincided with a call for submissions, which was hosted on the Department's website.

Officials in the department have also carried out research, and engaged with experts in the OECD, to investigate models of best practice in the delivery of vocational education and training. Following the OECD's recommendations, I recently visited the Netherlands. Key elements of best practice observed through the visit were the matching of training and qualifications to the needs of local employers, and the willingness of employers to integrate those on work placements into their wider business operations.

The feedback from stakeholders will be combined with these research findings to inform the review's interim report, which is due for publication in early Summer 2014.

## University of Ulster: Funding

**Mr Byrne** asked the Minister for Employment and Learning why the funding for 350 student places at the University of Ulster at Magee has been removed.

**(AQO 5885/11-15)**

**Dr Farry:** No places have been removed from the University of Ulster.

## Teacher Training Review

**Mr McGimpsey** asked the Minister for Employment and Learning for an update on the review of Teacher Training.

**(AQO 5886/11-15)**

**Dr Farry:** Members are aware that I have instigated a review into the teacher training infrastructure in Northern Ireland.

The Review Panel invited each of the Initial Teacher Education Institutions and other interested stakeholders to submit their views on the structures necessary to create a world-class system of initial teacher education in Northern Ireland.

The closing date for submissions was 18 December and over 100 responses were received. All responses received have been passed to the panel and my officials have prepared a summary report of the responses, which was recently published on my Department's website.

The Review Panel has also recently met with the Initial Teacher Education Providers and a number of interested stakeholders; the Panel will draw the information from these meetings together with all other relevant information to inform their final report which will set out a series of options for the future shape of initial teacher education infrastructure in Northern Ireland.

Once this assignment has been completed, it will form the basis for further dialogue with the various institutions with the intention of finding an agreed way forward.

## Key Skill Shortages

**Ms Ruane** asked the Minister for Employment and Learning to outline his proposals to enhance the cross border co-ordination between learning providers in relation to areas in which there are key skill shortages.

**(AQO 5887/11-15)**

**Dr Farry:** My officials engage regularly with their counterparts in the Republic of Ireland on a range of skills issues. Examples of recent engagement include discussions about the review of apprenticeships and the review of youth training.

Also, cross border co-operation and mobility have been identified as key issues in my Department's higher education strategy, Graduating to Success. A project group chaired by Ruth Taillon, Director of the Centre for Cross Border Studies, has been established to address the issue. The group includes representatives from Queens' University, the University of Ulster, the Open University and the Higher Education Authority in the Republic of Ireland.

The main objectives of the project are to identify opportunities for north-south cooperation in teaching and learning and in research and innovation; and to establish and meet targets on increased cross-border student mobility.

Queens University and the University of Ulster are both actively involved in a number of cross border projects and initiatives, including projects funded by INTERREG Ireland, US-Ireland R & D Partnership and Intertrade Ireland's Fusion programme.

I welcome these collaborative arrangements between the Higher Education institutions, North and South, and we are keen to examine opportunities for further engagement.

I can assure you that my Department remains keen to explore the possibility for joint working in border areas with the Department of Education and Skills, especially where there are obvious mutual benefits and the potential to expand opportunities for students.

It is worth noting that my Department currently funds over 4,000 enrolments, which travel from South to North to attend further education colleges. However, it is also worth noting that there is no significant corresponding flow of students travelling in the opposite direction.

I am meeting with Ruairi Quinn TD, Minister for Education and Skills, on Wednesday of this week, when we will discuss these important issues.

## Department of Enterprise, Trade and Investment

### Horizon 2020: Competitive Funding Steam

**Mr Lunn** asked the Minister of Enterprise, Trade and Investment for an update on her Department's work on the Horizon 2020 Competitive Funding Steam since 2011.

**(AQW 32054/11-15)**

**Mrs Foster (The Minister of Enterprise, Trade and Investment):** My Department continues to take the lead in this important area for Northern Ireland and has been working on a number of different activities to help stimulate and support applications into Horizon 2020. An action plan for 2013 was devised in consultation with key stakeholders and has been delivered upon through the work of the NI Horizon 2020 Manager within DETI. The main action was the setting up, supported by DEL, of the Northern Ireland Contact Point (NICP) network, providing hands-on practical support and advice to Northern Ireland applicants. DARD have also funded a role within Agri-Food and Biosciences Institute (AFBI), Invest NI are the NICP for SMEs and InterTradeIreland support North/South collaboration. From April 2013 to the end of the year there were over 25 events and workshops in the area, which saw more than 1400 attendees and the NICP network had circa 1000 interactions with potential applicants and this work continues. Additionally there is now a Northern Ireland website for Horizon 2020, a communications strategy for the work and activity to see an increase in the number of Northern Ireland expert evaluators. It should also be noted that my Department chairs the NI Horizon 2020 Steering Group, made up of key stakeholders such as the universities and also a number of the relevant departments to this funding area.

### **Belfast: Direct Flights**

**Mr Lunn** asked the Minister of Enterprise, Trade and Investment for an update on her Department's work in encouraging companies to schedule direct flights from Belfast to (a) North America; (b) Germany; (c) Austria; and (d) Belgium.

**(AQW 32055/11-15)**

**Mrs Foster:** My Department is in regular dialogue with airlines and Northern Ireland's airports, to help bring new air services to Northern Ireland and to promote demand for existing services. This includes the potential for new routes to important business and inbound tourism markets in mainland Europe and North America. However, while under development, these discussions are of a commercially sensitive and confidential nature. My Department is also currently undertaking an Air Connectivity Study to identify all potential options to improve Northern Ireland's air access position.

Recent changes to the European Commission Guidelines on State Aid to Airports and Airlines have re-opened the potential to operate Air Route Development Funds. I am therefore encouraged by the Chancellor's announcement in the Budget 2014 that the Government plans to extend the scope of the existing Regional Air Connectivity Fund to include start-up aid for new routes from regional airports, and will increase the funding to £20 million per annum. I welcome the Chancellor's recognition of the importance of air access to regions of the United Kingdom such as Northern Ireland. My officials will work with the Department for Transport to ensure our airports have full access to the Fund.

### **Invest NI: Compliance with Statutory Obligations**

**Mr Allister** asked the Minister of Enterprise, Trade and Investment, prior to InvestNI assisting a company, whether they check with relevant agencies, such as Planning Service and the Northern Ireland Environment Agency, to ascertain the applicant's compliance with statutory obligations.

**(AQW 32076/11-15)**

**Mrs Foster:** Depending on a business's status – sole trader, partnership or incorporated, Invest NI routinely performs the relevant credit checks. In addition Invest NI's application form also enquires about any outstanding proceedings. Invest NI's Letters of Offer include a standard condition which places the onus on the business owner to ensure that its business is operated in compliance with all applicable laws or regulations. For buildings related offers there are specific conditions ensuring that the business provides a written undertaking to the satisfaction of Invest NI that it shall provide copies of all necessary planning permissions and building control approvals.

### **Unemployment: North-west**

**Mr Eastwood** asked the Minister of Enterprise, Trade and Investment, pursuant to AQO 4815/11-15, when the strategy to tackle unemployment in the North West will be brought to the Assembly.

**(AQW 32134/11-15)**

**Mrs Foster:** Although my Department has no specific strategy for unemployment in the North West; I remain committed to delivering actions in conjunction with Invest NI as detailed within our own Northern Ireland Economic Strategy and the more recent Economy and Jobs initiative. I believe that implementation of these activities will deliver growth, prosperity, jobs and rebalance the local economy in the longer-term. In the North West region in particular, the implementation of the recent Economy and Jobs initiative has promoted to date around 927 jobs and created a further 762 jobs.

### **Budget Statement 2014: Job Creation**

**Mr Campbell** asked the Minister of Enterprise, Trade and Investment what potential exists, following the Budget statement on 19 March 2014, for job creation in areas that have suffered job losses in recent months.

**(AQW 32175/11-15)**

**Mrs Foster:** In the Budget statement on 19 March 2014, the Chancellor announced that the Northern Ireland Executive has set out its plans for a pilot Enterprise Zone near Coleraine, which the government will support by offering Enhanced Capital Allowances to investors within that Zone.

5NINES, a leading global developer of data centres has announced the development of a data centre within the Zone. Coleraine Borough Council and the University of Ulster have been supporting their proposals. The proposed investment is in the region of £20 million for the first phase and the project will create approximately 15 jobs.

Data centre development is an important infrastructure element to the wider development of the ICT sector here. Such developments can assist in attracting other ICT related businesses that have an ever increasing need for such data centres. This will improve the potential for job creation in the area and Invest NI have committed to promoting the 5NINES data centre to relevant companies in international markets.

Beyond the recent Budget announcement, the Invest NI Jobs Fund has been instrumental in helping local companies create new jobs quickly. Most recent figures show that as of the end of December 2013, within East Londonderry, the Jobs Fund has promoted a total of 179 jobs and 143 jobs have actually been created to date.

## Recommendation 15

**Mr Allister** asked the Minister of Enterprise, Trade and Investment, pursuant to AQW 31674/11-15, to provide a comprehensive response to Recommendation 15; and if she is not able to provide a response, to outline the reasons why. **(AQW 32195/11-15)**

**Mrs Foster:** I made my position clear on this recommendation when, in the time available to me, I responded to the Committee's Motion debated in the Assembly on 3 March 2014.

## Domestic Electricity Prices

**Mr Allister** asked the Minister of Enterprise, Trade and Investment, pursuant to AQW 7003/11-15, to address the first part of the question.

**(AQW 32196/11-15)**

**Mrs Foster:** I have nothing to add to my response to AQW 7003/11-15.

## Injixo Ltd, Derry

**Mr Eastwood** asked the Minister of Enterprise, Trade and Investment to detail the number of people employed by Injixo Ltd in Derry.

**(AQW 32209/11-15)**

**Mrs Foster:** At present, Injixo Ltd employs 25 people at their Londonderry site in various software development and technical support roles.

## Enterprise Zone: Pilot

**Mr Eastwood** asked the Minister of Enterprise, Trade and Investment to detail the criteria used in selecting Coleraine as the location for the pilot Enterprise Zone.

**(AQW 32215/11-15)**

**Mrs Foster:** The UK Government's Economic Pact, published on 14 June 2013, set out 3 commitments in relation to Enterprise Zones, focusing on Enhanced Capital Allowances (ECAs) which permit 100% first year allowances for qualifying plant and machinery expenditure. The pilot Enterprise Zone announced in the Budget statement on 19 March will only offer ECAs as an incentive. State aid rules stipulate that ECAs cannot be offered alongside other forms of regional aid such as Selective Financial Assistance, business rate discounts etc.

In selecting a location for a pilot Enterprise Zone, the over-riding criteria was that it could potentially assist the development of new capital-intensive projects where ECAs would provide an attractive incentive and would outweigh other forms of available financial support. In addition, due to the then legislation cut-off date of April 2017 for projects to benefit from ECAs, any potential project needed to be operational before that date.

The pilot Enterprise Zone adjacent to the University of Ulster Coleraine Campus was put forward for the following reasons:

- Investment was already at an advanced stage and 5NINES had already received planning permission (in October 2013), so the project could potentially benefit from ECAs before the April 2017 cut-off date;
- It is an important infrastructure investment for the ICT sector and builds on the area as a digital hub;
- The project would not qualify for Invest NI financial support;
- ECAs would provide the incentive for the project to proceed and could potentially lead to further phases;
- It is a joint venture between the University of Ulster, Coleraine Borough Council and 5NINES which has the potential to promote economic development and further investment in the area.

## Renewable Electricity and Renewables Obligation Certificates

**Mr Agnew** asked the Minister of Enterprise, Trade and Investment whether, given Power NI's licence, there is sufficient competition for the purchase of renewable electricity and Renewables Obligation Certificates.

**(AQW 32242/11-15)**

**Mrs Foster:** All generating stations with an installed capacity greater than 10MW sell into the Single Electricity Market (SEM) pool. Generating stations below this size have the option of selling directly into the SEM pool or contracting directly with suppliers. Renewables Obligation Certificates (ROCs) do not need to be sold with the electricity and Northern Ireland generators have the option of selling ROCs either to Northern Ireland suppliers or to suppliers elsewhere in the UK.

Power NI has a licence condition imposed by the Utility Regulator requiring it to offer a tariff to small generators. This was to ensure that small renewable generators had a route to market irrespective of the willingness of other suppliers to offer contracts to renewable generators. All other suppliers are free to offer contracts if they choose to do so.

## Renewable Electricity Generators

**Mr Agnew** asked the Minister of Enterprise, Trade and Investment for her assessment of the situation whereby renewable electricity generators, without a half-hourly meter, can only sell their electricity to one company; and whether she has any intention of changing this policy.

**(AQW 32244/11-15)**

**Mrs Foster:** While Power NI is obliged to offer a tariff for non half-hourly output under licence conditions introduced by the Utility Regulator, any other supplier could also choose to offer a non-half hourly tariff. Any change to existing arrangements would be a matter for the Utility Regulator.

## Renewable Energy

**Mr Boylan** asked the Minister of Enterprise, Trade and Investment how his Department will meet EU directives on renewable energy without being over-dependent on wind energy.

**(AQO 5904/11-15)**

**Mrs Foster:** The Northern Ireland Executive's 2010 Strategic Energy Framework target of 40% electricity consumption to come from renewable sources by 2020 is technology neutral and market led. The precise mix to be deployed will depend on specific decisions made by energy companies operating within an effective regulatory framework.

## One Plan: International Data Centre

**Mr Eastwood** asked the Minister of Enterprise, Trade and Investment, when AQW 31677/11-15 will be answered.

**(AQW 32315/11-15)**

**Mrs Foster:** I can confirm that AQW 31677/11-15 has been answered on 26th March.

## EE Contact Centre, Derry

**Mr Eastwood** asked the Minister of Enterprise, Trade and Investment whether EE will be establishing a contact centre in Derry in 2014.

**(AQW 32463/11-15)**

**Mrs Foster:** Invest NI is in discussions with a number of companies regarding potential investment projects that would benefit the whole of Northern Ireland. Any discussions with any company regarding investment in Northern Ireland are commercial-in-confidence until all negotiations are complete and the project is formally announced.

# Department of the Environment

## Exploris

**Mr McGlone** asked the Minister of the Environment whether his Department has received a revised Business Plan from Ards Borough Council regarding the future of Exploris; and if so, to detail the steps that will be taken following consideration.

**(AQW 31943/11-15)**

**Mr Durkan (The Minister of the Environment):** Ards Borough Council approved an outline Business Plan at its January 2014 Council meeting. I have committed to funding all reasonable costs associated with running the seal sanctuary. For the Executive to consider an offer of financial assistance, a more detailed Business Case carried out to Treasury Green Book standard is also required. The consultant employed by the Council to prepare both documents submitted a first draft of the detailed Case to my officials on 21 January 2014. Since then there have been detailed discussions between the consultant, council staff and DOE officials, all geared towards producing a Business Case that is robust with underpinning assumptions

that are reasonably explained and accurately stated. My aim is to present a case that is sufficient to enable the Executive to make a decision without deferring for more information.

My officials are close to completing their discussions with the Council and we expect to have an agreed Business Case shortly. As it is also necessary that there is a long term commitment to Exploris, I have asked both Ards Borough Council and the North Down and Ards Statutory Transitionary Committee (STC) to commit for a period of five years irrespective of the level of operating deficit during that time. At its meeting on 26 March, the Council agreed to give this commitment and the STC will be asked to do the same at its meeting on 3 April.

With an agreed Business Case and the commitments described above in place, my officials will seek DFP approval and then I will take a case to the Executive. I expect to be able to do this in April.

## Department for Transport: Consultation on Secondary Legislation

**Mr Flanagan** asked the Minister of the Environment for his assessment of the responses from local agencies, organisations or individuals to the Department for Transport consultation on secondary legislation.  
(AQW 32032/11-15)

**Mr Durkan:** I have assumed that this question relates to the HGV Road User Levy.

Whilst I am aware of the consultation and the responses, responsibility for assessment of this consultation rests with the Secretary of State for Transport in London. However, I can report the following factual information:

The HGV Road User Levy Act was passed in Westminster on 28 February 2013; this introduces a specific time based charge for using or keeping a heavy goods vehicle (HGV) weighing 12 tonnes or more on a public road in the UK. As part of this process the Department for Transport held a six week consultation from 26 September to 7 November 2013 to gather views in two key subject areas:

- Fixed Penalties and Financial Penalty Deposits
- Vehicle Construction and Use (changes to weight bands)

The consultation received six responses which would reflect the technical nature of the proposed changes. Two of these were from the BVRLA (British Vehicle Renting and Leasing Association) and the FTA (Freight Transport Association), that represent the wider industry. A response was received from the RAC Foundation, a transport policy and research organisation, and from an owner/driver.

In relation to the responses received to the proposed technical amendment to the vehicle weight bands, this was accepted by the two transport associations that responded, the BVRLA and the FTA, and the RAC Foundation. They viewed the proposed arrangement as having a negligible impact on operating practices.

In relation to the responses received to the legislative package of three statutory instruments to enable constables and Driver and Vehicle Standards Agency (DVSA) officers to issue FPNs to any person using or keeping a HGV on a public road in the UK without paying the appropriate levy, DfT received comments that the monetary amount of the FPN was either about right, or should be higher to provide more of a deterrent. One respondent disagreed with the plans to enforce the charge against the driver of the vehicle at the roadside rather than the operator.

## Unapproved Quarries

**Mr Agnew** asked the Minister of the Environment, pursuant to AQW 31072/11-15, to detail the number of unapproved quarries that are currently operating, broken down by council area.  
(AQW 32048/11-15)

**Mr Durkan:** At the time of writing there are 25 unauthorised incidents of winning and working of minerals (quarrying) without the requisite planning permission. The statistics provided are live enforcement cases where the breach is confirmed and involves winning and working of minerals on 'new' sites, that is, sites not currently associated with an approved quarry. The extent of development at these sites ranges from a small domestic scale (i.e. farmer working material from own land) to commercial operations.

Derry City Council	1
Limavady Borough Council	1
Ballymoney Borough Council	1
Moyle District Council	1
Ballymena Borough Council	3
Strabane District Council	3
Omagh District Council	5
Fermanagh District Council	1

Dungannon and South Tyrone Borough Council	1
Armagh City and District Council	3
Newry and Mourne District Council	5

With regard to 'currently operating' quarries, it is not possible to quantify whether sites are currently operating. Based on formal action taken, warning letters issued and site inspections, it is estimated that 8 of the sites may be operating. The current status of operations can only be confirmed by inspections of the sites.

### Environment Agency: Environmental Harm

**Mr Agnew** asked the Minister of the Environment, pursuant to AQW 29919/11-15, to detail (i) when the Planning Service was first alerted by the Northern Ireland Environment Agency to environmental harm occurring at Mabuoy Road as a result of unauthorised mineral extractions; (ii) whether Planning Service accepted that environmental harm was actually occurring; (iii) what that environmental harm consisted of; and (iv) when formal enforcement action was first initiated.

**(AQW 32049/11-15)**

**Mr Durkan:** The Department processed a number of planning applications at Mabuoy Road in respect of minerals development. In processing the planning applications the Department consulted with a number of consultees, including the NIEA.

The Department's records indicate that a consultation response from NIEA – Natural Heritage was received on 22 November 2004. This was a response to a consultation on a planning application for mineral extraction at Mabuoy Road.

The consultation raised concerns in general with the proposal. Subsequent responses from NIEA highlighted potential impacts on water quality, quantity and the established flow regime.

This information was used to inform the environmental impact assessment determination carried out subsequently. Additionally, the response led to the Department seeking further information from the applicant to assess the potential impacts.

No formal enforcement action has been initiated on this site to date. This is currently under consideration as part of the ongoing investigations.

### Waste Management Contracts

**Mr Kinahan** asked the Minister of the Environment how the implementation of the Review of Public Administration will affect the status of the arc21 waste management group and any waste management contracts it may have agreed with existing councils.

**(AQW 32069/11-15)**

**Mr Durkan:** arc21 was established as a body corporate on application of its constituent councils in 2003. It will be up to the new councils which make up the arc21 region to determine whether they wish to re-establish a joint committee for the purposes of implementing their waste management plan and if so whether they wish that joint committee to be voluntary or whether they wish to apply to the Department for it to become a body corporate.

Under the local government reform programme, Down District Council, currently part of arc21, and Newry and Mourne District Council, currently part of SWaMP2008, will become one local government district. arc21 has modelled the possible permutations of this change on the existing and potential waste management contracts it administers on behalf of its constituent councils, and it will be for future contracting bodies to accommodate these changes through due process.

### Single Waste Authority

**Mr Kinahan** asked the Minister of the Environment whether he plans to create a single waste authority to coincide with the creation of the new super-councils in May 2015.

**(AQW 32070/11-15)**

**Mr Durkan:** Local government is responsible for designated waste management functions and under current legislation it is for local government to determine how best to deliver those functions. In light of increasingly stringent waste targets, and the difficult challenges waste infrastructure procurement for long term contracts has presented at council level, the reform of local government requires councils to give careful and informed consideration to all the options available to maximise the efficiency and cost-effectiveness of their waste management services.

A new governance structure to facilitate more effective delivery of statutory waste functions by local and central government, the Waste Co-ordination Group, has been established by the Department. Local government is already considering strategic options for revised delivery of its waste management functions under the new council configurations and will bring those to the new Waste Co-ordination Group for consideration in due course.

### Waste Procurement Programmes

**Mr Kinahan** asked the Minister of the Environment why some existing councils continue with waste procurement programmes under their waste management organisations, given that the reform of local government is imminent, the Southern Waste

Management Partnership procurement has stopped, the other two procurement processes are almost eight years old and the sector is in need of a strategic re-appraisal.

**(AQW 32071/11-15)**

**Mr Durkan:** Procurements such as those undertaken by the Waste Management Groups are subject to the rules of procurement and contract law, and the termination of any procurement would have to be in accordance with those rules if the procuring authorities are to avoid the risk of incurring liability for costs, including potential losses, incurred by the bidder or costs arising from any successful legal challenges. It is imperative, therefore, that each procurement is allowed to run its course in accordance with all the relevant legislation, including that which governs the councils' own decision-making processes.

The Department has already taken steps to facilitate a more effective strategic approach to waste management in the context of local government reform. I am overseeing urgent implementation of key recommendations arising from the Mills Report, and have approved the establishment of a new Waste Co-ordination Group, specifically established to promote more effective discharge of both the Department's and local government's statutory responsibilities in respect of waste management.

### Lough Neagh Special Protection Area: Mineral Extraction

**Mr Agnew** asked the Minister of the Environment whether his Department has administered or authorised payments of the aggregates levy rebate for any of the unregulated minerals extractions taking place within Lough Neagh Special Protection Area; and if so, to detail each occasion and the amount of money involved.

**(AQW 32086/11-15)**

**Mr Durkan:** The Department of the Environment administered the Aggregates Levy Credit Scheme on behalf of Her Majesty's Revenue and Customs (HMRC), and was responsible for entering into Aggregates Levy Credit Scheme (ALCS) agreements with site operators; monitoring such agreements and issuing and, where necessary, withdrawing ALCS certificates. The Department did not administer or authorise payments. The ALCS was suspended on 1 December 2010.

Prior to December 2010, a site operator was required to satisfy the Department that all mandatory authorisations to achieve legal compliance were in place in order to qualify for tax relief from HMRC under the ALCS. Entry to the scheme was also conditional on the operator agreeing to commission environmental audits and to undertake work, where necessary, to resolve any issues subsequently highlighted.

Under the ALCS criteria, unauthorised sites did not receive an ALCS certificate, and therefore were ineligible to apply for a rebate from HMRC on the levy payable.

### Permanent Tree Preservation Orders

**Mr Agnew** asked the Minister of the Environment (i) to detail the criteria on which Permanent Tree Preservation Orders (TPOs) are issued; (ii) for his assessment of the weight that public bodies, such as local councils, give to TPOs in any proposals for development; and (iii) the consideration of Permanent TPOs in development proposals that would constitute best practice.

**(AQW 32087/11-15)**

**Mr Durkan:** To be considered for a TPO trees must be of high amenity value and in reasonable condition. The following criteria will be used when assessing the merits of a potential TPO;

- **Potential Threat:** Priority will be given to the protection of those trees deemed to be at immediate risk from active felling or damage from development on site. All other requests will be assessed and prioritised accordingly.
- **Visibility:** The extent to which the trees or woodlands can be seen by the general public will inform the assessment of whether the impact on the local environment is significant.
- **Individual Impact:** The mere fact that a tree is publicly visible will not itself be sufficient to warrant a TPO. The tree's particular importance will be assessed by reference to its size and form, its future potential as an amenity should also be assessed taking into account any special factors such as its screening value or contribution to the character or appearance of an area. In relation to a group of trees or woodland, an assessment will be made of the collective impact.
- **Wider Impact:** The significance of the trees in their local surroundings will also be assessed, taking into account how suitable they are to their particular setting, as well as the presence of other trees in the vicinity.
- **Historical Importance:** Certain trees because of their age, association with the setting of listed buildings or the contribution they make to the special character of a conservation area may require consideration for TPO protection.
- **Rarity:** There may be occasions where a tree(s) may be considered for TPO protection solely on the grounds of its rarity. The priority of the consideration will reflect the rarity of the species.

I can't speculate as to what weight public bodies give to TPOs in any proposals for development. Whilst protected trees can often represent a significant constraint to development, they provide an opportunity to enhance the quality of development proposals and make an important contribution to the environment, creating a varied, interesting and attractive landscape. It would be remiss of public bodies to ignore the statutory protection of TPOs and to not avail of such opportunities.

The Department's Planning NI website contains the following documents – 'TPOs – A Guide to Best Practice' and 'Trees and Development – A Guide to Best Practice' which inform members of the public and developers of the issues associated with planning applications for development sites where there are existing trees or woodland within or adjoining the site boundary, whether protected or not. Planning staff also use this advice in determining planning applications.

## Loughside Park: Rezoning

**Mr Agnew** asked the Minister of the Environment whether his Department has a policy to re-zone land in Loughside Park for development; and how the wishes of the residents in the area have been taken into account.

**(AQW 32089/11-15)**

**Mr Durkan:** The draft Belfast Metropolitan Area Plan (BMAP), published in November 2004, indicates the land at Loughside Park, Shore Road, Belfast, as existing Open Space. Objections seeking the removal of the open space identification on these lands were submitted to the Department and considered by the Planning Appeals Commission (PAC) through the Public Inquiry into BMAP. The PAC recommendations were published in June 2012 by my predecessor and, in relation to these particular objections, there was a recommendation of No Change to the Plan unless planning approval for redevelopment had been granted. I can confirm that planning approval has not been granted in relation to redevelopment of this land and consequently, in line with the Ministerial statement published with the PAC Reports, it is likely that this recommendation of 'No Change' will be accepted by my Department.

You will be aware that I submitted the Plan to the Executive prior to Christmas 2013 and I await approval to authorise my Department to adopt the Plan. I am concerned that the strategic importance of BMAP to the regional economy has not been recognised by Executive colleagues.

A mixed use development proposal on this site was submitted to the Department by Belfast City Council and Bayshore Developments Ltd in 2009. The application was designated one of major importance under Article 31 of the Planning (NI) Order 1991 and dealt with by my Department's Strategic Planning Division. My Department refused planning permission in November 2012 having taken account of all material considerations and the views and concerns of the local community, which included objection and support for the proposal.

With regard to the wishes of the residents in the area, you will be aware that numerous opportunities were open to the public to make representations as part of the BMAP process. Members of the public wrote to the Department to comment on the planning application; indeed some 1750 objections were received alongside letters of support. These were fully considered as part of determining the application.

Furthermore in response to a number of requests from residents in the area, the Department assessed the site with a view to imposing a Tree Preservation Order (TPO). A Provisional TPO was served in November 2012 and subsequently confirmed in May 2013. A Tree Management Agreement has since been entered into between the Department and the owner of the trees, Belfast City Council, in order to ensure that the integrity of the TPO is maintained.

## Planning Applications: Lane Ways

**Mr Swann** asked the Minister of the Environment how many planning applications have been received for lane ways in rural areas in each of the last 18 months, broken down by planning office.

**(AQW 32093/11-15)**

**Mr Durkan:** There have been 142 applications for single laneways in rural areas in the last 18 months. These are listed by month and planning office in the table below.

### Planning applications received for laneways<sup>1</sup> in rural<sup>2</sup> areas, from April 2012 to September 2013

	Belfast	Northern	South Antrim	Southern	Strategic Planning	Western	Total
April 2012	1	0	0	1	0	6	8
May 2012	2	2	2	1	2	5	14
June 2012	3	1	1	3	0	6	14
July 2012	1	0	1	2	0	2	6
August 2012	1	1	2	1	0	2	7
September 2012	0	3	1	2	0	1	7
October 2012	0	1	1	2	1	5	10
November 2012	0	2	0	0	1	4	7
December 2012	3	2	0	1	0	4	10
January 2013	2	1	0	0	1	5	9
February 2013	0	1	0	2	0	4	7
March 2013	1	0	1	1	0	0	3
April 2013	0	0	1	1	0	2	4
May 2013	0	0	3	1	0	3	7

	Belfast	Northern	South Antrim	Southern	Strategic Planning	Western	Total
June 2013	0	1	0	1	0	3	5
July 2013	1	3	1	0	0	6	11
August 2013	1	2	1	2	0	3	9
September 2013	1	2	1	0	0	0	4
<b>Total</b>	<b>17</b>	<b>22</b>	<b>16</b>	<b>21</b>	<b>5</b>	<b>61</b>	<b>142</b>

#### Notes

1. Applications for laneways have been extracted by selecting out applications with the following classification: "Construction of New Road Access used for the purpose of a single undertaking, where the development is required for a purpose incidental to the existing use of the land".
2. The method of classifying applications as rural is based on the x & y co-ordinates of the planning application and the Planning Settlement Development Limits.
3. Our latest published information is currently up to 30 September 2013. Information relating to the first 2 quarters of 2013/14 is provisional.

#### Taxi Operators: Licences

**Lord Morrow** asked the Minister of the Environment, pursuant to AQW 31657/11-15, what action was taken over the relevant staff member who approved this temporary licence anomaly.

**(AQW 32114/11-15)**

**Mr Durkan:** Interim measures introduced with the implementation of Taxi Operator Licensing on 1 September 2012 allowed for the issue of temporary operator licences pending consideration of the full application. Temporary licences did not specify operating centres.

Fonacab applied to include Ravenhill rugby ground on its taxi operator licence on 28 February 2013. A full licence was issued to Fonacab on 19 June 2013 and this licence replaced the temporary licence held by the company. The processing of Fonacab's application to have Ravenhill added to its taxi operator licence was completed in line with set procedures for administering taxi licensing; operating centres were not routinely inspected as part of the licensing process.

As I have already indicated in a previous answer, as a result of a subsequent review of Fonacab's operations at Ravenhill, the Department was not satisfied that an operator centre had been established at that location and this operating centre was removed from their licence on 1 October 2013.

There was no anomaly in the issue of the temporary licence.

#### Taxi Operators: Licences

**Lord Morrow** asked the Minister of the Environment, pursuant to AQW 31706/11-15, whether this option was available to any other taxi-operator wishing to avail of an initial, transitional measure for the introduction of licensing of taxi operators.

**(AQW 32115/11-15)**

**Mr Durkan:** The legislation provided for the issue of temporary licences as an initial, transitional measure for the introduction of taxi operator licensing and this option was available to all who applied for a taxi operator's licence prior to 31 October 2012.

#### Road Deaths

**Mr Weir** asked the Minister of the Environment what action his Department is taking to address the rise in road deaths.  
**(AQW 32138/11-15)**

**Mr Durkan:** As Minister of the Environment, I co-coordinate a strategic approach to road safety including oversight of the Northern Ireland Road Safety Strategy to 2020. The Strategy sets out the key challenges and objectives for improving road safety, identifies casualty reduction targets and details over 200 measures to deliver improved road safety through education, engineering and enforcement. Responsibility for delivery crosses a number of departments and agencies that work in partnership, including the Department for Regional Development, Department of Justice and the emergency services.

The provisional number of road deaths in Northern Ireland in 2013 was 57, compared with 48 in 2012. This was a rise of 19% on the 2012 figure but is 3% lower than in 2011 when there were 59 deaths. Figures for serious injuries are not yet available but indications towards the end of 2013 were that they appeared to have fallen. It is impossible to be definitive about the reasons for the rise in deaths in 2013 because of the range of different factors that can impact on road safety and on individual collisions. Further, there are no details at this time on the main causes of fatal and serious collisions in 2013. These won't become clear until the police complete investigations and produce verified statistical reports. However, we do know that in 2012 the principal causes of collisions in which someone died or was seriously injured were speeding, inattention or

attention diverted and drink/drug driving. Sadly it is likely that those causes will again feature prominently when data emerges for 2013.

The rise in fatalities in 2013 and at the start to 2014 is saddening. Up to 24 March 2014, 13 people had died, compared with 12 at the same date last year and 7 at the same date the year before. We must not get disillusioned; the overall trend in road casualties in recent years has been down. Indeed, over the last five years the number of people killed on our roads in Northern Ireland has halved.

Neither must we allow ourselves to be complacent. In response to the worrying rise in road deaths at the beginning of January 2014, I convened an urgent meeting of the Road Safety Forum on 14 January 2014. At that meeting, which was very well attended by stakeholders, members' commitment to reducing road casualties was reaffirmed and a number of immediate actions were agreed. Consequently, DOE has provided additional focused road safety advertising and messages. We have also provided young people's groups with materials to help them better communicate key road safety messages to their members. PSNI has continued its focus on visible road traffic policing while DRD reviewed its provision of information to those who make decisions on road gritting.

In 2014, with Executive agreement, I plan to progress a Road Traffic (Amendment) Bill which includes measures to tackle drink driving; better prepare, test and protect young drivers as they gain experience; and to require the wearing of a helmet on a quad bike on a public road. This legislation will help tackle the main causes of serious and fatal collisions I referred to above, namely drink driving and, for the most vulnerable group (young drivers) also carelessness / inattention and speeding.

As a further action which is being progressed, DOE hosts a Motorcycling Forum which will shortly begin work on preparing a strategy to improve motorcyclist safety.

My Department perhaps, most publicly, addresses high risk behaviours through our information campaigns. I have commissioned two new campaigns for launch in 2014. These will address cyclist safety and inappropriate speed, both of which have been identified as priority issues. Evidence shows that our campaigns effectively raise road user awareness, influence attitudes and help change behaviours. We place a strong emphasis on road user responsibility and striving towards zero road deaths. To pursue zero deaths on our roads is hugely challenging but I am convinced that it should not be beyond our ambition.

I am confident that the measures I have outlined will, along with others carried out by our partners, help save lives on our roads and I can assure you that I will continue to keep the position under review. Ultimately, however, casualties occur from collisions, and sadly collisions largely occur through road users making bad decisions. Positively influencing human behaviour is a challenging and long term process. We have made great strides but this task requires continuing effort from all of us.

I believe that every death on our roads is one too many and I will continue to work with all stakeholders further to improve road safety and continue to reduce casualties.

### **Taxi Meter Centres**

**Mr Weir** asked the Minister of the Environment when the criteria for becoming an approved taximeter centre will be made public. (AQW 32155/11-15)

**Mr Durkan:** My Department is currently consulting with a number of taximeter manufacturers to help inform the development of policy and procedures used to support the introduction of an approval scheme for the installation, calibration, testing and sealing of taximeters.

Once the final criteria for becoming an Approved Taximeter Centre have been finalised they will be made public through a comprehensive communication plan which is currently being developed in conjunction with this project. This will be rolled out well in advance of new regulations coming into effect to enable interested parties to apply to be part of the approval scheme.

### **Taxi Meters: Launch Date**

**Mr Weir** asked the Minister of the Environment when his Department has will be making the taxi industry aware of the launch date for new taximeters. (AQW 32156/11-15)

**Mr Durkan:** As part of the implementation of taxi reform, my officials are developing a comprehensive communication plan designed to advise the taxi industry of the new legislative provisions. This plan, which includes details in respect of mandatory taximeters, will be rolled out in advance of new Regulations coming into effect.

As you are aware, my Department presented to the Environment Committee on 16 January 2014 an SL1 letter detailing the proposed legislation which would introduce the requirement for mandatory taximeters for taxis in Northern Ireland. The Committee deferred consideration of this letter pending clarification on other aspects of taxi reform. Given this situation, I have not yet finalised the timetable for bringing forward the Regulations and the communications plan.

### **Taxi Meters: Approved Equipment**

**Mr Weir** asked the Minister of the Environment when his Department will provide an approved equipment list for taxi meters, including the acceptability of manufacturers or products. (AQW 32183/11-15)

**Mr Durkan:** My Department is currently consulting with a number of taximeter manufacturers in order to develop the final specification for taximeters and printers. In conjunction with this process my officials will work closely with the industry to identify and establish a network of Approved Taximeter Centres (ATMCs) which will be authorised to install, calibrate, test and seal approved taximeters.

As part of the wider Taxi Reform Implementation Programme officials are developing a comprehensive communication plan, aimed at advising the taxi industry of new provisions, which will include details of ATMCs and approved equipment. This communication plan will be rolled out in advance of any new Regulations coming into effect and will provide for the staggered introduction of the mandatory taximeter equipment.

### Illegal Waste: Arney

**Mr Flanagan** asked the Minister of the Environment to detail (i) the volume of illegal waste discovered in Arney in March 2013; (ii) the origin of the waste; and (iii) how further related investigations are proceeding.  
(AQW 32200/11-15)

**Mr Durkan:** I am not in a position to disclose the volume of waste discovered, as doing so could compromise any future legal proceedings in this case. The majority of the waste appears to be from Northern Ireland, but is badly degraded and therefore difficult to source. My officials in the Northern Ireland Environment Agency are in the process of preparing a file for consideration, and possible further judicial action, by the Public Prosecution Service.

### Operation Willow

**Mr Flanagan** asked the Minister of the Environment to detail the scope of Operation Willow, including (i) the number of staff members involved; and (ii) the resources that have been provided for the operation.  
(AQW 32201/11-15)

**Mr Durkan:** Operation Willow involved the excavation of a site at Skea, Arney Road in Enniskillen during March 2013 in order to investigate alleged waste offences.

Six members of staff from NIEA's Environmental Crime Unit (ECU) were involved in the fieldwork operation part case, with support (via the Strategic Partnership) from the PSNI. The case, in common with similar ones conducted, involved considerable staff hours in the preparation of files, writing statements etc, in addition to the use of excavation equipment and follow-up sampling costs.

### Planning Officers

**Mr Weir** asked the Minister of the Environment how many planning officers were employed in each planning office in each of the last five years; and how many vacancies currently exist in each office.  
(AQW 32229/11-15)

**Mr Durkan:** The number of Planning Officers in each Planning Office in each of the last five years as at 1 January and the areas served by each Planning Office are listed in the table below. The table also contains details of the current vacancies in each of the Planning Offices as at 23 March 2014:

Planning Office and Council areas served	1 Jan 2014 Planning Officers	1 Jan 2013	1 Jan 2012	1 Jan 2011	1 Jan 2010	Vacancies @ 23/3/14
Belfast Area Planning Office – Belfast City Council area.	49	46	45	49	60	1
Western Area Planning Office – Omagh, Fermanagh, Dungannon, Magherafelt, Cookstown Council areas.	39	44	45	50	59	0
Northern Area Planning Office – Derry, Strabane, Limavady, Coleraine, Ballymoney, Moyle Council areas.	48	46	44	51	55	2
South Antrim Area Planning Office - Ballymena, Carrickfergus, Larne, Antrim and Newtownabbey Council areas.	31	34	37	48	54	0
Southern Area Planning Office - Armagh, Banbridge, Craigavon, Down and Newry & Mourne Council areas.	54	55	51	56	75	0

Planning Office and Council areas served	1 Jan 2014 Planning Officers	1 Jan 2013	1 Jan 2012	1 Jan 2011	1 Jan 2010	Vacancies @ 23/3/14
Downpatrick Area Planning Office - Castlereagh, Lisburn , Ards and North Down Council areas.	53	45	36	42	56	2
Headquarters –Strategic Planning Applications across all of Northern Ireland and includes, Environmental, Waste and Wind applications.	49	60	78	80	93	7

**Please note:**

These figures do not include Planning Officers working within the Planning Policy Division in DoE or any staff seconded or on loan to other Business areas within DoE or other Departments.

The Western Office has a sub office located in Enniskillen, and the Northern Office is split across two sites in Derry and Coleraine.

Figures for the Northern Office include the Business Support Team (4 Planning staff) which provides support to all of the Area Planning Offices.

The Headquarters figure includes the Chief Planner.

**Arc21 Waste Management Procurement Process**

**Mr Kinahan** asked the Minister of the Environment whether the Becon Consortium/E.ON Group has been formally awarded preferred bidder status in the ARC21 Waste Management Procurement process.

**(AQW 32233/11-15)**

**Mr Durkan:** Under the Competitive Dialogue process by which the arc21 procurement is being conducted, the appointment of Preferred Bidder occurs following the receipt and assessment of Final Tender by the procuring authority at close of dialogue. The arc21 project remains in dialogue with the remaining bidder and has not yet reached this stage.

**Tamboran Resources: Drilling**

**Mr Agnew** asked the Minister of the Environment whether Tamboran Resources has informed him of its intention to drill a borehole; and whether he will inform the Assembly as soon as he receives any such notification.

**(AQW 32240/11-15)**

**Mr Durkan:** The Department has not received any confirmation from Tamboran indicating when the initial exploration phase will commence.

An extension to their DETI Licence was granted on 12 March 2014. The extension of time was granted by DETI to 30 September 2014 and allows the company additional time to comply with Part 1of its licence in connection to the exploration and to allow the company to decide whether or not to proceed to the next phase.

When notification is received, the Assembly will be notified.

**Lough Neagh Special Protection Area: Mineral Extraction**

**Mr Mitchel McLaughlin** asked the Minister of the Environment, pursuant to AQW 30960/11-15, whether changes in water quality in Lough Neagh Special Protection Area are linked to the unregulated mineral extraction taking place; and what assurances he can give that this unregulated mineral extraction is not harming the ecology and integrity of this Natura 2000 site.

**(AQW 32316/11-15)**

**Mr Durkan:** In my response to the earlier Assembly question I referred to the fact that some bird populations are declining on Lough Neagh and that this could in part be linked to changes in water quality. The most recent ecological study has shown that there has been a decline in the invertebrates on the lake bed and hence food for diving ducks. Although not proven this could be related to improvements in water quality. There is nothing as yet to suggest that there is a link between the decline of bird populations and unregulated sand extraction on Lough Neagh.

The Department's Strategic Planning Division currently has a live investigation into the activities on the Lough. This investigation will include consultation and consideration on any potential impacts to the Lough from the mineral extraction.

## North West Region Waste Management Group

**Mr Clarke** asked the Minister of the Environment for his assessment of the recommendations relating to major waste infrastructure development in the Mills Report; and, given the collapse of the North West Region Waste Management Group, how this infrastructure development will be implemented locally.

**(AQW 32354/11-15)**

**Mr Durkan:** Christopher Mills's review of waste disposal at the Mobouy site and the lessons learnt for the future regulation of the waste industry in Northern Ireland contains twelve key recommendations which touch on practically all aspects of the Department's work and organisation. In respect of infrastructure it proposes limiting the number of waste authorisations to the number necessary to meet Northern Ireland's projected waste needs and create the necessary new strategic waste infrastructure which can be more easily regulated and monitored.

I will be publishing my response to the Report shortly and will address each of the report's recommendations in that context. In doing so I will take due account of the termination of both the SWaMP2008 and the North West Region Waste Management Group procurements, as well as available outcomes from an analysis being carried out to show the capacity of residual waste infrastructure treatment facilities needed to meet EU Obligations in 2020.

## Lough Neagh Special Protection Area: Commercial Dredging

**Mr Mitchel McLaughlin** asked the Minister of the Environment, pursuant to AQW 30962/11-15, (i) how many commercial dredging operations are taking place in Lough Neagh Special Protection Area; (ii) the number of barges involved in each operation; (iii) how many hours per day dredging takes place; and (iv) the amounts of sand removed from the lough bed as a result.

**(AQW 32393/11-15)**

**Mr Durkan:** The Department's Strategic Planning Division does not hold this information but is currently investigating the activities on the Lough. This information will be ascertained as part of the investigation.

## Petroleum Drilling: Permitted Development Rights

**Mr Agnew** asked the Minister of the Environment, pursuant to AQW 31843/11-15, whether the changes to Part 16(A) of the General Development Order has made it possible for proposals to carry out exploratory drilling for petroleum to avail of any new or additional permitted development rights if it is to be located within an old mine or quarry which is no longer operational.

**(AQW 32425/11-15)**

**Mr Durkan:** Part 16A (Development Ancillary to Mining Operations) of Schedule 1 to The Planning (General Development) Order (Northern Ireland) 1993 S.R. 1993 No. 278 (as amended) provides permitted development rights for development ancillary to mining operations on land used as a mine. "Mining operations" are defined under the Order as "the winning and working of minerals in, on or under land, whether by surface or underground working". In addition, the principal purpose of the development provided for by Part 16A must be connected to the winning and working of minerals and the treatment, storage and removal of such minerals.

For the purposes of the Order "mineral exploration" means "ascertaining the presence, extent or quality of any deposit of a mineral with a view to exploiting that mineral". Mineral exploration is thus an activity distinct and separate from the later winning and working of minerals, to which the provision of plant and machinery permitted by Part 16A is ancillary.

Mineral exploration permitted development rights are separately provided for under Part 16 of Schedule 1 to the Planning (General Development) Order (NI) 1993.

My Department therefore takes the view that Part 16A does not provide permitted development rights for exploratory drilling on land at a mine or indeed in any other location.

## Whiterock Leisure Centre

**Mr Allister** asked the Minister of the Environment whether he will investigate how a civic community facility, under the control of Belfast City Council, namely Whiterock Leisure Centre, came to be used for paramilitary displays and the commemoration of terrorists on 29 March 2014.

**(AQW 32508/11-15)**

**Mr Durkan:** The Department has no role in overseeing the booking of events at council owned properties. This is an operational matter for Belfast City Council.

I understand that Belfast City Council has indicated that it will carry out an investigation.

## Taxi Operators: Fixed Penalties

**Lord Morrow** asked the Minister of the Environment in instances where a taxi-driver commits an offence for which a Fixed Penalty is issued or enforceable, for example in respect of illegal pick-ups or vehicle fault, how this affects the taxi-operators licence.

**(AQW 32603/11-15)**

**Mr Durkan:** The Department may suspend or revoke a licence for any reasonable cause, particularly where it is no longer satisfied that the licence holder is fit to hold such a licence.

In considering whether to suspend, curtail or revoke an operator's licence, the Department must be satisfied that the licence holder is no longer fit to hold such a licence. The overriding consideration in determining an operator's fitness to hold the licence will be based on whether they can fulfil their role and run their business without posing any likely threat to the general safety of the public or to the proper conduct of the undertaking. Examples of this may include operators who have been convicted of a serious criminal offence or have demonstrated they are using unlicensed drivers and vehicles or vehicles with no insurance and account may also be taken of fixed penalties.

To impose the ultimate sanction of revoking an operator's licence indicates that all other attempts by the Department to encourage operator compliance have failed. In this regard, it is not envisaged that revocation action will have to be undertaken on a regular basis but rather reserved for dealing with operators that demonstrate wilful non-compliance or recklessness towards their responsibilities. To date, two operators have had their licences revoked and the Department will not hesitate to act on the outcomes resulting from compliance and enforcement activities.

## Rates Convergence

**Mr Copeland** asked the Minister of the Environment what discussions he has had with the Minister of Finance and Personnel on how long the funding for the rates convergence transitional relief scheme is expected to last.

**(AQO 5912/11-15)**

**Mr Durkan:** As part of the Executive's funding package of £47.8 million, agreed in 2013, a commitment was given of up to £30 million to cover the cost of rates convergence following the creation of the 11 new councils in April 2015.

My Departmental officials continue to work with DFP on the design of a transitional rates relief scheme, within the cost envelope of £30 million, which will protect those ratepayers who otherwise would face sudden and excessive increases as a direct consequence of local government reform.

The precise model for how this £30 million will be administered and over what period of time has not yet been finalised. There are 3 key variables: the length of the scheme; the acceptable threshold for the district rate increase; and the phased levels of support over the life of the scheme.

The preferred option is a district rate adjustment at bill level. This would involve a rebate being applied to the individual rates bills of those ratepayers who would otherwise face sudden and excessive increases. It does not, therefore, involve any payments to Councils.

Under this option, the rate relief that will apply to a District Council area will depend on the rate increases faced by ratepayers as a result of the level district rates settle at in the initial years of the new council.

A joint DOE and DFP ministerial letter was issued on the 28 January 2014, advising that all of these matters will be consulted upon around April 2014 when the views of local government will be taken into consideration before the scheme is finalised.

## Carrickfergus Castle

**Mr D Bradley** asked the Minister of the Environment what was his rationale for waiving the entrance fee to Carrickfergus Castle from 22 to 30 March 2014.

**(AQO 5913/11-15)**

**Mr Durkan:** When the archaeological digs were being carried out as part of the Derry/Londonderry City of Culture events, I was struck by the huge public interest in the works and the enthusiasm of people who saw the digs.

Those digs were being carried out in public spaces, near thoroughfares. The excavations at Carrickfergus are happening inside the walls of the castle complex. Passers-by cannot see the works, and I felt it was important that the public get the best opportunity we can give at present to see the digs.

Waiving the entrance fee for a short period will allow the local community to see the unveiling of the history of their town and encourage a greater number of the wider public to visit the castle generating more interest in the future development of the castle over the next few years.

## Driver and Vehicle Agency

**Mr McQuillan** asked the Minister of the Environment for his assessment of the transfer of Driver and Vehicle Agency responsibility to Swansea.

**(AQO 5914/11-15)**

**Mr Durkan:** On 13 March, the Secretary of State for Transport announced that vehicle licensing services for motorists in Northern Ireland will be centralized in Swansea. It is only this part of the Driver and Vehicle Agency's functions that are subject to this decision by the Transport Secretary; the Agency's other responsibilities for driver testing and licensing, vehicle testing, bus and taxi operator licensing, the licensing of taxi drivers and roadside enforcement, which are devolved functions, are not affected.

From July 2014, the Driver and Vehicle Licensing Agency in Swansea, the Department for Transport's agency for vehicle licensing, will extend their IT system to cover vehicles registered in Northern Ireland and, at the same time, decommission the existing, separate IT system used by the DVA. This will mean that online and enhanced Post Offices services, which have been available in Britain for ten years, will become available to motorists here. The DVLA has repeatedly refused to develop these services in Northern Ireland; an investment that would have cost a fraction of the cost of the current IT integration and decentralization project.

From 21 July, all vehicle licensing services will be centralized in Swansea. This will result in the closure of all of the DVA's vehicle licensing offices in Coleraine and in Belfast, Ballymena, Derry, Omagh, Enniskillen, Armagh and Downpatrick. The work and funding for 309 jobs will be lost.

I have already spoken in the House about my bitter disappointment at this decision and about my anger at the way in which it was announced when I was out of the country and in breach of previous written assurances that the Transport Minister would inform me in advance of any decision being made.

With the full support of all parties across the House, I made a robust case to Transport Ministers for the retention of these services and jobs in Northern Ireland.

I am sure that you will share my frustration that a decision such as this, which is nothing more than a narrowly focussed cost-cutting exercise, made at the expense of high quality public services, jobs and the local economy, could have been made in the face of David Cameron's public commitments at the economic conference in Belfast last October to assist the Executive in stimulating and developing the economy of Northern Ireland.

This severe economic blow is the last thing that the local economy needs as it attempts to struggle out of a deep and sustained recession. The decision is also ill-reward for the hard working staff of the DVA, their families and also for motorists in Northern Ireland who have received a first-rate service from the DVA. The DVA's customers made it very clear, not least in the public consultation, that they want the local service to be retained. Unfortunately, the overwhelming rejection of centralization in Swansea in the consultation exercise has been swept aside. I have no doubt that customers will experience much diminished standards of service when the DVLA try to deliver vehicle licensing remotely from Swansea.

My focus must now be on bringing some certainty to the affected staff in the DVA about their future employment. I have already written to Executive colleagues seeking their assistance in identifying possible alternative work that could be located in the affected areas to take advantage of a well trained and highly committed workforce with a proven record of customer service and achievement.

Finding new jobs for the affected staff will not be easy. The problem will be most acute in Coleraine but, although the numbers are small in the other areas with local motor tax offices, Belfast, Ballymena, Derry, Omagh, Enniskillen, Armagh and Downpatrick, the opportunities for re-deployment to other posts in the Civil Service will also be greatly restricted in some places.

Officials in my Department are already working to resolve the staffing issues created by this unwarranted decision to centralise all of this work in Swansea and meetings have been held with staff to set out what is being done and to explain the process for redeployment.

Officials in the DVA are also in discussion with the DVLA to ensure that the DVLA are fully aware of the need to provide comprehensive and clear information to customers about the new arrangements for registering and licensing vehicles.

## Planning Powers

**Mr Irwin** asked the Minister of the Environment what role councillors will play in administering planning powers when they are devolved to councils.

**(AQO 5915/11-15)**

**Mr Durkan:** From 1st April 2015 the new councils will be responsible for determining the vast majority of planning applications. These applications will fall into the local and major categories of development. Planning applications will be determined by councillors sitting on the planning committee, apart from those applications which will be determined under the council's scheme of delegation – this allows elected members to concentrate on the more significant and potentially controversial proposals.

Councillors will also be responsible for the preparation of local development plans, enforcement, and other consent regimes in relation to listed buildings, conservation areas, trees, advertisements and hazardous substances. The preparation of local development plans will be of crucial importance to the new councils, allowing them to place shape their areas, and will be decided by the full council.

My Department will continue to set strategic planning policy and provide oversight of the planning system, and will also determine a limited number of applications that are of regional significance.

## Union Flag: Designated Days

**Mr Elliott** asked the Minister of the Environment why he did not support the amendment to the Local Government Bill for all council headquarters to fly the Union Flag on council offices on a minimum of designated days.

**(AQO 5916/11-15)**

**Mr Durkan:** As I have stated during the Consideration Stage debate local government reform is about strengthening local democracy and the amendment ran counter to that.

It is for a council, as a local democratically elected body to decide on its flags policy, including whether to follow central government's protocol, fly any other flags or, indeed fly no flags at all.

### Local Government Bill

**Mr Swann** asked the Minister of the Environment when, and from whom, he received the legal advice that the provisions in clause 4 of, and Schedule 1 to, the Local Government Bill, as introduced, were not within the competence of the Assembly. (AQO 5917/11-15)

**Mr Durkan:** My officials received the relevant legal opinion late on Friday 28 February 2014. As I indicated during the debate on the Consideration Stage of the Local Government Bill there is a long standing convention in government that precludes me identifying the source of this opinion.

## Department of Finance and Personnel

### PSNI: Treasury Reserves

**Mr Givan** asked the Minister of Finance and Personnel for an update on discussions with HM Treasury on extending the PSNI's access to Treasury Reserves to help combat terrorist activities more effectively. (AQO 5923/11-15)

**Mr Hamilton (The Minister of Finance and Personnel):** There have been no discussions since an additional £31 million for national security was agreed as part of the 2015-16 Spending Round.

The arrangements beyond 2015-16 will be determined as part of the next UK Spending Review.

### Civil Service: Flexible Working

**Mr Ó hOisín** asked the Minister of Finance and Personnel what percentage of civil servants have chosen the option of flexible working in each year since 2011. (AQO 5922/11-15)

**Mr Hamilton:** The Northern Ireland Civil Service has a wide range of flexible working options available to support staff in the balance between their work commitments and life responsibilities. There is, however, a guiding and over-riding principle that this flexibility should be achieved without adverse effect on the overall efficiency of departments, or on service to the public.

The majority of staff can avail of flexitime, and additional alternative working patterns are available, including compressed hours, personalised hours and part-time working (including reduced hours; term time working; job sharing; and partial retirement). The percentages of staff who have chosen a flexible working arrangement (other than flexitime) are:

2011	17.3%
2012	18.3%
2013	18.7%

In addition, various types of agile working have been successfully implemented throughout the NICS. Excellent progress has been made with the NICS IS Strategy, including the introduction of a new IP Telephone system to allow staff to be contacted on the one number regardless of their location; development of a range of options for remote access to NICS systems; videoconferencing and teleconferencing to reduce the need for travel; Blackberry devices for secure email access and the provision of satellite hubs to enable remote working.

### Budget 2014

**Mr Cree** asked the Minister of Finance and Personnel for his assessment of the local benefits of the Chancellor's 2014 Budget. (AQO 5924/11-15)

**Mr Hamilton:** The Chancellor's 2014 Budget resulted in a number of benefits for Northern Ireland. The most obvious was the increase to our Budget. Our Resource DEL budget will increase by some £11 million over the next two years. There was also an increase in our Capital DEL of £10.2 million, of which £1.1 million was additional Financial Transactions Capital.

The Chancellor also confirmed the first Northern Ireland Enterprise Zone, near Coleraine, and a number of tax measures which could benefit households here. These include the increase in the personal allowance, which will assist working people; the increase in the ISA limit that will support savers; and further childcare support for families through the tax

system. There was also support for businesses, for example, through the temporary increase in the Annual Investment Allowance.

## Financial Transaction Capital

**Mr Swann** asked the Minister of Finance and Personnel for an update on the proposed projects to be supported by Financial Transaction Capital.

**(AQO 5925/11-15)**

**Mr Hamilton:** Financial Transactions Capital must be used to provide a loan or take an equity investment in the private sector. Since this is the only restriction on the use of this funding, it gives a great deal of scope for the public and private sectors to work together to deliver innovative projects that are mutually beneficial.

The Executive has already agreed a number of Financial Transactions Capital allocations, including a range of housing schemes and the loan to the University of Ulster.

Work is ongoing to identify further suitable projects. I also recently hosted a seminar for senior local government representatives to encourage

local councils to identify projects that may avail of Financial Transactions Capital. I hope to make further announcements on allocations as part of this year's monitoring rounds.

## Budget 2014

**Mr Flanagan** asked the Minister of Finance and Personnel for his analysis of Budget 2014.

**(AQO 5926/11-15)**

**Mr Hamilton:** The Chancellor's 2014 Budget resulted in a number of benefits for Northern Ireland. The most obvious was the increase to our Budget. Our Resource DEL budget will increase by some £11 million over the next two years. There was also an increase in our Capital DEL of £10.2 million, of which £1.1 million was additional Financial Transactions Capital.

The Chancellor also confirmed the first Northern Ireland Enterprise Zone, near Coleraine, and a number of tax measures which could benefit households here. These include the increase in the personal allowance, which will assist working people; the increase in the ISA limit that will support savers; and further childcare support for families through the tax system. There was also support for businesses, for example, through the temporary increase in the Annual Investment Allowance.

## Civil Service Compensation Scheme

**Mr Elliott** asked the Minister of Finance and Personnel whether a resolution has been found with the Trade Unions on the proposed new Civil Service Compensation Scheme.

**(AQO 5927/11-15)**

**Mr Hamilton:** Trade unions remain opposed to the overall policy to reform of the Civil Service Compensation Scheme in Northern Ireland.

During lengthy consultation with all Northern Ireland Civil Service Unions, my Department has proposed a variation to absolute parity with compensation arrangements payable in the Home Civil Service, by linking deemed salary reference points to the NICS pay system.

Trade unions welcomed this development.

## Economic Data

**Mr Lynch** asked the Minister of Finance and Personnel for an update on progress within his Department to improve the quality and timeliness of economic data used to benchmark local economic strategies.

**(AQO 5928/11-15)**

**Mr Hamilton:** Responsibility for the production of economic accounts, data for the countries and regions of the UK, is the responsibility of the Office for National Statistics (ONS). The ONS produced headline GVA data for Northern Ireland, in December 2013, for the period 1997 to 2012 (2011 for industry data).

In addition, the ONS produced estimates of Regional GVA, in real terms on a production basis, for the first time in December 2013. This was a recommendation from the Allsopp review regarding the improvement of regional economic data.

NISRA also produce a range of economic data and, in January 2013, introduced the Northern Ireland Composite Economic Index to provide a new quarterly measure of overall economic activity.

In line with the Code of Practice for Official Statistics, NISRA systematically engages with users to identify their needs and set priorities for development.

## Budget 2014

**Mr McCarthy** asked the Minister of Finance and Personnel to outline the local impact of the 2014 Budget.

**(AQO 5929/11-15)**

**Mr Hamilton:** The Chancellor's 2014 Budget resulted in a number of benefits for Northern Ireland. The most obvious was the increase to our Budget. Our Resource DEL budget will increase by some £11 million over the next two years. There was also an increase in our Capital DEL of £10.2 million, of which £1.1 million was additional Financial Transactions Capital.

The Chancellor also confirmed the first Northern Ireland Enterprise Zone, near Coleraine, and a number of tax measures which could benefit households here. These include the increase in the personal allowance, which will assist working people; the increase in the ISA limit that will support savers; and further childcare support for families through the tax

system. There was also support for businesses, for example, through the temporary increase in the Annual Investment Allowance.

## Enterprise Zones

**Mr Storey** asked the Minister of Finance and Personnel for an update on the development of local Enterprise Zones.  
(AQO 5930/11-15)

**Mr Hamilton:** The Chancellor announced in his Budget statement on 19th March that a pilot Enterprise Zone would be established in Northern Ireland offering Enhanced Capital Allowances. This zone will be located on a site adjacent to the University of Ulster in Coleraine where 5NINES, a leading global data centre development and consulting firm, have announced plans for a £20million investment.

DFP and DETI are working alongside Treasury to ensure that the necessary statutory steps are now taken as quickly as possible to formally designate this pilot Enterprise Zone following the Budget announcement.

## Rate Relief Scheme

**Mr Lunn** asked the Minister of Finance and Personnel whether he will consider a business rates relief scheme to assist start-up businesses to occupy vacant town centre and high street premises.  
(AQO 5931/11-15)

**Mr Hamilton:** My Department introduced a scheme two years ago that provides a 50% rates discount, for one year, for new ventures re-occupying retail premises. And by retail I don't mean just shops; it covers hotels, pubs and many other categories of property that have been lying empty for a year or more.

It is a scheme that has given a helping hand to over 240 business ventures since it began in 2012. It is also a scheme that was made in Northern Ireland, but has been copied in all parts of the UK.

In the member's own constituency a number of new businesses have been awarded the discount (12 in the council areas of Banbridge and Lisburn). I am a little surprised he was unaware of it, and hope he will help spread the word to ensure as many as possible avail of it and help reinvigorate our towns and High Streets.

## Public Sector Hub: Downpatrick

**Mr Hazzard** asked the Minister of Finance and Personnel what steps his Department can take to aid further decentralisation of government jobs to the newly established Public Sector Hub at the Downshire Campus in Downpatrick.  
(AQO 5932/11-15)

**Mr Hamilton:** There is no central programme, or strategy, for the decentralisation of public sector jobs.

Individual public bodies, departments and Ministers can, of course, consider the location of public sector facilities and jobs, subject to the normal requirements of business need, value for money and affordability.

# Department of Health, Social Services and Public Safety

## Mental Health Waiting Lists

**Mr Copeland** asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 28948/11-15, to detail the total spend in reducing mental health waiting lists during the same period.  
(AQW 30745/11-15)

**Mr Poots (The Minister of Health, Social Services and Public Safety):** It is not possible to provide the requested information on a calendar year basis.

However, pursuant to AQW 28948/11-15, the total spend in reducing mental health waiting lists for the period 1 April 2011 – 31 March 2013 amounted to £951,000 broken down as follows:

2011/12	£24,000
2012/13	£927,000

## Royal Victoria Hospital: Critical Care Facility

**Mr McKinney** asked the Minister of Health, Social Services and Public Safety (i) to outline the expected date of delivery of the critical care facility at the Royal Victoria Hospital site; (ii) whether this represents a significant delay from the original expected date; and (iii) if so, what is the nature of these delays.

(AQW 32123/11-15)

**Mr Poots:** The Critical Care Building was to be handed over on 12 November 2012 but this was delayed by the discovery of pipe-work corrosion problems during the commissioning process which necessitated the removal and replacement of all five sealed water systems in the building. The building is now being re-commissioned and it is currently anticipated that handover will be achieved at the end of July 2014.

## Ambulance Cover: Down District

**Mr Hazzard** asked the Minister of Health, Social Services and Public Safety on how many occasions in the last twelve months was Down District without any ambulance cover, broken down by date and time.

(AQW 32131/11-15)

**Mr Poots:** The Northern Ireland Ambulance Service (NIAS) has advised that ambulance cover in Down District Council area is provided from ambulance stations at Downpatrick, Ballynahinch and Newcastle and that there were no occasions in the last twelve months when ambulance cover was not available.

It is also important to note that NIAS operates a dynamic deployment plan for ambulance resources to maximise response capacity and align available resources to actual and predicted demand. It is possible, therefore, that an emergency response in the Down District Council area could be provided by an emergency response resource from outside the area.

## Annex

### Dropped shifts and dropped vehicles March 2013-March 2014

#### Downpatrick Station

	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Total
Dropped shifts	0	33	11	2	1	14	15	9	9	14	12	32	10	162
Dropped vehicles	0	19	7	1	1	9	9	6	7	8	7	18	5	97

#### Downpatrick Station - RRV Shifts

	Mar	Apr	May	Jun	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Dropped shifts	4	9	1	1	9	4	2	4	0	2	8	1	2	47
Dropped vehicles	4	9	1	1	9	4	2	4	0	2	8	1	2	47

#### Ballynahinch Station

	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Total
Dropped shifts	8	10	4	0	7	4	6	0	0	13	10	14	5	81
Dropped vehicles	4	6	2	0	4	3	4	0	0	8	5	9	3	48

#### Newcastle Station

	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Total
Dropped shifts	4	11	9	6	0	8	11	0	3	9	11	3	2	77
Dropped vehicles	2	6	5	4	0	6	7	0	2	5	7	2	1	47

## Bangor Minor Injury Unit: Sick Leave

**Mr Easton** asked the Minister of Health, Social Services and Public Safety how many staff are currently on sick leave from the Bangor Minor Injury Unit.

(AQW 32140/11-15)

**Mr Poots:** Currently across Bangor and Ards Minor Injury Units (MIU) there is a short fall of 4.15 whole time equivalent Nurse Practitioners due to the combination of vacancies and long term sickness. MIU Staffing must be considered across both Ards & Bangor sites as all Nurse Practitioners in each unit routinely rotate through both. Sickness & vacancies in either unit can therefore impact on the ability of both to maintain service delivery.

Due to the small numbers of staff involved and to protect staff identity and privacy I am unable to detail the specifics regarding the staffing pressures however I can confirm they are related to vacancies and long term staff sickness.

### Department of Social Protection: Memorandum of Understanding

**Mr Allister** asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 31965/11-15, to place in the Assembly Library a copy of the Memorandum of Understanding that has been developed with the Department of Social Protection in the Republic of Ireland.

**(AQW 32161/11-15)**

**Mr Poots:** A copy of the Memorandum of Understanding with the Department of Social Protection in the Republic of Ireland was placed in the Assembly Library on 27 March 2014.

### Emergency Departments and Minor Injuries Units

**Mr Hazzard** asked the Minister of Health, Social Services and Public Safety to detail the differences between an Emergency Department and a Minor Injuries Unit.

**(AQW 32163/11-15)**

**Mr Poots:** An emergency department is a consultant-led medical facility which assesses and treats people with serious illnesses or injuries who need immediate attention. A minor injuries unit may be nurse or doctor-led and can treat people with a variety of injuries that are not critical or life threatening. Information about minor injuries units in Northern Ireland and the type of injuries they can treat can be found on the NI Direct website at <http://www.nidirect.gov.uk/index/information-and-services/health-and-well-being/health-services/accidents-and-emergencies/minor-injuries-units.htm>.

### Nursing Home Beds: Derry City Council Area

**Ms Maeve McLaughlin** asked the Minister of Health, Social Services and Public Safety, in relation to the number of beds in nursing homes in the Derry City Council area, to detail (i) the number of beds currently available; (ii) the number of available beds in each of the last five years; (iii) the current level of demand; and (iv) the demand for beds in each of the last five years.

**(AQW 32166/11-15)**

**Mr Poots:** The information is not held centrally and was therefore requested from both the Western Health and Social Care (HSC) Trust in which Derry City Council is situated, and the Regulation and Quality Improvement Authority (RQIA).

The Western HSC Trust stated that it commissions all nursing home care from independent sector organisations.

- (i) The Western HSC Trust advised that there are currently 383 nursing home beds available in the Derry City Council area and based on the latest information made available to them by independent sector nursing home providers, there are 4 vacancies.
- (ii) The RQIA indicated that they do not hold information for the Derry City Council area. They provided the number of registered nursing homes and places in Derry / Londonderry city at a point in time for the past five years as detailed below:

Date	Total number of registered nursing homes in Derry / Londonderry city	Total number of registered nursing home places in Derry / Londonderry city
27/03/2014	8	307
01/04/2013	8	308
01/04/2012	8	308
01/04/2011	8	309
01/04/2010	8	315
31/03/2009	8	310

The same eight nursing homes have remained registered throughout this time period although the number of beds has fluctuated slightly.

- (iii) The Western HSC Trust stated that at 24 March 2014, there were 9 clients requiring Trust funding for a nursing home bed in the Derry City Council area. 3 of these clients required permanent placement; 2 required temporary placement and 4 required respite placement.
- (iv) The Western HSC Trust advised that this information is not readily available in the format requested and could only be obtained at disproportionate costs.

### **Nursing Homes: Waiting Lists**

**Ms Maeve McLaughlin** asked the Minister of Health, Social Services and Public Safety to detail the total number of elderly people currently on nursing home waiting lists in the Derry City Council area.

**(AQW 32167/11-15)**

**Mr Poots:** The information is not collected centrally and was requested from the Western Health and Social Care (HSC) Trust in which Derry City Council is situated.

The Western HSC Trust advised that the information could only be obtained at disproportionate costs.

### **Nursing Home Beds: Derry City Council Area**

**Ms Maeve McLaughlin** asked the Minister of Health, Social Services and Public Safety how many residents in the Derry City Council area are currently resident in nursing homes outside of their council area due to a lack of beds; and of these, to detail the number of residents with (i) dementia; and (ii) Alzheimers.

**(AQW 32168/11-15)**

**Mr Poots:** The information is not collected centrally and was requested from the Western Health and Social Care (HSC) Trust in which Derry City Council is situated.

The Western HSC Trust advised that the information could only be obtained at disproportionate costs.

### **Downe Hospital: Transfer of Patients**

**Mr Hazzard** asked the Minister of Health, Social Services and Public Safety to detail the number of times, since December 2013, that diversions have been in place at the Downe Hospital to transfer patients to (i) Lagan Valley Hospital; or (ii) any other hospital.

**(AQW 32169/11-15)**

**Mr Poots:** The Northern Ireland Ambulance Service has advised me that, since December 2013, 13 diversions have been in place from Downe Hospital to Lagan Valley Hospital. No other diversions were in operation during that time.

It is important to note that diversions may be for short periods of time and do not necessarily result in any patients being diverted. Diversions can be requested by emergency departments as part of a planned response to an increase in activity.

### **Downe Hospital and Lagan Valley Hospital: Repatriation Protocols**

**Mr Hazzard** asked the Minister of Health, Social Services and Public Safety to detail the outcome of the review into existing repatriation protocols for Downe Hospital and Lagan Valley Hospital.

**(AQW 32170/11-15)**

**Mr Poots:** The South Eastern Health and Social Care Trust has advised that its review of Patient Repatriation Protocols for Downe and Lagan Valley Hospitals is ongoing. The purpose of the review is to ensure patient transfers are safe and appropriate.

### **Downe Hospital: Emergency Department Closures**

**Mr Hazzard** asked the Minister of Health, Social Services and Public Safety, following the decision by the South Eastern Health and Social Care Trust in December 2013 to introduce evening and weekend closures at the Downe Emergency Department, why no additional beds have been made available for increased patient intake or transfers to the Downe Hospital.

**(AQW 32171/11-15)**

**Mr Poots:** I am advised by the South Eastern Health and Social Care Trust that capacity at the Downe Hospital has largely remained static with the need to increase bed numbers minimal. In the event of an increase in demand, provision has been made for beds to be added to each ward in the hospital.

### **Nursing Care and Residential Care Beds: East Antrim**

**Mr Beggs** asked the Minister of Health, Social Services and Public Safety to detail the number of elderly mentally infirm (a) nursing care; and (b) residential care beds currently provided in the East Antrim constituency.

**(AQW 32203/11-15)**

**Mr Poots:** The information is not held centrally and was therefore requested from the Regulation and Quality Improvement Authority (RQIA).

The RQIA stated that under current legislation, Elderly Mentally Infirm (EMI) is recorded as Dementia.

The RQIA indicated that they do not hold information broken down by electoral constituency, only HSC Trust area.

At 26 March 2014, there were a maximum of 656 dementia beds in nursing homes (182 of which were residential dementia beds in nursing homes) and a maximum of 263 dementia beds in residential care homes in the Northern Health and Social Care Trust.

## Amalgam Dental Fillings

**Mrs Dobson** asked the Minister of Health, Social Services and Public Safety for his assessment of the concerns over the presence of mercury in amalgam dental fillings; and the number of patients who choose not to avail of a filling because of these concerns.

**(AQW 32216/11-15)**

**Mr Poots:** Mercury is a key constituent of dental amalgam which has been used to treat dental decay for over 150 years. Mercury is used to bind the alloy particles together into a strong, durable, and solid filling. It continues to be both a clinically and cost effective means to repair the effects of dental disease. Other materials, and treatment options, are available and, sometimes, patients may choose these options for cosmetic reasons. These other materials, and their individual components, can have their limitations and are not suitable for all clinical situations. Mercury exposure from fillings is thought to be about the same as that from the diet, and therefore does not pose a significant health risk. I am content that dental amalgam is a safe and effective material for dental restorations, and for its continued use in the Health Service.

I am aware that concerns have been raised over the safety of dental amalgam as it contains mercury. However key reports on dental amalgam by the UK Committee on Toxicity in Food, Consumer Products and the Environment in 1997, the EU Scientific Committee on Emerging and Newly Identified Health Risks in 2008, and World Health Organisation in 2009 found that there was no risk of systemic toxicity or disease. In relation to pregnant women, the current advice is that, whilst there is no evidence of any harm to a foetus, until further research is carried out, it is prudent to avoid or use alternative techniques, where clinically reasonable. Health Service arrangements are in place to accommodate this. A small proportion of patients can experience local adverse effects associated with dental amalgam fillings but it is not clear which component of amalgam causes these effects. Alternative Health Service treatments are available in these cases when supported by an appropriate medical report or when such a report requests the use of alternatives to amalgam fillings for other medical reasons.

There is a wider move to reduce the environmental impact of mercury at a global and EU strategic level and we are helping to achieve this by working with other UK regions to reduce the use of dental amalgam. We support the EU Mercury Strategy, whilst allowing the continued use of dental amalgam where it is clinically appropriate. It is expected that the need for fillings, including the use of dental amalgam, will continue to decline as oral health improves in the future.

Data is not recorded on the number of patients who chose not to avail of an amalgam filling because of concerns around mercury, so I am unable to provide that information.

## Nursing Homes: County Tyrone

**Mr McElduff** asked the Minister of Health, Social Services and Public Safety to list the nursing homes in County Tyrone that are under a Regulation and Quality Improvement Authority investigation for non-compliance with regulations or standards.

**(AQW 32219/11-15)**

**Mr Poots:** RQIA is currently taking enforcement action against one nursing home in Co Tyrone. A notice of failure to comply with regulations was issued to Three Rivers Care Centre, Omagh, on 4 February 2014 in relation to medicines management. Compliance with regulations is required by 31 March 2014.

Details of this, and other current enforcement activity, can be accessed at: [http://www.rqia.org.uk/inspections/enforcement\\_activity.cfm](http://www.rqia.org.uk/inspections/enforcement_activity.cfm)

## Lung Transplants

**Mr Lunn** asked the Minister of Health, Social Services and Public Safety for an update on the number of patients awaiting a lung transplant.

**(AQW 32225/11-15)**

**Mr Poots:** Organ donation and transplantation in the UK is a matter for NHS Blood and Transplant (NHSBT) to address. NHSBT have advised that there are currently 9 patients in Northern Ireland actively waiting for a lung transplant; of these, less than 5 patients have cystic fibrosis as their primary cardiothoracic disease.

NHSBT welcomes all initiatives to increase organ donation and improve outcomes for patients in need of a transplant, and is working with a wide range of interested parties, including patient and donor families, charities, health departments, commissioners and regulators, to help achieve their goals.

## Lung Transplants

**Mr Lunn** asked the Minister of Health, Social Services and Public Safety how many people diagnosed with cystic fibrosis are awaiting a lung transplant.

**(AQW 32226/11-15)**

**Mr Poots:** Organ donation and transplantation in the UK is a matter for NHS Blood and Transplant (NHSBT) to address. NHSBT have advised that there are currently 9 patients in Northern Ireland actively waiting for a lung transplant; of these, less than 5 patients have cystic fibrosis as their primary cardiothoracic disease.

NHSBT welcomes all initiatives to increase organ donation and improve outcomes for patients in need of a transplant, and is working with a wide range of interested parties, including patient and donor families, charities, health departments, commissioners and regulators, to help achieve their goals.

### Donor Lungs: Allocation

**Mr Lunn** asked the Minister of Health, Social Services and Public Safety for his assessment of the system of allocation of donor lungs; and whether allocation is on the basis of need.

**(AQW 32227/11-15)**

**Mr Poots:** The allocation of donated organs on a UK wide basis is a matter for NHS Blood and Transplant, who has advised that at present lungs are allocated to designated transplant centres on a zonal basis.

Assessing donor lungs and selecting the most appropriate recipients is often difficult and needs detailed knowledge of the recipient. The transplant surgeon will use their clinical knowledge to assess both the donor lungs and potential recipients to find the best match, based on aspects such as the risks associated with the lungs and the severity of the patient's condition. If there is no suitable recipient in that centre, the lungs are offered to other UK centres. It is the responsibility of the surgeon to decide whether to accept the donor organs for use in transplantation. The surgeon will base the decision on the characteristics of both the donor and the potential recipient.

NHSBT is reviewing this approach to ensure that this delivers the best patient outcomes and, if other approaches offer advantages to patients, will make the necessary changes.

### Obesity Levels

**Mr McKay** asked the Minister of Health, Social Services and Public Safety to detail the public's obesity levels broken down by (i) income; and (ii) deprivation factors.

**(AQW 32258/11-15)**

**Mr Poots:** Obesity information is available from the Health Survey (NI). It is not possible to disaggregate obesity levels by income. Information on adult obesity and deprivation is documented in the following table. Due to small numbers it is not possible to break down child obesity figures by deprivation quintile. The Northern Ireland figure for obesity<sup>1</sup> in 2 to 15 year olds was 7% in 2012/13.

#### Adult<sup>2</sup> obesity levels by multiple deprivation quintile 2012/13

Most deprived (%)	Quintile 2 (%)	Quintile 3 (%)	Quintile 4 (%)	Least deprived (%)
31	23	24	27	21

- 1 Data for childhood obesity levels are estimated using the International Obesity Task Force (IOTF) classification.
- 2 An adult with a BMI of 30 kg/m<sup>2</sup> or higher is classified as obese.

### Obesity Levels: Young People

**Mr McKay** asked the Minister of Health, Social Services and Public Safety to detail obesity levels among young people in each of the last five years.

**(AQW 32260/11-15)**

**Mr Poots:** The information is available from the Health Survey (NI) which has run from 2010/11 onwards.

#### Proportion of young people that were overweight or obese 2010/11 to 2012/13

		2010/11 (%)	2011/12 (%)	2012/13 (%)
2 -15 Year Olds <sup>1</sup>	Overweight	19	21	20
	Obese	8	10	7
16-18 Year Olds <sup>2,3</sup>	Overweight	13	22	19
	Obese	10	3	9

- 1 Data for 2-15 year olds are estimated using the International Obesity Task Force (IOTF) classification.
- 2 Data for 16-18 year olds are estimated using the Body Mass Index (BMI). A BMI between 25 and 29 kg/m<sup>2</sup> is considered overweight and a BMI of 30 kg/m<sup>2</sup> and over is considered obese.
- 3 It should be noted that data for 16-18 year olds are based on fairly small numbers which may account for some of the fluctuations between years.

## Care Packages: Waiting Lists

**Mr McGlone** asked the Minister of Health, Social Services and Public Safety to detail for each Health and Social Care Trust (i) how many people are currently on a waiting list for a care package; (ii) how many of these people have been waiting longer than one month; and (iii) of the number of people waiting longer than a month, in how many cases is this due to carers not being available despite there being available funding.

**(AQW 32278/11-15)**

**Mr Poots:** (i) and (ii)

The number of people currently waiting in a hospital setting for a care package is not available. However, information is available on the number of people for whom a community care (care management) assessment has been completed but who were waiting at home or in another community setting while a community care package is being arranged. The latest information, which refers to the position at 31 December 2013, is presented by HSC Trust and time band in the table below:

### Number of persons waiting at home or in another community setting for a community care package at 31 December 2013

HSC Trust	Less than 5 weeks	5 weeks or more	Total
Belfast	35	36	71
Northern	18	15	33
South Eastern	3	0	3
Southern	0	5	5
Western	8	26	34
<b>Total</b>	<b>64</b>	<b>82</b>	<b>146</b>

At 31 December 2013, there were 146 people for whom a community care (care management) assessment had been completed but who were waiting at home or in another community setting while a community care package was being arranged. Over half (56%) of these people had been waiting 5 weeks or more.

(iii) This information is not collected centrally and could only be obtained at disproportionate costs.

## Causeway Hospital: Emergency Department Patients

**Mr Campbell** asked the Minister of Health, Social Services and Public Safety to detail the number of Emergency Department patients at Causeway Hospital between September 2013 and January 2014, who had to wait longer than 12 hours to be assessed, treated and either admitted or discharged, compared to the same period twelve months previously.

**(AQW 32279/11-15)**

**Mr Poots:** It is assumed that this question refers to the number of attendances (new and unplanned reviews) waiting longer than 12 hours to be either treated and discharged home, or admitted to the hospital.

Information on the number of new and unplanned review attendances waiting longer than 12 hours to either be treated and discharged home, or admitted to the Causeway hospital during the period between September and January 2011/12, 2012/13 and 2013/14 is detailed in table 1 below:

**Table 1: Number of New and Unplanned Review Attendances Waiting Longer than 12 Hours at the Causeway Emergency Care Department**

Department / HSC Trust	Sept 2011 – Jan 2012	Sept 2012 – Jan 2013	Sept 2013 – Jan 2014 <sup>1</sup>
Causeway	501	269	0
Northern HSC Trust	1,854	1,089	129
Northern Ireland	4,431	2,247	560

<sup>1</sup> Information is provisional and may be subject to change. Information on waiting times at emergency care departments are published on a monthly basis, and is available to view or download from: [http://www.dhsspsni.gov.uk/index/stats\\_research/hospital-stats/emergency\\_care-3/emergency\\_care-monthly\\_waiting\\_times.htm](http://www.dhsspsni.gov.uk/index/stats_research/hospital-stats/emergency_care-3/emergency_care-monthly_waiting_times.htm)

## Domiciliary Care

**Mr Campbell** asked the Minister of Health, Social Services and Public Safety how many people received domiciliary care in (i) 2011; and (ii) 2013.

**(AQW 32280/11-15)**

**Mr Poots:** Information on the number of people receiving domiciliary care in a year is not available. However, information on the number of clients receiving domiciliary care during a survey week in September each year is available. Figures relating to the survey weeks in 2011 and 2013 are presented in Table 1 below:

**Table 1. Number of Clients Receiving Domiciliary Care Services in Northern Ireland during a survey week in September 2011 & 2013**

	2011	2013
Number of Clients	23,522	25,330

1 Figures relate to 18th - 24th September 2011 and 15th - 21st September 2013.

This, and further information, can be found in the annual publication of 'Domiciliary Care Services for Adults in Northern Ireland' at the web address below:

[http://www.dhsspsni.gov.uk/index/stats\\_research/stats-cib/statistics\\_and\\_research-cib-pub/adult\\_statistics/statistics\\_and\\_research-dom\\_care\\_services.htm](http://www.dhsspsni.gov.uk/index/stats_research/stats-cib/statistics_and_research-cib-pub/adult_statistics/statistics_and_research-dom_care_services.htm)

### **Inpatient Addiction Services: Western Health and Social Care Trust**

**Ms Maeve McLaughlin** asked the Minister of Health, Social Services and Public Safety whether increased Tier 4 in patient addiction services will be delivered in the Western Health and Social Care Trust.

**(AQW 32304/11-15)**

**Mr Poots:** The recent consultation by the Health & Social Care Board provided everyone with opportunity to influence what Tier 4 Inpatient Addiction Treatment Services will look like in Northern Ireland over the next 5 to 10 years. The issue of access to specialist services in the Western Health and Social Care Trust area was reflected in many comments received, and this has been noted by the HSCB along with other key issues raised by the consultation exercise.

The HSCB is now considering appropriate next steps/potential service developments; it is anticipated that these will be confirmed within the coming weeks. Accordingly no decision has as yet been made about the future of Tier 4 addiction services across Northern Ireland, including the Western Health and Social Care Trust area.

### **Non-admissions Policies**

**Mr Frew** asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 30754/11-15, to outline the outcome of the Regional Residential Home Planning Group's review into non-admissions policies across Health and Social Care Trusts.

**(AQW 32345/11-15)**

**Mr Poots:** The Regional Residential Home Planning Group was asked by the Health and Social Care (HSC) Board to carry out a review of the non-admissions policies across a number of Health and Social Care Trusts in January 2014.

The HSC Board has agreed that the review of the non admissions policy will be completed taking account of the consultation responses arising from the document "Making Choices: Meeting the Current and Future Needs of Older People". While the consultation period closed on 7th March 2014, the written responses have not as yet been fully analysed.

The review of the non admissions policy and full post consultation report is expected to be completed in early summer 2014.

### **Statutory Residential Homes**

**Mr Frew** asked the Minister of Health, Social Services and Public Safety for an update on the Health and Social Care Board's consultation document on the criteria to be used by Health and Social Care Trusts to assess statutory residential homes for older people.

**(AQW 32348/11-15)**

**Mr Poots:** On the 29 November 2013, the Health and Social Care Board launched the consultation document "Making Choices: Meeting the Current and Future Needs of Older People".

The consultation period ended on 7th March 2014 and written responses have not yet been analysed. A full consultation report is expected to be completed in early summer 2014.

### **Pinewood Residential Care Home**

**Mr Frew** asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 30755/11-15, for an update on the upgrading of bath and shower facilities at Pinewood Residential Care Home.

**(AQW 32349/11-15)**

**Mr Poots:** The Northern Trust has advised that the showers in Pinewood Residential Care Home are now fully functional as is the recently replaced bath. However, there is an issue with the power pack which prevents the bath from being raised and lowered. The Trust has advised this does not affect clients using the bath and a new power pack has been ordered.

The Residential Care Home Minimum Standards, for existing care homes, in respect of toileting and washing facilities dictates "that a range of toilet, washing, bath and shower facilities (including assisted facilities) are provided to meet the needs of residents so that, where reasonably possible, there is a ratio of 1 assisted bathroom or shower room to 8 residents and 1 assisted toilet to 5 residents, with a minimum of 1 of each of these facilities per floor. Where suitably adapted ensuite bathing or shower facilities are provided in residents' private accommodation, these facilities will be taken into consideration in the calculation of the overall requirements."

### Pinewood Residential Care Home

**Mr Frew** asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 30755/11-15, what is the appropriate ratio of residents to shower or bath facilities in a care home, such as Pinewood Residential Care Home. (AQW 32350/11-15)

**Mr Poots:** The Northern Trust has advised that the showers in Pinewood Residential Care Home are now fully functional as is the recently replaced bath. However, there is an issue with the power pack which prevents the bath from being raised and lowered. The Trust has advised this does not affect clients using the bath and a new power pack has been ordered.

The Residential Care Home Minimum Standards, for existing care homes, in respect of toileting and washing facilities dictates "that a range of toilet, washing, bath and shower facilities (including assisted facilities) are provided to meet the needs of residents so that, where reasonably possible, there is a ratio of 1 assisted bathroom or shower room to 8 residents and 1 assisted toilet to 5 residents, with a minimum of 1 of each of these facilities per floor. Where suitably adapted ensuite bathing or shower facilities are provided in residents' private accommodation, these facilities will be taken into consideration in the calculation of the overall requirements."

### Schools: Multi-agency Support Teams

**Mr Swann** asked the Minister of Health, Social Services and Public Safety for a breakdown of the financial support his Department has provided through Multi-Agency Support Teams for Schools in the North Antrim Constituency. (AQW 32356/11-15)

**Mr Poots:** The Department does not hold the requested information on a Constituency basis. However, information on the financial support provided for schools in the Northern Health and Social Care Trust area since the establishment of Multi Agency Support Teams (MASTs) is set out in the table below:

Northern Health & Social Care Trust	2012/13	2011/12	2010/11	2009/10	2008/09	2007/08
Multi-Agency Support Team for Schools	£994,938	£994,938	£985,364	£985,364	£1,002,944	£943,848

### Bangor Hospital: Maintenance

**Mr Easton** asked the Minister of Health, Social Services and Public Safety why the lift in Bangor Hospital has been out of action for seven weeks. (AQW 32372/11-15)

**Mr Poots:** I would advise that the lift was planned to be out of use for 7 weeks to allow for the replacement of the lift carriage and mechanics.

The work commenced on the 17th February 2014 and is due to complete on Friday 28th March 2014.

### Domiciliary Care: North Down

**Mr Weir** asked the Minister of Health, Social Services and Public Safety how many people in North Down are in receipt of domiciliary care. (AQW 32388/11-15)

**Mr Poots:** Information on the number of people in North Down currently in receipt of domiciliary care is not available. However, information on the number of clients receiving domiciliary care during a survey week in September 2013, in the South Eastern Health and Social Care (HSC) Trust, is available.

During the survey week in September 2013, 4,715 clients received domiciliary care services in the South Eastern HSC Trust.

This, and further information, can be found in the annual publication of 'Domiciliary Care Services for Adults in Northern Ireland' at the web address below:

[http://www.dhsspsni.gov.uk/index/stats\\_research/stats-cib/statistics\\_and\\_research-cib-pub/adult\\_statistics/statistics\\_and\\_research-dom\\_care\\_services.htm](http://www.dhsspsni.gov.uk/index/stats_research/stats-cib/statistics_and_research-cib-pub/adult_statistics/statistics_and_research-dom_care_services.htm)

### Woodstock Lodge: Group Counselling Appointment

**Mr Copeland** asked the Minister of Health, Social Services and Public Safety what is the average waiting time for group counselling appointment at Woodstock Lodge.

**(AQW 32394/11-15)**

**Mr Poots:** The information requested is not held centrally therefore it was requested from the Belfast Health and Social Care (HSC) Trust.

The Belfast HSC Trust advised that group counselling is not provided at Woodstock Lodge.

### New Council Areas: Staff Commute

**Mr McGlone** asked the Minister of Health, Social Services and Public Safety to detail the number of staff in his Department, broken down by grade, travelling daily to their place of work from each of the eleven new council areas to the Greater Belfast area. **(AQW 32400/11-15)**

**Mr Poots:** The table below details the staff within my Department, broken down by grade, travelling from each of the eleven new council areas to the Greater Belfast area.

New Council Areas	Analogous Grade									Total
	G5+	G6	G7	DP	SO	EOI	EOII	AO	AA	
Antrim and Newtownabbey	2	0	9	11	7	3	6	4	1	43
Armagh, Bandbridge and Craigavon	0	0	2	9	9	3	1	2	1	27
Belfast	8	4	25	44	32	15	11	12	6	157
Causeway Coast and Glens	0	0	0	1	2	1	0	0	0	4
Derry and Strabane	0	0	0	1	1	0	0	0	0	2
Fermanagh and Omagh	0	0	0	0	1	0	0	0	0	1
Lisburn and Castlereagh	1	2	9	16	10	8	9	7	5	67
Mid and East Antrim	0	1	1	7	8	0	2	0	2	21
Mid Ulster	1	0	1	0	2	2	0	1	0	7
Newry, Mourne and Down	1	2	12	9	8	6	6	2	3	49
North Down and Ards	8	3	16	31	28	14	27	26	18	171
<b>Total *</b>	<b>22</b>	<b>12</b>	<b>84</b>	<b>137</b>	<b>123</b>	<b>54</b>	<b>65</b>	<b>56</b>	<b>44</b>	<b>597</b>

#### Notes:

\* Total includes 48 (8.0%) staff whose home postcode was either missing or invalid and could not be allocated to a new council area.

### Rare Diseases

**Mr Brady** asked the Minister of Health, Social Services and Public Safety to outline the policy and procedures for patients who are diagnosed with rare conditions that are beyond the specialism of the local Health Service.

**(AQW 32413/11-15)**

**Mr Poots:** The Health and Social Care Board (HSCB) has two processes for considering funding requests for individual patients, including those with rare diseases, i.e. individual funding requests (IFRs), for access to a specific treatment (mainly specialist drugs) not normally commissioned or funded within Northern Ireland (NI) and extra contractual referrals (ECRs) to providers outside NI for assessment or treatment which cannot be provided locally due to its specialist nature or can be provided locally but clinical reasons exist for treatment outside NI.

Each ECR/IFR request is considered on its merits and it is important that clinical exceptionality can be demonstrated to support requests.

Following publication of the UK Strategy for Rare Diseases in November 2013, my Department has been working with local stakeholders to develop a Northern Ireland Rare Diseases Implementation Plan. This Plan will form the basis for the delivery of the UK Strategy commitments in future years in Northern Ireland.

## Health and Social Care Trusts: Compulsory Work Uniform and Personal Protection Equipment

**Mr Hazzard** asked the Minister of Health, Social Services and Public Safety which employees of Health and Social Care Trusts have to self-finance the purchase of their compulsory work uniform or personal protection equipment.

(AQW 32414/11-15)

**Mr Poots:** All Health and Social Care Trusts provide employees who are required to wear a work uniform or who require personal protection equipment (such as safety shoes or high visibility vests) as part of their role, with the necessary uniform or equipment.

No Trust employee has to self-finance the purchase of uniforms or personal protection equipment.

## Health and Social Care Trusts: Tenders for Wigs

**Mr McGlone** asked the Minister of Health, Social Services and Public Safety when the tenders for the provision of wigs is due for renewal in each Health and Social Care Trust.

(AQW 32416/11-15)

**Mr Poots:** Wigs are contracted regionally for all Health and Social Care Trusts.

This regional contract is due for renewal on 1 January 2016.

## Prison Service: Medication in Possession Policy

**Lord Morrow** asked the Minister of Health, Social Services and Public Safety to provide a copy of the current Northern Ireland Prison Service policy for Medication in Possession, including a copy of the risk assessment process and the prisoner agreement form.

(AQW 32441/11-15)

**Mr Poots:** The current version of the 'In Possession' Medication Policy of the South Eastern Health and Social Care Trust is attached. This includes a copy of the 'In Possession' Risk Assessment form, which outlines the processes involved, at Appendix 2 and the prisoner agreement form at Appendix 3.

## Hospital Beds

**Mr Allister** asked the Minister of Health, Social Services and Public Safety how many beds were available in each hospital in (i) May 2011; and (ii) March 2014.

(AQW 32464/11-15)

**Mr Poots:** Information in relation to the average number of available beds in HSC hospitals in Northern Ireland is collected by the Department on a quarterly basis, as such it is only possible to provide the latest figures on available beds held by the Department for the quarter ending December 2013 and also the number of available beds during the quarter ending June 2011.

We know from a Rapid Review of Northern Ireland Health and Social Care funding needs and the productivity challenge: 2011/12 – 2014/15 (Appleby 2011) that acute beds in Northern Ireland in 2008/09 were approximately 25% higher than England, and were not used as intensively and lengths of stay were longer. Hospital bed numbers have therefore decreased since 2009. This change has been managed by more efficient use of beds through changing clinical practice, increasing use of day surgery, better anaesthetics, and improved community rehabilitation options. These developments in changing the patterns of hospital bed use have resulted in shorter stays in hospital. Consequently the average length of stay for all patients in Northern Ireland has fallen by 13.5% since 2008/09. For the acute programme of care, the reduction is 7.3%.

HSC Trust	Hospital	Average Available Beds	
		Quarter Ending June 2011	Quarter Ending Dec 2013 <sup>p</sup>
Belfast	Belfast City	494.1	468.3
	Windsor House*	35.0	0.0
	Musgrave Park	235.3	236.0
	Cancer Centre	68.3	69.8
	Forster Green*	21.7	0.0
	Knockbracken Healthcare Park	164.0	166.0
	Young Peoples Centre/Beechcroft	16.0	25.0
	Royal Victoria	664.5	653.8
	Royal Maternity	128.3	122.0
	RBHSC	96.6	84.6

HSC Trust	Hospital	Average Available Beds	
		Quarter Ending June 2011	Quarter Ending Dec 2013 <sup>P</sup>
	Mater Infirmorum	282.7	245.5
	Muckamore Abbey	233.0	176.0
South Eastern	Ards	19.2	20.1
	Ulster	547.4	586.7
	Bangor	20.0	20.0
	Ulster MHU	24.0	24.0
	Lagan Valley	98.4	88.0
	Lagan Valley PNU	40.0	36.0
	Thompson House	35.0	35.0
	Downshire	110.0	85.0
	Downe	49.1	49.1
Northern	Robinson Memorial	25.0	25.0
	Dalriada	33.3	32.0
	Causeway Hospital	247.9	229.5
	Holywell	193.0	171.0
	Moyle	18.0	18.0
	Whiteabbey	46.5	44.1
	Mid Ulster	57.8	27.1
	Antrim	464.8	495.9
Southern	St Lukes	70.2	49.1
	South Tyrone	45.0	45.0
	Longstone	78.0	16.0
	Lurgan	49.7	51.0
	Craigavon Area	477.7	467.0
	Daisy Hill	230.9	205.8
	Craigavon Area PNU	74.0	74.0
Western	Altnagelvin Area	496.0	473.5
	Waterside (Ward 1-4)	72.0	66.0
	Gransha	72.0	62.0
	Lakeview	24.0	24.0
	Tyrone County	44.0	43.6
	Erne/South West Acute	209.1	210.1
	Tyrone & Fermanagh	94.2	99.0

Source: KH03a . Notes:

P Data relating to the 2013/14 year is provisional and subject to change.

\* Windsor House and Forster Green sites are now closed.

### Bangor Hospital: Maintenance

Mr Weir asked the Minister of Health, Social Services and Public Safety how much has been spent on maintenance of Bangor Hospital in each of the last five years.

(AQW 32506/11-15)

**Mr Poots:** The annual maintenance costs for Bangor Hospital for each of the last 5 years is outlined below. These figures include both labour costs and essential capital maintenance expenditure.

Year	Expenditure
2013/14	£230,941
2012/13	£132,516
2011/12	£1,115,737
2010/11	£61,556
2009/10	£326,046
<b>Total</b>	<b>£1,866,796</b>

### **Antrim Area Hospital: Additional MRI Scanner**

**Mr Dickson** asked the Minister of Health, Social Services and Public Safety for an update on the Northern Health and Social Care Trust's proposal for an additional MRI scanner at Antrim Area Hospital.

**(AQW 32525/11-15)**

**Mr Poots:** This proposal remains under consideration.

The Northern Health and Social Care Trust (NHSCT) submitted a revised Outline Business Case (OBC) in respect of an additional MRI scanner at Antrim Area Hospital to my Department for consideration on 29 January 2014.

The Trust's preferred option within the business case will provide a second scanner at the Antrim Area Hospital, increasing capacity by approximately 2,930 examinations and offering a contingency for the maintenance of the NHSCT MRI service in the event of failure or prolonged breakdown of the existing scanner.

Departmental advisors have assessed the revised OBC and their comments have been issued to the Trust to address.

### **Northern Health and Social Care Trust**

**Mr McGlone** asked the Minister of Health, Social Services and Public Safety, in relation to the incidents in which responses by the Northern Health and Social Care Trust were found to be below standard and in which the patient subsequently died, whether the families or next of kin have been notified of the Trust's below standard response in all eleven cases.

**(AQW 32529/11-15)**

**Mr Poots:** The Northern Health & Social Care Trust has confirmed that it has identified 20 separate incidents in which the response by the Trust was below standard. The Trust further advises that in each of these cases, the patients, or where appropriate the families of those involved, have been made aware of the incidents. This is a sensitive issue for families and requires careful interaction. It is also important to understand that families may choose to decline engagement with the Serious Adverse Incident process.

### **Health Service: Staff Payment**

**Mr McCarthy** asked the Minister of Health, Social Services and Public Safety what response his Department has made over the problems around correct payment of staff within the Health Service.

**(AQW 32535/11-15)**

**Mr Poots:** I am extremely concerned that some staff have not received their pay correctly. I have therefore instructed the BSO and Trusts to advise me as to how these issues can be resolved, to take all necessary steps to redress any loss experienced by staff and to ensure that lessons are learned for the future.

I am pleased to note that the BSO and Trusts have already implemented a range of measures to improve matters – this includes running additional payment cycles to make good any underpayments and where this has not addressed the problem (for example hardship), then emergency payments have also been used.

In addition to this, my Department has approved further expert support for the HSC payroll functions over the coming months. This will provide additional resource to help with the familiarisation of the new HRPTS system and will also help staff develop solutions to staff queries.

### **Tier 3 and Tier 4 Detoxification Services**

**Mr P Ramsey** asked the Minister of Health, Social Services and Public Safety for an update on the consultation on Tier 3 and Tier 4 detoxification services; and when he will make a statement on the issue.

**(AQW 32659/11-15)**

**Mr Poots:** The recent consultation by the Health & Social Care Board (HSCB) provided everyone with opportunity to influence what Addiction Treatment Services will look like across Northern Ireland over the next 5 to 10 years. The issue of access

to specialist addiction services in the Western Health and Social Care Trust area was reflected in many of the comments received, and this has been noted by the HSCB along with other key issues raised by the consultation exercise.

The HSCB is now considering appropriate next steps/potential service developments; it is anticipated that these will be confirmed within the coming weeks. Accordingly no decision has as yet been made about the future of Tier 3 and Tier 4 addiction services across Northern Ireland. Any statement on the issue will await the outcome of this work.

## Department of Justice

### Sex Offenders

**Lord Morrow** asked the Minister of Justice to detail the procedure when a convicted sex offender, who resides in approved accommodation, goes missing, including the role of all agencies involved.

**(AQW 32116/11-15)**

**Mr Ford (The Minister of Justice):** Prior to a convicted sex offender being admitted to Approved Accommodation the Designated Risk Manager (DRM) will agree a risk management plan with the Approved Premises Provider. This risk management plan will detail restrictions, e.g. curfew times, which will vary in accordance with the offender's assessed risk.

Where an offender fails to return to the hostel by his curfew time Approved Premises staff will contact the DRM directly, or a relevant Area Manager in the absence of the DRM, and inform the local PSNI Public Protection Unit who will circulate the offender's details. Appropriate enforcement action will then be initiated. Where it is considered that the assessed risk can no longer be managed safely in the community, and the sentence imposed is one provided for in the Criminal Justice (Northern Ireland) Order 2008, this will take the form of an application to the Parole Commissioners for immediate recall to custody. In relation to other types of sentence, a warrant can be executed to bring the offender back before the sentencing court. PSNI also have a power of arrest if, by leaving Approved Accommodation, the offender has breached the prohibitions contained within a Sexual Offences Prevention Order.

### Simon Community: Accommodation

**Lord Morrow** asked the Minister of Justice whether the Simon Community offered their hostels as bail addresses to any agency within his Department; and if so, to detail (i) what level of alleged offence is agreeable to allow remand to their facilities; and (ii) whether staff are prepared to oversee relevant bail conditions such as no alcohol or curfews.

**(AQW 32117/11-15)**

**Mr Ford:** Granting of bail and any associated conditions are matters for the judiciary. Bail conditions may include on occasion an address to be approved by Police Service of Northern Ireland or Probation Board for Northern Ireland.

Simon Community NI currently provides Probation Board for Northern Ireland with a number of allocated bed spaces for criminal justice referrals. Referrals are made via the Approved Hostel Allocation Panel. Simon Community makes decisions on admittance to their facilities on a case by case basis.

In relation to these allocated bed spaces, Simon Community staff oversee licence conditions of statutory orders which include alcohol prohibitions and curfew times.

### Reoffending Rates

**Mr Campbell** asked the Minister of Justice whether he plans to hold discussions with his counterparts in other devolved regions so that best practice in reducing reoffending rates is implemented.

**(AQW 32146/11-15)**

**Mr Ford:** Implementing best practice to help bring about reduced offending is an ongoing matter for me. I meet with Ministerial colleagues in England and Wales, Scotland and the Republic of Ireland, and I will go further afield, if needed, to help secure best practice that will help reduce levels of offending, and bring about safer communities. A trilateral Ministerial meeting with my Irish and Scottish counterparts is plan for the near future. A key purpose behind this, and previous meetings is to share learning and experience in policing and justice matters in a range of areas of mutual interest across our three neighbouring jurisdictions. The Reducing Offending Strategic Framework sets out the Executive's commitment to reducing offending, and I will use all avenues available to me in order to deliver the long term outcomes of this important work.

### Legal Aid: Budgets

**Mr Campbell** asked the Minister of Justice how the policy of reducing the Legal Aid budget compares, in financial terms, with recently introduced changes to Legal Aid in Great Britain.

**(AQW 32147/11-15)**

**Mr Ford:** The Legal Aid landscape across Great Britain differs greatly and therefore it is not accurate to directly compare the reforms in Northern Ireland with the reforms elsewhere. In developing any reforms to legal aid in this jurisdiction my Department examines and benchmarks how legal aid is administered in England and Wales, in Scotland and in the Republic

of Ireland. My officials engage with Departmental colleagues across the jurisdictions and, where appropriate, we have tailored individual aspects of the reforms elsewhere to them to meet our specific needs.

The reforms I have introduced in relation to Criminal Legal Aid are already yielding savings in the region of £20 million per year. A further reform to Crown Court fees has been subject to consultation and may yield further savings of up to £5.6 million. Reforms to Civil Legal Aid will also deliver significant savings. The first of these changes, relating to the reform of publicly funded legal representation in the civil and family courts, will, when fully implemented, deliver savings of some £3.4 million per year.

I am committed to bringing legal aid spend within budget while ensuring that the money is targeted to ensure that the most vulnerable people in our society receive appropriate, cost effective, representation.

### Hostel Accommodation

**Lord Morrow** asked the Minister of Justice to detail how long David Page was not resident at his approved hostel accommodation in Belfast and when his absence was discovered.

**(AQW 32150/11-15)**

**Mr Ford:** The report of the serious case review conducted into the actions of Mr Page will not be published until the time limit for avenues of appeal has passed and the victim has had an opportunity to read the report and discuss its contents with officials. It would not be appropriate to consider provision of the information requested whilst that process is ongoing.

### Approved Accommodation

**Lord Morrow** asked the Minister of Justice whether any staff member or agency raised any issues, alert any authority or report any concerns as to why David Page was not resident in his approved accommodation, particularly in light of his serious criminal record.

**(AQW 32151/11-15)**

**Mr Ford:** The report of the serious case review conducted into the actions of Mr Page will not be published until the time limit for avenues of appeal has passed and the victim has had an opportunity to read the report and discuss its contents with officials. It would not be appropriate to consider provision of the information requested whilst that process is ongoing.

### Approved Accommodation

**Lord Morrow** asked the Minister of Justice whether, during his absence from approved accommodation in Belfast, David Page was reported to the PSNI as a missing person.

**(AQW 32152/11-15)**

**Mr Ford:** The report of the serious case review conducted into the actions of Mr Page will not be published until the time limit for avenues of appeal has passed and the victim has had an opportunity to read the report and discuss its contents with officials. It would not be appropriate to consider provision of the information requested whilst that process is ongoing.

### Approved Accommodation

**Lord Morrow** asked the Minister of Justice, on how many occasions whilst resident in approved accommodation in Belfast, was David Page visited by a designated risk manager or a member of staff from any other monitoring agency.

**(AQW 32154/11-15)**

**Mr Ford:** The report of the serious case review conducted into the actions of Mr Page will not be published until the time limit for avenues of appeal has passed and the victim has had an opportunity to read the report and discuss its contents with officials. It would not be appropriate to consider provision of the information requested whilst that process is ongoing.

### Hydebank Wood Young Offenders Centre

**Mr Allister** asked the Minister of Justice, pursuant to AQW 30659/11-15, to detail the outcome of the review.

**(AQW 32158/11-15)**

**Mr Ford:** The Governor of Hydebank Wood has completed his investigation into the circumstances relating to a proposed visit. This has resulted in one individual manager being given written advice. The Governor has also written to all of the establishment's managers instructing that the specific approval of the Governor or Deputy Governor must be obtained before any offer is made to an individual or organisation to visit the establishment, or contribute to any prisoner activity.

### Desertcreat Training College: Consultants

**Mr Allister** asked the Minister of Justice how much has been paid to date to consultants in respect of development of the police, prison and fire officer training centre at Desertcreat; and to detail the total paid to each consultant.

**(AQW 32159/11-15)**

**Mr Ford:** The total amount paid to date to consultants in the development of the Northern Ireland Community Safety College at Desertcreat is £7,622,005. This is broken down as follows:

Design consultants	£7,185,148
Business case consultants	£397,717
Security consultants	£9,358
Financial consultants	£9,764
Property consultants	£15,000
Procurement legal advice	£3,050
Design consultant	£1,968
<b>Total</b>	<b>£7,622,005</b>

### Firearms: Age Limit

**Mr Frew** asked the Minister of Justice for an update on the proposed plan to lower the age limit for the use of firearms. (AQW 32188/11-15)

**Mr Ford:** The proposal for an age limit of 12 years for the use of shotguns and certain airguns in particular circumstances is part of a package of changes on firearms on which I consulted. Agreement on all aspects of that package has not yet been reached.

### Approved Accommodation

**Lord Morrow** asked the Minister of Justice how long did David Page reside at Albert Street, Lurgan when he was supposed to be living in approved accommodation in Belfast; and on how many occasions was he visited or interviewed by a Designated Risk Manager whilst he was residing in Lurgan. (AQW 32192/11-15)

**Mr Ford:** The report of the serious case review conducted into the actions of Mr Page will not be published until the time limit for avenues of appeal has passed and the victim has had an opportunity to read the report and discuss its contents with officials. It would not be appropriate to consider provision of the information requested whilst that process is ongoing.

### Prison Service: Senior Staff Spend

**Mr Allister** asked the Minister of Justice how much has been spent on flights and accommodation for senior staff in the Northern Ireland Prison Service, on a weekly or monthly basis, in each of the last twelve months; and to detail how many staff are catered for in this regard. (AQW 32194/11-15)

**Mr Ford:** All staff who are on secondment, detached duty, or travel on official business are entitled to flights and accommodation in line with the entitlements set out in the NICS HR Handbook. In respect of senior staff (Grade 7 and equivalent, and above), 27 individuals were provided with accommodation and/or flights in the last 12 months and the monthly expenditure is provided in the table below:

Month	Flights	Accommodation
March 2013	1,457	1,750
April 2013	1,592	1,789
May 2013	1,951	3,440
June 2013	1,691	2,020
July 2013	1,331	2,148
August 2013	3,453	2,614
September 2013	2,976	3,962
October 2013	2,674	3,533
November 2013	2,888	3,746
December 2013	1,799	3,215
January 2014	2,432	3,378
February 2014	2,065	3,215

## Animal Cruelty Cases

**Mr Campbell** asked the Minister of Justice whether he will review general sentencing policy following the response to a recent animal cruelty case, including widespread public anger at the leniency of sentencing.

**(AQW 32204/11-15)**

**Mr Ford:** Policy on the legislation governing animal welfare offences is a matter for the Minister for Agriculture and Rural Development. My role is to ensure that proposals for offences and penalties, from any Minister, fit proportionately within the criminal law framework. Sentencing within this framework is entirely a matter for the judiciary and I consider it important that the independence of the judiciary is maintained.

The Lord Chief Justice, in his Programme of Action on sentencing, is enhancing the structures by which the judiciary ensure consistent and appropriate sentences. Under this Programme, guidelines for animal welfare offences heard in the Magistrates' Courts have been developed and are published on the Judicial Studies Board website.

Referral of a sentence by the Director of Public Prosecutions to the Court of Appeal on the grounds of undue leniency is available for all offences

triable only on indictment, that is, those that can be tried only in the Crown Court. It is also available for a limited number of cases that can be tried either in a Magistrates Court or the Crown Court – known as hybrid offences – that have been specifically listed in statute. That list is deliberately limited to the more serious hybrid offences where public confidence in the judicial system could be seriously undermined by an inappropriate sentencing decision. A list of serious sexual offences is included, for example. The list is also limited to ensure that the independence of the judiciary is not undermined. Another issue is that of certainty for the offender so that, by and large, the sentence handed down should be final.

Animal welfare offences are not currently included in list of offences that can be referred to the Court of Appeal. An exercise to consider, more broadly, the ambit of the unduly lenient scheme is, however, already planned.

## Firearms: Age Limit

**Mr Weir** asked the Minister of Justice whether there are plans to change the legal age at which people are entitled to use a firearm.

**(AQW 32205/11-15)**

**Mr Ford:** The proposal for an age limit of 12 years for the use of shotguns and certain airguns in particular circumstances is part of a package of changes on firearms on which I consulted. Agreement on all aspects of that package has not yet been reached.

## Police Museum

**Mr Allister** asked the Minister of Justice whether the £383,000 funding for the new Police Museum will meet the full costs of the museum; and if there will be a funding surplus, to detail how it will be spent.

**(AQW 32210/11-15)**

**Mr Ford:** No. A business case and funding for the Police Museum have already been agreed. This £383,000 relates to the unallocated amount from the Police Part Time Reserve Gratuity Scheme. I have made this funding available to the Police Museum to publicly mark the service and dedication of the Part Time Reserve during some of the most difficult days of the Troubles. This will provide a lasting and enduring tribute to their role in policing in Northern Ireland. It is not anticipated that there will be a funding surplus.

## Police Museum

**Mr Allister** asked the Minister of Justice whether the £383,000 of funding for the new Police Museum represents the totality of unspent funds in respect of the £20m allocated by HM Treasury.

**(AQW 32211/11-15)**

**Mr Ford:** Yes.

## Assets Recovery Community Scheme

**Mr McMullan** asked the Minister of Justice to detail (i) the groups who work with people with disabilities and special needs who have been successful in applying to the Assets Recovery Community Scheme; (ii) the amount of funding awarded to each group; and (iii) the total amount currently held by the Scheme.

**(AQW 32267/11-15)**

**Mr Ford:** The Assets Recovery Community Scheme is open to applications from schemes which meet the statutory criteria of being designed to prevent crime or reduce the fear of crime. In addition bids must be supported by a Policing and Community Safety Partnership or a criminal justice body. To date no project specifically designed to support those with disabilities and special needs has received funding, however a number of the projects have benefited a wide cross section of society.

The details of successful bids are published on the Department's website, [www.dojni.gov.uk](http://www.dojni.gov.uk).

The Scheme's income is dependent on the value of assets recovered in court and, therefore, cannot be predicted. In the most recent round of funding, which was announced last week, £335,000 was allocated to 24 projects.

## Legal Aid: Estimated Final Cost

**Lord Morrow** asked the Minister of Justice to detail the total Legal Aid to date, and estimated final costing, in the case of Bernadette McGeary, Stephen McGeary and Catherine Mooney, shown per defendant and broken down by Magistrates Court and Crown Court.

**(AQW 32268/11-15)**

**Mr Ford:** Magistrates' Court

Legal aid was granted to Bernadette McGeary in December 2008 for proceedings in the Magistrates' Court in relation to a charge of deception for representation by solicitor only. This charge against the defendant was dismissed. The total fee paid to the solicitor was £1,946.79 including VAT of £259.79 and disbursements of £202.48.

Legal aid was subsequently granted to all three defendants in 2012 for representation by solicitor only for proceedings in the Magistrates' Court. All three defendants were returned for trial.

All fees paid in respect of each solicitor for these Magistrates' Court proceedings have been paid and are detailed below:

- Bernadette McGeary – Total of £1,413.78, including VAT of £235.63.
- Stephen McGeary – Total of £1,142.88, including VAT of £190.48.
- Catherine Mooney – Total of £1,254.10, including VAT of £209.02.

### Crown Court

Legal aid certificates were granted for all three defendants for solicitor, senior and junior counsel to defend proceedings in the Crown Court. Fees in respect of each defendant are outlined below:

#### Bernadette McGeary

- no fees have as yet been paid. Estimates of fees are detailed below:

- Solicitor – Total of £42,164.40 including VAT of £7,027.40.
- Senior counsel – Total of £23,040.00 including VAT of £3,840.00.
- Junior counsel – Total of £11,732.40 including VAT of £1,955.40

#### Stephen McGeary

This defendant transferred to a different firm of solicitors and senior counsel prior to the proceedings concluding. This will result in five practitioners being paid, i.e. 2 solicitor firms, 2 senior counsel and 1 junior counsel.

The first solicitor who represented this defendant has been paid, the total being £30,615.84, including VAT of £5,102.64.

No other fees for representation of this defendant have been paid, estimates are detailed below:

- Second solicitor - Total of £15,466.80 including VAT of £2,577.80
- First senior counsel – Total of £11,460.00 including VAT of £1,910.00.
- Second senior counsel - Total of £5,280.00 including VAT of £880.00.
- Junior counsel - Total of £3,423.60 including VAT of £570.60.

#### Catherine Mooney

- no fees have as yet been paid. Estimates of fees are detailed below:

- Solicitor - Total of £15,574.80 including VAT of £2,595.80
- Senior counsel - Total of £5,280.00 including VAT of £880.00.
- Junior counsel - Total of £3,348.00 including VAT of £558.00

## Prisons: Drug Detection

**Lord Morrow** asked the Minister of Justice, pursuant to AQW 31894/11-15, to detail (i) the progress made on tracing the origin of this drug after its detection in prisons, given it has not be prescribed since May 2011; (ii) how many convictions and disciplinary actions, or any other disposal, have ensued over the supply of this drug into prisons; and (iii) how many times the supply has been traced to (a) prisoners; (b) staff; (c) visitors; and (d) any other source.

**(AQW 32269/11-15)**

**Mr Ford:** Temazepam is a medicine that can be misused and for that reason it is no longer prescribed within prisons. Where it is detected through the regime of random and intelligence led drug testing, it will, in most cases, be a consequence of unlawful trafficking into prisons. Security Departments actively focus on eliminating the potential supply routes and have

achieved measurable success this year in doing so, as reflected by the Random Drug Testing rates. The data captured within prisons does not separately break down the sanctions and disciplinary actions for each particular substance.

### **Drugs: Zero-tolerance Policy**

**Lord Morrow** asked the Minister of Justice whether the terms of the three month zero tolerance drugs policy, based on PSNI involvement at HMP Maghaberry, produced any tangible results which would justify the reduction of random drugs testing in exchange for longer term reinvestment into drug intervention work and increases in intelligence led searching.

**(AQW 32271/11-15)**

**Mr Ford:** The joint operation between NIPS and PSNI at Maghaberry was originally to last for three months. The operation has been reviewed and extended several times and is ongoing. Since October 2013 the operation has yielded 103 drug related seizures. These cases are being proceeded with and the operation will continue to be reviewed. This operation has been successful in targeting the use of banned substances within the prison and has been used as part of the launch of what is a more effective use of resources in the area of combating drug misuse.

Prisoners continue to be randomly tested and the results provide an indication of the level of substance misuse within prisons.

That data would indicate that the levels of substance misuse are reducing at Maghaberry and across the Northern Ireland Prison Service.

### **Drugs: Zero-tolerance Policy**

**Lord Morrow** asked the Minister of Justice, pursuant to AQW 31910/11-15, to detail (i) why it is stated that the Northern Ireland Prison Service has a zero tolerance policy of drug abuse and has measures in place to tackle all substance abuse, when according to Prison Service Management Board Minutes of October 2013 such a policy was only introduced as a trial for three months; (ii) whether this response was provided during the trial; and (iii) whether the answer refers to a temporary or existent policy.

**(AQW 32272/11-15)**

**Mr Ford:** The trial referred to in Prison Service Management Board minutes was a joint NIPS/PSNI operation to combat the use and supply of drugs in one particular prison. This operation is still ongoing after being reviewed. NIPS has always had a stated zero tolerance to the misuse of drugs.

### **Prisons: Chaplaincy Numbers, Responsibilities and Remuneration**

**Mr Campbell** asked the Minister of Justice, pursuant to AQW 31893/11-15, when a Section 75 or other similar such equality proofing measure, will be completed in advance of any proposed change to chaplaincy numbers, responsibilities and remuneration.

**(AQW 32276/11-15)**

**Mr Ford:** NIPS is continuing to engage with senior Church representatives on a range of Chaplaincy issues following the review of the Chaplaincy provision within Prisons. When these meetings are concluded NIPS plans to carry out a screening exercise on the proposed future arrangements.

### **Animal Cruelty Cases**

**Mr G Robinson** asked the Minister of Justice whether he will review sentencing policy in animal cruelty cases, following the perception of leniency of the sentencing in a recent animal cruelty case in Belfast.

**(AQW 32287/11-15)**

**Mr Ford:** Policy on the legislation governing animal welfare offences is a matter for the Minister for Agriculture and Rural Development. My role is to ensure that proposals for offences and penalties, from any Minister, fit proportionately within the criminal law framework. Sentencing within this framework is entirely a matter for the judiciary and I consider it important that the independence of the judiciary is maintained.

The Lord Chief Justice, in his Programme of Action on sentencing, is enhancing the structures by which the judiciary ensure consistent and appropriate sentences. Under this Programme, guidelines for animal welfare offences heard in the Magistrates' Courts have been developed and are published on the Judicial Studies Board website.

Referral of a sentence by the Director of Public Prosecutions to the Court of Appeal on the grounds of undue leniency is available for all offences

triable only on indictment, that is, those that can be tried only in the Crown Court. It is also available for a limited number of cases that can be tried either in a Magistrates Court or the Crown Court – known as hybrid offences – that have been specifically listed in statute. That list is deliberately limited to the more serious hybrid offences where public confidence in the judicial system could be seriously undermined by an inappropriate sentencing decision. A list of serious sexual offences is included, for example. The list is also limited to ensure that the independence of the judiciary is not undermined. Another issue is that of certainty for the offender so that, by and large, the sentence handed down should be final.

Animal welfare offences are not currently included in list of offences that can be referred to the Court of Appeal. An exercise to consider, more broadly, the ambit of the unduly lenient scheme is, however, already planned.

### **Prison Service: Drug Testing**

**Mr Elliott** asked the Minister of Justice to detail the drugs tested for by the Northern Ireland Prison Service within the prison population.

**(AQW 32303/11-15)**

**Mr Ford:** The drugs test used by NIPS tests for MDMA, methadone, opiates, cannabis, cocaine, benzodiazepine, buprenorphine, barbiturates and amphetamines.

### **Prison Service: Drug Testing**

**Mr Elliott** asked the Minister of Justice how often the Northern Ireland Prison Service conduct random testing for drugs within the prison population.

**(AQW 32305/11-15)**

**Mr Ford:** In addition to intelligence led, suspicion testing and risk assessment drug tests, on a monthly basis, a minimum of 5% of the population at Maghaberry and Magilligan Prisons will be selected for a random drug test.

At Hydebank Wood, 10% are tested. This reflects the smaller population.

### **Legal Aid**

**Lord Morrow** asked the Minister of Justice how much Catherine Mooney and Stephen McGeary contributed to their legal fees in conjunction with granted Legal Aid.

**(AQW 32323/11-15)**

**Mr Ford:** Criminal legal aid is non-contributory and accordingly neither party made any contribution to the cost of their defence.

### **Court of Appeal: Judgements**

**Lord Morrow** asked the Minister of Justice to detail the number of outstanding judgements following cases heard before the Court of Appeal.

**(AQW 32324/11-15)**

**Mr Ford:** As at 31 March 2014, there are 14 outstanding Court of Appeal judgments.

### **Drugs: Zero-tolerance Initiative**

**Lord Morrow** asked the Minister of Justice for an update on the success and/or failings of the three month zero tolerance to drugs initiative and training and education programme in partnership with the PSNI at Maghaberry Prison, as detailed in the October 2013 Prison Service Management Board Minutes.

**(AQW 32325/11-15)**

**Mr Ford:** The joint operation between NIPS and PSNI at Maghaberry was originally to last for three months. Following a review by the governor and Lisburn District Commander both agreed that due to the success of the initiative it would be extended. A further review is to take place in early April. Since October 2013 to the end of February 2014 the operation has yielded 103 drug related seizures being dealt with PSNI. 123 prisoners have been referred for drugs counselling and 309 staff have received drug awareness training.

### **New York St Patrick's Day Parade 2014**

**Mr Allister** asked the Minister of Justice whether his Department was consulted by the PSNI prior to accepting an invitation to participate in the 2014 New York St. Patrick's Day Parade; and, if so, at what level and with what response from the Department.

**(AQW 32408/11-15)**

**Mr Ford:** The PSNI had an informal conversation with officials in my Department regarding the invitation to participate in the 2014 New York St. Patrick's Day Parade. There was no formal consultation on this matter.

The attendance of PSNI officers at the St Patrick's Day Parade is a matter for the Chief Constable, who has operational independence from Ministers and is accountable to the Northern Ireland Policing Board.

### **New York St Patrick's Day Parade 2014**

**Mr Allister** asked the Minister of Justice, if his Department was consulted by the PSNI prior to accepting an invitation to participate in the 2014 New York St. Patrick's Day Parade, whether it was aware, or made itself aware, of the official guidelines governing the parade which stipulated that the only banner permitted was 'England Get Out of Ireland'.

**(AQW 32409/11-15)**

**Mr Ford:** The PSNI had an informal conversation with my Department regarding the invitation to participate in the 2014 New York St. Patrick's Day Parade. The official guidelines governing the parade were not brought to the attention of my officials at this time.

Attendance of PSNI officers at the St Patrick's Day Parade is an operational matter for the Chief Constable.

### Filling Stations: Laundered Fuel

**Mr Humphrey** asked the Minister of Justice, in the interests of motorists, why are the names of the filling stations selling laundered fuel not being published.

(AQW 32426/11-15)

**Mr Ford:** I refer the Member to the response provided of 19 March 2014 to AQW 31619/11-15.

### Filling Stations: Laundered Fuel

**Mr Humphrey** asked the Minister of Justice to detail the filling stations selling laundered fuel in each constituency.

(AQW 32433/11-15)

**Mr Ford:** I refer the Member to the response of 19 March 2014 to AQW 31619/11-15.

### Prison Service: On-the-runs

**Lord Morrow** asked the Minister of Justice for his assessment of the role of the Northern Ireland Prison Service (NIPS) in relation to the supply of the names of ten on-the-runs, as per remarks made by the Secretary of State for Northern Ireland on 27 March 2014; and to detail when this correspondence took place between the NIPS and the Northern Ireland Office.

(AQW 32480/11-15)

**Mr Ford:** The Secretary of State's remarks on 27 March 2014 merely reaffirm what Mr Justice Sweeney said in paragraph 65 of his Judgement on the Downey case, namely that a Northern Ireland Office (NIO) briefing note of 3 September 2002, which set out the history in relation to OTRs, indicated that a further 10 names of OTRs were raised by the Northern Ireland Prison Service (NIPS) in addition to those names provided by Sinn Fein and the Irish Government.

However, in line with the Executive's Ministerial Code and long standing constitutional convention that Ministers should not be told by their officials, whether directly or by access to departmental papers, information relating to the work of a previous Administration. I have seen neither the note of 3 September 2002 nor copies of any correspondence that took place between NIPS and the NIO on this subject prior to that date. I am therefore unable to make any assessment of the role NIPS played in this matter.

### Superinjunctions

**Mr Allister** asked the Minister of Justice whether at any time his Department has funded or contributed to the costs of legal proceedings brought in the High Court of Justice in Northern Ireland, or elsewhere, involving the prohibition of publicity on the granting of injunctive relief, commonly referred to as super-injunctions.

(AQW 32484/11-15)

**Mr Ford:** The Northern Ireland Legal Services Commission has awarded legal aid in applications where there has been a direction of the court for injunctive relief. Such items in applications are not separately coded or registered so it is not possible to provide specific cost details.

## Department for Regional Development

### Northern Ireland Water: Senior Management Pension Schemes

**Mr Dallat** asked the Minister for Regional Development to detail (i) the amount of money contributed to pension schemes for senior management within NI Water; and (ii) the number of employees involved, in the last five years.

(AQW 31820/11-15)

**Mr Kennedy (The Minister for Regional Development):** For the purposes of this question, Senior Management within NI Water has been interpreted as employees graded as Level 2 or Level 1 – the number fluctuates each year.

Year	Number of Senior Managers in NI Water	Total amount of Employer's Pension Contributions paid
2009/10	7-9	£ 247,143.49
2010/11	7-8	£ 213,652.35
2011/12	6-7	£ 176,485.43

Year	Number of Senior Managers in NI Water	Total amount of Employer's Pension Contributions paid
2012/13	6	£ 182,007.50
2013/14 (to date)	6	£ 167,418.24

NI Water is currently reviewing its pension scheme in line with the wider reform of public service pensions.

The staff referred to in the 2012/13 and 2013/14 figures provided in the table above are:

1. NI Water's four Executive Directors who are Board members. This includes the Chief Executive who is the only Level 1 member of staff, and;
2. Two other senior members of the NI Water Executive Committee.

Non-Executive Directors do not participate in the NI Water pension scheme and hence have been excluded from the above figures.

## Penalty Charge Notices

**Lord Morrow** asked the Minister for Regional Development, pursuant to AQW 21277/11-15, to detail the number of Penalty Charge Notices were issued in the same towns from February 2013 to February 2014.

**(AQW 32000/11-15)**

**Mr Kennedy:** Details of the number of Penalty Charge Notices (PCNs) issued in Dungannon, Omagh, Cookstown and Strabane, during the 12 months from 1 February 2013 to 31 January 2014, are detailed in the table below. I have also included the previous two year figures for comparison.

Town	PCNs Issued From 1 February 2011 to 31 January 2012	PCNs Issued From 1 February 2012 to 31 January 2013	PCNs Issued From 1 February 2013 to 31 January 2014
Dungannon	2,355	2,079	1,571
Omagh	5,098	4,263	3,876
Cookstown	1,946	1,542	1,489
Strabane	2,648	2,034	1,752

## Disabled Parking Spaces: Coalisland

**Lord Morrow** asked the Minister for Regional Development to detail the (i) number; and (ii) location of car parking spaces for people with disabilities in Coalisland.

**(AQW 32008/11-15)**

**Mr Kennedy:** The two on-street disabled spaces in Coalisland which are located at:

- Lisnackill Court; and
- Meenagh Park.

## Illegal Republican Roadside Monuments

**Mr Moutray** asked the Minister for Regional Development to detail the (i) number; and (ii) location of illegal Republican roadside monuments in the Upper Bann constituency.

**(AQW 32012/11-15)**

**Mr Kennedy:** I have not been made aware of the presence of any such monuments in the Upper Bann constituency.

## Cycle Lanes and Bicycle Boxes: Ballymena

**Mr McKay** asked the Minister for Regional Development whether there are any plans to introduce (i) cycle lanes; and (ii) bicycle boxes at traffic lights in Ballymena.

**(AQW 32019/11-15)**

**Mr Kennedy:** My officials have been working with their counterparts from Ballymena Borough Council over the past year to consider future cycle routes in Ballymena. A number of routes have been identified, not only linking up existing cycle routes, but also creating new routes linking areas of residential development to the town centre and local schools. Construction and implementation of these routes will be subject to the availability of finance over the coming years.

The introduction of advanced stop lines for cyclists at traffic signal junctions can prove beneficial and improve road safety for cyclists. However, where they are provided, a lead in cycle lane is required on the approach to the junction, to allow cyclists to

make their way safely past vehicles already queuing at the junction. None of the main traffic signalised junctions in Ballymena currently include these lead in cycle lanes to allow advance stop line facilities to be provided at these junctions at present.

However, my recent fact finding study visits to Europe and the USA have provided me with much food for thought and illustrate the direction in which I want to move, building on the work that has already been done by providing cycling infrastructure which is fit for purpose. However, this will be a long term programme. To guide this, officials within my Department's Cycling Unit have begun work on developing a clear and aspirational vision for cycling, which will be articulated through the long term Cycling Strategy for Northern Ireland. The Unit is researching existing policies and best practice, taking account of the provision I have witnessed in established cycling societies. This will then form the basis for the development of policies, guidance and master plans in consultation with stakeholders.

### Roads Service Car Parks: Pay-and-display Machines

**Mr Weir** asked the Minister for Regional Development to detail the average annual cost of maintaining pay and display machines at Roads Service car parks.

**(AQW 32073/11-15)**

**Mr Kennedy:** The annual cost of maintaining one pay and display machine, which is contained in Roads Service's contract with its service provider, is £465.05.

### Gransha Road Roundabout, Bangor

**Mr Weir** asked the Minister for Regional Development for an update on plans for capital works at the Gransha Road roundabout, Bangor.

**(AQW 32094/11-15)**

**Mr Kennedy:** As you will be aware, my Department has commissioned consultants to examine possible options to improve pedestrian facilities at this roundabout. I can advise an initial report has now been received which is intended to place my Department in a better position to establish the best way forward.

While it will take some time for the report to be fully considered I have asked Mr Kevin Monaghan, Divisional Roads Manager (Acting), Roads Service Eastern Division, to keep you updated on the outcome.

### Train Halt: Ballykelly

**Mr G Robinson** asked the Minister for Regional Development what action his Department is taking to avail of European funding to develop a train halt at Ballykelly, to aid public transport provision for people wishing to avail of employment opportunities at the new headquarters of the Department of Agriculture and Rural Development.

**(AQW 32111/11-15)**

**Mr Kennedy:** I attended a meeting on the 21 January 2014 with the DARD Minister regarding the need for such a project. I explained the options and funding constraints. It was suggested that the three Departments involved (DARD / OFMDFM / DRD) would meet again if a Masterplan for Ballykelly is available. A new halt at Ballykelly would have to be justified in terms of an Economic Appraisal.

Opportunities for EU funding will be explored within this context.

### Penalty Charge Notices

**Mr Campbell** asked the Minister for Regional Development to detail the number of traffic attendants whose duties cover towns where, in the last two years, there have been less than ten Penalty Charge Notices issued per year.

**(AQW 32148/11-15)**

**Mr Kennedy:** My Department's parking enforcement service provider employs approximately 170 Traffic Attendants (TAs). On any standard enforcement day approximately 107 are deployed to fulfil the requirements of routine deployment rotas and other ad-hoc requests from Departmental traffic managers, the PSNI, members of the public, special events etc. Towns in more rural settings, such as those listed below, will generally be visited as part of a driven schedule in which one or more of these towns will be visited in any one day. Details of the towns, in alphabetical order, and the number of TAs visiting them, in which less than ten Penalty Charge Notices (PCNs) have been issued, in each of the last two years are set out in the following table:

2012		2013	
Town	No. of Traffic Attendants (TAs)	Town	No. of Traffic Attendants (TAs)
Ahogill	2 TAs per visit	Ahogill	2 TAs per visit
Aughnacloy	1 TA per visit	Aughnacloy	1 TA per visit
Broughshane	2 TAs per visit	Broughshane	2 TAs per visit

2012		2013	
Town	No. of Traffic Attendants (TAs)	Town	No. of Traffic Attendants (TAs)
Dungiven	2 TAs per visit	Donaghmore	1 TA per visit
Fintona	1 TA per visit	Dungiven	2 TAs per visit
Garvagh	2 TAs per visit	Garvagh	2 TAs per visit
Lisbellaw	1 TA per visit	Millisle	2 TAs per visit
Portballintrae	2 TAs per visit	Portballintrae	2 TAs per visit
Whitehead	1 TA per visit	Whitehead	1 TA per visit

Over and above the towns listed, there are numerous others that are not visited, or have been visited but no PCNs have been issued.

### Transport Hub

**Mr Eastwood** asked the Minister for Regional Development to detail his vision for the new integrated transport hub in Derry. (AQW 32149/11-15)

**Mr Kennedy:** In developing a new re-furbished station for Londonderry my vision is to deliver an innovative active travel and public transport hub.

The aim of the project would be to provide facilities for cyclists including parking, changing and maintenance within a refurbished station. In addition the station would be linked directly to the Peace Bridge and existing greenways. Opportunities would also be explored to extend walking and cycling infrastructure in the city, including between the university, Ebrington and cross-border links.

I believe we have a unique opportunity to deliver an innovative and inspirational project which reflects the ambitions the City has set for itself in the One Plan.

### Dungannon and South Tyrone Borough Council

**Lord Morrow** asked the Minister for Regional Development, pursuant to AQW 31342/11-15, and with the exception of those who attended the meeting of 21 November 2013, to detail who was invited to attend including all public representatives; and of these, how many declined to attend.

(AQW 32153/11-15)

**Mr Kennedy:** This meeting was organised by Dungannon and South Tyrone Borough Council and would therefore be best placed to advise on list of attendees.

### Coleraine Railway Station

**Mr Campbell** asked the Minister for Regional Development whether he plans to upgrade Coleraine Railway Station to incorporate more advanced signalling in order to minimise delays at the Bushmills Road railway crossing.

(AQW 32176/11-15)

**Mr Kennedy:** Translink has advised that the Coleraine / Londonderry Phase 2 project will modernise the signalling system between Coleraine and Londonderry and remove the requirement for trains to stop adjacent to the Coleraine signal box to exchange the token used for the current system. This work is programmed for completion at the end of 2016.

### Railways: Passing Loop Between Derry and Coleraine

**Mr Campbell** asked the Minister for Regional Development when the anticipated cost of the passing loop near Ballykelly on the Londonderry to Coleraine railway line will be made available.

(AQW 32177/11-15)

**Mr Kennedy:** The design for the Coleraine / Londonderry Phase 2 works has a passing loop at Bellarena, not Ballykelly, which is approximately 7 miles away.

Translink have advised that the costs involved in the passing loop project include design, construction and civil and Permanent Way works, as well as signalling systems. The costs for this latter aspect of the project will be known in a few months' time.

## DRD Proposals: North Down

**Mr Weir** asked the Minister for Regional Development to detail all departmental proposals under consideration for North Down in the next twelve months.

**(AQW 32187/11-15)**

**Mr Kennedy:** I have listed below my Department's proposals in relation to water and transport related schemes which are under consideration for the North Down area over the next twelve months. These include a proposal to commence a major investment by Northern Ireland Water to upgrade the water and sewerage system in the North Down area.

In addition my Department is also currently preparing work programmes in respect of roads related schemes for the 2014/15 financial year and once completed the programmes will be published in the Spring and Autumn Reports to Councils. These will also be made available on my Department's internet site.

Name of Proposal	Location of Proposal	Description of proposal	Timescale
Bangor Park & Ride	Bangor	Park & ride facility at Dufferin Avenue	Completion scheduled for March 2015
Bangor Line Sea Defences	Bangor Railway Line	Strengthening sea defences	Completion scheduled for March 2017
Seahill Platform Ramps	Seahill Railway Halt	Installation of ramps at Seahill Railway Halt platform	Completion scheduled for March 2015
Newtownards Bus Engineering Workshop Refurbishment	Newtownards	Refurbishment of Newtownards Bus Engineering Workshop	Completion scheduled for October 2017
Hollywood Sewer Network Improvements	Hollywood	Sewerage Networks Improvements	August 2014 – August 2015
Bangor Drainage Area Plan (DAP) Works Package 5 - Clandeboye Stream	Bangor	Sewerage Networks Improvements	October 2014 – October 2015
Bangor DAP Work Package 2: Rathmore Stream	Bangor	Sewerage Networks Improvements	December 2014 – April 2015
Bangor & Hollywood Public Realm	Bangor	Sewerage Networks Improvements	June 2014 – July 2014
Gransha Road, Bangor, Trunk Sewer replacement.	Bangor	Sewerage Networks Improvements	May 2014 – June 2014
165 Groomspoint Rd, Bangor - Storm Sewer Upgrade	Bangor	Sewerage Networks Improvements	May 2014
High Bangor Road Donaghadee - Road Widening Scheme	Bangor	Scheme in conjunction with Roads Service -widening project	April 2014 – June 2014
Green Road, Conlig. Storm Sewer Extension.	Bangor	Development Driven – service to serve new development	April 2014 – July 2014
College Ave/ Shandon Drive, Bangor - Storm Sewer Requisition	Bangor	Development Driven – service to serve new development	August 2014 – October 2014
South Circular Road, Bangor, Storm Sewer Extension.	Bangor	Development Driven – service to serve new development	April 2014 – June 2014

## Transport Hub

**Mr Campbell** asked the Minister for Regional Development whether any transport hub, as recently envisaged for Londonderry, will be distinct from integrated transport centres incorporating bus and rail which exist in other parts of Northern Ireland.

**(AQW 32193/11-15)**

**Mr Kennedy:** On 18 March 2014 I announced a new project to develop plans for an integrated transport hub on the site of the Old Waterside Station in Londonderry, following consultation undertaken by Translink on proposals for a new rail station

in Londonderry. This consultation identified the refurbishment of the Old Waterside Station in Londonderry as the preferred option and there are wider opportunities which I feel we should look to take advantage of as we develop this project.

I have been inspired by what I have seen elsewhere and the role that cycling and public transport can play in creating accessible and attractive urban environments. In light of that and the extensive work already undertaken to develop walking and cycling infrastructure in Londonderry, I believe we have a unique opportunity to deliver an innovative and inspirational project which reflects the ambitions the City has set for itself in the One Plan.

There is the potential for the refurbishment of the Old Waterside Station to create an innovative active travel and public transport hub. This hub would serve the wider city and surrounding area. It could assist in the regeneration of the city and enhance the reputation and vibrancy of Londonderry.

The aim of the project would be to provide facilities for cyclists including parking, changing and maintenance within a refurbished station. In addition the station would be linked directly to the Peace Bridge and existing greenways. Opportunities would also be explored to extend walking and cycling infrastructure in the city, including between the university, Ebrington and cross-border links.

## **Enniskillen Bypass**

**Mr Flanagan** asked the Minister for Regional Development for an update on the proposed Enniskillen bypass, including the dates of, and attendees at, the most recent discussions that have taken place within his Department on the scheme. (AQW 32199/11-15)

**Mr Kennedy:** I would refer the Member to my answer to his Assembly Question, AQW 32001/11-15, in which I provided an update on the proposed Enniskillen bypass.

In relation to the details of the most recent discussions within my Department regarding this scheme, I can confirm my officials continue to hold regular progress meetings with the appointed consulting engineers, Aecom, regarding development of the scheme. The most recent meetings with Aecom were held on 6 February 2014 and 5 March 2014.

In February 2014, my officials and staff from Aecom also met with landowners along the route corridor to determine their business and access needs. These meetings will help inform the final design of the scheme.

## **Road Safety: Derrychrin Primary School, Coagh**

**Mr McGlone** asked the Minister for Regional Development what measures his Department will put in place to improve road safety in the area of Derrychrin Primary School, Drummeny Road, Coagh, given the safety concerns of parents and residents and following the recent accident at the school entrance. (AQW 32207/11-15)

**Mr Kennedy:** My officials met with the School Principal, Mr John McCormack, Mr Francie Molloy M.P. and his party colleague, Mr Gavin Bell on 13 March 2014 to discuss road safety concerns at Derrychrin Primary School.

It was mutually agreed that pupil safety at the school would be greatly improved if the carriageway in the vicinity of the vehicular and pedestrian accesses to the school was kept clear of parked vehicles. Therefore Roads Service is to provide a "school keep clear" marking at the site which should be in place within the next 6 to 8 weeks.

## **Cycling and Walking: Transport Arrangements**

**Mr Craig** asked the Minister for Regional Development what progress has his Department made in placing walking and cycling at the centre of local transport arrangements. (AQW 32337/11-15)

**Mr Kennedy:** A key priority for my Department is to develop a long term vision, and a comprehensive province-wide bicycle strategy for Northern Ireland. This strategy will guide the development of a network of cycling and walking routes in our towns and cities, and ensure that local transport arrangements take account of bicyclists and pedestrians at the earliest possible stage in any transport plans.

I recently announced a new project to develop plans for an integrated transport hub on the site of the old Waterside Station in Londonderry where there is potential to create an innovative active travel and public transport hub. The development of cycling and walking will be at the heart of this project which will provide facilities for cyclists including parking, changing and maintenance within a refurbished station. In addition the station would be linked directly to the Peace Bridge and existing greenways.

The member will be aware of my Department's project to construct a combined pedestrian and cycle bridge over the River Lagan. The aim is to develop an iconic, landmark, pedestrian and cycle bridge which will provide a safe, quiet route for cyclists and pedestrians travelling to and from the city centre. The location of this bridge will ensure improved accessibility to the city centre and Central Station for local communities and commuters.

I am committed to ensuring that walking and cycling is placed at the centre of local transport arrangements and that there is an increased focus and priority given to the needs of bicyclists and pedestrians to encourage greater participation in healthy and sustainable transport. We need to create an environment which invites people to walk and cycle as much as possible.

However, building a safe and accessible cycling infrastructure will take time and will happen in stages and should be part of an overall process whereby cities and towns are designed to improve the quality of life for the population.

## Department for Social Development

### Jobseeker's Allowance

**Mrs Overend** asked the Minister for Social Development to outline the rationale behind the introduction of new rules from 1 January 2014 for European Economic Area and returning UK Nationals seeking to claim Jobseekers Allowance.

**(AQW 32038/11-15)**

**Mr McCausland (The Minister for Social Development):** From 1 January 2014 there will be a new requirement to have been living in the UK or the Common Travel Area (the Channel Islands, the Isle of Man or the Republic of Ireland) for a period of 3 months before an EEA national job seeker or a UK national who has lived or worked abroad can be treated as habitually resident.

A person claiming a jobseeker's allowance who has entered the United Kingdom or the Common Travel Area within the three months before making a claim, can only be treated as habitually resident in those places if they had already been habitually resident and were returning after a temporary absence.

This policy has been introduced to protect the benefit system and to discourage people who do not have any established connection with the UK, or any prospect of work, from migrating to the UK and seeking to claim Jobseeker's Allowance

immediately. It strengthens and provides tighter definition for the existing Habitual Residence test which will simplify the application of the rule.

### Window Frames: Newry

**Mr Brady** asked the Minister for Social Development when residents of the Greater Carnagat areas of Newry will receive their replacement window frames.

**(AQW 32127/11-15)**

**Mr McCausland:** The Housing Executive has advised that all properties in the Carnagat area of Newry currently have wooden double glazed windows and are not included in the double glazing programme. The Housing Executive's local office has advised of some complaints from the local residents group regarding the condition of the windows and any concerns will be addressed as part of the next External Cyclical maintenance scheme, due in 2015/16.

### Social Housing Scheme: 5 Millisle Road

**Mr Weir** asked the Minister for Social Development, pursuant to AQW 30714/11-15, (i) what social housing scheme is planned for 5 Millisle Road; (ii) which housing association is taking the scheme forward; (iii) whether planning permission has been granted; and (iv) if planning permission has not yet been granted, to outline the proposed timescale for the application.

**(AQW 32137/11-15)**

**Mr McCausland:** In relation to (i) and (ii) the Housing Executive has advised that the ten unit social housing new build scheme on the site of the former PSNI site at 5 Millisle Road, Donaghadee was allocated to Triangle Housing with the intention of progressing a scheme to start on site during the 2014/15 programme year.

However, as of 26 February 2014, Triangle Housing advised that, due to several issues affecting viability, they wished to withdraw from the development of the site. The Housing Executive has further advised that at this stage the scheme has been deleted from the Social Housing Development Programme, although their South Regional Planner is liaising with the NIHE's Development Programme Group about the potential for re-nomination of the site to another housing association.

In relation to (iii) and (iv) the Housing Executive has advised that there is no existing planning permission for the site and as development plans are not currently being progressed by a housing association there is no proposed timescale for a Planning Application.

### Purchase of Evacuated Dwellings Scheme

**Mrs Dobson** asked the Minister for Social Development why people wishing to purchase a property from the Northern Ireland Housing Executive under the Scheme for the Purchase of Evacuated Dwellings can have their offer, once accepted by the Housing Executive, guzumped by a higher bidder.

**(AQW 32174/11-15)**

**Mr McCausland:** The Scheme for the Purchase of Evacuated Dwellings (SPED) is a statutory scheme operated by the Housing Executive under the provisions of Article 29 of the Housing (Northern Ireland) Order 1988 to acquire by agreement houses owned by persons who, in consequence of acts of violence, threats to commit such acts or other intimidation, are unable or unwilling to occupy those houses. The legislation also requires that the Scheme provides for the disposal of such properties.

Current policy requires that all SPED properties, neither eligible nor required for transfer to a Housing Association, are to be advertised and disposed of on the open market for the best possible consideration. The Housing Executive therefore has a responsibility to seek the highest offer achievable through exhaustion of the bidding process and confirmation by Land and Property Services that the offer received represents the best obtainable price.

An offer is not deemed to be formally accepted by the Housing Executive until it has received approval by the Housing Executive Chief Executives Business Committee (CXBC) or Board as appropriate. Policy requires that "the Estate Agent must ensure in all cases that any successful bidder is always advised that CXBC/Board approval is required for the disposal of the property at that price before the legal formalities can be completed and that any higher offer received in the intervening period may be accepted." (Land & Property Manual, SPED Disposals, para 5.12).

The Housing Executive is also guided in the disposal of surplus property by "Disposal of Surplus Public Sector Property in Northern Ireland" guidance published by Land & Property Services, Central Advisory Unit which states:

"If a deadline for receipt of offers has been set this should not prevent consideration of higher offers received after the deadline nor should a further offer be ruled out of consideration because a lower offer has been accepted "subject to contract". In such circumstances if a higher offer is received following the initial acceptance on a "subject to contract" basis, professional advice should be taken. In doing so the public body will need to weigh its duty to the taxpayer in regard to obtaining the best possible price for the asset, against the risk of the original bidders' withdrawing their offers because of the delay, or accusations of bad faith. Where necessary, sufficient time should be allowed for enquiries into the late offeror's financial credentials."

While Department of Finance and Personnel guidance therefore allows the Housing Executive to consider acceptance of a late offer in the interests of best consideration for the public purse, in practice, once an offer has been formally approved by CXBC or Board, the bidder will be given first opportunity to complete the sale subject to a contract being signed within 16 days of the Housing Executive's solicitor writing to inform the bidder that their offer has been accepted. No further offers would normally be accepted after this stage and until the bidder has been afforded the necessary opportunity to complete the sale.

## Social Housing: County Fermanagh

**Mr Flanagan** asked the Minister for Social Development to detail the number of social housing units completed in County Fermanagh in the last five years, broken down by (i) single storey; (ii) two storey and (iii) three storey buildings.

**(AQW 32197/11-15)**

**Mr McCausland:** The information is not available in the format requested because the Housing Executive does not routinely collate information on social housing completions by building height. However, they do maintain a database which details the "House types" for individual social housing schemes. The table below provides details of all social housing completions in the Fermanagh District Council area from 1 April 2009 to 24 March 2014 broken down by house type.

The Information provided in this response is governed by the Principles and Protocols of the Code of Practice for Official Statistics. This is enforced by UK Statistics Authority.

### Social Housing Completions 2009/10 – 2013/14, Fermanagh District Council area by house type

Scheme Name	Year completed	Units	Houses	Bungalows	Flats	Shared	Detailed House Types
Old Tempo Road, Enniskillen	2009/10	12	-	-	-	-	House type data not available
Sycamore Drive, Enniskillen	2009/10	7	7	-	-	-	4 x 2Bed houses / 3 x 3Bed houses
Oakfield Court, Tempo Road, Enniskillen	2009/10	10	10	-	-	-	10 x 3Bed houses
Aghagay Meadows Phase 1, Newtownbutler	2009/10	4	3	1	-	-	1 x 3Bed bungalows / 1 x 3Bed house / 2 x 4Bed houses
Enniskillen EMI Phase 1 (Supported Housing)	2010/11	30	-	-	15	15	14 x 1Bed (wheelchair) flats / 1 x 2Bed (wheelchair) flat / 15 shared bedspaces (Supported housing)
Rural Acquisitions	2010/11	2	2	-	-	-	2 x 3Bed houses
3 Cherry Walk, Enniskillen	2010/11	1	1	-	-	-	1 x 2Bed house

Scheme Name	Year completed	Units	Houses	Bungalows	Flats	Shared	Detailed House Types
Carrowshee Park, Lisnaskea	2011/12	19	15	4	-	-	2 x 2Bed bungalows / 8 x 2Bed houses / 2 x 3Bed bungalows / 7 x 3Bed (wheelchair) houses
Apex Acquisitions (Enniskillen)	2011/12	2	2	-	-	-	2 x 3Bed houses
Ballaghmore Heights, Enniskillen	2011/12	10	10	-	-	-	10 x 3Bed houses
Adrian Heights, Donagh	2011/12	5	5	-	-	-	2 x 2Bed houses / 2 x 3Bed houses / 1 x 4Bed house
Fermanagh Acquisitions	2011/12	1	-	1	-	-	1 x 2Bed (wheelchair) bungalow
Enniskillen Acquisitions	2011/12	2	-	1	1	-	1 x 3Bed bungalow / 1 x 3Bed flat
PSNI site, Main Street, Lisbellaw	2012/13	12	8	-	4	-	4 x 2Bed flats / 8 x 3Bed houses
Aghagay Meadows, Newtownbutler	2012/13	3	1	2	-	-	1 x 4Bed house / 2 x 4Bed (wheelchair) bungalows
PSNI site, Cullion Road, Tempo	2013/14*	4	4	-	-	-	4 x 3Bed houses

\* This figure is up to 24/03/14 and may not be the final completions figure as the programme year ends on 31/03/14

## Tenancy Fraud

**Mr Allister** asked the Minister for Social Development, pursuant to AQW 32044/11-15, why factual information cannot be provided.

**(AQW 32202/11-15)**

**Mr McCausland:** The difficulty with answering the question posed is that it is very much dependent on the definition of tenancy fraud, which will be a key area being considered by PAC. Whilst there were no formal cases of Tenancy Fraud reported in the past 12 months, the Housing Executive has recovered some 800 houses over the last number of years. As I have already advised, as this will be the subject of the PAC evidence session on 14 May 2014, I am unable to discuss further with you as this may pre-empt or pre-judge either the PAC Report or the subsequent Ministerial response.

## Social Housing: Omagh

**Mr Byrne** asked the Minister for Social Development what plans his Department has to build social housing in the Omagh district over the next five years.

**(AQW 32264/11-15)**

**Mr McCausland:** The Housing Executive has advised that in the programme year, 2014/15, there are three schemes for 17 units scheduled to go on site in the Omagh district. These are detailed as follows:-

Omagh 16/17 Homeless/Care Leavers Gortmore Road	8 units
Omagh reinstatement/redevelopment	1 unit
Brookmont Road, Omagh	8 units

The Housing Executive has further advised that there are no schemes currently programmed in the Social Housing Development Programme for 2015/16 or 2016/17. This level of programming is reflective of low levels of housing need identified in Omagh district. Housing need is re-assessed on an annual basis by the Housing Executive's (South) Regional Planning function.

## Derelict Houses: Ballymena

**Mr McKay** asked the Minister for Social Development to list the number of derelict houses in the Dunclug area of Ballymena in each of the last ten years; and what action he is taking to address this issue.

**(AQW 32266/11-15)**

**Mr McCausland:** The information is not available in the format requested because the Housing Executive does not collate information in that way. However, they have advised that their records indicate that over the past ten years 136 properties have been demolished in Dunclug Park and Gardens. This includes 72 flats in the multi storey blocks.

The Housing Executive has further advised that the current position is that there are four flats at the front of Dunclug Gardens due to be converted to two 2-bedroomed houses and this work should be on site in August 2014. Two flats in Dunclug Gardens are in the process of being reinstated and should be ready for allocation in May 2014. There are also two rows of properties at the top of the estate, which includes three fire damaged properties that are currently the subject of an economic appraisal.

Finally, the Housing Executive has confirmed that they currently have three properties in the middle of Dunclug Park which have NIHE Board and DSD approval for demolition. It is anticipated that demolition will take place in the coming months. It is hoped that this course of action will remove any blight associated with Housing Executive properties.

### Irish Open Golf Tournament 2015

**Mr McNarry** asked the Minister for Social Development whether he will make funding available for the regeneration of towns and villages surrounding Royal County Down Golf Club prior to the 2015 Irish Open golf tournament.

**(AQW 32311/11-15)**

**Mr McCausland:** My Department has responsibility for the delivery of regeneration initiatives in urban towns throughout Northern Ireland. The definition of an urban town is a town with a population of 4,500 and above and my Department has providing funding towards the regeneration of all the urban towns surrounding the Royal County Down Golf Club.

My Department is currently funding a £2 million public realm in Ballynahinch town centre and a £250,000 Revitalisation Scheme in Newcastle town centre. In recent years my Department has also invested £7.6 million towards major public realms schemes to regenerate Downpatrick, Kilkeel and Newcastle.

### Permitted Employment Scheme

**Mr Swann** asked the Minister for Social Development for an update of the Permitted Employment Scheme.

**(AQW 32362/11-15)**

**Mr McCausland:** Social Security legislation makes provision for Incapacity Benefit and Employment and Support Allowance claimants to engage in limited employment under a scheme known as the Permitted Work Scheme. The scheme was introduced in April 2002 to provide a stepping stone to employment.

It allows claimants to work up to 16 hours per week and earn small amounts in order to help them maintain contact with the labour market. The Permitted Work rules allow claimants to:

- work for less than 16 hours per week, on average, and earn no more than £101.00 a week for up to 52 weeks (current rates) or
- work for less than 16 hours per week, on average, and earn up to £101.00 per week as long as their illness is considered sufficiently severe that they meet the threshold of incapacity without undergoing a medical assessment or
- work and earn no more than £20 per week at any time for as long as they are on benefit or
- do supported Permitted Work and earn no more than £101.00 per week as long as they are on benefit

Work done under the Permitted Work scheme does not affect the claimant's entitlement to benefit or National Insurance credits.

### Permitted Employment Scheme

**Mr Swann** asked the Minister for Social Development to provide details of the budget for the Permitted Employment Scheme, in each of the last 4 years.

**(AQW 32363/11-15)**

**Mr McCausland:** The Social Security Agency administers a Permitted Work Scheme which allows Incapacity Benefit and Employment and Support Allowance claimants to work up to 16 hours per week and earn small amounts in order to help them to maintain contact with the labour market.

There is no budget associated with the Permitted Work Scheme.

### Permitted Employment Scheme

**Mr Swann** asked the Minister for Social Development to detail the number of people supported by the Permitted Employment Scheme, in each of the last 4 years.

**(AQW 32364/11-15)**

**Mr McCausland:** The Social Security Agency administers a Permitted Work Scheme for Incapacity Benefit and Employment and Support Allowance claimants. The Permitted Work Scheme is not a social security benefit and is not designed to financially support claimants. The primary aim of the scheme is to allow claimants receiving either of these benefits to maintain contact with the labour market during a period of incapacity.

In the last 4 years 14,588\* claimants of Incapacity Benefit and Employment Support Allowance participated in the Permitted Work Scheme. A breakdown by year is shown below:

Year	Incapacity Benefit	Employment Support Allowance	Total
January 2010 – December 2010	3,140	706	<b>3,846</b>
January 2011 – December 2011	2,756	1,174	<b>3,933</b>
January 2012 – December 2012	1,960	1,550	<b>3,510</b>
January 2013 – December 2013	881	2,418	<b>3,299</b>
<b>Total</b>	<b>8,740</b>	<b>5,848</b>	<b>14,588</b>

The Department for Social Development's Analytical Services Unit is unable to provide the statistics that have been requested. The details provided have been taken from the Incapacity Division's internal monitoring systems and reflect the Incapacity Benefit and Employment and Support Allowance claimants who participated in the Permitted Work Scheme during the dates stated. The management information provided is limited to standard reports with no facility to interrogate the system.

## Help to Buy Scheme

**Mr Clarke** asked the Minister for Social Development to outline the Help to Buy scheme, including (i) the criteria that must be met in order to apply; and (ii) the deposit required.

**(AQW 32419/11-15)**

**Mr McCausland:** The Help to Buy: Mortgage Guarantee Scheme was launched in October 2013 as part of a number of government measures aimed at stimulating the housing market. A mortgage supported by the Help to Buy: Mortgage Guarantee Scheme works in exactly the same way as any other mortgage except that under the scheme the Government offers the mortgage lenders the option to purchase a guarantee on mortgage loans.

Under the terms of the scheme, the Government guarantee up to 15 per cent of a purchaser's mortgage in return for a fee from the lender - i.e. the Government will guarantee to pay back the lender 15 per cent if the purchaser defaults on their payments. Because of this support, lenders taking part are able to offer home buyers higher loan-to-value mortgages in the 80-95% range.

The criteria that must be met in order to qualify for a mortgage supported by Help to Buy: Mortgage Guarantee Scheme are as follows;

- The property being purchased can be priced up to £600,000 and can be an existing or new-build home in the UK;
- The purchaser of the property must not own any other property anywhere in the world at the time of purchase through the Help to Buy: Mortgage Guarantee scheme;
- The mortgage must be a repayment mortgage, not interest only. Offset and guarantor mortgages are also excluded from the scheme;
- The purchaser cannot let the property to somebody else;
- The mortgage can be taken out by an individual or individuals but not by a company;
- The purchaser cannot use the mortgage guarantee scheme with any other Government scheme;
- The deposit for the property can't come from a government scheme; and
- The purchaser does not have to pay any additional fee to Government to get a Help to Buy supported mortgage;

The minimum deposit required for the scheme is 5% of the total price of the house to be purchased. Borrowers across the UK, including Northern Ireland, can apply for mortgages under the scheme through participating lenders.

## Housing Services

**Mr Ó hOisín** asked the Minister for Social Development to outline how the Housing Executive fits into his plans for the delivery of housing services over the next 5 years.

**(AQO 5891/11-15)**

**Mr McCausland:** The Housing Executive plays a critical role at a regional and strategic level in supporting the delivery of my Housing Strategy and as the largest social landlord in providing much needed social housing to around 90,000 tenants. These are functions that I see as key requirements for the next five, indeed 10 or 15 years.

However, as in all areas we need to continually review that the existing structures we have are best configured to meet the challenges we face now and in the future.

At the beginning of January 2014, the Housing Executive embarked on a programme to improve all aspects of its business.

The first stage of the transformation has been achieved with its internal restructuring process to address and bring clarity and focus between its landlord and strategic regional housing functions.

It is also embarking on a Journey to Excellence programme to ensure that they deliver top class regeneration and housing solutions, meeting the needs of our communities and partners now and in the future.

The Social Housing Reform Programme which I announced, in January 2013, is also exploring existing structures within the social housing sector.

I have recently advised the Committee for Social Development and the Northern Ireland Executive on the research and analysis conducted to date and the more detailed work I believe now needs to be taken forward over the coming year to enable the programme to progress to the next phase.

Decisions regarding the future of the Housing Executive will be taken in conjunction with Northern Ireland Executive colleagues. Until then, the Housing Executive's role will continue as currently mandated.

## Social Housing

**Ms McGahan** asked the Minister for Social Development for his assessment of the capacity of Housing Associations to deliver the social housing development programme.

**(AQO 5888/11-15)**

**Mr McCausland:** The current Programme for Government has committed to delivering 8,000 new social and affordable homes by 2015.

In 2011/12 and 2012/13 a total of 2,789 new social homes were started and a further 1,275 new starts are planned by 31 March 2014. A further 2,000 are currently planned and in development for 2014/15.

The motion passed by the Assembly on 24 March calls for me to deliver an additional 4,000 social and affordable homes over and above the current target of 8,000 over the Programme for Government period.

The 2,000 new social homes for 2014-15 is in itself a considerable step up from what went before and represents a significant challenge for housing associations to deliver. I am already on record as having concerns about the movement's capacity. Too few are actively involved in development and more need to step up to the mark.

I have a focused programme of work in place to remove blockages and support delivery and I am actively investigating the possibility of increasing delivery further, although it will be challenging to do this over a short timeframe.

## Boiler Replacement Scheme

**Mr Irwin** asked the Minister for Social Development for his assessment of the uptake of the boiler replacement scheme in the Newry & Armagh constituency.

**(AQO 5896/11-15)**

**Mr McCausland:** I cannot provide the information on a constituency basis; I can however provide the information by District Council.

Up to the beginning of March 2014 in the Newry and Mourne council area there have been 944 households who have had their boilers replaced and 453 in the Armagh City and District Council. The uptake in both areas is very encouraging with Newry and Mourne being the second highest council area for householders to have their boilers replaced under the scheme with only Belfast City Council having more boilers replaced.

## Doury Road Regeneration Group

**Mr Frew** asked the Minister for Social Development what measures are in place to ensure that the Housing Executive will fully participate in the Doury Road Regeneration Group.

**(AQO 5897/11-15)**

**Mr McCausland:** I thank the Member for his question and for the opportunity to update the Assembly on the Building Successful Communities Programme.

Doury Road is one of six areas where this programme will be piloted and it is intended that the first meeting of the Forum for this area will be held in April.

In terms of Housing Executive participation in the Building Successful Communities programme, I have appointed the Housing Executive's Vice-Chairman and its Director of Housing and Regeneration to the Programme Board. A Housing Executive representative has also been nominated to all Building Successful Community Forums, including Doury Road. Furthermore, the Housing Executive has given an assurance that they are committed to working with the Building Successful Community Forum for Doury Road and all the other Building Successful Communities pilot areas.

I have also given a commitment that communities will be at the heart of the development and implementation of all regeneration plans within pilot areas.

## Rent Arrears

**Mr Nesbitt** asked the Minister for Social Development how the current level of Northern Ireland Housing Executive rent arrears compares with the level in May 2011.

**(AQO 5898/11-15)**

**Mr McCausland:** The Housing Executive has advised that the level of rent arrears at February 2014 was £14,159,000 compared to a total collectable income of £319,600,000 for 2013/14. They further advise that the level of rent arrears at May 2011 was £12,873,000 compared to a total collectable income of £290,660,000 for 2011/12.

The Housing Executive also advises that the increase in arrears should be considered in the context of an increase in collectable rental income, as rent increases over the years 2011/12, 2012/13 and 2013/14 were 3.75%, 6.6% and 3.6% respectively.

Arrears at the beginning of the financial year totalled £14,604,000. This was made up of £11,230,000 for current and £3,374,000 for former tenant. At the end of February 2014 there has been a reduction of £445,000 in total arrears. This is made up of a reduction of £163,000 in current tenant arrears and £282,000 in former tenant arrears.

The Housing Executive operates a write off policy for former tenant debt. At tenancy termination any debt left on the account will be subjected to attempted recovery using a number of actions. In most instances tenants cannot be traced or have no means to repay the debt i.e. on benefits and the debt at this point is written off. However, when a former tenant makes an application for housing, the debt is flagged up again and reviewed with a view to recovery if appropriate and the debt is reinstated (that is reunited) against the former tenant.

The Housing Executive advise that arrangements to pay off arrears are generally calculated on a case by case basis, taking into account the individual's income.

The Housing Executive is committed to ensuring that arrangements taken are sustainable. For those tenants in receipt of a benefit from which direct deductions can be taken, the amount deducted towards arrears is currently £3.60 per week.

## Benefit Uptake Programme: North Antrim

**Mr Storey** asked the Minister for Social Development for an update on the Benefit Uptake Programme in North Antrim.

**(AQO 5899/11-15)**

**Mr McCausland:** Benefit Uptake is a priority for my Department and last summer I launched "Maximising Incomes & Outcomes – a 3 year Plan for Improving the Uptake of Benefits", the vision of which is to ensure that every individual and household across Northern Ireland is receiving all social security benefits to which they and their families are entitled.

A key priority in the maximising Incomes and Outcomes plan is to strengthen community level partnerships. My Department has organised a series of Benefit Uptake community road shows, the first of which was held in Ballymoney in June 2013. Similar events were also held in Glebeside, Balnamore and Stranocum. A further event was held in Ballycastle on 27 March 2014.

Other strategic priorities such as the direct targeting strand and the "Make the Call" freephone service have involved residents in the North Antrim area. For 2012/13 of the 25,000 claimants targeted in the direct targeting strand, 7% (1,822)

were from the North Antrim area. Additionally via the Make the Call campaign, 6% of callers (779) are from the North Antrim area. Both offer respondents full and confidential benefit entitlement checks.

I also recently announced the outcomes of the 2012/13 Programme, which generated £16.9 million in additional benefits and arrears. Total income generated for North Antrim<sup>1</sup> through the Benefit Uptake Programme last year was nearly £1.6million. Outcomes for this year's work will be known in the autumn.

1 This figure is compiled from Ballymena, Ballymoney & Moyle District Council areas

## Social Deprivation: Sport

**Mr Hilditch** asked the Minister for Social Development how sport can be used to help reduce areas of social deprivation.

**(AQO 5900/11-15)**

**Mr McCausland:** My Department does not have specific funding for Sport. However, through its Neighbourhood Renewal Programme, Volunteering Strategy and Modernisation Fund Capital Programme it recognises the valuable contribution sport can make in areas of deprivation by supporting a range of projects that promote physical activity. Sport can make a valuable contribution not only in delivering key outcomes of lower long-term unemployment, less crime, reductions in anti social behaviour, better health and improved educational attainment. It can also help to develop the individual pride, community spirit and capacity within these area as well as having long term economic benefits in relation to reduced health care costs and increased productivity.

My Department supports a range of projects and programmes that promote participation in sport and physical activity for example 'Sport in the Community' project which is operated in partnership by the IFA, GAA and IRFU to the refurbishment/development of community sports facilities and the provision of sports equipment.

## Social Housing: Land Shortage

**Mr F McCann** asked the Minister for Social Development, given the shortage of land for social housing developments, whether he has considered using available land at North Howard Street and Cupar Way to alleviate the objective housing need in this area of high demand.

**(AQO 5901/11-15)**

**Mr McCausland:** The Housing Executive has a statutory responsibility for examining housing need. The Housing Executive also identifies where new housing is required.

Housing Associations, through the site registration process, or the Housing Executive, through its land assets, identify potential development sites.

There are no current site registrations by Housing Associations at North Howard Street or Cupar Way, Belfast, and no available NIHE owned sites available.

The Housing Executive will, consider any sites in this area that are brought forward by Housing Associations or identified through its Land and Strategic Regeneration Department to support social housing development proposals in areas where high need is identified. This will include future opportunity development sites for mixed-use, mixed-tenure regeneration to build sustainable communities.

## Fuel Poverty

**Mr B McCrea** asked the Minister for Social Development, given that 42% of households across Northern Ireland are in fuel poverty, whether he or his Department have had any discussions on the Warm Home Discount Scheme with his counterparts in the rest of the United Kingdom.

**(AQO 5902/11-15)**

**Mr McCausland:** The Warm Homes Discount Scheme is a four-year scheme operating in Great Britain, which commenced in April 2011 and is scheduled to run to March 2015. The purpose of the scheme is to help low-income and vulnerable households with energy costs. The Scheme requires participating energy suppliers to give a rebate on their electricity bill to a specified group of their older customers on low incomes. The UK Government informs suppliers which households to support through sharing limited data between the Department for Work and Pensions and the energy suppliers.

The Warm Homes Discount Scheme is covered by legislation which does not apply in Northern Ireland. Responsibility for introducing any corresponding legislation in Northern Ireland would be a matter for the Department for Enterprise, Trade & Investment.

## Northern Ireland Assembly Commission

### Parliament Buildings: Praxis

**Mr Flanagan** asked the Assembly Commission whether it has given any consideration to offering Praxis space to relocate the Secret Garden at Hillsborough Castle to Parliament Buildings.

**(AQW 32005/11-15)**

**Mr P Ramsey (The Representative of the Assembly Commission):** Following a tender competition in 2012 the Assembly Commission awarded a contract designed to deliver all catering services within Parliament Buildings and its catering outlets/ services, namely: Members' Bar and Dining Room, Blue Flax restaurant, Café Recess, Gift/Coffee Shop, Automated Vending, functions and hospitality.

Please be assured that we explored all possibilities within our governance remit, however and unfortunately, due to the contract in place and the lack of spare accommodation within Parliament Buildings the Assembly Commission is not currently in a position to offer Praxis space to relocate the Secret Garden Café.

We have now referred this request to the Department of Finance and Personnel which has overall responsibility for the Stormont Estate.

### MLAs: Travel to the USA

**Mr Lunn** asked the Assembly Commission how many MLAs travelled to the USA to represent the Assembly in March 2014; and in what capacity.

**(AQW 32052/11-15)**

**Mr Cree (The Representative of the Assembly Commission):** Six MLAs travelled to the USA in March 2014. Mike Nesbitt, as Chairperson of the Committee for the Office of the First Minister and deputy First Minister, represented that Committee at the St Patrick's Day events in Washington. Separately, five members of the Committee on Standards and Privileges travelled to Washington and held meetings with various parties as part of the Committee's review of the Assembly's Code of Conduct. Those members were Alastair Ross (Chairperson), Anna Lo (Deputy Chairperson), Cathal Boylan, Paula Bradley and Ian McCrea.

## IT Provision

**Mr Rogers** asked the Assembly Commission to outline the current review of the IT provision to all Members and constituency offices.

**(AQO 5812/11-15)**

**Ms Ruane (The Representative of the Assembly Commission):** Ón bhliain 2012, mar chuid dá phleananna le trealamh agus seirbhísí TF uile a chuirtear ar fáil do Chomhaltaí a athnuachan agus a uasghrádú, sholáthair Coimisiún an Tionóil na háiseanna nua seo leanas. I mí na Nollag 2012, cheap Oifig na gCóras Faisnéise conraitheoir nua le seirbhísí idirlín leathanbhanda a chur ar fáil do Oifigí Toghlaigh Comhaltaí sa dóigh is go bhfuil luasanna nasc idirlín níos fearr ag a mbunús. I mí Feabhra 2013, shuiteáil Oifig na gCóras Faisnéise 268 clóire ahtsholáthair nua i bhFoirgnimh na Parlaiminte agus in Oifigí Toghlaigh Comhaltaí. Idir mí Meithimh agus mí Mheán Fómhair 2013, mar chuid de thioscadal Ríomh-Phacáiste na gCoistí, fuair gach Comhaltaí ríomhaire táibléid Fuinneoga 8.

Tá rún ag Coimisiún an Tionóil na ríomhairí glúine uile a fuair Comhaltaí a athsholáthar i mí Iúil 2014. De bharr an tsuirbhé ríomhaire glúine a tugadh do Chomhaltaí agus do fhoirne na dToghlach i mí Nollag 2013, tá Oifig na gCóras Faisnéise ag forbairt mionchás gnó agus sonraíochta, agus beidh plé acu ar ball le hOifig an tSoláthair sa Tionól leis an dóigh is fearr an trealamh úr ríomhairí glúine a fhoinsíú.

Sa bhliain 2011, uasghrádaíodh bogearraí Microsoft Fuinneoga agus Oifig ar ríomhairí an Tionóil. De ghnáth, bheadh an trealamh seo in úd a athsholáthair faoin am seo, ach dar le hOifig na gCóras Faisnéise go bhfuil na ríomhairí deisce agus na monatóirí réscáileáin reatha oiriúnach don fheidhm go fóill. Dá bhrí sin, níl rún ag Coimisiún an Tionóil trealamh ríomhaire deisce a athsholáthar go dtí 2015.

Since 2012, as part of its plans to refresh and upgrade all IT equipment and services provided to MLAs, the Assembly Commission has delivered the following new facilities. In December 2012, Information Systems Office appointed a new contractor to provide broadband internet services to MLA Constituency Offices with the majority of offices able to avail of improved internet connection speeds. In February 2013 Information Systems Office completed the rollout of 268 new replacement printers in Parliament Buildings and MLA Constituency Offices. Between June and September 2013, as part of the Electronic Committee Pack project, each MLA was provided with an additional Windows 8 tablet computer.

The Assembly Commission plans to replace all laptop computers supplied to Members in July 2014. Following the laptop survey issued to MLAs and Constituency staff in December 2013, Information Systems Office is currently developing the detailed business case and specification and will shortly begin discussions with the Assembly Procurement Office to consider the most suitable route to source the new laptop equipment.

In 2011 the Microsoft Windows and Office software running on Assembly desktop computers was upgraded, and although this equipment would now normally be due for replacement, Information Systems Office considers that the current desktop PCs and flat-screen monitors are still fit-for-purpose. Consequently the Assembly Commission does not plan to replace desktop PC equipment until 2015.

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# Northern Ireland Assembly

Friday 11 April 2014

## Written Answers to Questions

### Office of the First Minister and deputy First Minister

#### Good Relations Programme

**Mr McCarthy** asked the First Minister and deputy First Minister what impact the reform of local councils will have on the delivery of the Good Relations Programme.

**(AQO 5826/11-15)**

**Mr P Robinson and Mr M McGuinness (The First Minister and deputy First Minister):** The reform of local councils offers a unique opportunity to bring good relations issues to the heart of council decision-making. We have already taken steps to align the district council's good relations programme to the strategic aims and objectives of the Together: Building a United Community strategy.

The strategy also commits to ensure that good relations issues are mainstreamed through the review of local government. This is being advanced through discussion with DOE and through the work of the Ministerial Panel.

In addition, OFMDFM is represented at senior official level on a cross-departmental working group to ensure that the community planning element of the reforms puts good relations at the centre of that process.

#### OFMDFM: Vacancies and Agency Staff

**Mr Dallat** asked the First Minister and deputy First Minister to detail the (i) vacancies; and (ii) agency staff in their Department, broken down by grade.

**(AQW 32573/11-15)**

**Mr P Robinson and Mr M McGuinness:** The position at 1 April 2014 within the Department is as follows:

Vacancies		Agency Staff	
Grade	Number	Grade	Number
Grade 5	2	DP Accountant	2
Grade 7	5	SO Accountant	1
DP	4	Information Officer	1
SO	2	Personal Secretary	1
EO1	2	AO	2
SGB2	1	SGB2	1
<b>Total</b>	<b>16</b>	<b>Total</b>	<b>8</b>

#### Goods, Facilities and Services Legislation

**Mr Lyttle** asked the First Minister and deputy First Minister what are the implications of the legal opinion provided to the Northern Ireland Commissioner for Children and Young People by Robin Allen QC and Dee Masters BL regarding Goods, Facilities and Services legislation.

**(AQW 32660/11-15)**

**Mr P Robinson and Mr M McGuinness:** The Equality Commission and NI Commissioner for Children and Young People used the legal advice to produce a joint policy paper to make the case for strengthening the rights of children and young people against unlawful age discrimination in the provision of goods, facilities and services. Junior Ministers met recently with the Commissioner for Children and Young People, the Chief Commissioner of the Equality Commission and Robin Allen QC to discuss the proposed extension of age discrimination legislation to the provision of goods, facilities and services. We are still considering the scope of the proposed age discrimination legislation.

## Department of Agriculture and Rural Development

### Single Farm Payment

**Mr Byrne** asked the Minister of Agriculture and Rural Development, as of 21 March 2014, how many farmers are awaiting their Single Farm Payments, broken down by constituency.

(AQW 32251/11-15)

**Mrs O'Neill (The Minister of Agriculture and Rural Development):** The Department has delivered a record payment performance in 2013 with 98% of Single Farm Payment (SFP) claims finalised to date. The number of farmers awaiting their payments, broken down by constituency, is detailed in the table below.

Constituency	SFP 2013 Payments outstanding as of 21 March 2014
Belfast East	5
Belfast North	3
Belfast South	6
Belfast West	1
East Antrim	9
East Londonderry	54
Fermanagh and South Tyrone	243
Foyle	10
Lagan Valley	14
Mid Ulster	137
Newry and Armagh	62
North Antrim	157
North Down	4
South Antrim	12
South Down	36
Strangford	19
Upper Bann	16
West Tyrone	128
No Constituency*	23
<b>Total</b>	<b>939</b>

The constituency information is drawn from the postcodes of businesses that submitted a Single Application Form in 2013.

\* The "No Constituency" figure represents businesses that either do not have a valid postcode recorded against their business or are businesses where the addresses held is outside the 18 constituencies listed above.

The number of outstanding claims across the north of Ireland has since reduced to 733.

### Minister: Events Attended

**Mr Byrne** asked the Minister of Agriculture and Rural Development to detail the percentage of events to which she was invited that she attended.

(AQW 32252/11-15)

**Mrs O'Neill:** As Minister of Agriculture and Rural Development, I receive a substantial number of invites, some of which do not relate specifically to my portfolio. Officials provide advice on whether invites should be accepted or declined as appropriate.

In 2013, I received over 300 invitations and accepted 41% of them.

### Minister: Events Attended

**Mr Byrne** asked the Minister of Agriculture and Rural Development to detail all the events she attended in 2013.

(AQW 32253/11-15)

**Mrs O'Neill:** I have provided a detailed list of all events attended from January to December 2013 in the attached table, a copy of which has been placed in the Assembly Library.

### **Animal Cruelty Cases**

**Mr G Robinson** asked the Minister of Agriculture and Rural Development whether she is considering a review of sentencing in animal cruelty cases, to seek stronger minimum and mandatory sentencing, following the sentences handed down in a recent cruelty case in Belfast.

**(AQW 32288/11-15)**

**Mrs O'Neill:** The welfare of animals here is protected by the Welfare of Animals Act 2011 (the 2011 Act), which recognises that causing any animal unnecessary suffering is a very serious offence. To reflect this, it significantly increased the penalties from those that were available under the previous 1972 Act. The 2011 Act affords a high degree of protection to animals and I believe the penalties within it are appropriate.

However, for the 2011 Act to be effective it is important that the full range of sentences available for animal welfare offences is applied by the courts so that perpetrators of extremely serious offences receive a punishment that fits the crime. This will serve as a deterrent to others who may consider engaging in this type of abhorrent behaviour. Whilst I respect the decision of the Courts, I am disappointed that in the recent case in East Belfast the maximum penalties available were not applied.

I have been pressing for the Courts to give strong sentences for serious animal welfare offences for some time now. However, you will appreciate that sentencing within the legislative framework is a matter for the Judiciary and I understand that in making sentencing decisions, Judges take into account the law, the seriousness of the offence, any aggravating or mitigating factors, sentencing guidelines and all the relevant circumstances in each case.

Following the East Belfast case, I have written to the Lord Chief Justice to highlight the public concern regarding the sentences in this case, given his responsibilities in relation to sentencing matters. I have also written to the Minister for Justice to ask him to specifically consider animal welfare offences, such as the recent dog fighting case in East Belfast, in any future review of the criteria under which the DPP may apply to the Court of Appeal for a review of an unduly lenient sentence. I will continue to highlight any future issues of this type to both the Lord Chief Justice and Minister for Justice.

The Assembly agreed on 31 March 2014 in response to a Private Member's Motion that the implementation of the 2011 Act, particularly as regards sentencing guidelines and practices, should be reviewed. I am currently considering what other action can be taken by my Department, in conjunction with the Department for Justice, to ensure that stronger sentences are handed down.

### **Driver and Vehicle Agency: Coleraine**

**Mr Elliott** asked the Minister of Agriculture and Rural Development whether she will consider moving her departmental headquarters to the premises that will be vacated by Driver and Vehicle Licensing Northern Ireland in Coleraine, instead of the Ballykelly site.

**(AQW 32300/11-15)**

**Mrs O'Neill:** In September 2012, I announced Ballykelly as the preferred location for my departmental headquarters. I remain committed to this decision.

As I have outlined before I want to play my role, along with my Executive colleagues, to try and accommodate staff from the Driver and Vehicle Licensing Agency in Coleraine to other areas. I have asked my Permanent Secretary to consider the ways in which my Department can help.

### **Landowners: Renting Land in Conacre**

**Mrs Dobson** asked the Minister of Agriculture and Rural Development to outline the exceptional circumstances in which landowners renting out land in Conacre will be able to establish entitlements on that land.

**(AQW 32307/11-15)**

**Mrs O'Neill:** CAP direct payments provide income support to farmers who are engaged in agricultural activity. They do not represent a payment simply for owning land or for renting it out in conacre. The return to the landowner in the case of the latter is via the rent.

The Direct Payments Delegated Act adopted by the European Commission on 11 March 2014 requires that payment entitlements to be issued under the new support regime will be allocated to the person enjoying decision-making power, benefits and financial risks in relation to the agricultural activity on the land for which an allocation is requested.

This provision has particular relevance for land let under conacre arrangements. In general terms, this means that in 2015, when all existing Single Farm Payment entitlements are abolished and new entitlements are established under the Basic Payment Scheme, landowners renting out land in conacre will not be able to establish entitlements on that land. Where land is let, the farmer actively farming the land will be the one claiming direct payments on that land.

The Department cannot be prescriptive concerning the circumstances under which landowners renting out land in conacre will be able to establish entitlements on that land. If a landowner wishes to make a case, the Department will investigate this and judge eligibility on a case-by-case basis against the principles set out in the Delegated Act. The onus will be on the applicants to prove that he or she meets the requirements of the Scheme.

The EU legislation (Delegated Act) will be confirmed within two months provided there is no objection from the European Parliament or the EU Council.

## Common Agricultural Policy

**Mr Hazzard** asked the Minister of Agriculture and Rural Development what steps her Department is taking to ensure Common Agricultural Policy reforms are for the benefit of all sections of the local farming industry.

**(AQW 32308/11-15)**

**Mrs O'Neill:** The process of reforming the Common Agricultural Policy has been ongoing for some time at both European and local levels. I and my officials have been fully involved in this throughout the last few years and have sought to keep stakeholders in the north of Ireland informed of progress through a range of different media, including presentations, correspondence, meetings, press articles and the DARD website.

My Department has held two separate public consultation exercises on CAP Reform, the second of which ran from October 2013 to 17 January 2014. That consultation set out the agreed Pillar I reform framework and options for implementing these reforms. It provided considerable analysis and outlined a suggested package of support to help focus the debate and sought views on that package. During the consultation period, my Department undertook and published additional analyses on the Department's website considering the impact by farm type on payments and income. During and after the consultation period, I have met personally with a range of organisations which represent all sections of the farming community. Officials also attended a large number of stakeholder meetings during, and indeed following, the consultation period right across the north and these meetings have been attended by around 3,000 people.

The Department received over 850 responses to the consultation exercise from organisations and individuals, which have been published on the DARD website and I am currently considering the responses to the consultation before coming to a position on the wide range of decisions which have to be taken.

## Fishing Industry

**Mr Hazzard** asked the Minister of Agriculture and Rural Development what funding opportunities exist for the local fishing industry to organise a Boat Show to promote fishing as a worthwhile industry and highlight to the local community the importance of supporting the local fishing industry.

**(AQW 32309/11-15)**

**Mrs O'Neill:** The European Fisheries Fund (EFF) remains open for applications and this may provide an opportunity to fund the proposed Boat Show to promote the fishing industry. However, it should be noted that this funding program is due to close for new applications at the end of June 2014. Another possible option may be to make an application to the Fisheries Local Action Group.

In order to ascertain the best route to make the prospective applicant should contact my Fisheries Grants Unit on 028 90378324 and also provide a brief written outline of the proposal.

## New Council Areas: Staff Commute

**Mr McGlone** asked the Minister of Agriculture and Rural Development to detail the number of staff in her Department, broken down by grade, travelling daily to their place of work from each of the eleven new council areas to the Greater Belfast area.

**(AQW 32317/11-15)**

**Mrs O'Neill:** The NI Statistics and Research Agency, Department of Finance and Personnel, has provided the information for DARD staff by grade, including analogous grades travelling from the eleven new council areas to work locations in the Greater Belfast area. The details are provided in the table below.

New Council Areas	Analogous Grade										Total
	G5+	G6	G7	DP	SO	EOI	EOII	AO	AA	Industrial	
Antrim and Newtownabbey	0	1	3	12	11	7	5	6	2	0	47
Armagh, Bandbridge and Craigavon	0	1	5	16	7	6	9	3	0	0	47
Belfast	3	1	21	31	39	33	34	32	14	0	208
Causeway Coast and Glens	0	2	3	7	3	1	1	0	1	1	19
Derry and Strabane	0	1	3	2	1	0	2	0	0	0	9

New Council Areas	Analogous Grade										Total
	G5+	G6	G7	DP	SO	EOI	EOII	AO	AA	Industrial	
Fermanagh and Omagh	0	0	2	3	7	1	0	0	0	0	13
Lisburn and Castlereagh	3	1	12	20	17	7	9	8	5	0	82
Mid and East Antrim	1	1	5	10	13	9	9	3	1	5	57
Mid Ulster	1	0	3	2	5	2	9	2	1	0	25
Newry, Mourne and Down	3	0	4	18	17	11	5	14	1	0	73
North Down and Ards	2	1	14	27	34	28	55	49	17	1	228
<b>Total *</b>	<b>15</b>	<b>10</b>	<b>80</b>	<b>153</b>	<b>166</b>	<b>108</b>	<b>149</b>	<b>126</b>	<b>51</b>	<b>7</b>	<b>865</b>

**Notes:**

\* Total includes 57 (6.6%) staff whose home postcode was either missing or invalid and could not be allocated to a new council area.

Data is taken at 01 January 2014 from HRConnect database.

Number of staff does not include those seconded outside of the NICS or staff on a career break

As there is no definition for Greater Belfast, the above analysis calculates travel for NICS staff from the new council areas to The Belfast Metropolitan Urban Area (BMUA). The BMUA is defined in the Statistical Classification and Delineation of Settlements (February 2005).

**Stray Dogs**

**Mr Weir** asked the Minister of Agriculture and Rural Development for her assessment of the number of stray dogs; and how this compares with number of licensed dogs.

**(AQW 32329/11-15)**

**Mrs O'Neill:** Dog control is provided for by the Dogs Order 1983, as amended by the Dogs (Amendment) Act 2011. Councils implement this legislation and provide statistics to my Department regarding its operation.

The number of dogs licensed and the number of stray dogs impounded by Councils from 2011 to 2013 are detailed in the table below. The number of stray dogs impounded as a percentage of the number of licensed dogs has declined from 5.6% in 2011 to 4.5% in 2013.

**Table – Dogs Licensed and Stray Dogs Impounded by Councils from 2011 to 2013**

Year	Dogs Licensed	Stray Dogs Impounded
2011	130,667	7,276
2012	123,034	6,252
2013	129,180	5,836

**Civil Service: Analogous Grades**

**Mr Campbell** asked the Minister of Agriculture and Rural Development, pursuant to AQW 31662/11-15, to detail the approximate numerical breakdown of the Northern Ireland Civil Service Analogous Grades outlined between AA up to G5+ in the (a) current headquarters of the Department of Agriculture and Rural Development; and (b) initial 350 staff complement being moved to Ballykelly by the end of 2017.

**(AQW 32357/11-15)**

**Mrs O'Neill:** The breakdown of staff in the NI Civil Service Analogous Grades between AA up to G5+ currently working in DARD in Dundonald House and the posts identified in our planning assumptions as moving to Ballykelly by the end of 2017 is provided in the table below.

Analogous Grade	Number of staff in DARD HQ on 26 March 2014	Complement planned to move to Ballykelly by end of 2017
AO/AA - Admin	150	87
SO/EO1/EO11 - Executive	342	169
G6/G7/DP - Senior/Deputy/Principal	212	79
Senior Civil Servants (G5+)	18	15
<b>Totals</b>	<b>722</b>	<b>350</b>

The table will be finalised following further detailed work on reviewing operating models and associated staff resources.

### Assembly: Motions Debated

**Mr McNarry** asked the Minister of Agriculture and Rural Development to detail (i) the number of Motions debated in the Assembly that she has responded to in the last two years; and (ii) the action that she has taken following any Motion that was passed. (AQW 32423/11-15)

**Mrs O'Neill:** I have responded to 20 Motions since March 2012 and a summary of the action taken is outlined below:-

Assembly Motion/Date Debated (from March 2012 to-date)	Action taken following a Motion that has been agreed by the Assembly.
Dog Control – 13/3/2012	Legislative changes which came into operation on 9 April 2012:- <ul style="list-style-type: none"> <li>■ The Dogs (Licensing and Identification) Regulations 2012; and</li> <li>■ The Dogs (Amendment) (2011 Act) (Commencement No 3) Order.</li> </ul> Guidance for Dog Owners was also published on the NI Direct website.
Welfare of Animals -20/3/2012	Legislative changes which came into operation on 2 April 2012:- <ul style="list-style-type: none"> <li>■ The Welfare of Farmed Animals Regulations 2012; and</li> <li>■ The Welfare of Animals (Permitted Procedures by Lay Persons) Regulations 2012.</li> </ul>
Lough Neagh – 17/4/2012	An Interdepartmental Working Group on the future of Lough Neagh was established.
Animal Cruelty – 24/9/2012	I met with the Minister for Education and Minister of Justice. Subsequently, the Lord Chief Justice published new sentencing guidelines for magistrate's court in December 2013 covering animal cruelty, tail docking of dogs' tails and animal fighting.
Crisis in farming – 8/10/2012	I announced a reduction in the amount of modulation money taken from farmers' Single Farm Payment (SFP) in 2013, thus making an additional €19million (roughly £15million) available to farmers in their 2013 payments.
Docking of Working Dogs' Tails – 15/10/2012	Legislative change which came into operation on 1 January 2013:- <ul style="list-style-type: none"> <li>■ The Welfare of Animals Act (Docking of Working Dogs' Tails and Miscellaneous Amendments) Regulations 2012.</li> </ul>
Bovine Tuberculosis – 26/11/2012	My Department is engaged in work to implement the recommendations from the Committee for Agriculture and Rural Development's report on its review into bovine tuberculosis is ongoing. My officials provide regular progress updates to the Committee.
Single Farm Payments – 14/1/2013	My Department has delivered a record payment performance in 2013 with 90% of Single Farm Payment claims finalised in December 2013 and 96% of claims finalised in February 2014.
Dog Breeding – 18/2/2013	Legislative changes which came into operation on 1 April 2013:- <ul style="list-style-type: none"> <li>■ The Welfare of Animals (Dog Breeding Establishments and Miscellaneous Amendments) Regulations 2013; and</li> <li>■ The Dogs (Guard Dog Kennels) Regulations 2013.</li> </ul>
Forestry (Felling of Trees) – 7/5/2013	The Assembly approved the draft regulations. My Department made the 3rd Commencement Order of the Forestry (NI) Act 2010 and complementary regulations on 17 June 2014.

<b>Assembly Motion/Date Debated (from March 2012 to-date)</b>	<b>Action taken following a Motion that has been agreed by the Assembly.</b>
Hill Farming – 20/5/2013	<p>Actions taken as a result of the debate include:-</p> <ul style="list-style-type: none"> <li>■ Extension of Less Favoured Area Compensatory Allowance (LFACA) for a further year (2014);</li> <li>■ Ongoing support from countryside management and agri environment schemes;</li> <li>■ Continued opportunities available under the current Rural Development Programme and from College of Agriculture, Food &amp; Rural Enterprise;</li> <li>■ Continued support from the Tackling Poverty and Social Isolation Framework;</li> <li>■ Successful negotiation of the Common Agriculture Policy regulations post 2013 ensuring flexibility at a regional level; and</li> <li>■ Development of a new Rural Development Programme (2014-2020) with a range of supports (including capital investment on farms) available to all farmers.</li> </ul>
Farm Incomes – 21/5/2013	<p>I detailed the actions taken during the debate. These included:</p> <ul style="list-style-type: none"> <li>■ Bringing forward by three weeks, the payment of claims under the 2013 LFACA scheme (this scheme contributes around £25 million a year to farmers);</li> <li>■ Bringing forward payments under the Countryside Management Scheme by some five months;</li> <li>■ Introducing a hardship scheme to cover the cost of collection and disposal of fallen stock as well as providing a hardship payment to affected farmers.</li> </ul> <p>After the debate, in response to the emerging fodder shortage issues, I also introduced a fodder scheme to help farmers with the transport costs of bring fodder in from overseas.</p>
Single Farm Payments: Farm Inspections – 10/6/2013	<p>My Department delivered a record payment performance in 2013 with 90% of Single Farm Payment claims finalised in December 2013 and 96% of claims finalised in February 2014.</p>
Fishing: Aid Package – 17/6/2013	<p>Legislative change which came into operation on 2 September 2013:-</p> <ul style="list-style-type: none"> <li>■ The Sea Fish Industry (Harbour and Landing Dues) Scheme (NI) 2013. The Scheme resulted in £408,307 being paid to 152 NI fishing boats.</li> </ul>
Plant Health and Tree Disease – 9/9/2013	<p>I accepted the recommendations in the Agriculture &amp; Rural Development Committee's position paper and these are being implemented.</p>
Farm Safety Investment Scheme – 30/9/2013	<ul style="list-style-type: none"> <li>■ During this debate I announced plans to extend Tranche 3 of the Farm Modernisation Programme (FMP) measure of the RDP 2007-13 to offer financial support to farm businesses that applied, but just missed out under the first allocation of FMP Tranche 3 funding.</li> <li>■ I announced the extension on 21 October 2013 following the allocation of additional funding from the 2014/15 Capital Reallocation exercise.</li> <li>■ A further £2.9m financial support has been awarded to an additional 1,125 farm businesses.</li> <li>■ Letters of Offer were issued in late 2013 and payments to farm businesses have now commenced.</li> <li>■ Work is ongoing to develop the next Rural Development Programme incorporating a focus on improving farm safety.</li> </ul>
Single Farm Payments – 26/11/2013	<p>Additional resources have been made available in my Department at both Stage 1 and stage 2 of the Review of Decision process.</p>
Remote sensing Inspections – 17/2/2014	<ul style="list-style-type: none"> <li>■ My Department is reviewing the issue of timing of notification letters to affected businesses;</li> <li>■ The Department is increasing the number of zones for inspection for 2014;</li> <li>■ DARD is continuing to work towards having all Remote Sensing cases processed by the end of April;</li> <li>■ The Department is working towards an earlier start to all inspections for 2014.</li> </ul>

<b>Assembly Motion/Date Debated (from March 2012 to-date)</b>	<b>Action taken following a Motion that has been agreed by the Assembly.</b>
Rural Communities – Key services – 24/2/2014	My Department has commenced work on developing proposals to strengthen rural proofing within government and identify new models to champion rural issues more effectively.

### Single Farm Payment: Agricultural Production Levels

**Mr McAleer** asked the Minister of Agriculture and Rural Development for her assessment of whether the movement towards a flat rate of Single Farm Payment will impact on agricultural production levels.

**(AQW 32478/11-15)**

**Mrs O'Neill:** The Single Farm Payment is a decoupled direct payment. As such, it is designed to have no direct influence on production levels. However, there may be indirect influences through wealth effects or by mitigating business risk. It is clear the move towards a flat rate payment regime will cause significant redistribution of support by altering the level of direct payment receipts that individual farmers receive. Therefore, the economists from the Agri-Food and Biosciences Institute (AFBI) were asked to carry out an assessment of the production impacts of moving to a flat rate payment.

The research by the AFBI Economists looked at a specific scenario where there would be a gradual move to a full flat rate support regime by 2019 and the results indicated that this had a minimal production impact on most agricultural sectors at the EU level. The sector most affected was the beef sector. The modelling results indicated that as a result of a move to flat rate support by 2019, beef cow numbers in the north of Ireland as a whole might fall by 1.5%, though the fall would be concentrated in the lowland and disadvantaged area (DA), with no significant change in the severely disadvantaged area (SDA). The impact on other sectors was found to be minimal. These results provide reassurance that production levels are unlikely to change significantly as a result of moving to a flat rate support regime.

We can also look at evidence from other countries. In 2005, England chose to migrate towards a flat rate payment regime over eight years, and this has now been achieved without dramatic movements in production levels.

I will give careful consideration to these issues when coming to a view on our policy options under the CAP Reform agreement.

### Superinjunctions

**Mr Allister** asked the Minister of Agriculture and Rural Development whether at any time her Department has funded or contributed to the costs of legal proceedings brought in the High Court of Justice in Northern Ireland, or elsewhere, involving the prohibition of publicity on the granting of injunctive relief, commonly referred to as super-injunctions.

**(AQW 32488/11-15)**

**Mrs O'Neill:** My Department has not funded or contributed to the costs of legal proceedings brought in the High Court of Justice in the north of Ireland, or elsewhere, involving the prohibition of publicity on the granting of injunctive relief, commonly referred to as super-injunctions.

### Bovine Tuberculosis

**Mr Weir** asked the Minister of Agriculture and Rural Development for her assessment of the threat of Bovine Tuberculosis spreading to domestic animals; and to detail any prevention strategies she is pursuing.

**(AQW 32521/11-15)**

**Mrs O'Neill:** It is a legal requirement to notify all cases of TB infection whether in farmed animals or in pets to the Department of Agriculture and Rural Development.

When my Department is notified of a case of bovine TB in a domestic animal it will inform local health authorities of the relevant details; and may also take appropriate disease control action if any cattle herds have been in proximity.

There have been two cats reported as infected with bovine TB in the north of Ireland to date. The first was in 2006 and the most recent case was confirmed this year. Appropriate public health advice was given as the risk for transmission was recognised as possible, although there have been no reports of spread to humans here.

You will be aware of a cluster of nine TB infected cats found in Berkshire, England. This is unusual as previous cases in cats have been sporadic. Twenty four close human contacts were screened and two were found to have active infection with bovine TB. Molecular analysis of the infection determined that the bacterial isolates are identical in both the cats and humans. In the absence of any other known risk factors, transmission of disease from the cats to humans is considered the cause.

Previously, whilst theoretically possible, the risk of cat to human spread was considered negligible. Following this cluster in Britain, the risk is assessed by the Public Health Authorities as very low.

Treatment of the disease is extremely difficult in cats and is likely to prolong the risk from any infected cat to humans. Cats may only be treated, once diagnosed with the disease, under a licence from my Department.

My Department's Veterinary Service has published an advisory leaflet for pet owners on the DARD website, 'Bovine tuberculosis in domestic pets - what this means for you', which is available at: <http://www.dardni.gov.uk/leaflet-btb-domestic-pets.pdf>

## Bovine Tuberculosis

**Mr Weir** asked the Minister of Agriculture and Rural Development what steps are being taken to prevent the spread of Bovine Tuberculosis in animals.

**(AQW 32522/11-15)**

**Mrs O'Neill:** My Department has a robust EU Commission approved TB eradication programme in place that is based on testing to detect infected cattle; removing infected animals; and reducing the risks of disease spread through movement controls and other biosecurity measures.

This rigorous TB eradication programme remains a priority to ensure continued access to the export trade by our livestock and livestock products industry, which is worth over £1,000 million per year.

My Department provides generic TB disease control advice for all herdkeepers and provides specific advice to those who have a TB herd breakdown. The "Biosecurity Code for NI Farms" includes advice about reducing the risk that is posed by wildlife. The publication "TB in your Herd", which is issued to all herdkeepers who have a TB herd breakdown, also includes specific advice in relation to mitigating the risk of badgers spreading bovine Tuberculosis to cattle. We have also recently, with input from stakeholders, produced easy to understand leaflets entitled "Biosecurity Measures which help protect your herd against TB" and "Wildlife Biosecurity". These publications are available on the DARD website.

In addition, DARD Veterinary Officers and Animal Health and Welfare Inspectors give on-farm advice to farmers in relation to specific biosecurity issues relevant to their farm business.

In addition to our EU approved TB eradication programme I will continue to invest in TB research, and learn from the outcome of research undertaken by other administrations, to enable us to refine our approach to TB in light of new scientific developments.

## Single Farm Payment: Outstanding Payments

**Mr Frew** asked the Minister of Agriculture and Rural Development how many outstanding Single Farm Payments have yet to be paid.

**(AQW 32864/11-15)**

**Mrs O'Neill:** The Department has delivered a record payment performance in 2013 with over 98% of Single Farm Payment (SFP) claims finalised to date. The number of claims yet to be finalised for any reason, including reasons outside the Department's control, is 595.

## Department of Culture, Arts and Leisure

### Omagh Riding for the Disabled Association: Excellence for Disabled Equestrianism Project

**Mr Buchanan** asked the Minister of Culture, Arts and Leisure to detail the assistance that has been provided, or that will be provided, to the Omagh Riding for the Disabled Project of Excellence for Disabled Equestrianism.

**(AQW 29523/11-15)**

**Ms Ní Chuilín (The Minister of Culture, Arts and Leisure):** Under the Sport Matters Capital and Equipment Programme 2010/11, Omagh Riding for the Disabled Association was awarded £9,024 of exchequer funding from Sport NI to upgrade the flooring in their arena and to purchase equipment.

I visited Omagh Riding for the Disabled on Monday 22 July 2013 and agreed that DCAL would help the Organisation with the preparation of a business case for any future funding that may become available. This is currently progressing.

### European Programme FP7

**Mr Attwood** asked the Minister of Culture, Arts and Leisure to detail the funds provided under the European Programme FP7 to (i) her Department; (ii) arm's-length bodies; and (iii) any third party in (a) 2010/11; (b) 2011/12; and (c) 2012/13 financial years. **(AQW 31044/11-15)**

**Ms Ní Chuilín:** My Department, through its ALBs has secured the following funds under FP7 as outlined in the table below:

Year	2010-11	2011-12	2012-13
Amount	22,214	207,667	198,109

### National Museums Northern Ireland: Flags

**Mr Hussey** asked the Minister of Culture, Arts and Leisure, pursuant to AQW 25444/11-15, whether it is departmental policy that no flags are to be flown at any National Museums of Northern Ireland building; and if so, to detail (i) when was this policy

announced; (ii) whether it had been the policy to fly the Union Flag on nominated days over the Ulster Museum; and (iii) whether this policy is in line with The Flags Regulations (Northern Ireland) 2000, particularly Regulation 2.

**(AQW 31063/11-15)**

**Ms Ní Chuilín:** The flying of flags over National Museums' buildings is a policy matter for the Board of Trustees of the organisation.

### DCAL: Preventative Spending

**Mr McKay** asked the Minister of Culture, Arts and Leisure what consideration she has given to the need for preventative spending within her departmental budget.

**(AQW 31810/11-15)**

**Ms Ní Chuilín:** My Department's core objective is to use the arts, culture and leisure to promote equality and to tackle poverty and social exclusion. Preventative spending is key to achieving this objective by addressing disparities in educational and health outcomes through early interventions.

As you will appreciate, the Department and its Arm's Length Bodies are involved in a very wide range of activities. I have provided a number of examples of interventions and I hope these give a flavour of the important work my Department is engaged on. These are attached in Annex A.

Carál Ní Chuilín MLA

### ANNEX A

Area	Background	Specific programmes
Sport	Objective is to encourage lifelong participation in sport with benefits for physical and mental well being.	<ul style="list-style-type: none"> <li>■ Active Communities</li> <li>■ Active schools</li> <li>■ Active 8</li> <li>■ Positive Children's coaching programme</li> <li>■ Suicide Prevention Awareness</li> <li>■ Football Governing Bodies educational and outreach programmes</li> </ul>
Languages	Objective is to tackle lower educational and health outcomes for Deaf People.	<ul style="list-style-type: none"> <li>■ Family Sign Language courses</li> <li>■ Sign language courses for children of Deaf Adults</li> <li>■ Leadership in the Community project to develop trained community leaders</li> </ul>
Museums	Objective is to promote science and general education.	<ul style="list-style-type: none"> <li>■ STEM nursery programme</li> <li>■ Pre-school literacy project</li> </ul>
Libraries	Objective is to promote mental health – in conjunction with Lottery Fund.  Objective is to develop early learning skills.	<ul style="list-style-type: none"> <li>■ Health in Mind</li> <li>■ Rhythm and Rhyme</li> </ul>
Arts	Objective is to increase employability, especially of disadvantaged young people.  Objective is to make art accessible to patients and residents in a wide variety of health and social care settings.  Objective is to address mental health needs of young people in deprived inner city areas.  Objective is to address isolation and loneliness and generally promote positive mental health among older people.	<ul style="list-style-type: none"> <li>■ Funding Creative Learning Centres to provide training in digital technologies</li> <li>■ Funding Arts Care Charity</li> <li>■ Funding participative community arts groups</li> <li>■ Arts and Older People Programme</li> </ul>

### Disability Sports: Funding

**Mr Weir** asked the Minister of Culture, Arts and Leisure to detail (i) the funding provided to disability sports; and (ii) the percentage this represents as a total for all sports, in each of the last three years.

**(AQW 31984/11-15)**

**Ms Ní Chuilín:** During the last three years up to 31 March 2013, Sport NI, an arms length body of my Department, has provided funding totalling £2,240,281 to disability sports. The details are broken down as follows:

Programme	2010/11 £	2011/12 £	2012/13 £	Total £
Athlete Investment Programme	-	59,500	127,242	186,742
Sport Matters: Capital & Equipment	71,370	-	-	71,370
Awards for Sport	-	16,714	-	16,714
Building Sport	21,000	120,000	-	141,000
Pre Games Training Camps	5,000	5,000	-	10,000
Business Case Investment	214,585	766,187	818,843	1,799,615
Investing in Performance Sport	-	4,640	10,200	14,840
<b>Total</b>	<b>311,955</b>	<b>972,041</b>	<b>956,285</b>	<b>2,240,281</b>

The table below details the percentage these figures represent as a total for all sports:

	2010/11 £	2011/12 £	2012/13 £
Total Sport NI investment in Sport	21,110,144	20,295,344	20,591,668
Sport NI investment in Disability Sport	311,955	972,041	956,285
% of funding to Disability Sport	1.5%	4.8%	4.6%

In addition, Sport NI requires all funded capital projects to positively impact on opportunities for people with disabilities and achieve related targets. In 2013/14 this related to approximately £4m of capital investment that does not feature in the above figures or percentages.

### Hockey: Support and Promotion

**Mr Weir** asked the Minister of Culture, Arts and Leisure how her Department plans to support and promote hockey.  
(AQW 32109/11-15)

**Ms Ní Chuilín:** Responsibility for the promotion of hockey rests, in the first instance, with the Governing Body of the sport, Ulster Hockey.

I met recently with Ulster Hockey and heard of their plans to develop the sport. I have asked my officials and Sport NI to help Ulster Hockey as they develop their plans.

Sport NI has invested the following to support the development of the sport of hockey across the north of Ireland:

- £30,650 to enable Ulster Hockey to employ a Grassroots Participation Officer through to September 2014;
- Funding to District Councils via Active Communities to help to increase participation in sport and physical activity, which has seen over 7,000 people participate in hockey.
- During the period 2010/2014, £67,114 was provided for one full time Active Communities Hockey Coach employed by Ulster Hockey.
- Sport NI has agreed to invest £840,440 into Ulster Hockey through the Performance Focus Programme for the period 2013-2017.
- £33,612 was invested in Ulster Hockey under the International Sports Events Programme to support the Under 21's Mens Hockey Four Nations Tournament.

Ulster Hockey may be eligible to apply to the Active Clubs Programme, due to be launched before the end of April 2014, which has the potential to increase participation opportunities in hockey.

### Irish Football Association

**Mr Easton** asked the Minister of Culture, Arts and Leisure for an update on when funding of £36.2m will be released to the Irish Football Association for Irish League Clubs to apply for capital projects.  
(AQW 32129/11-15)

**Ms Ní Chuilín:** The Executive previously endorsed the development of sub-regional stadia as a priority area of spend in the next CSR period.

As such, funding for infrastructure projects for soccer has still to be secured and no decision on timescale has yet been taken.

## European Charter for Regional or Minority Languages

**Ms Ruane** asked the Minister of Culture, Arts and Leisure for her assessment of whether the Assembly Commission's position that Commission Members are not able to respond to Assembly Written Questions in Irish is compliant with commitments under the European Charter for Regional or Minority Languages.

**(AQW 32164/11-15)**

**Ms Ní Chuilín:** The European Charter for Regional or Minority Languages (ECRML) does not have the same legal status as domestic legislation as it is an international convention designed to protect and promote regional or minority languages. The charter does not establish any individual or collective rights for the speakers of regional or minority languages.

## Football Stadia

**Mr Weir** asked the Minister of Culture, Arts and Leisure for an update on the business case for the £36.2m funding package for football stadia, including whether it has been presented to the Department of Finance and Personnel.

**(AQW 32259/11-15)**

**Ms Ní Chuilín:** My Department is giving consideration to the future facility needs for association football at sub-regional level.

The Executive previously endorsed the development of sub-regional stadia as a priority area of spend in the next CSR period. Therefore funding has still to be secured.

The Department will consider any options put forward, for my consideration and sign-off in due course. This will inform a Strategic Outline Case on the proposed programme, for submission to DFP and thereafter my Department will move to require specific business cases depending on the options that are identified.

## St Paul's Amateur Boxing Club

**Mr Allister** asked the Minister of Culture, Arts and Leisure whether approximately £56,000 has been allocated to St Paul's Amateur Boxing Club to refurbish changing facilities which are owned by St. Paul's Gaelic Athletic Club, when St Paul's Amateur Boxing Club is due to move to other premises.

**(AQW 32351/11-15)**

**Ms Ní Chuilín:** I understand that St Paul's Amateur Boxing Club has not informed Sport NI of any intentions to move from their current premises at St Paul's Gaelic Athletic Club.

The indicative award of £56,077 has been made to St Paul's Amateur Boxing Club and not the facility owner. Sport NI's award is for a number of capital works to improve the standard of facilities at the disposal to St Paul's Amateur Boxing Club. Due processes will be put in place to reflect that investments made by Sport NI through the Boxing Investment Programme and security of tenure/lease agreements by the club need to be in place to achieve good value for public money.

## Libraries: 'Down Democrat' Archive

**Mr Hazzard** asked the Minister of Culture, Arts and Leisure to detail the whereabouts of the Down Democrat newspaper archive following the closure of the library headquarters in Ballynahinch; and if she would give consideration to relocating the collection to Downpatrick Library.

**(AQW 32402/11-15)**

**Ms Ní Chuilín:** Libraries NI has informed me that the Down Democrat newspaper archive was relocated from the former Ballynahinch Library Headquarters to the Newspaper library in Belfast Central Library when the building closed in June 2010.

There are 30 bound volumes of the newspaper now stored in Belfast Central's Newspaper Library where there is specialist industrial shelving which is necessary for the appropriate and safe storage of bound volumes of newspapers because of their size and weight.

Libraries NI has stated that there is insufficient space in the Heritage Gallery in Downpatrick Library for this type of shelving or for the amount of shelving that would be required. However, staff in Belfast Central's Newspaper Library are available to respond to requests for information from the Down Democrat newspaper if and when required.

## Foras na Gaeilge: Income

**Mr Humphrey** asked the Minister of Culture, Arts and Leisure to detail the projected income of Foras na Gaeilge in (i) 2014; (ii) 2015; and (iii) 2016, broken down by source, including (a) government Departments in Northern Ireland and the Republic of Ireland; (b) earned income; and (c) all other sources.

**(AQW 32411/11-15)**

**Ms Ní Chuilín:** The projected income from the Sponsor Departments for Foras na Gaeilge for 2014, 2015 & 2016 is shown in the table below. The amounts are indicative only and subject to the approval of the Department of Finance and Personnel in the North, the Department of Public Expenditure and Reform in the South and the North South Ministerial Council.

The amounts projected take account of the minimum efficiency savings required by both Finance Departments over the next three years.

Projected income for 2014, 2015 and 2016 from the Sponsor Departments is shown in the table below:

Source	2014	2015	2016
DCAL	£3,418,843	£3,228,329	£3,099,196
DAHG	£10,098,652	£9,694,706	£9,306,918
DCAL (Colmcille)	£132,126	£136,840	£131,366
DAHG (Colmcille)	£108,717	£104,368	£100,193
DAHG (Clár na Leabhar Gaeilge)	£954,746	£916,556	£879,894
<b>Total</b>	<b>£14,713,084</b>	<b>£14,080,799</b>	<b>£13,517,567</b>

Funding from sources other than the Sponsor Departments cannot be projected for 2014, 2015 and 2016 as no indicative figures are available from other Departments or their Arms Length Bodies. This will also be dependant what funding applications Foras na Gaeilge make to other bodies.

### **Emerald Amateur Boxing Club**

**Mr Allister** asked the Minister of Culture, Arts and Leisure whether any funding has been allocated to Emerald Amateur Boxing Club; and if so, for what purpose.

**(AQW 32465/11-15)**

**Ms Ní Chuilín:** Emerald Amateur Boxing Club has been offered an indicative award of £14,652 from the Boxing Investment Programme. The indicative investment is aimed at priority areas identified in the independent building survey which was carried out on their current premises, namely:

- Replacing timber floor;
- Overhauling and cleaning of toilet facilities;
- Overhauling or replacing ceiling/wall mounted extract fans;
- Conducting health and safety testing and upgrade/repairs to emergency lighting;
- Replace/repair light switches and fittings.

However, I am aware that Emerald Amateur Boxing Club has verbally informed Sport NI that they will be moving to new premises and will not be accepting the indicative award.

### **Sarsfields Gaelic Athletic Club**

**Mr Allister** asked the Minister of Culture, Arts and Leisure whether Sarsfields Gaelic Athletic Club will benefit from infrastructural improvements as a consequence of a funding offer to Emerald Amateur Boxing Club.

**(AQW 32466/11-15)**

**Ms Ní Chuilín:** Emerald Amateur Boxing Club has been offered an indicative award of £14,652 from the Boxing Investment Programme.

However, I am aware that Emerald Amateur Boxing Club has verbally informed Sport NI that they will be moving to new premises and will not be accepting the indicative award.

### **Seamus Heaney Poetry Month**

**Mr D Bradley** asked the Minister of Culture, Arts and Leisure whether she will consider establishing an annual Seamus Heaney Poetry Month to honour the memory of the Nobel Laureate and promote local poetry.

**(AQW 32515/11-15)**

**Ms Ní Chuilín:** I support the concept of establishing a fitting memorial to acknowledge and celebrate Seamus Heaney's significant contribution to the arts. My Department is considering how this meaningful legacy can best be achieved, through ongoing consultation with the Heaney Family and the Arts Council

## **Department of Education**

### **Schools: Closure Costs**

**Mrs Dobson** asked the Minister of Education to detail the costs incurred in each of the last three years associated with schools which have closed.

**(AQW 31885/11-15)**

**Mr O'Dowd (The Minister of Education):** Costs incurred in respect of schools that have closed will be met by different bodies, depending on the sector the particular school was in. Within the controlled sector such costs are met by the relevant Education and Library Board while in the Voluntary Grammar, Maintained and Grant-maintained Integrated sectors these costs are the responsibility of the school Trustees. Accordingly, I can only answer in respect of schools falling within the controlled sector.

Education and Library Boards have advised that the costs incurred by them relating to schools that have closed in the last three financial years are as follows:

Year	Costs Incurred
2010/11	£740,690.65
2011/12	£621,553.77
2012/13	£676,672.42

It should be noted that costs quoted above relate solely to building works i.e. security, maintenance, rates, health & safety issues and, where relevant, demolition. Other expenditure, such as staff costs, have been excluded;

The above costs also exclude schools which have closed but which are still being used for other educational purposes.

### Permanent Tree Preservation Orders

**Mr Agnew** asked the Minister of Education what account his Department takes of the existence of Permanent Tree Preservation Orders on prospective sites for development before allocating funding.  
(AQW 32088/11-15)

**Mr O'Dowd:** The existence of Tree Preservation Orders (TPOs) on prospective sites is not taken into account by my Department before the allocating of funding. Tree Preservation Orders would be taken on a case by case basis by the professional team responsible for the design of the project.

### School Enhancement Programme: St Columb's College, Derry

**Mr Eastwood** asked the Minister of Education to detail the funding being allocated to St. Columb's College, Derry through the School Enhancement Programme.  
(AQW 32133/11-15)

**Mr O'Dowd:** On 18 March 2014 I announced 51 projects to proceed in planning under the School Enhancement Programme, St. Columb's College, Derry was one of the projects included in this announcement.

The St Columb's College, Derry project consists of new build sports facilities and conversion of existing accommodation to a Drama Suite. It is estimated that this project will cost £2.2m, however his cost estimate has been based on an initial scoping exercise and cannot be confirmed until professional consultants have been appointed and design work undertaken. All figures may be subject to change.

### Special Educational Need: Temporary or Time-limited Statement

**Mr P Ramsey** asked the Minister of Education (i) what provision is available for a temporary or time-limited statement of special educational need; (ii) the rationale for providing such a statement; (iii) how many children across each Education and Library Board area have such a statement; and (iv) for a breakdown of the specific reason for the temporary or time-limited statement by category.  
(AQW 32238/11-15)

**Mr O'Dowd:** Neither special educational needs (SEN) legislation nor the Code of Practice on the Identification and Assessment of SEN make reference to either temporary or time-limited statements of SEN.

### Further Education Colleges: Entitlement Framework

**Mr Anderson** asked the Minister of Education to outline the amount of money Further Education Colleges have received under the Entitlement Framework since its introduction.  
(AQO 5882/11-15)

**Mr O'Dowd:** Schools are funded via the Local Management of Schools (LMS) arrangements to deliver their statutory obligations, including the revised curriculum. Since 2008, my Department has provided additional Entitlement Framework funding to schools as a contribution to the additional costs associated with applied courses delivered collaboratively between schools, with Further Education Colleges, and with Training Organisations.

Before the 2013/14 financial year, the contribution provided to schools in support of their collaboration with Further Education Colleges cannot be disaggregated from the funding provided through a formula calculation including other collaborative activity and development factors. The table below therefore sets out the total formula calculations provided to mainstream

and special schools under the Entitlement Framework since 2008. As this covers more than Further Education collaboration it does not provide a direct comparison with the 2013/14 information, provided separately.

Year	Total formula calculation
2008/09	7.8m
2009/10	7.9m
2010/11	8.8m
2011/12	8.4m
2012/13	8.1m

The total contribution provided to schools and used in support of courses delivered in collaboration with Further Education Colleges in 2013/14 was 6.2m.

### Teachers: Qualified in the Republic of Ireland

**Mr Byrne** asked the Minister of Education what action he is taking to ensure that teachers who obtained their qualifications in the Republic of Ireland are recognised as qualified teachers in Northern Ireland.

**(AQW 32262/11-15)**

**Mr O'Dowd:** Teachers who obtain their teaching qualification in the south of Ireland and want to work here need to register with the General Teaching Council (GTC). They can apply under the terms of Directive 2005/36/EC on the recognition of professional qualifications ("the EC Directive") using the GTC's simplified registration process for teachers who qualified in the South. Under this process a teacher is required to provide a letter from the Teaching Council of Ireland (TCI) confirming that they hold an approved teaching qualification and are not currently restricted in any way. GTC also requires evidence of educational qualifications which are checked against the equivalent qualifications in the North. They also check that the applicant attended an accredited University.

The GTC and the TCI have met under the auspices of the North South Ministerial Conference (Education Sectoral Meeting), to review the issue of teacher mobility North and South. They reported that both Councils would work together to facilitate teacher mobility under the legislation and regulations that are in place in either jurisdiction and within the provisions of the Directive. The Councils continue to work together to make teacher mobility as easy as possible.

### Kilcooley and Clandeboye Primary Schools

**Mr Easton** asked the Minister of Education for an update on the joint development proposals for Kilcooley and Clandeboye Primary Schools.

**(AQW 32290/11-15)**

**Mr O'Dowd:** Development Proposals No. 243 and 244 published by the SEELB on 12 September 2013, propose to decrease the approved admissions and enrolment numbers at Kilcooley PS and Clandeboye PS with effect from 31 August 2014 or as soon as possible thereafter.

The 2-month objection period ended on 12 November 2013.

Officials have been gathering all pertinent information in relation to the proposals and are expected to conclude this work shortly. Once I have all this information before me I will make my decision as soon as practically possible.

### Balmoral High School Premises

**Mr Storey** asked the Minister of Education, pursuant to AQW 31631/11-15, to outline the ownership arrangements at the end of the PFI contract.

**(AQW 32291/11-15)**

**Mr O'Dowd:** The Belfast Education and Library Board, as the contracting authority, will have ownership of the former Balmoral High School premises at the end of the PFI contract.

### British Council: Programmes Funded

**Mr Storey** asked the Minister of Education, pursuant to AQW 30867/11-15, what plans his Department has to increase the number of schools involved in international programmes through the British Council.

**(AQW 32292/11-15)**

**Mr O'Dowd:** My Department is keen to support the British Council in providing their International Education programmes to schools and is presently engaged with the British Council to identify ways that my Department can support the British Council in promoting these programmes. This includes working with the British Council to identify existing schools with an interest in International education and to identify the benefits gained from this with a view to enabling schools to promote and share their experiences with other schools.

The British Council is in the process of establishing a steering group and my Department will be represented. The Steering Group will discuss specific issues relating to the Erasmus+ programme, and its delivery in England, Scotland, Wales and the north of Ireland.

An Assistant Chief Inspector of the Education and Training Inspectorate, on behalf of the Department of Education, gave the keynote presentation on "The International Dimension in Education" at a British Council conference on 26 February 2014 to an audience of principals and teachers. The presentation outlined the benefits to pupils, to schools and their communities, and to north of Ireland companies, of having an international dimension threaded through the pupils' learning.

The policy framework in respect of the Curriculum falls under the raising standards agenda and Every School a Good School. International education combined with the experience of international programmes, supports good quality teaching and learning by helping to develop and improve teaching, learning and educational outcomes, while also supporting the delivery of the curriculum through areas such as Global Citizenship, Languages and ICT.

### **British Council: Programmes Funded**

**Mr Storey** asked the Minister of Education, pursuant to AQW 30867/11-15, under which policy framework will this work take place.

**(AQW 32293/11-15)**

**Mr O'Dowd:** My Department is keen to support the British Council in providing their International Education programmes to schools and is presently engaged with the British Council to identify ways that my Department can support the British Council in promoting these programmes. This includes working with the British Council to identify existing schools with an interest in International education and to identify the benefits gained from this with a view to enabling schools to promote and share their experiences with other schools.

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An Assistant Chief Inspector of the Education and Training Inspectorate, on behalf of the Department of Education, gave the keynote presentation on "The International Dimension in Education" at a British Council conference on 26 February 2014 to an audience of principals and teachers. The presentation outlined the benefits to pupils, to schools and their communities, and to north of Ireland companies, of having an international dimension threaded through the pupils' learning.

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### **Common Funding Formula: High Free Meals Uptake**

**Mr Storey** asked the Minister of Education to list the additional funding, outside the Common Funding Formula, which he currently allocates to schools with high free meals uptake.

**(AQW 32295/11-15)**

**Mr O'Dowd:** In 2013-14 £12.048m was allocated outside the common funding formula to schools with high free meals uptake. This related to the Extended Schools Initiative and the criteria for allocation to schools included having a Free School Meal Entitlement of 37% or higher.

### **Pupil to Teacher Ratio**

**Mr Storey** asked the Minister of Education how many additional teachers would be employed if Pupil Teacher Ratios in each sector reflected best practice in the UK and Ireland.

**(AQW 32296/11-15)**

**Mr O'Dowd:** The Department of Education does not set a limit on pupil/teachers ratios (PTR). While the Department collates statistics on the overall PTR each year, this is at a whole school level, not at individual class level.

Your question infers that best practice information is available for other regions of the UK and Ireland. While the Department is aware that other regions have, like the north of Ireland, class size policy in place, officials are not aware of any limits set for PTR.

DE policy gives schools as much autonomy as possible and it is a school's Board of Governors that has responsibility for determining their school's staffing complement and for managing the school's education budget. The Department does not employ teachers, individual employing authorities do. It is a matter for the Board of Governors for individual schools to determine the staffing levels for their school on an annual basis.

**DE: Capital Spend in Fermanagh**

**Mr Elliott** asked the Minister of Education to detail the capital spend by his Department in Fermanagh in each of the last ten years, broken down by school.

**(AQW 32299/11-15)**

**Mr O'Dowd:** Information is only readily available in the requested format for the last seven years.

The attached table provides details of capital spend in Fermanagh for this period, broken down by school.

School	2006/07 £'s	2007/08 £'s	2008/09 £'s	2009/10 £'s	2010/11 £'s	2011/12 £'s	2012/13 £'s
Kesh PS	0.00	863.00	22,529	1,276	0	4,960	0
Moat PS	109,984	29,427	22,895	15,547	25,333	17,894	15,730
Belleek PS	334.00	0	4,027	95,197	7,880	4,703	29,792
Aghadrumsee PS	11,168	0	4,355	5,760	84.00	23,868	23,151
Newtownbutler PS	0	3,357	29,419	4,817	822.00	41,055	7,649
Florencecourt PS	10,979	22,982	45,409	29,529	20,339	28,387	5,519
Ballinamallard PS	200,047	11,943	22,348	33,916	23,549	9,109	30,704
Brookeborough PS	8,770	19,441	8,605	13,653	2,879	29,381	17,962
Derrygonnelly PS	0	0	4,057	1,119	0	0.00	0.00
Jones Memorial PS	131,089	42,910	19,277	35,850	18,977	28,089	13,968
Tempo PS	0	0	21,788	10,057	9,425	15,104	346,675
Maguiresbridge PS	3,691	375	46,255	8,688	16,281	9,019	29,518
Irvinestown PS	20,617	375	69,156	3,631	14,776	3,686	2,640
Enniskillen Model PS	17,173	28,449	4,912	8,269	13,520	83,880	52,462
Lack PS	19,052	50	23,987	26,452	79,506	21,303	0
Lisbellaw PS	29,204	33	715.00	75,985	0	15,405	19,395
St Patrick's PS, Mullanaska	65,817.79	863.39	0.00	22,167.52	68,442	0	17,461
Tattygar PS	80,695	22,684	10,324.83	16,279.68	5,823.89	0.00	0.00
St Tierney's PS	0	0	0	2,676	507.55	2,400	7,432.08
St Mary's PS, Newtownbutler	0	16,487	67,832	0	146,996.02	56,165.84	7,647.07
St Patrick's PS, Derrygonnelly	1,395.88	20,723.49	0	10,284	0	1,272.79	0
St Mary's PS, Brookeborough	3,527.17	24,538	36,534	12,394.15	2,271	0	3,467
St Ninnidh's PS	32,525	18,280	39,466	80,331	0	0	38,185.79
St Mary's PS, Killesher	14,860	1,583.64	7,004.12	73,467	23,674	0	2,104
St John the Baptist PS	1,632	1,583	24,899.71	2,440.22	67,273.86	244	20,337
St Mary's PS, Mullymesker	55,708.24	0	85,500	3,233.96	32,627	0	768.60
St Mary's PS, Maguiresbridge	245,298.55	81,107	20,439.12	0	2,310.33	0	0
Killyhommon PS	87,470	12,053	41,912.52	95,154.84	853.43	2,500	0
St Paul's PS	0	8,251.75	0	41,302	24,971.52	1,027.78	0

School	2006/07 £'s	2007/08 £'s	2008/09 £'s	2009/10 £'s	2010/11 £'s	2011/12 £'s	2012/13 £'s
St Ronan's PS	87,939.47	159,951	17,470.85	0	14,578	237	82,752.14
St Joseph's PS, Ederney	0	40,682	49,052	28,771.80	211.28	2,203	370
St Naile's PS	0	0	52,203.28	38,598.66	68,222.11	233,172.65	18,932.34
St Martin's PS	3,035.28	15,590	2,193	3,622.50	5,759.93	33,023	1,738
St Joseph's PS, Donagh	24,197.05	442.77	18,432.57	0	0	7,200	279,271
St Mary's PS, Teemore	24,435	9,285.95	33,999	0	6,457.80	1,897.34	0
St Columban's PS	23,637.79	0	0	0	0	0	0
St Davog's PS	184.78	2,379.94	0	0	7,352	40,660	2,590.76
St Mary's PS, Tempo	1,758.25	0	8,812.50	0	12,816.78	2,487	35,908
Holy Trinity PS	4,332.87	14,054.24	10,734.08	130,252	14,863.95	0	0
St Macartan's PS	24,875	0	10,178	34,518	1,880	1,524,134	315,632
Bunscoil an Traonaigh	0	14,476	13,692.50	1,995	0	0	0
Enniskillen Integrated PS	793,829	1,689,987.36	101,165.35	156,977.92	1,140	1,200	4,369.10
Enniskillen Nursery	16,617	4,933	3,878	4,734	575	36,313	103,846
Lisnaskea High School	40,918	3,600	13,378	55,028	15,573	22,892	808.00
Devenish College	566,009	6,055	160,924.71	155,829	35,949	182,588	156,482
St Mary's High School	14,314	0	0.00	7,864.87	22,325	0	0
St Fanchea's College	368,468	289,018	47,165	81,596	19,115	155,013	0
St Joseph's College	616.00	70,719	22,105.21	114,177.91	12,628	168,307.08	38,629
St Mary's College	25,622	21,503.65	0	0.00	65,681.66	52,043	0
St Aidan's High School	4,384.93	9,078	0.00	68,814.49	90,087	352,988.91	47,379
St Eugene's College	8,102.37	24,074	83,078.69	1,069.77	8,404.27	1,728	0
St Comhghall's College	85,069.60	57,925.76	175,111.39	48,710.90	400,482.01	70,147.99	33,809
Erne Integrated College	336,003.57	99,635.05	6,837	544,938.96	67,229.96	4,200	8,181
Erne Special School	9,226	29,892	10,057	57,569	29,913	53,015	68,109
Elmbrook Special School	7,290	42,673	5,876	22,569	40,236	72,482	2,398
Collegiate Grammar School	42,990	21,359	60,334	28,068	4,407	25,062	8,186
Mount Lourdes Grammar School	1,510,859.44	3,464,321.78	2,441,981.38	238,581.24	267,776.23	107,618.33	16,624

School	2006/07 £'s	2007/08 £'s	2008/09 £'s	2009/10 £'s	2010/11 £'s	2011/12 £'s	2012/13 £'s
Portora Royal School	9,554.10	112,945.20	14,529.24	44,525.75	17,523.91	130,810.17	7,646
St Michael's College	56,393.59	168,313.47	355,186.66	324,459.91	26,781.16	319,587	32,307
<b>Total</b>	<b>5,241,699.72</b>	<b>6,741,254.44</b>	<b>4,402,021.71</b>	<b>2,922,749.05</b>	<b>1,867,090.65</b>	<b>4,000,462.88</b>	<b>1,958,534.88</b>

## Physical Activity and Academic Achievement

**Mrs Dobson** asked the Minister of Education what studies have been undertaken into the links between increased physical activity and academic achievement in (i) primary; and (ii) post-primary schools.

**(AQW 32370/11-15)**

**Mr O'Dowd:** While the Department of Education has not commissioned any studies into the links between increased physical activity and academic achievement the Department is aware of other research in this area.

For example, the Sport and Recreation Alliance (SRA), the umbrella body for sport and recreation in England, Scotland, Wales and the north of Ireland which represents more than 300 member organisations such as The Football Association, the Rugby Football Union, British Athletics, the Ramblers, British Rowing and the Exercise Movement and Dance Partnership, undertook a comprehensive literature review on the subject. This review indicates that physical activity increases cellular components which (amongst other things) support the systems in the brain that are responsible for learning, decision making and memory. Being more active can also lead to increased self-esteem through the accomplishment of physical achievements. This can help children to develop motivation and determination – skills which are particularly useful in acquiring new information for passing exams.

The Department does recognise the importance of physical activity to our young people hence Physical Education is a mandatory element of the revised curriculum through all key stages of compulsory education.

## C2K Services

**Mr Moutray** asked the Minister of Education what level of training has been given to teaching staff in the use of C2K services, in each of the last three years.

**(AQW 32446/11-15)**

**Mr O'Dowd:** C2k has confirmed that the number of teaching staff who have attended C2k training courses in the last three years has been:

2011/12	2012/13	2013/14
3,696 (1140 VC)	3,592 (200 VC)	2,895 (190 VC)

The figures in brackets indicate the number of staff who accessed training via, or in, Elluminate video-conferencing and the figure for 2011/12 is high as this was the initial training year. In terms of the video-conferencing training it should also be noted that the vast majority would have been teachers, however a proportion would have been admin or ICT technicians.

Staff also have access to online training as there are a number of learning videos available to schools within the C2k Learning Exchange. These short videos offer instruction on aspects of the new service and are available to schools within the Fronter online learning platform.

Increased training is planned to help embed the new C2k services. Information on all available training is communicated to school Principals who are then responsible for nominating staff as they deem necessary.

## C2K Services: 0870 Helpdesk Telephone Number

**Mr Moutray** asked the Minister of Education what rate schools are charged when contacting the C2K 0870 helpdesk telephone number.

**(AQW 32447/11-15)**

**Mr O'Dowd:** The decision on a telephony provider, and contract with that provider, is a matter for each school and consequently charges will vary and it is not possible to know what rates schools are charged for calls to the C2k Helpdesk.

Ofcom's guide to call charges states that some providers now include calls to 0845 and 0870 numbers in call packages, making them free at certain times of the day.

## Post-primary Education: Children Leaving

Mr Givan asked the Minister of Education to detail the number of children, broken down by school, that left post-primary education in years (i) 13; and (ii) 14 in the last academic year.

(AQW 32460/11-15)

Mr O'Dowd: The information requested is detailed in the table below.

### Number of pupils leaving the post primary education system from schools with a post 16 provision 2011/12

School	Town	(i) Year 13 School Leavers	(ii) Year 14 School Leavers
Abbey Christian Brothers Grammar School	Newry	*	107
Antrim Grammar School	Antrim	7	95
Aquinas Diocesan Grammar School	Belfast	*	114
Ashfield Boys' High School	Belfast	*	40
Ashfield Girls' High School	Belfast	6	49
Assumption Grammar School	Ballynahinch	5	133
Ballycastle High School	Ballycastle	7	23
Ballyclare High School	Ballyclare	6	139
Ballyclare Secondary School	Ballyclare	19	52
Ballymena Academy	Ballymena	8	162
Banbridge Academy	Banbridge	*	184
Banbridge High School	Banbridge	14	34
Bangor Academy and 6th Form College	Bangor	30	95
Bangor Grammar School	Bangor	10	116
Belfast Boys' Model School	Belfast	33	49
Belfast High School	Newtownabbey	*	112
Belfast Model School For Girls	Belfast	30	62
Belfast Royal Academy	Belfast	13	193
Bloomfield Collegiate	Belfast	5	89
Cambridge House Grammar School	Ballymena	*	132
Campbell College	Belfast	24	88
Carrickfergus College	Carrickfergus	9	55
Carrickfergus Grammar School	Carrickfergus	16	95
Castleberg High School	Castleberg	8	33
Christian Brothers School	Belfast	41	70
Christian Brothers' Grammar School	Omagh	8	128
City Armagh High School	Armagh	5	6
Colaiste Feirste	Belfast	11	58
Coleraine Academical Institution	Coleraine	13	69
Coleraine College	Coleraine	8	15
Coleraine High School	Coleraine	*	106
Collegiate Grammar School	Enniskillen	0	68
Cookstown High School	Cookstown	9	74
Corpus Christi College	Belfast	28	27
Cross and Passion College	Ballycastle	11	67

School	Town	(i) Year 13 School Leavers	(ii) Year 14 School Leavers
Cullybackey High School	Ballymena	6	30
Dalriada School	Ballymoney	9	108
De La Salle College	Belfast	63	73
De La Salle High School	Downpatrick	*	15
Dean Maguirc College	Omagh	0	29
Devenish College	Enniskillen	19	43
Dominican College	Portstewart	*	64
Dominican College, Belfast	Belfast	11	120
Down High School	Downpatrick	5	135
Downshire School	Carrickfergus	11	34
Dromore High School	Dromore	*	0
Drumglass High School	Dungannon	*	14
Drumragh College	Omagh	5	44
Dunclug College	Ballymena	8	29
Edmund Rice College	Newtownabbey	35	25
Erne Integrated College	Enniskillen	15	30
Fivemiletown College	Fivemiletown	7	43
Fort Hill College	Lisburn	7	41
Foyle & Londonderry College	Derry	17	113
Friends' School	Lisburn	*	129
Glastry College	Newtownards	5	30
Glengormley High School	Newtownabbey	59	69
Glenlola Collegiate	Bangor	17	127
Grosvenor Grammar School	Belfast	6	143
Hazelwood College	Newtownabbey	52	55
Holy Cross College	Strabane	14	92
Holy Trinity College	Cookstown	15	106
Hunterhouse College	Belfast	12	96
Immaculate Conception College	Derry	12	*
Integrated College Dungannon	Dungannon	12	31
Kilkeel High School	Newry	9	60
Lagan College	Belfast	8	96
Larne Grammar School	Larne	*	94
Larne High School	Larne	16	24
Laurelhill Community College	Lisburn	13	54
Limavady Grammar School	Limavady	17	108
Limavady High School	Limavady	10	53
Lismore Comprehensive School	Craigavon	20	111
Lisnagarvey High School	Lisburn	10	19
Lisneal College	Derry	18	43

School	Town	(i) Year 13 School Leavers	(ii) Year 14 School Leavers
Little Flower Girls' School	Belfast	33	56
Loreto College	Coleraine	*	95
Loreto Grammar School	Omagh	6	123
Lumen Christi College	Derry	*	110
Lurgan College	Craigavon	*	101
Magherafelt High School	Magherafelt	*	40
Malone Integrated College	Belfast	13	55
Methodist College	Belfast	7	256
Monkstown Community School	Newtownabbey	*	12
Mount Lourdes Grammar School	Enniskillen	*	141
New-Bridge Integrated College	Banbridge	*	48
Newry High School	Newry	10	51
Newtownbreda High School	Belfast	7	39
North Coast Integrated College	Coleraine	7	36
Oakgrove Integrated College	Derry	10	56
Omagh Academy	Omagh	*	75
Omagh High School	Omagh	8	32
Orangefield High School	Belfast	9	17
Our Lady and St Patrick's College	Belfast	*	176
Our Lady of Mercy Girls' School	Belfast	22	31
Our Lady's Grammar School	Newry	*	120
Portadown College	Craigavon	13	186
Portora Royal School	Enniskillen	11	59
Priory College	Holywood	*	27
Rainey Endowed School	Magherafelt	*	89
Rathmore Grammar School	Belfast	*	180
Regent House School	Newtownards	18	157
Sacred Heart College	Omagh	32	89
Sacred Heart Grammar School	Newry	*	125
Shimna Integrated College	Newcastle	6	45
Slemish College	Ballymena	5	54
Sperrin Integrated College	Magherafelt	*	29
St Brigid's College	Derry	27	38
St Catherine's College	Armagh	13	136
St Cecilia's College	Derry	11	94
St Ciaran's High School	Dungannon	7	68
St Colm's High School	Magherafelt	*	26
St Colm's High School	Belfast	30	45
St Colman's College	Newry	14	132
St Colman's High School	Ballynahinch	20	34

School	Town	(i) Year 13 School Leavers	(ii) Year 14 School Leavers
St Columb's College	Derry	38	162
St Columbanus' College	Bangor	19	45
St Comhghall's College	Enniskillen	*	26
St Dominic's High School	Belfast	*	132
St Eugene's College	Enniskillen	*	6
St Fanchea's College	Enniskillen	*	13
St Gemma's High School	Belfast	10	18
St Genevieve's High School	Belfast	26	82
St Joseph's Boys' School	Derry	24	58
St Joseph's College	Belfast	21	40
St Joseph's College	Enniskillen	*	21
St Joseph's College	Coleraine	8	29
St Joseph's Grammar School	Dungannon	0	74
St Joseph's High School	Newry	5	38
St Killian's College	Ballymena	14	86
St Louis Grammar School	Ballymena	5	124
St Louis Grammar School	Kilkeel	7	81
St Louise's Comprehensive College	Belfast	16	184
St Malachy's College	Belfast	10	115
St Malachy's High School	Castlewellan	37	72
St Mark's High School	Newry	17	67
St Mary's Christian Brothers' Grammar School	Belfast	6	132
St Mary's College	Derry	17	85
St Mary's College	Ballymena	8	16
St Mary's Grammar School	Magherafelt	*	137
St Mary's High School	Downpatrick	15	33
St Mary's High School	Newry	*	53
St Mary's Limavady	Limavady	36	45
St Michael's College	Enniskillen	7	98
St Michael's Grammar	Craigavon	6	136
St Patrick's Academy	Dungannon	8	182
St Patrick's Co-ed Comprehensive College	Maghera	12	140
St Patrick's College	Belfast	56	38
St Patrick's College	Derry	6	24
St Patrick's College	Ballymena	25	31
St Patrick's College	Banbridge	*	20
St Patrick's College	Dungannon	13	32
St Patrick's Grammar School	Downpatrick	13	89
St Patrick's Grammar School	Armagh	13	91
St Patrick's High School	Lisburn	*	26

School	Town	(i) Year 13 School Leavers	(ii) Year 14 School Leavers
St Patrick's High School	Keady	17	112
St Paul's High School	Newry	30	114
St Peter's High School	Londonderry	21	0
St Pius X College	Magherafelt	*	77
St Rose's High School	Belfast	6	40
Strabane Academy	Strabane	9	52
Strangford Integrated College	Carrowdore	11	32
Strathearn School	Belfast	0	97
Sullivan Upper School	Hollywood	*	143
The Royal Belfast Academical Institution	Belfast	11	118
The Royal School Armagh	Armagh	*	92
The Royal School Dungannon	Dungannon	11	94
Thornhill College	Derry	*	187
Ulidia Integrated College	Carrickfergus	*	35
Victoria College	Belfast	8	107
Wallace High School	Lisburn	9	149
Wellington College	Belfast	11	86

**Source:** School Leavers Survey

**Notes:**

- \*denotes fewer than 5 pupils
- The information is sourced from the school leavers survey which collects the qualifications and destinations of all pupils leaving grant aided mainstream post primary schools. The information relates to those pupils leaving the education system and does not include those transferring to other schools.
- Data excludes special and independent schools.
- School leaver information for the 2012/13 year will be published in May 2014.

### Assembly: Motions Debated

**Mr McNarry** asked the Minister of Education to detail (i) the number of Motions debated in the Assembly that he has responded to in the last two years; and (ii) the action that he has taken following any Motion that was passed.

**(AQW 32481/11-15)**

**Mr O'Dowd:** I have arranged for the information requested to be placed in the Assembly Library.

### Superinjunctions

**Mr Allister** asked the Minister of Education whether at any time his Department has funded or contributed to the costs of legal proceedings brought in the High Court of Justice in Northern Ireland, or elsewhere, involving the prohibition of publicity on the granting of injunctive relief, commonly referred to as super-injunctions.

**(AQW 32486/11-15)**

**Mr O'Dowd:** The Department of Education has not at any time funded or contributed to the costs of legal proceedings brought in the High Court of Justice, or elsewhere, involving the prohibition of publicity on the granting of injunctive relief, commonly referred to as super-injunctions.

### Primary-school Places: Upper Bann

**Mrs D Kelly** asked the Minister of Education for an estimate of the number of pupil places each primary school in Upper Bann will require in each of the next two academic years.

**(AQW 32533/11-15)**

**Mr O'Dowd:** The approved Primary 1 admissions numbers of the schools in the Upper Bann constituency for the 2014/15 school year, are set out in the table below.

<b>Ref</b>	<b>School</b>	<b>Approved Admissions</b>
5010992	Lurgan Model Primary School	28
5011124	King's Park Primary School	94
5011127	Carrick Primary School	60
5011129	Hart Memorial Primary School	60
5011165	Rich Mount Primary School	20
5011174	Birches Primary School	23
5011189	Edenderry Primary School	57
5011190	Tullygally Primary School	30
5011594	Abercorn Primary School	60
5011596	Gilford Primary School	25
5011598	Waringstown Primary School	56
5011602	Bleary Primary School	21
5011651	Milltown Primary School	12
5011664	Scarva Primary School	14
5011687	Maralin Village Primary School	41
5013019	Edenderry Primary School	60
5016007	Millington Primary School	95
5016065	Dickson Primary School	30
5016080	Drumgor Primary School	54
5016117	Ballyoran Primary School	57
5016138	Bocombra Primary School	46
5016178	Donacloney Primary School	37
5016543	Moyallon Primary School	29
5031103	Tannaghmore Primary School	87
5031107	St Teresa's Primary School, Mountnorris	7
5031164	St Mary's Primary School, Dungannon	18
5031168	St Patrick's Primary School, Lurgan	35
5031184	St Anthony's Primary School, Legahory	83
5031667	St Patrick's Primary School, Magheralin	18
5031669	St John's Primary School, Craigavon	25
5033324	St Patrick's Primary School, Craigavon	25
5036006	St Mary's Primary School, Craigavon	21
5036009	St Mary's Primary School, Lurgan	17
5036043	St Mary's Primary School, Banbridge	58
5036101	St Brendan's Primary School, Moyraverty	81
5036173	St John The Baptist Primary School, Portadown	71
5036400	St Colman's (Bann) Primary School	19
5036457	St Francis' Primary School , Aghderg	25
5036586	Presentation Primary School, Portadown	42

Ref	School	Approved Admissions
5036633	St Francis Primary School, Lurgan	106
5046137	Seagoe Primary School	36
5066540	Bridge Integrated Primary School	58
5066553	Portadown Integrated Primary School	29

Admissions numbers are unlikely to change from one year to the next unless there has been a change to the teaching accommodation as a result of an approved Development Proposal.

The admissions process for intakes in September 2014 is currently ongoing and data on the actual number of admissions to these schools is not yet known.

### Public Bodies: Appointments

**Mr Campbell** asked the Minister of Education how many appointments to public bodies his Department made in the last twelve months.

**(AQW 32539/11-15)**

**Mr O'Dowd:** Between 1 April 2013 and 31 March 2014 a total of 18 Ministerial appointments (broken down in the table below) have been made to public bodies sponsored by my Department:

Public Body	Total
Belfast Education and Library Board	4
North Eastern Education and Library Board	1
Western Education and Library Board	1
Council for Curriculum, Examinations and Assessment	10
Middletown Centre for Autism	2
<b>Overall Total</b>	<b>18</b>

### DE: Vacancies and Agency Staff

**Mr Dallat** asked the Minister of Education to detail the (i) vacancies; and (ii) agency staff in his Department, broken down by grade.

**(AQW 32571/11-15)**

**Mr O'Dowd:** The 'approved to fill' vacancies in the Department of Education as at 1 April 2014 are as follows:

No	Grade
1	AA
2	AO
1	EO2
1	EO1
2	SO
2	SO Auditor
1	DP
4	G7

Agency placements in the Department of Education as at 1 April 2014 are as follows:

No	Grade
3	AA
5	AO
2	SO Acct
1	SO Translator

## Physical Education

**Mr Weir** asked the Minister of Education to detail the average weekly time set aside in the school curriculum for physical education in (i) primary; and (ii) post-primary schools.

**(AQW 32584/11-15)**

**Mr O'Dowd:** While Physical Education is a compulsory part of the curriculum for all pupils at every Key Stage from the ages of 4 to 16, legislation governing the revised curriculum prevents the Department from prescribing the amount of time to be allocated to any particular subject. The Department of Education has however issued guidance to schools recommending a minimum of two hours PE per week.

In terms of available data on PE provision, part of the Department of Education's contribution to the Department of Culture, Arts and Leisure Sports Strategy includes work to establish a baseline for the number of children of compulsory school age participating in a minimum of two hours quality per week physical education. Stage 1 of this work, an electronic survey of schools, has been completed and a copy of the survey report dated October 2012 is available on the DE website at [http://www.deni.gov.uk/de1\\_12\\_79109\\_\\_electronic\\_pe\\_survey\\_-\\_final\\_report\\_october\\_2012.pdf](http://www.deni.gov.uk/de1_12_79109__electronic_pe_survey_-_final_report_october_2012.pdf). Stages 2 and 3 involve follow-up visits to schools by the Education and Training Inspectorate (ETI) – the timescale for these visits has yet to be decided.

## Post-primary Schools: Careers Education Staff

**Mr Storey** asked the Minister of Education how many post primary schools do not have in house careers education staff.

**(AQW 32585/11-15)**

**Mr O'Dowd:** The Department does not formally record information on the number of careers teachers in schools.

Careers education is part of the statutory curriculum under the Learning for Life and Work Area of Learning. Schools are responsible for the delivery of the statutory curriculum and any associated costs are met from their delegated budget. It is a matter for the Board of Governors of each school to determine expenditure priorities, including staffing, incurred in the delivery of the curriculum for all pupils enrolled in their school.

## Continuing Professional Development

**Mr Storey** asked the Minister of Education which body will accredit the new continuing professional development module for careers teachers.

**(AQW 32586/11-15)**

**Mr O'Dowd:** No decision has been taken on the accreditation of the four training modules, which will be delivered to careers teachers over the next two years.

As part of the review of the careers strategy, we will examine the existing opportunities for the professional development of career teachers and the benefits that can be realised by further development of the qualifications framework.

## Teacher into Industry Scheme

**Mr Storey** asked the Minister of Education how much funding has been provided to support the Teacher into Industry scheme in each of the last three years.

**(AQW 32587/11-15)**

**Mr O'Dowd:** The Teacher into Industry Scheme is run by the STEM/CEIAG Inter-board Group on behalf of the Department. In 2013/14 fifty seven teachers were awarded a bursary which enabled them to participate in an industrial placement at a cost of £93,400. In 2012/13 fifty six teachers took part in the industrial placement scheme at a cost of £114,000. The scheme did not run in 2011/12 therefore no expenditure was incurred.

## Schools: Links with Business

**Mr Storey** asked the Minister of Education how many CEOs and Head Teachers have been involved in link schemes with Business.

**(AQW 32588/11-15)**

**Mr O'Dowd:** The Department does not hold information on the number of CEOs and Head Teachers involved in link schemes with Business as this is a matter for individual schools to determine.

Following the recent publication of the CBI report 'Evaluation of Education and Employer Partnerships in NI', discussions have taken place between the Education and Library board STEM/CEIAG group and the CBI to explore and develop a Pilot of the "Buddy" programme between CEOs and Head Teachers mentioned in the CBI report. This work is at an early stage and nine head teachers representing different school sectors have expressed an interest in the pilot through the STEM/CEIAG group. In addition, I am also informed that the CBI has indicated that sixteen head teachers have also expressed an interest in this programme through their contacts with the Association of School and College Leaders.

Principals in schools also have indirect links with business through the various STEM/CEIAG programmes delivered in individual schools and through Business Education Partnerships.

## Schools: Links with Business

**Mr Storey** asked the Minister of Education how many schools have ongoing links with large employers.  
(AQW 32589/11-15)

**Mr O'Dowd:** The Department of Education does not hold information on how many schools have ongoing links with large employers as this is a matter for individual schools to determine.

Employability is a key theme underpinning the revised curriculum which aims to prepare our young people for all aspects of life and work enabling them to develop as confident and articulate individuals, able to play their full part in society and our economy. I am aware that a lot of excellent business education work and STEM enrichment activity takes place directly between schools and local businesses, some of which have developed into sustainable local relationships.

The contribution of the business sector in helping in the development of our young people and working with our delivery partners is significant both in terms of in-kind staff time and expertise and in providing financial support. I recognise the role of employers is invaluable in providing careers information and advice to teachers and young people in our schools. In my engagement with business and its representative bodies, I regularly encourage them to engage directly with schools, to share their knowledge and expertise.

## School Leavers: Availability for Work

**Mr Campbell** asked the Minister of Education to detail the change in the number school leavers available for work in each constituency between 2008 and 2013.  
(AQW 32613/11-15)

**Mr O'Dowd:** Available for work has been defined as those school leavers not in Higher or Further Education. The table overleaf shows those school leavers with destination of employment, training, and unemployment by their constituency of residency. The most recent year available is 2012 however information relevant to the 2012/13 academic year will be published in May 2014.

Change in the number and percentage of school leavers with a destination of Employment, Training and Unemployment by constituency of pupil residence 2008 to 2012

	2008		2012		Change 2008 to 2012	
	Number	%	Number	%	Number	% point
Belfast East	277	27.1	209	23.8	-68	-3.3
Belfast North	622	46.0	379	34.2	-243	-11.8
Belfast South	202	19.0	140	14.4	-62	-4.6
Belfast West	654	46.9	448	36.5	-206	-10.4
East Antrim	419	36.5	293	27.1	-126	-9.4
East Londonderry	335	27.3	233	19.5	-102	-7.8
Fermanagh and South Tyrone	345	26.5	282	21.8	-63	-4.7
Foyle	444	27.4	314	21.2	-130	-6.2
Lagan Valley	338	28.8	214	19.2	-124	-9.6
Mid Ulster	342	24.9	222	17.8	-120	-7.1
Newry and Armagh	402	25.9	257	16.7	-145	-9.2
North Antrim	365	27.7	235	18.3	-130	-9.4
North Down	249	23.7	107	11.7	-142	-12.0
South Antrim	273	22.6	247	20.3	-26	-2.3
South Down	461	30.9	309	21.5	-152	-9.4
Strangford	272	25.0	147	13.7	-125	-11.3
Upper Bann	360	22.9	316	21.3	-44	-1.6
West Tyrone	379	29.8	223	18.2	-156	-11.6

**Source:** School Leavers Survey

## Pupils with Autism

**Mr Hazzard** asked the Minister of Education what measures his Department has taken since May 2007 to assist pupils with autism.

**(AQW 32653/11-15)**

**Mr O'Dowd:** The Department of Education (DE) remains committed to ensuring that all pupils, including those with autism, receive a high quality education that enables them to fulfil their full potential with special educational needs (SEN) provision matched to the individual needs of the child.

A key factor in effectively meeting the needs of pupils with autism is ensuring that schools have the capacity to meet those needs. In this connection a key aim of the ongoing Review of SEN is to improve the capacity of schools to recognise and support children and young people's SEN. This capacity building takes the form of a number of SEN pilot projects and the publication of a Resource File on SEN, developed by practitioners, which was issued to all schools in 2011. A chapter within the Resource File is dedicated to autism and contains advice and practical materials to be used by school staff.

DE also continues to fund the Education and Library Boards' (ELBs) inter-board autistic spectrum disorder (ASD) group to provide support to children on the autistic spectrum within each board. Each ELB's ASD advisory service provides valued and worthwhile practical support to schools and is a resource of knowledge and skill, with the capacity to raise the standards of education and the social inclusion for children on the autistic spectrum. These ELB services are used to support children at Stages three to five of the Code of Practice on the Identification and Assessment of SEN.

Guidance materials also remain readily available to assist schools and parents in relation to autism, including:

- Autistic Spectrum Disorders – A Guide to Classroom Practice;
- Evaluating Provision for Autistic Spectrum Disorders in Schools.

In addition, the Autism Act (NI) 2011 places a duty upon the Department of Health, Social Services and Public Safety (DHSSPS) to act as the lead Department in producing, reviewing and implementing a cross-Departmental Autism Strategy. The Act also places a duty on DHSSPS to clearly detail how the needs of families and carers of children and young people with autism are to be addressed. DE participated in the public consultation and continues to work closely with the ELBs and the Middletown Centre for Autism (MCA) in developing and delivering the DE actions contained in the Strategy.

Opened in 2007 the MCA is an all-island Centre dedicated to providing educationally based support to children and young people with autism. It has recently expanded its provision of multi-disciplinary support on an outreach basis to those children referred to the Centre by the inter-board ASD Group. This support is delivered alongside a training and advisory service for educational professionals and parents of children with autism and a research and information service.

The Centre's service delivery was subject to a joint inspection in 2012 from the Education and Training Inspectorate and the Inspectorate in the south. This inspection described the quality of the service provision as "outstanding".

## C2K/Northgate Contract

**Mr Rogers** asked the Minister of Education, in relation to the new C2K/Northgate contract, what additional financial support is being provided to schools to assist them with installing relevant software to stand alone machines which the schools have purchased themselves to supplement their original C2K allocation.

**(AQW 32665/11-15)**

**Mr O'Dowd:** Under previous C2k contracts some school users invested in additional software packages to complement those provided by C2k and the facility was made available for teachers to install such packages locally. Increasingly teachers have been investing in online resources so there is no installation task required.

However, C2k is aware that some schools which have been transformed to the new network may have some legacy software to reinstall. This can take time if it is required on a large number of devices and this task is carried out by the school staff. There is no financial support provided by C2k for 3rd party, school purchased software installation. Many of these packages may also be so old they are not Windows 7 compatible and therefore will not work on the new platform. The onus is on the school to investigate updates from 3rd party suppliers.

Schools have been fully informed of the potential challenges for them regarding 3rd party software they have purchased.

## Department for Employment and Learning

### New Council Areas: Staff Commute

**Mr McGlone** asked the Minister for Employment and Learning to detail the number of staff in his Department, broken down by grade, travelling daily to their place of work from each of the eleven new council areas to the Greater Belfast area.

**(AQW 32321/11-15)**

**Dr Farry (The Minister for Employment and Learning):** As the Department for Employment and Learning does not hold this information, the data was obtained from the Northern Ireland Research and Statistics Agency (NISRA) and relates to 1

January 2014. The Greater Belfast area has been interpreted as the Belfast Metropolitan Urban Area (BMUA) defined in the Statistical Classification and Delineation of Settlements (February 2005).

On this date there was a total of 1024 staff in the Department travelling daily to the Greater Belfast area from the eleven new council areas. Details of the number of staff, broken down by grade, travelling daily to their place of work from each of the eleven new council areas to the Greater Belfast area are set out in Table 1 attached.

**Table 1**

New Council Areas	Analogous Grade									Total
	G5+	G6	G7	DP	SO	EOI	EOII	AO	AA	
Antrim and Newtownabbey	2	1	4	12	28	21	22	13	5	108
Armagh, Banbridge and Craigavon	0	0	6	15	18	9	6	9	2	65
Belfast	6	4	19	32	47	68	107	121	24	428
Causeway Coast and Glens	0	0	2	4	1	1	4	1	0	13
Derry and Strabane	0	0	0	2	1	2	0	0	0	5
Fermanagh and Omagh	0	0	0	1	1	2	0	0	0	4
Lisburn and Castlereagh	0	0	5	11	11	11	10	17	3	68
Mid and East Antrim	0	0	1	9	11	8	15	6	3	53
Mid Ulster	0	0	1	7	6	4	7	6	1	32
Newry, Mourne and Down	1	1	3	6	9	10	9	9	2	50
North Down and Ards	1	1	6	20	7	12	25	27	5	104
<b>Total *</b>	<b>10</b>	<b>7</b>	<b>49</b>	<b>125</b>	<b>152</b>	<b>158</b>	<b>232</b>	<b>239</b>	<b>52</b>	<b>1024</b>

\*The total includes 94 (9.2%) staff whose home postcode was either missing or invalid and could not be allocated to a new council area. The number of staff does not include those seconded outside of the NICS or staff on a career break.

## Student Accommodation

**Mr Weir** asked the Minister for Employment and Learning to detail any plans to increase university supplied student accommodation.

**(AQW 32391/11-15)**

**Dr Farry:** My Department provides funding to the Higher Education Institutions for teaching and learning and research purposes. It has no remit to intervene in respect of student accommodation.

As my Department does not hold the information you have requested I have asked officials to refer your question to the higher education institutions so that they can respond to you directly on this matter.

## Student Accommodation

**Mr Weir** asked the Minister for Employment and Learning how many student accommodation places have been provided by each of the universities, in each of the last 5 years.

**(AQW 32392/11-15)**

**Dr Farry:** My Department provides funding to the Higher Education Institutions for teaching and learning and research purposes. The Universities are responsible for their own policies and procedures, including those relating to student accommodation.

As my Department does not hold the information you have requested I have asked officials to refer your question to the higher education institutions so that they can respond to you directly on this matter.

## Profoundly Deaf Students

**Mrs Dobson** asked the Minister for Employment and Learning, pursuant to AQW 32067/11-15, (i) whether he plans to bring forward assistance schemes to help Higher Education Institutes provide support services to profoundly deaf students who undertake extra-curricular activities; and (ii) for his assessment of the impact of the current non-provision of such services to profoundly deaf students.

**(AQW 32531/11-15)**

**Dr Farry:** As I advised in my response to your earlier Written Question, my Department provides funding, through Disabled Students Allowances (DSA), to help students pay for the extra costs they may incur when studying their higher education course, as a direct result of a disability, mental health condition or specific learning difficulty.

In the current fiscal climate it is important that my Department manages the significant budgetary pressures within Higher Education including the increasing demand on the DSA budgets. The focus of expenditure must therefore be on supporting academic progression and success and I have no plans to bring forward assistance schemes to help Higher Education Institutes provide support services to profoundly deaf students who undertake extra-curricular activities.

As I also advised, the Higher Education Institutions have in place a range of measures to facilitate and encourage students with disabilities to engage in extra-curricular activities. I am confident that the each Institution will do all that it can to support students with disabilities in order to ensure that they have equitable access as far as reasonably possible to all aspects of university life.

## Department of Enterprise, Trade and Investment

### Enterprise Zone: Pilot

**Mr Eastwood** asked the Minister of Enterprise, Trade and Investment what involvement her Department had in locating the pilot Enterprise Zone in Coleraine.

**(AQW 32208/11-15)**

**Mrs Foster (The Minister of Enterprise, Trade and Investment):** The UK Government's Economic Pact, published on 14 June 2013, set out 3 commitments in relation to Enterprise Zones, focusing on Enhanced Capital Allowances (ECAs) which permit 100% first year allowances for qualifying plant and machinery expenditure. The pilot Enterprise Zone announced in the Budget statement on 19 March will only offer ECAs as an incentive.

In selecting a location for a pilot Enterprise Zone, the over-riding criteria was that it could potentially assist the development of new capital-intensive projects where ECAs would provide an attractive incentive and would outweigh other forms of available financial support. In addition, due to the then legislation cut-off date of April 2017 for projects to benefit from ECAs, any potential project needed to be operational before that date.

The pilot Enterprise Zone adjacent to the University of Ulster Coleraine Campus was put forward as the investment was already at an advanced stage and 5NINES had already received planning permission (in October 2013) so the project could potentially benefit from ECAs before the April 2017 cut-off date. ECAs would provide the incentive for the project to proceed and could potentially lead to further phases. It is also an important infrastructure investment for the ICT sector and builds on the area as a digital hub.

The final decision to designate a zone offering ECAs is a decision for Treasury. DETI and DFP are working alongside Treasury to ensure that the necessary arrangements are taken as quickly as possible following the Budget announcement.

### Enterprise Zone: Pilot

**Mr Eastwood** asked the Minister of Enterprise, Trade and Investment to detail the locations considered for the pilot Enterprise Zone.

**(AQW 32214/11-15)**

**Mrs Foster:** The UK Government's Economic Pact, published on 14 June 2013, set out 3 commitments in relation to Enterprise Zones, focusing on Enhanced Capital Allowances (ECAs) which permit 100% first year allowances for qualifying plant and machinery expenditure. The pilot Enterprise Zone announced in the Budget statement on 19 March will only offer ECAs as an incentive.

In selecting a location for a pilot Enterprise Zone, the over-riding criteria was that any zone would be likely to attract large capital-intensive projects where ECAs would provide an attractive incentive and would outweigh other forms of available financial support. In addition, due to the then legislation cut-off date of April 2017 for projects to benefit from ECAs, any potential project needed to be operational before that date.

A number of options were considered for the pilot Enterprise Zone, including adopting a strategic approach by identifying existing sectoral clusters across Northern Ireland that could potentially benefit from ECAs in the medium/longer-term. However given the time constraints for the ECA incentive, a pilot Enterprise Zone adjacent to the University of Ulster Coleraine Campus was identified as that investment was already at an advanced stage and 5NINES had already received planning permission (in October 2013) and could therefore potentially benefit from ECAs before the then April 2017 cut-off date.

## Economic Zones

**Ms Maeve McLaughlin** asked the Minister of Enterprise, Trade and Investment, in light of the Westminster decision to designate Coleraine as an Economic Zone, what consideration she will give to zoning Derry and the wider North West area as an economic zone given the current unemployment and deprivation levels.

**(AQW 32289/11-15)**

**Mrs Foster:** The UK Government's Economic Pact, published on 14 June 2013, set out 3 commitments in relation to Enterprise Zones, focusing on Enhanced Capital Allowances (ECAs) which permit 100% first year allowances for qualifying plant and machinery expenditure. The pilot Enterprise Zone announced in the Budget statement on 19 March will only offer ECAs as an incentive. State Aid rules stipulate that ECAs cannot be offered alongside other forms of regional aid such as Selective Financial Assistance, business rate discounts etc. ECAs will therefore only be attractive for large, capital-intensive projects where the benefits from ECAs would outweigh other forms of available support.

The First Minister and deputy First Minister wrote to HM Treasury on 7 March to propose Coleraine as a location for a pilot Enterprise Zone offering ECAs. The final decision to designate a zone offering ECAs is ultimately one for Treasury who would consider the cost to HMT, the extent to which Northern Ireland is benefiting in line with other parts of the UK, and the cost to the NI Block should additional zones be designated beyond those funded by the UK Government.

## New Council Areas: Staff Commute

**Mr McGlone** asked the Minister of Enterprise, Trade and Investment to detail the number of staff in her Department, broken down by grade, travelling daily to their place of work from each of the eleven new council areas to the Greater Belfast area.

**(AQW 32322/11-15)**

**Mrs Foster:** The information requested is set out in the table below. The figures represent the position as at 1 January 2014. They also include staff working in the Health and Safety Executive who are civil servants.

New Council Areas	Analogous Grade									Total
	G5+	G6	G7	DP	SO	EOI	EOII	AO	AA	
Antrim and Newtownabbey	0	0	2	12	2	10	9	3	5	43
Armagh, Banbridge and Craigavon	0	0	3	10	5	7	7	0	1	33
Belfast	5	4	19	32	21	18	19	26	15	159
Causeway Coast and Glens	0	0	1	4	2	1	0	1	1	10
Derry and Strabane	0	0	0	0	0	1	0	0	0	1
Fermanagh and Omagh	0	0	0	1	0	0	0	0	0	1
Lisburn and Castlereagh	1	0	6	11	10	8	2	3	4	45
Mid and East Antrim	1	0	1	8	4	1	2	5	0	22
Mid Ulster	0	1	0	2	1	2	1	3	0	10
Newry, Mourne and Down	0	0	2	6	9	4	6	6	0	33
North Down and Ards	2	2	9	24	18	12	24	24	3	118
Home postcode missing or invalid on HR Connect	0	0	1	7	7	3	4	11	3	36
<b>Total</b>	<b>9</b>	<b>7</b>	<b>44</b>	<b>117</b>	<b>79</b>	<b>67</b>	<b>74</b>	<b>82</b>	<b>32</b>	<b>511</b>

## Electricity Export Payments: Regulated Tariff

**Mr Agnew** asked the Minister of Enterprise, Trade and Investment whether the regulated tariff for electricity export payments, set by the Utility Regulator, sufficiently allows for competition and assists efforts to achieve 40 percent renewable electricity by 2020.

**(AQW 32336/11-15)**

**Mrs Foster:** Regulated export tariffs apply only to small renewable generators up to 1 megawatt capacity, which, at present, make up approximately 10% of total installed renewable generation capacity. Any supplier is free to offer a tariff, however Power NI is the only supplier required under its licence to offer a tariff. This condition was included in Power NI's licence by the Utility Regulator in order to ensure that small generators would have a route to market. The Utility Regulator approves the tariff offered by Power NI taking into consideration a number of factors. Other categories of renewable generation (which make up the vast majority of Northern Ireland's renewable output) are subject to other arrangements.

## Causeway Coast: Investors

**Mr Campbell** asked the Minister of Enterprise, Trade and Investment what steps she can take to ensure that NI Electricity is prepared to respond positively to the case being made by those seeking to attract inward investors to the causeway coast area that sufficient energy generation will be available to meet the demand.

**(AQW 32359/11-15)**

**Mrs Foster:** Northern Ireland Electricity (NIE) does not generate electricity, but instead owns and operates the transmission and distribution networks used to bring electricity to customers. Its activities are overseen by the Utility Regulator under the Price Control process which is designed to balance investment, such as development of the electricity network, against impact on customer bills. My Department has no role in the price control process. The System Operator for Northern Ireland (SONI) assesses adequacy of generation capacity, and I am satisfied that electricity demand across all of Northern Ireland will continue to be met.

## Renewable Energy Sources

**Mr McElduff** asked the Minister of Enterprise, Trade and Investment what is defined as an acceptable balance of renewable energy sources; and what percentage should be wind energy.

**(AQW 32405/11-15)**

**Mrs Foster:** The balance of renewable energy technologies is determined by a range of factors including available resource (such as wind, sunlight, tides and fuel e.g. energy crops), the regulatory and planning framework and government policy. The Strategic Energy Framework target of 40% electricity consumption from renewable sources by 2020 is technology neutral and market led. The precise mix depends on decisions made by private sector energy companies.

## Invest NI: USA Offices

**Mr Allister** asked the Minister of Enterprise, Trade and Investment what guidance exists in respect of the expression of political opinions by staff employed by InvestNI in their offices in the USA and elsewhere; and whether there is a complaint from the British Consul General being investigated regarding the head of the West Coast office, operated by InvestNI in San Francisco.

**(AQW 32407/11-15)**

**Mrs Foster:** Invest NI enjoys the support of the British Consulate-General and UK Trade & Investment in San Francisco. There have been no complaints raised by the Consul General or her office regarding Invest NI's activities in San Francisco.

Invest NI's representatives in overseas markets, including the USA, are included in the circulation of relevant guidance from the Northern Ireland Civil Service about expected behaviour, including political impartiality. Invest NI's Vision and Values are well embedded in the organisation, with a robust process in place to set expectations of the standards required. Each representative receives an induction programme and guidance is also made available through the Invest NI intranet and e-learning system, both of which can be accessed by all overseas offices.

## Assembly: Motions Debated

**Mr McNarry** asked the Minister of Enterprise, Trade and Investment to detail (i) the number of Motions debated in the Assembly that she has responded to in the last two years; and (ii) the action that she has taken following any Motion that was passed.

**(AQW 32424/11-15)**

**Mrs Foster:**

- (i) 22
- (ii) Any actions taken or not taken, following motions responded to by me, have been dependent on my Department's ability to deliver the outcomes sought in each individual motion.

## Enterprise Investment Scheme

**Mr Agnew** asked the Minister of Enterprise, Trade and Investment what assessment he has made of the impact of the UK Budget announcement that companies benefiting from Renewable Obligation Certificates or the Renewable Heat Incentive will be excluded from the Enterprise Investment Scheme on community energy projects; and whether any representation has been made regarding Northern Ireland's specific circumstances.

**(AQW 32475/11-15)**

**Mrs Foster:** As a tax relief, the operation of the Enterprise Investment Scheme (EIS) is a matter for HM Treasury. My officials have engaged with colleagues in DFP to discuss with HM Treasury any potential Northern Ireland specific issues arising from the Budget announcement on EIS.

## Great Northern Business Park, Omagh

**Mr McAleer** asked the Minister of Enterprise, Trade and Investment what steps her Department has taken, through InvestNI, to source tenants for available office space at the Great Northern Business Park, Omagh.

**(AQW 32479/11-15)**

**Mrs Foster:** Invest NI has been engaging with both the developer of the Great Northern Business Park and their property agent over a number of years.

Through this engagement the organisation has been able to highlight their offering to potential investors. Whilst Invest NI is unable to direct investors to specific locations it has proactively marketed the available office space through its NI Business Information website.

In addition and where it has been appropriate for it to do so, the agency has included the office accommodation as a potential solution in bespoke searches and visit programmes conducted on behalf of potential investors.

I can assure you that Invest NI will continue to highlight both the Great Northern Business Park and other suitable property solutions of which it is aware to investors as it continues its efforts to attract investment to the Omagh area.

## DETI: Vacancies and Agency Staff

**Mr Dallat** asked the Minister of Enterprise, Trade and Investment to detail the (i) vacancies; and (ii) agency staff in her Department, broken down by grade.

**(AQW 32569/11-15)**

**Mrs Foster:** The information requested is set out in Table 1 and Table 2 below.

**Table 1: Vacancies**

Grade	No of Staff
Grade 7	4
Deputy Principal	1
Deputy Principal Accountant	1
Deputy Principal Information Officer	1
Staff Officer	2
Staff Officer Accountant	1
Staff Officer Auditor	1
Staff Officer Economist	1
Trainee Trading Standards Inspector	1
EO1 Examiner	1
EO2	2
EO2 Trainee Examiner	3
Admin Officer	1
Admin Assistant	2
Support Grade Band 2	4
Technical Grade 1	2
<b>Total</b>	<b>28*</b>

\* It should be noted that not all vacant posts in DETI are currently being actively filled as some are under review.

**Table 2: Agency Staff**

Grade	No of Staff
Information Officer	1
Admin Officer	1
Admin Assistant	3
<b>Total</b>	<b>5</b>

### Enterprise Zone: Coleraine

**Mr Campbell** asked the Minister of Enterprise, Trade and Investment what steps she will take to promote the Enterprise Zone at Coleraine, locally and internationally, over the next twelve months.

**(AQW 32611/11-15)**

**Mrs Foster:** The UK Government's Economic Pact, published on 14 June 2013, set out 3 commitments in relation to Enterprise Zones, focusing on Enhanced Capital Allowances (ECAs) which permit 100% first year allowances for qualifying plant and machinery expenditure. The pilot Enterprise Zone announced in the Budget statement on 19 March will only offer ECAs as an incentive. State Aid rules stipulate that ECAs cannot be offered alongside other forms of regional aid such as Selective Financial Assistance, business rate discounts etc. ECAs will therefore only be attractive for large, capital-intensive projects where the benefits from ECAs would outweigh other forms of available support.

The final decision to designate a zone offering ECAs is a decision for Treasury. DETI and DFP are working alongside Treasury to ensure that the necessary arrangements are taken as quickly as possible following the Budget announcement.

Subject to timescales for establishing the zone, we will liaise with the University of Ulster (UU) and Coleraine Borough Council as appropriate to agree how the site will be marketed.

Designating this Enterprise Zone in Northern Ireland is another tool to lever economic growth. Data centres are a strategically important piece of telecommunications infrastructure. Such investments can be crucial in the development of the ICT sector as a whole and will, without doubt, enhance the proposition Northern Ireland can offer to inward investors who are increasingly globally connected.

Invest NI's overseas sales teams will promote the new data centre to relevant companies in international markets. This, along with the excellent telecoms and IT research base at UU Coleraine and the engineering talent available in the North West region should help attract more FDI and local companies to explore the location as a suitable place to establish and grow their operations from.

### Broadband: North Antrim

**Mr Storey** asked the Minister of Enterprise, Trade and Investment for an update on broadband provision in North Antrim.

**(AQO 5984/11-15)**

**Mrs Foster:** Broadband services are already available to all premises across Northern Ireland through a mix of technology options. However, I recognise that more can be done to raise the speed and quality of those services.

Members are no doubt aware of the recent announcement I made regarding the 'Northern Ireland Improvement Project' which I anticipate will deliver improved broadband services to over 45,000 premises. These will be located all across Northern Ireland, including the North Antrim area.

Planning and survey work has commenced and will take place in a number of phases across Northern Ireland with a view to overall completion of the project by December 2015.

### Quinn Group: Invest NI Support

**Mr Elliott** asked the Minister of Enterprise, Trade and Investment how much financial support InvestNI has provided to the Fermanagh/Cavan based Quinn Group since 2004.

**(AQO 5982/11-15)**

**Mrs Foster:** Since 2004 Invest NI has offered Quinn Group companies a total of two million, three hundred and nineteen thousand, three hundred and twenty two pounds of support towards job creation, capital expenditure and training.

### Economic Development: Councils

**Mr McNarry** asked the Minister of Enterprise, Trade and Investment for her assessment of the contribution local councils make to economic development in their area.

**(AQO 5983/11-15)**

**Mrs Foster:** Local councils have a long history of encouraging and supporting economic development in their local areas, often in partnership with Invest NI.

Since 2007 Councils have been delivering support focused on helping small and micro businesses improve their capability through bespoke initiatives funded through the Local Economic Development Measure of the EU Sustainable Competitive Programme.

Almost One Hundred and Fifty of these projects are being delivered with support from Invest NI, my Department and Europe. Councils have invested more than Twenty Million pounds in Local Economic Development projects.

### TeleTech

**Mr Humphrey** asked the Minister of Enterprise, Trade and Investment for an update on the TeleTech call centre in Belfast. (AQO 5985/11-15)

**Mrs Foster:** Telettech confirmed last week that it had not been successful in a re-bidding process for the Nissan Europe contract. This unfortunately means that the company will have around One Hundred and Eighty Five redundancies from its Duncairn Gardens site in North Belfast, which will take place on a phased basis between 14th May and the end of July.

Invest NI has been in regular contact with both the management team at the company's Belfast site and their management team at the company's headquarters in Colorado to establish if there are any other opportunities that the company may explore. In addition, colleagues from DEL have contacted the company to provide advice and support through DEL's redundancy service.

Invest NI continues to pro-actively engage with the company to explore any opportunities that may arise going forward.

### Tourist Facilities: Councils

**Mr McCarthy** asked the Minister of Enterprise, Trade and Investment how her Department will co-ordinate with the eleven new councils in relation to promoting local tourist facilities. (AQO 5986/11-15)

**Mrs Foster:** My Department, through Tourism Ireland and Northern Ireland Tourist Board, will work with local councils to develop and promote local tourist facilities by focusing on our nine key tourism areas.

The Chief Executive of the Northern Ireland Tourist Board plans to meet with the Chief Executives of the eleven new councils to discuss how NITB will work with them in relation to the development and promotion of the tourism offering in their local areas going forward from 1st April 2015.

### Nevin Economic Research Institute

**Ms Maeve McLaughlin** asked the Minister of Enterprise, Trade and Investment for her assessment of the Nevin Economic Research Institute's most recent Quarterly Economic Observer. (AQO 5987/11-15)

**Mrs Foster:** I have noted the findings of the research report in relation to low pay in Northern Ireland.

I have a concern that the paper doesn't give sufficient weight to the varying costs of living in different UK regions outside of London when defining a 'living wage', which may overstate the percentage of local people that earn below this threshold.

Nevertheless, I am well aware of the need to raise wages in the economy. That is why the Economic Strategy clearly outlines an aim to improve the wealth and living standards of everyone. My Department helps to deliver on this by promoting jobs that offer salaries above the private sector median wage.

### HGV Road User Levy

**Mr McAleer** asked the Minister of Enterprise, Trade and Investment for an update on the research by the Centre for Economic Policy Research on the economic impact of the Heavy Goods Vehicle Road User Levy. (AQO 5988/11-15)

**Mrs Foster:** My Department, in conjunction with the Northern Ireland Centre for Economic Policy, is carrying out research into the "Cost of Doing Business" in Northern Ireland. The aim of this research is to benchmark the cost of doing business in Northern Ireland across a wide range of areas, including transport costs.

The research will not include a specific assessment of the economic impact of the Heavy Goods Vehicle Road User Levy, rather it will identify the importance of transport costs for local companies, along with cost increases faced over the past year.

The UK Government estimates that nine out of ten UK registered Heavy Goods Vehicle operators should experience no overall change as a result of the Levy, due to reductions in Vehicle Excise Duty.

### HGV Road User Levy

**Mr A Maginness** asked the Minister of Enterprise, Trade and Investment to outline any recent discussions she has had with the Irish and British Governments on the introduction of the Heavy Goods Vehicles Road User Levy. (AQO 5989/11-15)

**Mrs Foster:** I have not had any discussions with the UK Government or the Government of the Republic of Ireland about the Heavy Goods Vehicle Road User Levy. This is a matter which falls to the Minister of the Environment and I am aware that he has corresponded with the UK Minister responsible for the Levy.

### Labour Force Survey: Economic Indicators

**Mr Copeland** asked the Minister of Enterprise, Trade and Investment for her assessment of the figures in the latest Northern Ireland Labour Force Survey in regard to key economic indicators.

**(AQO 5990/11-15)**

**Mrs Foster:** Recent statistics on the labour market have been encouraging.

The number of people claiming unemployment benefits fell for the thirteenth consecutive month, decreasing by seven thousand one hundred since January 2013.

The number of employee jobs also rose for the eighth consecutive quarter, with an additional twelve thousand three hundred jobs over the last year.

These figures, along with other improvements in economic data, have led independent forecasters to increase their forecasts for output and employment growth in the local economy.

## Department of the Environment

### Planning Permission: Discharge Consents

**Mr Agnew** asked the Minister of the Environment whether he will take steps to prevent his Department from granting discharge consents to any more developments that do not have planning permission, in order to prevent a repeat of the Mobuoy Road situation.

**(AQW 32243/11-15)**

**Mr Durkan (The Minister of the Environment):** The Department of the Environment's (DOE) Planning Policy Statement 11 (PPS 11) states that the planning and pollution control systems are separate but complementary systems of control and regulation designed to protect the environment from harm as a result of development and related operations.

Planning control focuses primarily on whether the development itself is an acceptable use of the land, rather than on the control of the processes or substances involved, and regulating the location of the development in order to avoid or minimise adverse effects on people, the use of land and the environment.

The pollution control regime is concerned with the control and regulation of proposed operations and processes and with their day to day operation.

The Northern Ireland Environment Agency (NIEA), as a consultee, recommends in its advice that applicants should apply for and obtain any required environmental authorisations prior to beginning construction or operations on site.

However, in circumstances where NIEA is made aware of a site/activity operating without the necessary planning permissions, the Department's priority will be to use its legislative powers to protect the environment where possible.

NIEA will visit the site to determine if there are any potentially polluting discharges and where necessary require the site owner to apply for a consent to discharge under the Water (NI) Order 1999. NIEA will decide if a consent may be issued or not, and once a consent is issued will sample the discharge to ensure the consent holder complies with its conditions to ensure protection of the water environment.

By adopting this position in relation to such developments NIEA can bring potentially polluting discharges under the regulatory regime and therefore ensure that the water environment is being protected while the legality of the site is being resolved through the planning system.

Discharges are likely to occur from such sites whether or not Planning approval is in place, therefore it is important that these discharges are regulated.

The issue of a consent to discharge is not an endorsement of the development, it is rather an acknowledgement by the Department that the site is in existence and that there is an existing discharge that needs regulating.

### Driver and Vehicle Agency: Coleraine

**Mr Campbell** asked the Minister of the Environment to detail (i) the maximum number of personnel who could be accommodated within the premises that are currently occupied by Driver and Vehicle Agency employees in Coleraine; and (ii) any other suitable office accommodation in the immediate location.

**(AQW 32245/11-15)**

**Mr Durkan:** As the Department of Finance and Personnel (DFP) has responsibility for the County Hall Coleraine site they have advised that the main County Hall building has 416 workstations of which 270 are currently occupied by DVA. In addition

a separate building within the complex houses approximately 90 workstations for the DVA Driver Licensing staff, totalling 360 workstations.

DFP have further advised that if major structural modifications were carried out and the entire County Hall building was refurbished to Workplace NI standards, it could accommodate at least 570 workstations, an increase of 37%. It is estimated that the necessary structural refurbishment work would cost in the region of £6M.

In response to your enquiry regarding any other suitable office accommodation in the immediate location, DFP have confirmed that the only other office accommodation within the DFP estate is the Jobs and Benefits Office, Artillery Road, Coleraine which is currently fully utilised.

### **Wired or Less Meeting**

**Lord Morrow** asked the Minister of the Environment, pursuant to AQW 29799/11-15, in what capacity did the Chair of the Committee for the Environment advise she was attending.

**(AQW 32314/11-15)**

**Mr Durkan:** Officials' recollection of the meeting, on 8 November 2013, is that Ms Lo advised that she was acting in her capacity as an MLA, rather than as Chair of the Environment Committee.

### **Tullaghoge Fort, County Tyrone**

**Mr McKay** asked the Minister of the Environment what assurances he can give that the renting of departmental land near Tullaghoge Fort, County Tyrone, to the highest bidder will result in minimal impact on the historic and natural environment while complying with departmental policy, maximising the potential for this monument and enhancing biodiversity of the land.  
**(AQW 32320/11-15)**

**Mr Durkan:** I have been advised by my Departmental officials that the lands acquired by my Department at Tullaghoge Fort are not being 'rented to the highest bidder' but rather that DOE will issue a one-off licence to take a single hay crop from these lands during August 2014.

DOE has developed a legally-binding licence which includes a site-specific management prescription designed to enhance the biodiversity of the Tullaghoge lands. These were cultivated and heavily fertilised prior to acquisition by my Department from DARD. The application of fertilizer will be prohibited and the seeding of wild flowers prior to cropping will aid the gradual development of a species-rich meadow.

Before awarding the licence, DOE will, with the permission of the applicant, undertake a range of checks to ensure that the highest bidder does not have a previous history of environmental or agricultural compliance breaches that would cause DOE concern over the applicant's ability to comply with the licence conditions. If these checks show that the highest bidder has a history of compliance breaches, warnings or prosecutions, DOE may decide not to award the licence to that bidder, thereby minimising the risk of damage to the site.

In taking forward the award of licences on Departmental lands such as those at Tullaghoge, DOE will seek to ensure that the historic and biodiversity value of its lands are enhanced.

I hope this provides you with the assurances you require.

### **Tullaghoge Fort, County Tyrone**

**Mr McKay** asked the Minister of the Environment what assurances he can give that the land around Tullaghoge Fort, County Tyrone will be managed to comply with his own Department's remit of nature conservation while also allowing public access to these lands for the benefit of the community and their better understanding of our native heritage in terms of our history and biodiversity.

**(AQW 32331/11-15)**

**Mr Durkan:** My Department has commissioned studies into the development of lands adjacent to and including Tullaghoge Fort as a visitor destination. Careful consideration is being given to protecting its historic heritage and enhancing its native biodiversity while complying with the current Departmental remit to maximise the potential of this important monument for the local economy.

I have been assured by my Departmental officials that, as an interim management regime for the coming summer, DOE will be licensing the taking of a single hay crop from the Tullaghoge lands during the month of August. This will prevent the area from becoming overgrown and begin a process of converting previously fertilised and cultivated land into wildflower-rich meadow or permanent pasture. It will have no adverse impact on the historic heritage.

Revised plans will protect the existing mature woodland adjacent to the Cookstown-Tullaghoge Road. Cookstown District Council has now acquired lands which will enable safe road access to be provided to the south of the existing access. DOE will provide car parking, visitor facilities, interpretation of the historic importance of the Fort for the inauguration of The O'Neill, and an area for the holding of public events with mown grassland. Preliminary investigation of the area where these developments will be carried out has shown that they are unimportant for archaeology.

I have also been assured that if, in the future, any parts of the site such as the woodland, were transferred, for example, to the local council, DOE officials would provide management advice to ensure its continued management for all its conservation interests.

In response to AQW 30523/11-15 I advised that upon completion of the site works a management plan will be drawn up that will focus on all aspects of this site, from maintenance of the car park, provision of toilets and access, to conservation of the fort itself and the use of land around it to ensure the long- term preservation of the site and ensure good management practice will be implemented. This position has not changed.

I trust this answer provides you with the assurances you require.

### **European Birds and Habitats Directives**

**Mr Agnew** asked the Minister of the Environment (i) to outline his understanding of the precautionary principle; (ii) whether this principle underpins the proper implementation of the European Birds and Habitats Directives; and (iii) how this principle was considered and applied by his Department in relation to the unregulated mineral extraction from Lough Neagh Special Protection Area.

**(AQW 32333/11-15)**

**Mr Durkan:** Where plans or projects are proposed which may have a likely significant effect on a site, an assessment of the impact is required. In these cases consent can only be given having ascertained no adverse effect on the integrity of the site. As the Department has never issued permission for extraction of sand from Lough Neagh no assessment has been undertaken.

### **Lough Neagh Special Protection Area: Mineral Extraction**

**Mr Agnew** asked the Minister of the Environment whether his Department's non-regulation of the unauthorised mineral extraction from Lough Neagh Special Protection Area places the UK Member State at risk of infraction proceedings from Europe.

**(AQW 32334/11-15)**

**Mr Durkan:** Infraction proceedings against a Member State are a matter for the European Commission. I am unaware of any consideration of such proceedings by the Commission in respect of the Lough Neagh Special Protection Area

### **Driver and Vehicle Agency: Coleraine**

**Mr Dallat** asked the Minister of the Environment what support he received from the Secretary of State to retain the Driver and Vehicle Agency in Coleraine.

**(AQW 32339/11-15)**

**Mr Durkan:** From the outset of the Driver and Vehicle Licensing Agency (DVLA) proposals for the centralisation of vehicle registration and licensing becoming known, my predecessor, Alex Attwood, and I have engaged with the Secretary of State for Northern Ireland on a number of occasions to seek support for the retention of these services and jobs locally.

While the Northern Ireland Secretary had expressed concern about the impact of the jobs losses in the Driver and Vehicle Agency (DVA), she also pointed out that the future of vehicle registration and licensing services was essentially an operational matter for the Transport Secretary.

### **Driver and Vehicle Agency: Staff**

**Mr Dallat** asked the Minister of the Environment what evidence is available that the Prime Minister honoured his pledge that the future of the Driver and Vehicle Agency staff in Coleraine would be assessed by his Office.

**(AQW 32341/11-15)**

**Mr Durkan:** Both I and my predecessor, Alex Attwood, have received full support from the First and deputy First Ministers in the campaign to retain vehicle licensing services and jobs in Northern Ireland. The First Minister and deputy First Minister raised this issue with the Prime Minister at a meeting in March 2013 and again when Mr Cameron attended the economic conference in Belfast in October last year.

I have no direct evidence of the degree to which the Prime Minister's office was directly involved in the decision to centralise vehicle licensing in Swansea, I have noted that both in the written statement by the Transport Secretary to the House of Commons on 13 March and in a letter to me from Stephen Hammond MP, the Transport Minister with responsibility for vehicle licensing, it is stated that the decision has been made after consultation with Ministerial colleagues.

### **Planning Office: South Antrim**

**Mr Frew** asked the Minister of the Environment, pursuant to AQW 31678/11-15, (i) why South Antrim Area Planning office has the lowest number of staff; (ii) how this has affected the work of the area office; and (iii) what action he is taking address this issue.

**(AQW 32344/11-15)**

**Mr Durkan:**

- (i) Staffing levels in the Area Planning Offices are mainly determined by using the outputs from the Department's Workforce Model for Planning. The Workforce Model takes account of the workload volumes in the Division and gives an indication of the numbers of staff required at the key grades. In light of the much reduced volume of planning applications, Planning has had to align its staffing levels and costs more closely to the work demands and revenue in each Area Planning Office. The South Antrim Area office has the lowest caseload and receives amongst the lowest number of applications.
- (ii) In terms of performance indicators the South Antrim Area Office has continued to perform well in processing times for planning applications. The Development Management statistics, available up to the second quarter of the financial year, demonstrate that the South Antrim Area Office was meeting all of its targets and was the highest performing Area Planning Office.
- (iii) The Workforce Model is a flexible manpower modelling tool that can be adapted to run alternative scenarios in terms of application numbers and application type. Should there be an increase or decrease in workloads in any Area Planning Office this will be reflected in the outputs from the Workforce Model and action can be taken to address any surplus or shortfall in staffing numbers.

**Planning Policy Statement 23**

**Mrs Dobson** asked the Minister of the Environment what benefit the introduction of PPS23 would have on large scale economic development projects seeking planning approval.

**(AQW 32378/11-15)**

**Mr Durkan:** Draft PPS 23 and its associated Best Practice Guide on enabling development were published for public consultation in January 2011. The public consultation period ended on 6 May 2011 and generated 62 responses from a diverse range of public, private and voluntary bodies. The issues raised through the consultation exercise have been considered and the document has been revised. I can advise that I submitted PPS23 to the Executive for their consideration on 7 April 2014. The Executive have agreed the policy and it is my intention to publish PPS23 as soon as possible. It would not be appropriate for me to comment on the final policy in advance of publication.

**Planning Policy Statement 23**

**Mrs Dobson** asked the Minister of the Environment when PPS23 will be brought to the Executive.

**(AQW 32380/11-15)**

**Mr Durkan:** I can advise that I submitted PPS23 to the Executive for their consideration on 7 April 2014. The Executive have agreed the policy and it is my intention to publish PPS23 as soon as possible.

**Driver and Vehicle Agency: Services**

**Lord Morrow** asked the Minister of the Environment to detail all the services and facilities which will no longer be available in Northern Ireland following the transfer of Driver and Vehicle Agency functions to Swansea.

**(AQW 32381/11-15)**

**Mr Durkan:** The Driver and Vehicle Agency is responsible for testing and licensing drivers, testing vehicles, licensing bus and taxi operators and taxi drivers, roadside enforcement to ensure compliance with licensing and testing requirements and, under an agency agreement with the Driver and Vehicle Licensing Agency (DVLA) in Swansea, the registration and licensing of vehicles.

On 13 March 2014, the Transport Secretary announced that the agreement with my Department under which vehicle registration and licensing work is undertaken in Northern Ireland would be terminated and that the DVLA in Swansea would assume all responsibility for these functions.

While it will be for the DVLA and the Department for Transport to make known the new arrangements for the licensing and registration of vehicles and for the collection and enforcing payment of vehicle excise duty in Northern Ireland, I understand that the DVLA intends to replicate arrangements in Britain and to provide these services online, by post and telephone and through a number of Post Offices.

The DVA will provide no vehicle licensing services after July this year but all of the other functions of the Agency outlined above are unaffected by the DVLA plans for the centralisation of vehicle licensing.

**Planning (General Development) Order 1993: Part 16A**

**Mr Agnew** asked the Minister of the Environment, pursuant to AQW 31843/11-15, to outline any additional benefits the petroleum and gas exploration and drilling industry will accrue from his recent introduction of Part 16(A) of the General Development Order.

**(AQW 32427/11-15)**

**Mr Durkan:** Part 16A (Development Ancillary to Mining Operations) of Schedule 1 to The Planning (General Development) Order (Northern Ireland) 1993 S.R. 1993 No. 278 (as amended) provides permitted development rights for development ancillary to mining operations on land used as a mine. "Mining operations" are defined under the Order as "the winning and working of minerals in, on or under land, whether by surface or underground working". In addition, the principal purpose of the development provided for by Part 16A must be connected to the winning and working of minerals and the treatment, storage and removal of such minerals.

For the purposes of the Order "mineral exploration" means "ascertaining the presence, extent or quality of any deposit of a mineral with a view to exploiting that mineral". Mineral exploration is thus an activity distinct and separate from the later winning and working of minerals, to which the provision of plant and machinery permitted by Part 16A is ancillary.

Mineral exploration permitted development rights are separately provided for under Part 16 of Schedule 1 to the Planning (General Development) Order (NI) 1993.

My Department therefore takes the view that Part 16A does not provide permitted development rights for exploratory drilling on land at a mine or indeed in any other location. As such, it is difficult to identify any additional benefits that the petroleum and gas exploration industry might accrue from the recent introduction of Part 16(A) of the General Development Order.

### **Planning (General Development) Order 1993: Part 16A**

**Mr Agnew** asked the Minister of the Environment, pursuant to AQW 31843/11-15, what impact his Department's decision not to implement the Review of Old Minerals Permissions and the recent changes to Part 16(A) of the General Development Order has had on the ability of developers seeking to carry out exploratory drilling for petroleum to exploit any lack of environmental controls.

**(AQW 32428/11-15)**

**Mr Durkan:** Part 16A (Development Ancillary to Mining Operations) of Schedule 1 to The Planning (General Development) Order (Northern Ireland) 1993 S.R. 1993 No. 278 (as amended) provides permitted development rights for development ancillary to mining operations on land used as a mine. "Mining operations" are defined under the Order as "the winning and working of minerals in, on or under land, whether by surface or underground working". In addition, the principal purpose of the development provided for by Part 16A must be connected to the winning and working of minerals and the treatment, storage and removal of such minerals.

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Mineral exploration permitted development rights are separately provided for under Part 16 of Schedule 1 to the Planning (General Development) Order (NI) 1993.

My Department therefore takes the view that Part 16A does not provide permitted development rights for exploratory drilling on land at a mine or indeed in any other location. As such, it is difficult to identify any additional benefits that the petroleum and gas exploration industry might accrue from the recent introduction of Part 16(A) of the General Development Order.

### **Planning (General Development) Order 1993: Part 16A**

**Mr Agnew** asked the Minister of the Environment, pursuant to AQW 31843/11-15, whether a rig for carrying out (i) exploratory drilling; and (ii) hydraulic fracturing could fall within the definition of plant and machinery for the purpose of Part 16(A) of the General Development Order.

**(AQW 32429/11-15)**

**Mr Durkan:** Part 16A (Development Ancillary to Mining Operations) of Schedule 1 to The Planning (General Development) Order (Northern Ireland) 1993 S.R. 1993 No. 278 (as amended) provides permitted development rights for development ancillary to mining operations on land used as a mine. "Mining operations" are defined under the Order as "the winning and working of minerals in, on or under land, whether by surface or underground working". In addition, the principal purpose of the development provided for by Part 16A must be connected to the winning and working of minerals and the treatment, storage and removal of such minerals.

For the purposes of the Order "mineral exploration" means "ascertaining the presence, extent or quality of any deposit of a mineral with a view to exploiting that mineral". Mineral exploration is thus an activity distinct and separate from the later winning and working of minerals, to which the provision of plant and machinery permitted by Part 16A is ancillary.

Mineral exploration permitted development rights are separately provided for under Part 16 of Schedule 1 to the Planning (General Development) Order (NI) 1993.

My Department therefore takes the view that Part 16A does not provide permitted development rights for exploratory drilling on land at a mine or indeed in any other location. As such, it is difficult to identify any additional benefits that the petroleum and gas exploration industry might accrue from the recent introduction of Part 16(A) of the General Development Order.

## Review of Old Minerals Permissions Legislation

**Mr Agnew** asked the Minister of the Environment, pursuant to AQW 31843/11-15, whether he will ensure that any old quarry that is operating, or capable of resuming operation outside of modern day environmental requirements, is first reviewed in accordance with the required Review of Old Minerals Permissions legislation before any proposal to locate exploratory drilling for petroleum is permitted.

**(AQW 32430/11-15)**

**Mr Durkan:** The legislative provisions in relation to the Review of Old Mineral Permissions (ROMPS) have not yet been commenced.

Permitted development rights for mineral exploration are provided for under Part 16 of Schedule 1 to the Planning (General Development) Order (NI) 1993. For the purposes of The Planning (General Development) Order (Northern Ireland) 1993 S.R. 1993 No. 278 mineral exploration means “ascertaining the presence, extent or quality of any deposit of a mineral with a view to exploiting that mineral”.

Importantly, there are certain limitations and conditions associated with Part 16 permitted development rights including pre-commencement notification to the Department of the Environment giving details of the location, target mineral, details of plant and operations and anticipated timescale. A developer, should they wish to invoke these permitted development rights, must notify the Department of these details in order that a decision can be taken on whether or not the permitted development right should be removed and the proposal made subject to the full planning application process.

Where this is the case, the developer must then submit an application for planning permission. This applies to all land, not just land at a mine.

## Planning Offices

**Mr Weir** asked the Minister of the Environment how many vacancies currently exist in each Local Area Planning Office; and what steps are being taken to fill these vacancies.

**(AQW 32450/11-15)**

**Mr Durkan:** The number of vacancies in each Planning Office is listed in the table below, showing Professional and Technical (P&T) administrative staff vacancies separately.

Planning Office and Council areas served	Vacancies @ 23 /3/14
Belfast Area Planning Office – Belfast City Council area.	1 P&T 2 Admin
Western Area Planning Office – Omagh, Fermanagh, Dungannon, Magherafelt, Cookstown Council areas.	0
Northern Area Planning Office – Derry, Strabane, Limavady, Coleraine, Ballymoney, Moyle Council areas.	2 P&T 2 Admin
South Antrim Area Planning Office - Ballymena, Carrickfergus, Larne, Antrim and Newtownabbey Council areas.	2 Admin
Southern Area Planning Office - Armagh, Banbridge, Craigavon, Down and Newry & Mourne Council areas.	3 Admin
Downpatrick Area Planning Office - Castlereagh, Lisburn , Ards and North Down Council areas.	2 P&T

- The Western Office has a sub office located in Enniskillen, and the Northern Office is split across two sites in Derry and Coleraine.
- Figures for the Northern Office include the Business Support Team which provides support to all of the Area Planning Offices.
- The P&T posts will be filled by internal promotion.
- The Admin posts will be offered to DVA staff as redeployment opportunities.
- One Admin post in Belfast is being filled from an external recruitment competition.

## Snares

**Mr Wells** asked the Minister of the Environment for an update on the control of the use of snares.

**(AQW 32472/11-15)**

**Mr Durkan:** Extensive debate during the passage of the Wildlife and Natural Environment Act through the Assembly resulted in a majority vote for permitting the continued use of snares. It is the Department’s objective to have in place an effective means of pest control which is mindful of animal welfare and is widely acceptable. I would also like to see a means of managing pest control which is not burdensome to undertake or overly bureaucratic to administer. In 2013 the Department

undertook a consultation which sought views on a proposed Northern Ireland Snares Order and associated draft Code of Practice.

The Order proposed introducing further technical standards in relation to the design and use of snares while the code is intended to serve as best practice guidance material for snare users. The responses highlighted different attitudes towards snares between environmental non-governmental organisations, land manager and field sports interests; with no clear way forward being evident. My officials have held discussions with stakeholders on this issue and I am due to meet animal welfare interest groups shortly, which will assist in determining the way forward.

## Recycling

**Mrs Cochrane** asked the Minister of the Environment how he plans to support local councils to increase recycling rates following the introduction of the eleven council model.

**(AQO 5910/11-15)**

**Mr Durkan:** Over the past four years the Department's Rethink Waste Programme has assisted local councils to increase their recycling rates through a range of incentives from the provision of financial assistance to technical advice to communications.

Under the Rethink Waste Fund, grants of £8.88 million have been awarded to councils to cover the capital costs of improving or extending their existing waste collection, re-use and recycling infrastructure.

Councils and other stakeholders have made great strides in increasing recycling rates and encouraging waste prevention over the last decade. To maintain the momentum of increasing recycling rates, further plans for significant funding for the development of kerbside services and recycling infrastructure, communications and training are being developed by my Department to assist the new councils.

## Waste Disposal: Western Region

**Ms McGahan** asked the Minister of the Environment whether he has given consideration to a strategic sub-regional approach for the future of waste disposal in the Western region given that potential Southern Waste Management Partnership and North West projects have faltered.

**(AQW 32624/11-15)**

**Mr Durkan:** Local government is responsible for designated waste management functions and under current legislation it is for local government to determine how best to deliver those functions. In light of increasingly stringent waste targets, and the difficult challenges waste infrastructure procurement for long term contracts has presented at council level, councils are required to give careful and informed consideration to all the options available to maximise the efficiency and cost-effectiveness of their waste management services.

A new governance structure to facilitate more effective delivery of statutory waste functions by local and central government, the Waste Co-ordination Group, has been established by the Department. Local government is already considering strategic options for revised delivery of its waste management functions under the new council configurations and will bring those to the new Waste Co-ordination Group for consideration in due course.

## Cycling: Accident Prevention

**Mr McCartney** asked the Minister of the Environment what action he is taking to reduce serious injuries and deaths of cyclists caused by road accidents.

**(AQO 5909/11-15)**

**Mr Durkan:** The Road Safety Strategy contains over 200 action measures to be taken forward by road safety partners, including my Department. It includes a range of actions that relate to cyclists' safety.

Actions which my Department has taken include with regard to cyclist safety include:

A range of advertising campaigns including 'Be Cycle Aware', 'Respect everyone's journey' and 'Share the Road to Zero'. Drivers are responsible for the majority of collisions. Changing the attitudes and behaviours of drivers is therefore the most effective way of protecting all road users, and our campaigns concentrate on changing such behaviours.

A 'Cycling Skills & Cycling Safety' guide, developed jointly by DOE and DRD, which provides information on the benefits of cycling, on basic safety requirements and on the rules of the road.

The Cycling Proficiency Scheme (CPS) is offered by DOE to every primary school in Northern Ireland. Over 530 Primary Schools participate in the scheme, with over 8,000 children benefiting from the scheme each year. Following a review of CPS, DOE is creating an enhanced CPS which will incorporate the road safety objectives of the British National Standard for cycle training. The enhanced scheme is due to launch in 2015 with the new on-road training element launching in 2016.

Between 2008 and 2012, six cyclists died on our roads. The latest data available indicates that, in 2013, four cyclists died on our roads. In 2012, 55 cyclists were seriously injured, an increase of 53% from the 36 cyclists who were seriously injured in 2003. The rate of Pedal Cyclist deaths and serious injuries per 100 million kilometres cycled in 2012, the latest figures available, was 69, an increase of 15% on the 2004-2008 baseline of 60.

Given the rise in cyclist casualties, my Department has commissioned a new campaign around cyclist safety. This campaign is due to go on air from Friday 18 April 2014 and will run throughout the Giro D'Italia. An education pack based on the new campaign is in preparation and will be made available to schools and to a wider audience through the NI Direct website.

I recognise the continuing challenges of reducing casualties on our roads, and believe that any death is one too many. I will therefore continue to work to reduce road casualties, including those of cyclists.

### George Best Belfast City Airport

**Mr Maskey** asked the Minister of the Environment for his assessment of the impact on residents of south and east Belfast should the cap be lifted on passenger numbers at George Best Belfast City Airport.  
(AQO 5911/11-15)

**Mr Durkan:** The Airport has formally submitted a request to the Department to vary the terms of the existing Planning Agreement to remove the Seats for Sale limit and replace it with a noise control contour cap.

The Department has not yet formed an opinion on the merits of the Airport's proposals which will be subject to an independent public inquiry to be held by the Planning Appeals Commission (PAC). The potential impact on residents will ultimately depend on the size of the noise control contour which is finally agreed between the Department and the Airport following the inquiry. This control will, if agreed, operate in tandem with other restrictions and obligations that currently operate at the Airport.

It is the Department's intention to adopt a neutral stance at the public inquiry, pending the outcome. The purpose of the inquiry is to facilitate an open and informed debate and to allow the PAC to report on the evidence presented. Residents of south and east Belfast may wish to participate in the process. The inquiry will, among other things, consider the impact of noise on the local population.

I will make a final decision on if, and how the Planning Agreement should be modified following careful consideration of the PAC's findings.

## Department of Finance and Personnel

### Civil Service and Agency Estate: Showers

**Mr McKay** asked the Minister of Finance and Personnel pursuant to AQW 27675/11-15, to detail the 123 buildings in the NICS and agency estate that have showers available for cyclists.  
(AQW 29581/11-15)

**Mr Hamilton (The Minister of Finance and Personnel):** A further correction is required to AQW 27675/11-15 amending the original total of 123 buildings in the NICS and Agency estate that have showers available for cyclists to 111. The details of these 111 buildings are given overleaf.

	Building Name	Address
1.	Abbey Farm Livestock Development Centre	Greenmount Campus, 45 Tirgracy Road, Muckamore, Antrim
2.	Academy House	121 Broughshane Street, Ballymena
3.	Adelaide House	39-49 Adelaide Street, Belfast
4.	Airport Road Depot (TICC)	Airport Road Depot, 1a Airport Road, Belfast
5.	Andersonstown Jobs & Benefits Office	Kennedy Centre, 580a Falls Road, Belfast
6.	Antrim Depot	160 Loughanmore Road, Antrim
7.	Armagh Centre	47 Hamiltonsbawn Road, Armagh
8.	Armagh Section Office and Roads Service Depot	17 Ballynahonemore Road, Armagh
9.	Arvalee Depot	32 Deverney Road, Omagh
10.	Ballykeel Depot	109 Larne Link Road, Ballymena
11.	Ballymena Centre	Pennybridge Industrial Estate, Larne Road
12.	Ballymena Chambers	4 Parkway, Ballymena
13.	Ballymena Jobs & Benefits Office	2 Parkway, Ballymena
14.	Ballymoney Depot	28 Market Street, Ballymoney
15.	Bedford House	16-22 Bedford Street, Belfast

	<b>Building Name</b>	<b>Address</b>
16.	Belfast (HQ) Test Centre	Balmoral Road, Belfast,
17.	Belfast Benefit Delivery Centre	Plaza Building, 31-41 Chichester Street, Belfast
18.	Belfast Chambers	93 Chichester Street, Belfast
19.	Belfast Road Section Office and Roads Service Depot	1a Airport Road, Belfast
20.	Belvoir Park Forest Office	90 Belvoir Drive, Ballylenaghan Upper, Belfast
21.	Boyd Hall	Greenmount Campus, 45 Tirgracy Road, Muckamore, Antrim
22.	Carleton House 1	Gasworks, Cromac Avenue, Belfast
23.	Carlisle House	Hawkin Street, Londonderry
24.	Castle Buildings	Stormont Estate, Belfast
25.	Castle Buildings Annexe	Stormont Estate, Belfast
26.	Castle Court	Royal Avenue, Belfast
27.	Castlearchdale	Castlearchdale Country Park Irvinestown
28.	Causeway Exchange	1-7 Bedford Street, Belfast
29.	CET Mobile	Loughry Campus, 76 Dungannon Road, Cookstown
30.	Clarence Court	Adelaide Street, Belfast
31.	Colby House (GSNI)	Stranmillis Court, Belfast
32.	Coleraine Area Office	Castleroe Road, Coleraine
33.	Coleraine Centre	2 Loughan Hill Industrial Estate, Coleraine
34.	Coleraine Jobs & Benefits Office	Artillery Road, Coleraine
35.	Consumer Affairs	176 Newtownbreda Road, Belfast
36.	Cookstown Centre	Sandholes Road, Cookstown
37.	Corbet Depot	15 Aughnacloy Road, Banbridge
38.	Corporation St SSO	148-158 Corporation Street, Belfast
39.	County Hall, Ballymena	Galgorm Road, Ballymena
40.	County Hall, Coleraine	Castlerock Road, Coleraine
41.	Craigavon Centre	3 Diviny Drive, Carn Industrial Estate, Craigavon
42.	Dill Rd Centre	Dill Road, Belfast
43.	District Forest Office	6 Forest Road, Garvagh
44.	Downpatrick Centre	2 Cloonagh Road, Downpatrick
45.	Dundonald House	Upper Newtownards Road, Belfast
46.	Eastern Regional Office	Ravarnet House, Altona Road, Lisburn
47.	Elmview	Elmview, 20 Derry Road, Strabane
48.	Enniskillen Centre	Chanter Hill, Coa Road, Enniskillen
49.	FDC Courtyard	Greenmount Campus, 45 Tirgracy Road, Muckamore, Antrim
50.	Fisheries Office	Riverdale, Ballinamallard
51.	Food Technology Centre	Loughry Campus, 76 Dungannon Road, Cookstown,
52.	Foyle Chambers	35 Limavady Road, Londonderry
53.	Glenree House	2 Carnbane Industrial Estate, Carnbane, Newry

	<b>Building Name</b>	<b>Address</b>
54.	Glenwherry Hill Farm Livestock Development Centre	62C Glenhead Road, Glenwherry, Ballymena
55.	Great Northern Tower	17 -21 Great Victoria Street, Belfast
56.	Greenmount Resource Centre	Greenmount Campus, 45 Tirgracy Road, Muckamore, Antrim
57.	HSENI	83 Ladas Drive, Belfast
58.	Hydebank	4 Hospital Road, Belfast
59.	Hydebank Prison & YOC	Hospital Road, Belfast
60.	Inishkeen House	Killyhevlin, Enniskillen
61.	James House	Gasworks, Cromac Avenue, Belfast
62.	Klondyke Building	Gasworks, Cromac Avenue, Belfast
63.	Laganside House	23 – 27,Oxford Street, Belfast
64.	Larne Centre	Ballyboley Road, Ballyloran
65.	Larne Depot	81 Belfast Road, Larne
66.	Lesley Exchange	24 East Bridge Street, Belfast
67.	Lighthouse Building	Gasworks, Cromac Place, Belfast
68.	Limavady Depot	77 Dowlands Road, Limavady
69.	Linum Chambers	2 Bedford Square, Bedford Street, Belfast
70.	Lisburn Centre	Ballinderry Industrial Estate, Ballinderry Road, Lisburn
71.	Lisburn Chambers	23 Linenhall Street, Lisburn
72.	Londonderry Centre	New Buildings Industrial Estate, Victoria Road, Londonderry
73.	Loughry Depot Office	Loughry Campus, 76 Dungannon Road, Cookstown
74.	Machinery Building Centre	Greenmount Campus, 45 Tirgracy Road, Muckamore, Antrim
75.	Maghaberry Prison	Ballinderry Upper, Lisburn
76.	Magilligan Prison	Point Road, Magilligan
77.	Magnet House	81 - 93 York Street, Belfast
78.	Mallusk Centre	Commercial Way, Hydepark Industrial Estate, Mallusk
79.	Marlborough House	Central Way, Craigavon
80.	Maryfield	Belfast Road, Holywood
81.	Maynard Sinclair Pavilion	Stormont Estate, Belfast
82.	Movanagher Fish Farm	152 Vow Road, Ballymoney
83.	Netherleigh	Massey Avenue, Belfast
84.	Newry Centre	51 Rathfriland Road, Newry
85.	Newry Chambers	1 Downshire Close, Newry
86.	Newry Jobs & Benefits Office	Phoenix House, 40 Bridge Street, Newry
87.	Newtownards Centre	Jubilee Road, Newtownards
88.	NIEA Lisburn	17 Antrim Road, Tonagh, Lisburn
89.	North Down Section Office	72 Balloo Road, Bangor
90.	North/South Ministerial Council	Upper English Street, Armagh
91.	Northbrook Depot	17 Newmills Road, Coleraine

	<b>Building Name</b>	<b>Address</b>
92.	Omagh Centre	Gortrush Industrial Estate, Derry Road, Omagh
93.	Omagh Chambers	2 Townhall Square, High Street, Omagh
94.	Orchard House	40 Foyle Street, Londonderry
95.	Park House	87-91 St Victoria Street, Belfast
96.	Plant Unit	Seagoe Industrial Estate, Craigavon
97.	Prison College	Millisle
98.	PRONI	2 Titanic Boulevard, Belfast
99.	Rathgael House	43 Balloo Road, Bangor
100.	River Bush Salmon Station	Church Street, Bushmills
101.	Roads Service Training Centre	65 Newlodge Road, Antrim
102.	Roe Valley Country Park	Roe Valley Country Park, 41 Leap Road, Limavady
103.	Seapark	Belfast Road, Carrickfergus
104.	Shannon Hall	Loughry Campus, 76 Dungannon Road, Cookstown
105.	Stormont Castle	Stormont Estate, Belfast
106.	Waterman House	5-33 Hill Street, Belfast
107.	Waterside Tower	Clarendon Dock, Belfast
108.	Western Reg. Office	Woodside Avenue, Gortin Road, Omagh
109.	Woodburn Depot	1A Crescent Road, Londonderry
110.	Woodlands	Mosswood Close, Bangor
111.	YJA HQ	Waring Street, Belfast

### **DFP: Preventative Spending**

**Mr McKay** asked the Minister of Finance and Personnel what consideration he has given to the need for preventative spending within his departmental budget.  
(AQW 31853/11-15)

**Mr Hamilton:** I believe that a focus on preventative spending is key to encouraging innovation in our public services and will assist us in achieving better outcomes for our citizens. As such, I see prevention and early intervention as a key part of my public sector reform agenda.

Whilst I acknowledge that focusing much more on prevention can pose some challenges, I am keen to work with departments to evaluate how spending on prevention and early intervention can play a larger part in departmental budgets.

### **Project Bank Accounts**

**Mr McGlone** asked the Minister of Finance and Personnel what guidelines Central Procurement Directorate has established for the operation of Project Bank Accounts; and whether these guidelines are publicly available.  
(AQW 32090/11-15)

**Mr Hamilton:** Central Procurement Directorate (CPD) has prepared guidance for the application of Project Bank Accounts in construction contracts. This is currently being considered by the Procurement Board for its adoption as Northern Ireland Public Procurement Policy Guidance. If endorsed, the guidance will be published on the CPD website in the form of a Procurement Guidance Note.

### **Public Services: Privatisation**

**Mr McNarry** asked the Minister of Finance and Personnel to outline why the privatisation of public services was not included in the remit of the public sector reform division.  
(AQW 32097/11-15)

**Mr Hamilton:** Part of the work currently being undertaken by the Public Sector Reform Division (PSRD) includes an examination of reform programmes in the rest of the UK, the Republic of Ireland and best practice countries to identify initiatives that could be taken forward within Northern Ireland. This work has identified examples where other countries

have adopted alternative models of public service delivery provision via a combination of public, private and third sector mechanisms.

While privatisation of public services has been used as an alternative method of provision in the countries that are being researched, private sector involvement through alternative delivery vehicles such as social enterprises, public sector mutuals and co-operative models has been found to be a more common method of reform in this area.

### Civil Servants Employed Locally

**Mr McNarry** asked the Minister of Finance and Personnel how many civil servants are employed locally, per head of the population, compared to the equivalent figure for England, Wales and Scotland.

**(AQW 32099/11-15)**

**Mr Hamilton:** The table below details the total number of civil servants per 100 persons in the population, by country.

**Table 1: Number of Civil Servants per 100 Population by Country**

Country	Civil Servants per 100 Population
Northern Ireland Civil Service <sup>1,2,3</sup>	1.53
England	0.67
Scotland	0.86
Wales	1.03

1 NICS figures at 1 April 2013

2 Excludes civil servants in the GB Civil Service based in NI at 31 March 2013

3 The NI figure includes staff in the Health and Safety Executive for NI, The Office of the Attorney General for NI and staff of the Assembly Ombudsman for NI/ The NI Commissioner for Complaints

### Enterprise Zone: Coleraine

**Mr Campbell** asked the Minister of Finance and Personnel in regard to the establishment of an Enterprise Zone at Coleraine, can he indicate if discussions will be held with interested parties to extend the Zone to any adjoining land which has already been identified as a possible location for a Data Centre.

**(AQW 32223/11-15)**

**Mr Hamilton:** My Department is not currently planning on holding any discussions with interested third parties to extend the Enterprise Zone at Coleraine, which is being established as a pilot, to adjoining land.

DETI and DFP are working alongside Treasury to ensure that the necessary arrangements are taken as quickly as possible following the Budget to designate the zone announced. Ultimately, the final decision to designate a zone offering ECAs is a matter for HM Treasury.

### Rates Revaluation Process

**Mr Campbell** asked the Minister of Finance and Personnel when local businesses will be informed of the final outcome of the Rates Revaluation process.

**(AQW 32224/11-15)**

**Mr Hamilton:** Land & Property Services will have completed the valuation work by the autumn of this year. I am keen to let businesses know the outcome of the Revaluation as soon as possible after that part of the exercise is complete. A revaluation, however, is revenue neutral and therefore the regional and district rates per pound of value will change accordingly. Until the new district and regional rate poundages are struck in February 2015 using the new values, the final outcome of the rates revaluation process cannot be determined.

Nevertheless, I would like to give individual business ratepayers an early opportunity to assess whether their new rateable value represents a fair rental estimate and propose publishing a schedule of draft values before the end of this year. I still have to make a final decision about when this will occur and will be consulting with the Commissioner of Valuation about timing and handling in the coming weeks. I will of course advise the Assembly when the date is decided.

### Peace IV and INTERREG V

**Mr Allister** asked the Minister of Finance and Personnel what is the anticipated timeline for the PEACE IV and INTERREG V process; and what imperatives inform any timeline.

**(AQW 32284/11-15)**

**Mr Hamilton:** Draft Operational Programmes for PEACE IV and INTERREG V must be submitted to the European Commission by 22 September 2014 in line with the Regulatory Time Frame. Submission will be followed by a period of negotiation between the Member States and the European Commission, prior to final Commission approval.

### Peace IV and INTERREG V

**Mr Allister** asked the Minister of Finance and Personnel to detail (i) if there will be a formal consultation on any Operational Programme for PEACE IV and INTERREG V before submission of any proposals to the European Commission; (ii) who will have responsibility for such a consultation; and (iii) in what jurisdictions the public will be consulted and by whom.

**(AQW 32285/11-15)**

**Mr Hamilton:** The Special EU Programmes Body (SEUPB) will conduct a formal consultation on proposals for the PEACE IV and INTERREG V Operational Programmes prior to submission of draft programmes to the European Commission.

The consultation will take place throughout the relevant programme eligible areas—Northern Ireland, the Border Region of the Republic of Ireland and, in the case of INTERREG V, Western Scotland.

### Peace IV and INTERREG V

**Mr Allister** asked the Minister of Finance and Personnel will SEUPB be providing support to develop projects under PEACE IV and INTERREG V before the Operational Programme approval process is complete; and on what legal basis could this happen.

**(AQW 32286/11-15)**

**Mr Hamilton:** No decision has been made on whether SEUPB will be providing support to develop projects under PEACE IV and INTERREG V before the Operational Programme approval process is complete.

The legal basis on which this could happen is provided by EU Commission Regulation 1299/2013, Article 23 and Regulation 1303/2013, Articles 59 and 65.

### Budget Statement 2014

**Mr Weir** asked the Minister of Finance and Personnel what are the Barnett Consequentials of the Chancellor's 2014 Budget statement.

**(AQW 32330/11-15)**

**Mr Hamilton:** The Chancellor's 2014 March Budget resulted in an overall increase to our budget.

On the Resource DEL side this amounted to £4.3 million and £6.8 million in 2014-15 and 2015-16 respectively. There were also additions of £7.9 million and £1.2 million to our Capital DEL budget over the same two years. Finally, the Executive received £0.1 million and £1.0 million of Financial Transactions Capital in 2014-15 and 2015-16.

### Special EU Programmes Body

**Mr Allister** asked the Minister of Finance and Personnel to detail (i) the current staff complement of the Special EU Programmes Body; and (ii) the perceived community background of those employed.

**(AQW 32353/11-15)**

**Mr Hamilton:** The Special EU Programmes Body has a staff complement of 57 Full Time Employees (FTEs).

The religious background of staff currently employed by the Special EU Programmes body is:

■ Protestant	19
■ Roman Catholic	34
■ Other	3

These figures relate to head count and only to staff employed in the SEUPB's Belfast and Omagh offices. The SEUPB is not legislatively required to monitor the community background of staff employed in its Monaghan office.

### Enterprise Zones

**Mr Campbell** asked the Minister of Finance and Personnel to provide details of the criteria in regard to the location of any Enterprise Zone by the Treasury, in advance of the decision by the Chancellor on 19 March 2014.

**(AQW 32361/11-15)**

**Mr Hamilton:** The UK Government's Economic Pact, published on 14 June 2013, set out 3 commitments in relation to Enterprise Zones, focusing on Enhanced Capital Allowances (ECAs) which permit 100% first year allowances for qualifying plant and machinery expenditure. The pilot Enterprise Zone announced in the Budget statement on 19 March will only offer ECAs as an incentive. State aid rules stipulate that ECAs cannot be offered alongside other forms of regional aid such as Selective Financial Assistance, business rate discounts etc.

In selecting a location for a pilot Enterprise Zone, the over-riding criterion was that it could potentially assist the development of new capital-intensive projects where ECAs would provide an attractive incentive and would outweigh other forms of

available financial support. In addition, due to the then legislation cut-off date of April 2017 for projects to benefit from ECAs, any potential project needed to be operational before that date.

The pilot Enterprise Zone adjacent to the University of Ulster Coleraine Campus was put forward for the following reasons:

- Investment was already at an advanced stage and 5NINES had already received planning permission (in October 2013), so the project could potentially benefit from ECAs before the April 2017 cut-off date;
- It is an important infrastructure investment for the ICT sector and builds on the area as a digital hub;
- The project would not qualify for Invest NI financial support;
- ECAs would provide the incentive for the project to proceed and could potentially lead to further phases; and
- It is a joint venture between the University of Ulster, Coleraine Borough Council and 5NINES which has the potential to promote economic development and further investment in the area.

### New Council Areas: Staff Commute

**Mr McGlone** asked the Minister of Finance and Personnel to detail the number of staff in his Department, broken down by grade, travelling daily to their place of work from each of the eleven new council areas to the Greater Belfast area.

**(AQW 32399/11-15)**

**Mr Hamilton:** The information requested is detailed in the table overleaf.

New Council Areas	Analogous Grade										Total
	G5+	G6	G7	DP	SO	EOI	EOII	AO	AA	Industrial	
Antrim and Newtownabbey	0	3	21	50	47	44	34	55	17	1	272
Armagh, Banbridge and Craigavon	1	2	5	30	34	30	21	23	5	0	151
Belfast	17	28	75	146	143	121	107	209	62	6	914
Causeway Coast and Glens	1	0	1	9	9	10	4	29	6	1	70
Derry and Strabane	0	0	2	4	5	7	4	5	4	0	31
Fermanagh and Omagh	0	0	0	1	2	3	4	1	2	0	13
Lisburn and Castlereagh	0	4	17	35	33	37	28	40	12	1	207
Mid and East Antrim	1	3	13	20	35	22	23	37	7	1	162
Mid Ulster	0	2	4	16	14	17	8	22	8	1	92
Newry, Mourne and Down	0	9	9	22	26	45	26	23	6	1	167
North Down and Ards	9	10	35	60	54	71	59	110	25	0	433
<b>Total *</b>	<b>30</b>	<b>65</b>	<b>186</b>	<b>422</b>	<b>456</b>	<b>436</b>	<b>353</b>	<b>663</b>	<b>181</b>	<b>12</b>	<b>2804</b>

**Notes:**

- \* Total includes 292 (10.4%) staff whose home postcode was either missing or invalid and could not be allocated to a new council area.

Data is taken at 01 January 2014 from HRConnect database.

Number of staff does not include those seconded outside of the NICS or staff on a career break.

As there is no definition for Greater Belfast, the above analysis calculates travel for NICS staff from the new council areas to The Belfast Metropolitan Urban Area (BMUA). The BMUA is defined in the Statistical Classification and Delineation of Settlements (February 2005) and is available from NISRA at: [www.nisra.gov.uk/archive/demography/publications/urban\\_rural/ur\\_gaz.pdf](http://www.nisra.gov.uk/archive/demography/publications/urban_rural/ur_gaz.pdf)

## Assembly: Motions Debated

**Mr McNarry** asked the Minister of Finance and Personnel to detail (i) the number of Motions debated in the Assembly that he has responded to in the last two years; and (ii) the action that he has taken following any Motion that was passed.

**(AQW 32437/11-15)**

**Mr Hamilton:** I have responded to four Private Members' Motions that were debated during the 2013/14 Assembly Session.

My Department considers the outcome of all Motions and takes the most feasible and appropriate action that is under our remit.

## Home-Start: Ballynahinch and Newcastle

**Mr Agnew** asked the Minister of Finance and Personnel following his meeting with Ballynahinch and Newcastle Home-Start on 20 February 2014 whether further funding has been sourced to secure their short to medium term future.

**(AQW 32473/11-15)**

**Mr Hamilton:** Decisions on the funding of services and organisations are the responsibility of relevant departmental Ministers taking into account budget pressures and competing priorities.

However, I have written to the Health Minister to advise him of the concerns around funding availability raised by Home-Start at the meeting. I have asked Minister Poots to ascertain why funding has not been provided to the Ballynahinch, Newcastle and Ards Peninsula areas.

## Enterprise Investment Scheme

**Mr Agnew** asked the Minister of Finance and Personnel for his assessment of the impact of the 2014 Budget announcement that companies benefiting from Renewable Obligation Certificates or the Renewable Heat Incentive will be excluded from the Enterprise Investment Scheme on community energy projects; and has he made any representation in regard to Northern Ireland's specific circumstances.

**(AQW 32476/11-15)**

**Mr Hamilton:** The operation of the Enterprise Investment Scheme (EIS) is a matter for HM Treasury. I understand DETI officials are considering any potential Northern Ireland-specific issues arising from the Budget announcement on EIS and my Department will work with them to raise any such issues with HM Treasury as necessary.

## Civil Service Jobs

**Mr Weir** asked the Minister of Finance and Personnel for a breakdown of the location of Northern Ireland Civil Service jobs in each constituency.

**(AQW 32491/11-15)**

**Mr Hamilton:** The information requested is set out in the attached tables.

### NI Civil Servant jobs at 01 January 2014

Parliamentary Constituency	Number	Percent
Belfast East	4,086	14.6
Belfast North	935	3.3
Belfast South	9,583	34.3
Belfast West	1,180	4.2
East Antrim	381	1.4
East Londonderry	1,364	4.9
Fermanagh and South Tyrone	853	3.1
Foyle	1,759	6.3
Lagan Valley	1,683	6.0
Mid Ulster	429	1.5
Newry And Armagh	816	2.9
North Antrim	793	2.8
North Down	1,052	3.8
South Antrim	555	2.0
South Down	479	1.7

Parliamentary Constituency	Number	Percent
Strangford	231	.8
Upper Bann	827	3.0
West Tyrone	913	3.3
Outside Ni	27	.1
<b>Total</b>	<b>27,958</b>	<b>100.0</b>

\* Total Includes 12 (0.1%) Missing Or Invalid Postcodes

Data is based on headcount, industrial and non-industrial. It does not include staff seconded outside of the nics or staff on a career break

Data sourced from hrconnect database and additional DOJ databases.

#### Belfast East

Building Name	Postcode Location	Number
Airport Road Traffic Control Centre	BT3 9DY	22
Annexe 2 Castle Buildings	BT4 3SQ	34
Annexe C Dundonald House	BT4 2SE	23
Block B Castle Buildings	BT4 3SL	7
Block E Castle Buildings	BT4 3SG	8
Castle Buildings	BT4 3SL	966
Clare House	BT3 9ED	310
Craigantlet Buildings	BT4 3SX	258
Depot Airport Road	BT3 9DH	54
Dundonald House	BT4 3SU	1,031
Elizabeth House	BT4 1NY	8
Fisheries HQ	BT4 3SB	41
Government Office Ladas Drive	BT6 9FR	94
Hillview Buildings	BT4 3SG	56
Hollywood Road Jobs and Benefits Office	BT4 1JU	179
Imports Inspector Belfast City Airport	BT3 9JH	3
Knockview Buildings	BT4 3SJ	120
Massey House	BT4 3SX	97
Netherleigh	BT4 2JP	342
Parliament Buildings	BT4 3XX	11
Public Record Office	BT3 9HQ	78
Rosepark House	BT4 3NR	53
Stormont Castle	BT4 3ST	91
Stormont Estate	BT4 3TA	33
The Arches Centre	BT5 5AA	155
Unit 2 Walled Garden	BT4 3SH	12
<b>Total</b>		<b>4,086</b>

**Belfast North**

<b>Building Name</b>	<b>Postcode Location</b>	<b>Number</b>
148-158 Corporation Street	BT1 3DH	82
171-179 Duncairn Gardens	BT15 2GE	17
20-24 Donegall Street	BT1 2GP	1
41-43 Waring Street	BT1 2DY	58
Coastal House	BT3 9AL	25
Crown Buildings Corporation Street	BT1 3DR	39
Crown Buildings Shankill	BT13 1PP	17
Design Centre	BT1 3BA	55
Interpoint	BT15 1AQ	1
Longbridge House	BT1 2EB	47
Magnet House	BT15 1AB	64
Newtownabbey Jobs and Benefits Office	BT36 7LB	103
North City Business Centre	BT15 2GG	9
River House	BT1 2DR	41
Section Office Belfast	BT1 3DH	39
Shankill Jobs and Benefits Office	BT13 1PP	29
The Design Centre	BT1 3BA	213
Waterman House	BT1 2LA	89
Waterside Tower	BT1 3BG	4
YJA North Belfast	BT15 2GE	2
<b>Total</b>		<b>935</b>

**Belfast South**

<b>Location</b>	<b>Postcode</b>	<b>Number</b>
14 Great Victoria Street	BT2 7BA	13
24-26 Arthur Street	BT1 4GF	1
Adelaide House	BT2 8FD	390
Arthur House	BT1 4GB	5
Balmoral Road	BT12 6QL	137
Bankmore House	BT2 7FH	42
Bedford House	BT2 7FD	184
Bedford Square	BT2 7ES	4
Belfast Chambers	BT1 3JR	178
BRO East	BT6 8PQ	7
Careers Resource Centre Belfast	BT1 4EG	17
Carleton House	BT7 2JA	22
Causeway Exchange	BT2 7EG	310
Centre House	BT1 4JR	60
Clarence Court	BT2 8GB	639
Cleaver House	BT1 5GA	11
Colby House	BT9 5BJ	171

<b>Location</b>	<b>Postcode</b>	<b>Number</b>
College Street	BT1 6DR	52
Connor Buildings	BT2 7AG	72
Consumer Affairs Building	BT8 6QS	59
Fermanagh House	BT2 8NJ	103
Forestview	BT8 7AR	4
Gloucester House	BT1 4RA	209
Goodwood House	BT1 4NN	439
Great Northern Tower	BT2 7AD	936
Hydebank	BT8 8JL	555
James House	BT7 2JA	784
Killymeal House	BT7 2JD	54
Klondyke Building	BT7 2JA	353
Knockbreda Jobs and Benefits Office	BT8 6SX	82
Laganside Courts	BT1 3LL	97
Laganside House	BT1 3LA	171
Lesley Exchange 1	BT1 3NR	134
Lesley House	BT1 9LU	5
Lighthouse Building	BT7 2JB	354
Lincoln Building	BT2 7SL	338
Linum Chambers	BT2 7ES	111
Londonderry House	BT1 4JB	1
LPS College Street	BT1 6DR	188
Mays Chambers	BT1 3JL	21
McAuley House	BT1 1SA	138
Microfocus House	BT1 3NQ	13
Millennium House	BT2 7AQ	666
Office of the Attorney General for Northern Ireland	BT1 9LU	12
Old Townhall Building	BT1 3GL	13
Oxford House	BT1 4HH	99
Oyster House	BT1 6GE	5
Park House	BT2 7AG	16
Plaza Buildings	BT1 4JF	482
Progressive House	BT1 6HN	19
PSCS - Cromac Wood	BT7 2JB	1
Queen's Court	BT1 6FD	173
Royal Courts of Justice	BT1 3JF	161
Royston House	BT1 6FX	214
Shaftesbury Square Jobs and Benefits Office	BT2 7AG	46
Victoria Hall	BT1 4NL	59
Waterfront Plaza	BT1 3BS	153
<b>Total</b>		<b>9,583</b>

**Belfast West**

Location	Postcode	Number
43-45 Falls Road	BT12 4PD	34
580A Falls Road	BT11 9AB	155
Andersonstown Job Centre	BT11 9AB	54
Avenue House	BT1 1QE	3
Castle Court	BT1 1SD	816
Crown Buildings Falls Road	BT12 4PH	71
Falls Jobs and Benefits Office	BT12 4PH	40
Howard Building	BT13 2JF	7
<b>Total</b>		<b>1,180</b>

**East Antrim**

Location	Postcode	Number
Ballyboley Road	BT40 2SY	24
Carrickfergus Castle	BT38 8BP	7
Carrickfergus Jobs and Benefits Office	BT38 8DJ	37
Depot Larne	BT40 2PJ	12
Government Office Carrickfergus	BT38 8BN	12
Larne Jobs and Benefits Office	BT40 1SB	55
Larne Portal Inspection Office	BT40 1AH	19
Seapark	BT38 8PL	215
<b>Total</b>		<b>381</b>

**East Londonderry**

Location	Postcode	Number
2 Loughan Hill Industrial Estate	BT52 2NJ	31
Agricultural Office Limavady	BT49 0DN	9
Beresford House	BT52 1LW	41
Coleraine Courthouse	BT52 1HY	9
Coleraine Jobs and Benefits Office	BT52 2AA	46
County Hall Coleraine	BT51 3HS	467
Crown Buildings Coleraine	BT52 2AH	155
Crown Buildings Limavady	BT49 0DU	17
Depot Aghanloo	BT49 0HR	16
Depot Northbrook	BT51 3HS	26
District Forest Office Garvagh	BT51 5EF	39
Dunluce Castle	BT57 8UY	4
Forestry Area Workshop Coleraine	BT51 3RJ	1
Limavady Jobs and Benefits Office	BT49 0DU	39
Mill House	BT52 1PE	17
Milligan Prison	BT49 0LR	367
Portrush Countryside Centre	BT56 8AP	5

Location	Postcode	Number
Rivers Agency Coleraine	BT51 3RL	55
Roe Valley Country Park	BT49 9NN	7
Vets Office W D Meats	BT52 2JR	13
<b>Total</b>		<b>1,364</b>

**Fermanagh and South Tyrone**

Location	Postcode	Number
Ballyvadden Depot	BT75 0LF	15
Castle Barracks Enniskillen	BT74 7HN	45
Castlearchdale Country Park	BT94 1EB	15
Chanterhill Road	BT74 6DE	23
County Buildings Enniskillen	BT74 7BN	26
Crown Buildings Dungannon	BT70 1EN	69
Crown Buildings Enniskillen	BT74 7JF	69
Depot Moygashel	BT71 7QR	44
Depot Silverhill	BT74 5JP	41
Dungannon Careers Office	BT70 1EN	10
Dungannon Courthouse	BT71 6DE	17
Dungannon Jobs and Benefits Office	BT70 1EN	101
Enniskillen Campus	BT74 4GF	43
Enniskillen Courthouse	BT74 7BP	4
Enniskillen Jobs and Benefits Office	BT74 7JD	52
Forestry Area Workshop Enniskillen	BT94 3NB	6
Inishkeen House	BT74 4EJ	153
Londonderry Courthouse	BT74 7BP	34
Parkside EHS Depot	BT71 6NW	13
Rivers Agency Riversdale	BT94 2NA	35
Riversdale Fisheries Office	BT94 2NA	10
Vets Office Dunbia Dungannon Ltd	BT70 1NJ	10
Vets Office Granville Coldstore Ltd	BT70 1NJ	2
Vets Office Linden Foods Ltd	BT70 1NJ	12
Vets Office Moy Park Ltd	BT71 6LN	4
<b>Total</b>		<b>853</b>

**Foyle**

Location	Postcode	Number
28 Temple Road	BT47 6TW	180
Careers Office Richmond Chambers	BT48 6HN	23
Carlisle House	BT48 6RE	413
City of Derry Airport Portal Inspection	BT47 3GY	1
Crown Buildings Lisnagelvin	BT47 2NG	54

Location	Postcode	Number
Crown Buildings Londonderry	BT48 7DZ	31
Depot Crescent Road	BT47 2NQ	60
Embassy Building	BT48 7BA	5
Foyle Chambers	BT47 6LP	50
Foyle Jobs and Benefits Office	BT48 7EA	273
Lisnagelvin Jobs and Benefits Office	BT47 2NJ	40
New Buildings Industrial Estate	BT47 2SX	37
Orchard House	BT48 7DZ	309
Vets Office Foyle Meats Ltd	BT47 6TJ	13
Vets Office Wm Grant and Co Ltd	BT48 8JP	1
Waterside House	BT47 1FP	256
Woodburn EHS Depot	BT47 2NQ	4
YJA	BT48 7BH	9
<b>Total</b>		<b>1,759</b>

**Lagan Valley**

Location	Postcode	Number
Ballinderry Industrial Estate	BT28 2SA	30
Benson House	BT28 2GB	25
Bow House	BT28 1BJ	59
Depot Sprucefield	BT27 5QY	30
EHS Lisburn	BT28 3AL	214
Forestry Area Workshop Hillsborough	BT26 6DP	1
Lisburn Chambers	BT28 1FJ	82
Lisburn Courthouse	BT28 1XR	6
Lisburn Jobs and Benefits Office	BT28 1BJ	55
Lisburn Proteins	BT28 2SN	1
Lisburn Square House	BT28 1TS	19
LPS Lisburn	BT28 3AJ	34
Maghaberry	BT28 2PT	1,006
Moirá EHS Depot	BT67 0NE	12
Ravarnet House	BT27 5QB	109
<b>Total</b>		<b>1,683</b>

**Mid Ulster**

Location	Postcode	Number
Agriculture Development Centre	BT45 5DN	6
Cookstown EHS Depot	BT80 8NX	4
Cookstown Job Centre	BT80 8PA	19
Cookstown Test Centre	BT80 9AR	1
Crown Buildings Magherafelt	BT45 5DN	84

Location	Postcode	Number
Government Office Cookstown	BT80 8AQ	14
Loughry Campus	BT80 9AE	160
Magherafelt Jobs and Benefits Office	BT45 5DJ	41
Moneymore Road, Magherafelt	BT45 6PR	32
Sandholes Road	BT80 9AR	30
Section Office Cookstown	BT80 8PA	3
Section Office Magherafelt	BT80 8NX	22
Vets Office Karro	BT80 8PJ	12
Vets Office Vion Cookstown	BT80 8PJ	1
<b>Total</b>		<b>429</b>

**North Down**

Location	Postcode	Number
Bangor Job Centre	BT20 5BE	30
Crawfordsburn Country Park	BT19 1JT	4
Crown Buildings Bangor	BT20 4LQ	69
Donaghadee Harbour Office	BT21 0HE	2
Prison Service College	BT22 2HS	60
Rathgael House	BT19 7PR	726
Section Office North Down	BT19 2PG	10
Woodlands Juvenile Justice Centre	BT19 1TA	151
<b>Total</b>		<b>1,052</b>

**Newry and Armagh**

Location	Postcode	Number
47 Hamiltonsbawn Road	BT60 1HW	22
51 Rathfriland Road	BT34 1LD	32
58 Upper English Street	BT61 7LG	12
Armagh Courthouse	BT61 9DJ	9
Armagh Jobs and Benefits Office	BT61 7JL	42
Armagh Test Centre	BT60 1HW	1
Atek Building	BT60 1NF	96
CADO Armagh	BT60 1EN	1
Crown Buildings Armagh	BT61 7JF	88
Depot Ballynahonemore Road	BT60 1JD	54
Dobbin Centre	BT61 7QP	8
DVO Armagh	BT61 9BL	5
Glenree House	BT35 6EF	108
Government Office Cecil Street	BT35 6AU	45
Holts Building	BT35 6AH	5
Newry Chambers	BT34 1FD	48

Location	Postcode	Number
Newry Courthouse	BT35 6JD	21
Newry Jobs and Benefits Office	BT35 8AJ	77
Phoenix House	BT35 8AJ	126
Southern Education and Library Board	BT60 1NR	2
Vets Office ABP Holdings Ltd (Newry)	BT34 2PD	12
Vets Office Rockvale Poultry	BT61 9ND	2
<b>Total</b>		<b>816</b>

**North Antrim**

Location	Postcode	Number
2 Parkway	BT43 5ET	76
Academy House	BT43 6BA	165
Ballymena Careers Office	BT43 5AL	9
Ballymena Chambers	BT43 5ET	52
Ballymena Courthouse	BT43 5BS	19
Ballymena Jobs and Benefit Office	BT43 5ET	46
Ballymena RDO	BT43 6DF	15
Ballymoney Jobs and Benefits Office	BT53 6DT	36
County Hall Ballymena	BT42 1QD	160
Crown Buildings Ballymoney	BT53 6DT	35
Depot Ballykeel	BT42 3HA	53
Depot Ballymoney	BT53 6EE	18
ECOS Centre	BT43 7QA	2
Kilpatrick House	BT43 6DT	4
Movanagher Fish Farm	BT53 7NT	10
Pennybridge Industrial Estate	BT42 3ER	34
River Bush Salmon Station	BT57 8QJ	10
Trillick House Ballymoney	BT53 6JD	12
Vets Office Ballymena Meats	BT42 3HD	6
Vets Office Dickeys Poultry	BT42 1EG	1
Vets Office Dunbia Ballymena Ltd	BT42 1EA	7
Vets Office Moypark Ballymena	BT42 3HH	9
YJA Ballymena and Antrim	BT43 6AT	14
<b>Total</b>		<b>793</b>

**South Antrim**

Location	Postcode	Count
Antrim Courthouse	BT41 4AQ	12
Antrim Jobs and Benefits Office	BT41 4JE	41
Castleton House	BT36 4TY	56
Caulside	BT41 2GY	10

Location	Postcode	Count
Crown Buildings Antrim	BT41 4JE	91
Depot Balloo	BT36 8RF	25
Depot Rathmore	BT41 4EA	16
Depot Sandyknowes	BT36 8RF	36
Greenmount Campus	BT41 4PU	227
Hydepark Industrial Estate	BT36 8YY	34
Imports Inspector Belfast International Airport	BT29 4AA	5
Vets Office Lakeview Farm Meats/Langford Processors	BT29 4RS	2
<b>Total</b>		<b>555</b>

**South Down**

Location	Postcode	Count
Castlenavan Quarry	BT30 8PR	2
Castlewellan Demesne	BT31 9BU	3
Crown Buildings Kilkeel	BT34 4DN	13
Depot Corbet	BT32 3RU	19
Depot Seaforde	BT30 8PR	28
District Forest Office Castlewellan	BT31 9BU	36
Downpatrick Courthouse	BT30 6AD	13
Downpatrick Job Centre	BT30 6LZ	17
Downpatrick Test Centre	BT30 6DU	1
Fisheries Office Kilkeel	BT34 4AX	2
Flying Horse Industrial Estate	BT30 6DU	21
Government Office Downpatrick	BT30 6AF	38
Government Office Newcastle	BT33 0EJ	13
Government Office Seaforde	BT30 8PR	11
Grange Yard	BT31 9BU	9
Imports Inspector Warrenpoint	BT34 3JR	1
Kilkeel Jobs and Benefits Office	BT34 4DN	14
Newcastle Job Centre	BT33 0AE	13
Quoile Countryside Centre	BT30 7JB	5
Rathkeltair House	BT30 6UU	196
Strangford Ferry Terminal	BT30 7NE	24
<b>Total</b>		<b>479</b>

**Strangford**

Location	Postcode	Count
Ballynahinch Job Centre	BT24 8XP	10
Crown Buildings Ballynahinch	BT24 8XP	13
DVO Newtownards	BT23 4TJ	4

Location	Postcode	Count
Fisheries Office Portavogie	BT22 1EA	2
Government Office Jubilee Road	BT23 4XP	33
Government Office Newtownards	BT23 3EL	20
Jubilee Road	BT23 4XP	41
Newtownards Courthouse	BT23 4LP	25
Newtownards Job Centre	BT23 4DA	26
Scrabo Country Park	BT23 4SJ	9
Sketrick House	BT23 4YH	48
<b>Total</b>		<b>231</b>

**Upper Bann**

Location	Postcode	Count
15a Castlewellan Road	BT32 4AX	16
3 Diviny Drive	BT63 5RY	47
Banbridge Jobs and Benefits Office	BT32 4AZ	83
Craigavon Courthouse	BT64 1AP	25
Crown Buildings Lurgan	BT66 6BB	69
Crown Buildings Portadown	BT62 3DA	32
DCAL, PORTADOWN FISHERIES	BT62 1HT	10
Depot Carn	BT63 5RY	76
Lurgan Jobs and Benefits Office	BT66 6BB	47
Magowan Building	BT62 3PN	10
Marlborough House	BT64 1AD	270
Oxford Island Nature Reserve	BT66 6NJ	2
Portadown Jobs and Benefits Office	BT62 3HA	40
Rivers Agency Armagh Sub Regional Office	BT63 5QD	55
Rivers Agency Plant Office Seagoe	BT63 5QD	32
Vets Office ABP Ltd (Lurgan)	BT67 9JL	8
Vets Office Oakdale Meats (Northern Ireland) Ltd	BT67 9JD	2
YJA Banbridge	BT32 4AX	3
<b>Total</b>		<b>827</b>

**West Tyrone**

Location	Postcode	Count
12-14 Dublin Road	BT78 1ES	47
Agricultural Office Strabane	BT82 9FR	3
Anderson House	BT78 1EE	14
Boaz House	BT78 1JG	86
College House	BT78 1ER	25
County Hall Omagh	BT78 1PS	113
Crown Buildings Omagh	BT79 7BB	84

Location	Postcode	Count
Crown Buildings Strabane	BT82 9BX	26
Depot Arvalee	BT79 0ND	74
Elm View	BT82 8DX	36
Gortrush Industrial Estate	BT78 5EJ	24
Kevlin Buildings	BT78 1ER	11
Lancer Building	BT78 5EJ	5
McAleer Building	BT79 7AF	31
Omagh Chambers	BT78 1DU	55
Omagh Courthouse	BT78 1DU	16
Omagh Jobs and Benefits Office	BT79 7BB	49
Omagh Test Centre	BT78 5EJ	1
Rivers Agency Omagh	BT79 7BP	63
Sperrin House	BT79 7AQ	111
Strabane Job Centre	BT82 8AS	28
Vets Office Omagh Meats	BT79 0BQ	11
<b>Total</b>		<b>913</b>

### Hospital Deaths: Malnutrition

**Mr A Maginness** asked the Minister of Finance and Personnel to detail the number of patients who have died in hospital of malnutrition in each year since 2008, broken down by age.

(AQW 32577/11-15)

**Mr Hamilton:** The table overleaf details the number of deaths registered in Northern Ireland where malnutrition<sup>1</sup> was recorded as the underlying cause of death and where the place of death was in hospital between 2008 and 2012.

1. International Classification of Diseases, Tenth Revision codes: E40 – E46

**Table 1: Number of Deaths Registered in Northern Ireland where Malnutrition<sup>1</sup> was Recorded as the Underlying Cause of Death and Place of Death was in Hospital, 2008 – 2012**

Registration Year	Age			Total
	<65	65-74	74+	
2008	1	1	0	2
2009	0	0	1	1
2010	0	0	0	0
2011	0	0	1	1
2012	1	2	0	3
<b>Total</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>7</b>

1 Malnutrition is defined using the International Classification of Diseases, Tenth Revision (ICD-10) codes E40 to E46.

### Vacant Dwellings: Enniskillen District

**Mr Lynch** asked the Minister of Finance and Personnel to detail the number of vacant dwellings in the Enniskillen District.  
(AQW 32591/11-15)

**Mr Hamilton:** Domestic properties move in and out of occupancy on an ongoing basis.

A total of 2,144 domestic dwellings in the Fermanagh District Council area were recorded as vacant as at 31st March 2014. The attached table provides the number of occupied and vacant domestic dwellings in each ward in Fermanagh District Council.

**Domestic Dwellings in Fermanagh District Council as at 31st March 2014**

Ward Name	Occupied	Vacant	Total
Ballinamallard	1,017	55	1,072
Belcoo & Garrison	1,091	140	1,231
Belleek and Boa	1,106	166	1,272
Boho Cleenish Letterbreen	1,151	115	1,266
Brookeborough	922	68	990
Castlecoole	1,649	61	1,710
Derrygonnelly	1,117	138	1,255
Derrylin	1,027	110	1,137
Devenish	837	31	868
Donagh	886	78	964
Erne	1,098	48	1,146
Florence Ct and Kinawley	992	128	1,120
Irvinestown	1,129	76	1,205
Kesh, Ederny & Lack	1,496	109	1,605
Lisbellaw	1,142	81	1,223
Lisnarick	787	69	856
Lisnaskea	1,151	88	1,239
Maguiresbridge	1,197	79	1,276
Newtownbutler	1,018	99	1,117
Portora	1,535	150	1,685
Rosslea	826	95	921
Rossorry	1,125	66	1,191
Tempo	1,036	94	1,130
Fermanagh District Council	25,335	2,144	27,479

**Note:** From 1st October 2011, vacant domestic property rating liability changed from zero to full liability, with the exception of a number of prescribed exclusions. There is no requirement on, or incentive for, homeowners to inform LPS that their property is vacant or otherwise. The figures provided cover properties that LPS knows were vacant. There may be other properties, for which rates were collected, which were vacant that LPS was not aware of.

**European Investment Bank: Roads Infrastructure**

**Mr Campbell** asked the Minister of Finance and Personnel, in light of his recent discussions with the European Investment Bank, whether the Bank has given any specific guidance regarding their attitude towards proposed major roads infrastructure funding applications.

**(AQW 32615/11-15)**

**Mr Hamilton:** The key role of the European Investment Bank is to provide finance for investment projects which contribute towards EU policy objectives. This may indeed include improvements to strategic, and in particular cross border, roads projects.

The Northern Ireland Executive cannot benefit directly from European Investment Bank lending because this would score as UK Government borrowing and HM Treasury would then reduce our capital budget accordingly. The only option, therefore, would be PFI procurement whereby the cost of the road is repaid through the resource budget. In a context where our resource budget is expected to be severely constrained until the end of this decade, this is currently not affordable.

## Solicitors' Disciplinary Tribunal

**Mr Brady** asked the Minister of Finance and Personnel to detail the amount paid in (i) expenses; (ii) allowances; and (iii) subsistence payments to (a) the Secretary; and (b) the three panel members, of the Solicitors Disciplinary Tribunal for the hearing of the Law Society v Tara Walsh on 5 April 2013.

**(AQW 32645/11-15)**

**Mr Hamilton:** The Department is not responsible for any expenses, allowances or subsistence payments made to the Secretary or solicitor members of the Solicitors Disciplinary Tribunal (SDT). Under Article 43(3) of the Solicitors (NI) Order 1976 as amended, the Department may pay the lay members of the SDT such remuneration as it may determine. The Department's records show that for a hearing on 5th April 2013, a total of £97.50 was paid to a lay member of the SDT. This included a fee for the case of £83.00 together with travelling and car-parking expenses.

## Occupational Health Service

**Ms Boyle** asked the Minister of Finance and Personnel what action his Department is taking to offer comprehensive occupational health services to its employees, including early access to services such as physiotherapy.

**(AQW 32722/11-15)**

**Mr Hamilton:** The Northern Ireland Civil Service Occupational Health Service provides a comprehensive occupational health service to all of the NICS Departments and this is available to all employees.

The NICS does not provide early access to physiotherapy services. Further details of OHS services can be found at [www.nicsohs.gov.uk](http://www.nicsohs.gov.uk).

## Department of Health, Social Services and Public Safety

### Family High Court Judgement: Parental Alienation

**Mr Swann** asked the Minister of Health, Social Services and Public Safety how, and when, the Family High Court Judgment, made by Mrs Justice Parker in London on 23 December 2013 in relation to parental alienation and the consequential emotion abuse, will be conveyed to relevant officials in his Department and the Health and Social Care Trusts.

**(AQW 30474/11-15)**

**Mr Poots (The Minister of Health, Social Services and Public Safety):** In November 2010, the Department, jointly with the Department of Children and Youth Affairs in the Republic of Ireland, put in place an on-line child protection information Hub, the North South Child Protection Hub (NSCPH). The aim of the NSCPH is to make information readily available to, inter alia, front-line child protection practitioners, their managers, policy makers and researchers. The Hub includes relevant Court Judgments and my officials have been advised that the judgment issued by Justice Parker will be uploaded on to the Hub when published.

This is one source of reference for such judgments, however there is an onus on professional social workers in the field of child care, like other professionals, to keep themselves as up-to-date as possible with practice developments in their field of expertise, which extends to the findings of the Family Courts.

It should be noted that English judgments may not always translate seamlessly to Northern Ireland given that our legislative frameworks may be different.

### Mental Health Posts

**Mr Agnew** asked the Minister of Health, Social Services and Public Safety how many mental health posts have been lost in the Belfast Health and Social Care Trust through efficiency savings in the last two years.

**(AQW 31412/11-15)**

**Mr Poots:** The Belfast HSC Trust advise that 6.72 WTE posts were lost between March 2012 and March 2014. Revisions to still mix and realignment of Steps 3 and 4 CAMHS care, together with new investment into novel approaches/teams in CAMHS allowed the majority of these posts to be released for savings.

### Bangor Minor Injury Unit: Nursing Staff Positions

**Mr Easton** asked the Minister of Health, Social Services and Public Safety how many nursing staff positions are required to run the Bangor Minor Injury Unit.

**(AQW 32139/11-15)**

**Mr Poots:** At present 5.5 whole time equivalent staff are required to deliver a seven day week Band 7 Nurse Practitioner service at the Bangor Minor Injury Unit.

## Genito-urinary Medicine Clinics

**Mr Kinahan** asked the Minister of Health, Social Services and Public Safety what is the process in each Health and Social Care Trust for assessing enquiries requesting testing for Sexually Transmitted Infections and the allocation of appointments at the Genitourinary Medicine clinics.

**(AQW 32231/11-15)**

**Mr Poots:** The Genitourinary Medicine clinics in each of the Health and Social Care Trusts in Northern Ireland all operate telephone booking lines for patients to arrange appointments; this includes a triaging service which can prioritise urgent appointments. Medical staff are available to take calls from patients with more complicated enquiries or who are symptomatic. The Northern and Western Trusts also provide a walk-in service.

## Genito-urinary Medicine Clinics

**Mr Kinahan** asked the Minister of Health, Social Services and Public Safety what process is in place if a person requests an appointment for treatment at a Genitourinary Medicine (GUM) clinic and no clinics are available.

**(AQW 32232/11-15)**

**Mr Poots:** Where a patient requests an appointment for treatment at a Genitourinary Medicine (GUM) clinic and no clinics are available, their request will be triaged and if found to be urgent they will be allocated an appointment at the next available clinic.

Belfast Trust will also overbook clinics or arrange ad hoc clinics; the Western and Northern Trusts also provide a walk in service.

## Children's Services to Adult Services: Movement

**Mr McMullan** asked the Minister of Health, Social Services and Public Safety for an update on the movement of services for children with a disability and special needs from children's to adult services.

**(AQW 32256/11-15)**

**Mr Poots:** The current activity in relation to transition from HSC Children's services to Adult services is outlined in the table below:

### Disabled children known to the HSC who leave school during the period, and the transition plans that are in place – 2012/2013

Age at Leaving School	Total Year Ending 31 March 2013		Number with Transitions in place Year Ending 31 March 2013	
	M	F	M	F
Disability				
Physical disability	23	6	23	6
Sensory Impairment	3	2	3	2
Learning disability	131	82	131	81
Chronic illness	0	0	0	0
Autism (ASD/ADHD/Aspergers)	1	0	1	0
Other (Unidentified)	0	0	0	0
<b>Total</b>	<b>158</b>	<b>90</b>	<b>158</b>	<b>89</b>

## Schools: Multi-agency Support Teams

**Mr Swann** asked the Minister of Health, Social Services and Public Safety for an update on the current Multi-Agency Support Teams for Schools provision in North Antrim.

**(AQW 32355/11-15)**

**Mr Poots:** The Multi-Agency Support Teams for Schools (MASTS) service is provided in four teams across the Northern HSC Trust area. The team most closely aligned to the North Antrim Constituency is the Causeway team.

The MASTS Causeway team currently supports 41 schools within the area. There is a waiting list of schools who have expressed an interest in becoming part of the MASTS service.

As the MASTS service is subject to a review which has been undertaken by the Public Health Agency and the Health and Social Care Board, the Northern Trust has no plans to take on any additional schools until the outcome of this review is known.

The review has now been completed and a regional principles-based model has been developed in conjunction with a range of stakeholders including colleagues from the Department of Education. This is currently being progressed through internal processes for approval. When approved, the next stage will be to implement the regional model through collaboration with key stakeholders. It is hoped that this will begin in April 2014.

## Ovarian Cancer Awareness Campaign

**Mr Lyttle** asked the Minister of Health, Social Services and Public Safety when the Public Health Agency will run an Ovarian Cancer Awareness Campaign.

**(AQW 32365/11-15)**

**Mr Poots:** The Public Health Agency (PHA) is planning to develop and launch a programme aimed at improving the awareness of cancer in our population. As part of this programme the PHA will include specific messages about ovarian cancer. The PHA is hosting a stakeholder workshop on 8th May 2014 to ensure that key individuals and organisations are fully engaged in planning and supporting the cancer awareness programme.

The timetable for the launch of the campaign is being scheduled by the PHA. I understand that in parallel to the stakeholder workshop PHA is taking forward work to establish a baseline of levels of knowledge and awareness of cancer among the population. This work is essential in order to develop a campaign that is evidence-based and appropriate to the needs of the public in Northern Ireland. PHA advise that they expect to finalise this work by September or October with commencement of the campaign shortly thereafter.

In addition and to move things forward more swiftly to improve awareness of ovarian cancer, the PHA plans to initiate an awareness raising programme over the coming weeks. The plan will comprise of a targeted distribution of leaflets and posters, possibly supplemented by a platform piece to be included in local newspaper publications.

The Public Health Agency has also been working closely with the Health and Social Care Board to provide information for primary care practitioners, including information on the appropriate investigations to be undertaken with women whose signs and symptoms are suggestive of ovarian cancer. This information and referral pathway is consistent with the evidence issued by the National Institute for Health and Clinical Excellence (NICE).

## Joint Committee on Vaccination and Immunisation

**Mrs Dobson** asked the Minister of Health, Social Services and Public Safety following the recent announcement of the Joint Committee on Vaccination and Immunisation, when the vaccine Bexsero will be made available to patients.

**(AQW 32371/11-15)**

**Mr Poots:** On 21 March 2014 the JCVI recommended that a Meningitis B vaccination programme for infants should be introduced, provided the vaccine can be purchased at a cost-effective price. I welcomed and accepted the JCVI recommendations.

Negotiations regarding procurement of the Men B vaccine will be taken forward by the Department of Health in England on behalf of all the UK Health Departments. The timing of the introduction of a Men B vaccination programme will now depend primarily on the outcome of the negotiations and on the availability of a sustainable supply of the vaccine required to allow a programme to begin.

## Schools: Multi-agency Support Teams

**Mr Swann** asked the Minister of Health, Social Services and Public Safety when he expects to receive the Public Health Agency's review into Multi-Agency Support Team for Schools.

**(AQW 32386/11-15)**

**Mr Poots:** The Public Health Agency and Health and Social Care Board have undertaken a review into Multi-Agency Support Teams for Schools (and their equivalents in other Trust areas).

A regional principles-based model has now been developed in conjunction with a range of stakeholders, including colleagues from the Department of Education. This is currently being progressed through internal processes for approval.

When approved, the next stage will be to implement the regional model through collaboration with key stakeholders. It is hoped that this will begin in April 2014.

## Cancer Drugs Fund

**Mr Wells** asked the Minister of Health, Social Services and Public Safety whether he is aware that 38 cancer drugs routinely available through the Cancer Drugs Fund in England are now available in Scotland but not in Northern Ireland.

**(AQW 32431/11-15)**

**Mr Poots:** The Health and Social Care Board which has responsibility for commissioning specialist drugs in Northern Ireland has advised that there are 40 drugs included on the NHS England National Cancer Drugs Fund (CDF) List (March 2014 list).

Many of the drugs included in the Cancer Drugs Fund (CDF) are licensed for a range of indications. A proportion of these drugs are recommended by NICE for one or more of their licensed indications and in such circumstances are routinely commissioned in Northern Ireland.

It is assumed that the question asked by the Member specifically refers to the detailed criteria applicable to the availability of each of the 40 drugs included in the CDF for specific indications.

Scotland made an announcement about changes in their drug approval system in October 2013. The Scottish Government has advised that the new approach by Scottish Medicines Consortium (SMC) will be in place this month (April) and the first decisions under this new approach are expected by Autumn 2014.

### Schools: Multi-agency Support Teams

**Mr Weir** asked the Minister of Health, Social Services and Public Safety for an update on the provision of Multi-Agency Support Teams for Schools in North Down.

**(AQW 32492/11-15)**

**Mr Poots:** Each HSC Trust has its own name for their Multi-Agency Support Teams for Schools. Within the South Eastern HSC Trust, they are called Additional Support for Children in Education (ASCET).

ASCET works in close partnership with South Eastern Education and Library Board schools to provide an accessible, preventative and early intervention service to mainstream primary schools by working alongside teachers and parents to support P1-P4 children.

In North Down all South Eastern Education and Library Board mainstream primary schools are enrolled in the service. This is a total of 18 schools.

Evaluations of group programmes and training provided to teachers are overwhelmingly positive.

The attached Annex provides a summary of the enrolment and pupils benefitting from the range of ASCET services in the North Down area.

#### Annex

Name of School	Pupils enrolled	Number of P1-P4 classes	Number of referrals	Current number of children on specialist caseloads	Number of Pupils seen for Universal and Targeted interventions
Ballyholme PS	625	3x P1 3x P2 3x P3 3x P4	5	12	204 Pupils @ 14 Sessions
Ballymagee PS	403	2x P1 2x P2 2x P3 2x P4	4	3	214 Pupils @ 12 Sessions
Bangor Central IPS	606	3x P1 3x P2 3x P3 3x P4	5	15	35 Pupils @ 2 Sessions
Bloomfield PS	422	3x P1 2x P2 2x P3 2x P4	3	10	20 Pupils @ 5 Sessions
Clandeboye PS	211	2x P1 2x P2 1x P3 1x P4	6 (2 declined)	4	0
Crawfordsburn PS	216	1x P1 1x P2 2x P3 1x P4	0	2	30 Pupils @ 11 Sessions
Cygnets House PS	62	1x P1 1x P2 1x P3 1x P4	0	0	0
Glenraig PS	221	1x P1 1x P2 1x P3 1x P4	0	1	148 Pupils @ 5 Sessions

Name of School	Pupils enrolled	Number of P1-P4 classes	Number of referrals	Current number of children on specialist caseloads	Number of Pupils seen for Universal and Targeted interventions
Grange Park PS	402	2x P1 3x P2 2x P3 2x P4	3	3	108 Pupils @ 10 Sessions
Hollywood PS	52	3x P1 2x P2 2x P3 2x P4	1	1	17 Pupils @ 2 Sessions
Kilcooley PS	165	1x P1 1x P2 1x P3 1x P4	2	2	46 Pupils @ 14 Sessions
Kilmaine PS	668	3x P1 3x P2 3x P3 3x P4	8	13	6 Pupils @ 2 Sessions
Rathmore PS	595	3x P1 3x P2 3x P3 3x P4	2	2	353 Pupils @ 19 Sessions
St Comgalls PS	298	2x P1 2x P2 2x P3 2x P4	1	1	135 Pupils @ 9 Sessions
St Malachy's PS (Bangor)	369	2x P1 2x P2 2x P3 1x P4	0	2	179 Pupils @ 7 Sessions
St Patricks PS (Hollywood)	259	2x P1 2x P2 1x P3 1x P4	0	2	161 Pupils @ 7 Sessions
Sullivan Prep	182	1x P1 1x P2 1x P3 1x P4	0	0	201 Pupils @ 15 Sessions
Towerview PS	404	2x P1 2x P2 2x P3 2x P4	1	4	149 Pupils @ 17 Sessions

### Schools: Multi-agency Support Teams

**Mr Weir** asked the Minister of Health, Social Services and Public Safety for a breakdown of the financial support his Department has provided through Multi-Agency Support Teams for Schools in North Down.  
(AQW 32493/11-15)

**Mr Poots:** The Department does not hold the requested information on a Constituency basis.

The term Multi Agency Support Teams (MASTs) is unique to the Northern HSC Trust area. Each HSC Trust has its own term for their respective multi disciplinary team; in the South Eastern HSC Trust area, they are known as the Additional Support for Children in Education Team (ASCET).

Information on the financial support provided for schools in the South Eastern HSC Trust area since the establishment of multi disciplinary teams is set out in the table below.

	2012/13	2011/12	2010/11	2009/10	2008/09	2007/08
Additional Support for Children in Education Team - ASCET	£803,029	£771,703	£641,331	£637,384	£867,377	£771,688

### Coroners Act (Northern Ireland) 1959: Section 7

**Mr Allister** asked the Minister of Health, Social Services and Public Safety how many breaches of Section 7 of the Coroners Act (NI) have taken place in each hospital in each of the last five years; and how many prosecutions under Section 10 have resulted.

**(AQW 32507/11-15)**

**Mr Poots:** Section 7 of the Coroner's Act (Northern Ireland) 1959 places a duty on medical practitioners and others to report a death to the Coroner where there is reason to believe that the person died, either directly or indirectly, as a result of violence or misadventure or by unfair means, or as a result of negligence or misconduct or malpractice on the part of others, or from any cause other than natural illness or disease for which the deceased had been seen and treated by a registered medical practitioner within 28 days prior to the death, or in such circumstances as may require investigation (including death as a result of the administration of an anaesthetic).

My Department does not record information relating to the number of deaths reported to the Coroner.

Section 10 of the Act provides that failure to report a death under Section 7 is a criminal offence. The Department of Justice have informed me that there have been no prosecutions for this offence in the last five years.

### Antrim Area Hospital: Doctor to Patient Ratio

**Mr Dickson** asked the Minister of Health, Social Services and Public Safety to detail the doctor to patient ratio in medical and surgical wards at Antrim Area Hospital on (i) weekdays; and (ii) weekends.

**(AQW 32527/11-15)**

**Mr Poots:** The Northern Health and Social Care Trust have provided the following response.

There is no formal ratio of patient to doctor calculation in medicine as there is in nursing. On any weekday there are doctors of all grades linked to consultant teams in medicine and surgery working within a rota or job plan either in wards, outpatients or theatre.

### Four Seasons Nursing Home, Holywood

**Ms Maeve McLaughlin** asked the Minister of Health, Social Services and Public Safety what impact the reduction in staff will have on the level of care provided at Four Seasons Nursing Home in Holywood.

**(AQW 32536/11-15)**

**Mr Poots:** The South Eastern Trust has advised that an anonymous complaint about staffing levels was received by the Regulation and Quality Improvement Authority (RQIA). However, a subsequent unannounced inspection by RQIA found no evidence to substantiate the complaint as staffing levels were above those required.

### National Screening Council

**Mr Swann** asked the Minister of Health, Social Services and Public Safety whether he has received an update from the National Screening Council in regard to their consultation on Pulse Oximetry.

**(AQW 32579/11-15)**

**Mr Poots:** At their meeting of 12th March 2014 the National Screening Committee discussed their review of the evidence on adding pulse oximetry to the screening pathway to detect congenital heart disease in newborns. Along with the other UK Health Ministers, I am now awaiting their advice on this.

### Antrim Area Hospital: Staff Car Parking Charges

**Mr Hilditch** asked the Minister of Health, Social Services and Public Safety to outline his rationale for staff car parking charges at Antrim Area Hospital and the Causeway Hospital.

**(AQW 32590/11-15)**

**Mr Poots:** DHSSPS policy on car parking provision and management in the Health and Social Care (HSC) sector for Northern Ireland, sets the direction for car park management (including charging), and makes clear that decisions relating to specific HSC site car parking, rest with each Health and Social Care Trust.

Introduction of a staff car parking charging scheme is not only a way of ensuring the cost of the provision and maintenance of car parking facilities are met through charges, but are part of a wider, environmentally-planned approach to travel management that facilitates access to HSC sites by patients, carers, visitors and staff.

I understand the Northern Health and Social Care Trust is currently considering the introduction of staff car parking charges at the Antrim Area Hospital and Causeway Hospital sites and has consulted with staff directly through a pre-consultation and public consultation exercise. The Trust has advised that the current demand for staff car parking, on both the Antrim Area Hospital and Causeway Hospital sites, exceeds what can presently be accommodated.

The implementation of car parking arrangements continues to involve difficult choices and decisions. It is important that solutions adopted at each site must fit the particular needs and circumstances of each individual location.

### Patient Rehabilitation: Ballymena Borough Area

**Mr Frew** asked the Minister of Health, Social Services and Public Safety how many vacant beds are available for the rehabilitation of patients in the Ballymena Borough Area; and to detail their location.

**(AQW 32661/11-15)**

**Mr Poots:** The information is not held centrally and was therefore requested from the Northern Health and Social Care (HSC) Trust.

Following clarification that the question referred to step-down beds for hip break/fracture clients, the Northern HSC Trust stated that at present there are no vacant step-down beds for hip break/fracture clients within the Ballymena Borough Area. However, suitable alternatives would be sought for any patients in need of a step-down bed with consideration given to a spot purchase.

### Stroke Rehabilitation Services

**Mrs Dobson** asked the Minister of Health, Social Services and Public Safety to outline his plans for the future of stroke rehabilitation services in the Upper Bann constituency, including the future of the Stroke Rehabilitation Unit at Lurgan Hospital.

**(AQW 32664/11-15)**

**Mr Poots:** The Southern Trust, like all Health Service providers seeks to provide the best Health Care services to improve outcomes for patients.

I have been advised that the Trust intends to seek the agreement of the Health and Social Care Board to hold a public consultation on the future of Acute Inpatient Stroke Care and Stroke Rehabilitation Care in the Southern Trust.

Until such time as any consultation is held, concluded and its findings are analysed, no changes will be made to the current service model.

### Nursing Home Beds: North Down

**Mr Weir** asked the Minister of Health, Social Services and Public Safety to detail the total number of beds in nursing homes in North Down.

**(AQW 32678/11-15)**

**Mr Poots:** The information is not available centrally and was therefore requested from the South Eastern Health and Social Care (HSC) Trust. Their reply can be found below.

As of 7 April 2014, there are 605 nursing home beds in North Down.

### Lipoedema and Lymphoedema

**Mr Moutray** asked the Minister of Health, Social Services and Public Safety how many cases of (i) lipoedema; and (ii) lymphoedema have been diagnosed in the last three years.

**(AQW 32693/11-15)**

**Mr Poots:** Information on the number of cases of lipoedema and lymphoedema diagnosed is not available.

However, it is possible to identify the number of individuals admitted to HSC hospitals in Northern Ireland in each of the last three years with a diagnosis of lipoedema or lymphoedema, and these are detailed in the table below.

Year	Lipoedema	Lymphoedema
2010/11	1,067	164
2011/12	1,380	180
2012/13	1,605	221

**Source:** Hospital Inpatient System

## Occupational Health Service

**Ms Boyle** asked the Minister of Health, Social Services and Public Safety what action his Department is taking to offer comprehensive occupational health services to its employees, including early access to services such as physiotherapy. (AQW 32724/11-15)

**Mr Poots:** The Northern Ireland Civil Service Occupational Health Service provides a comprehensive occupational health service to all of the NICS Departments and this is available to all employees.

The NICS does not provide early access to physiotherapy services. Further details of OHS services can be found at [www.nicsohs.gov.uk](http://www.nicsohs.gov.uk)

## Cancer Drugs Fund

**Mr Dallat** asked the Minister of Health, Social Services and Public Safety what discussions he has had with his English, Welsh and Scottish counterparts on the establishment of a Cancer Drugs Fund in Northern Ireland. (AQO 5939/11-15)

**Mr Poots:** I have not had discussions with my counterparts in England, Wales and Scotland on the establishment of a cancer drugs fund in Northern Ireland. Health is a devolved matter and it is for each administration to make decisions on the best use of its resources.

I am committed to exploring every available avenue to deliver increased access to specialist medicines and other interventions.

Whilst that the Individual Funding Request system for accessing specialist drugs is working effectively, I have previously indicated that I am willing to consider the re-introduction of prescription charges to protect vital frontline services and to expand access to specialist drugs including specialist cancer drugs. However, the reintroduction of a small prescription charge in Northern Ireland would require the support of the Executive.

## Hospitals: Serious Adverse Incidents

**Mr Lynch** asked the Minister of Health, Social Services and Public Safety to outline the review of Serious Adverse Incidents across Health and Social Care Trusts. (AQO 5942/11-15)

**Mr Poots:** My Department wrote to the Health and Social Care Board in February 2014 to ask them to review all completed Emergency Department linked SAI investigations in the HSC to ascertain –

- whether delay may have been a contributory factor;
- the involvement of families and carers in the investigation process; and,
- the involvement of the Coroner's Service.

This exercise covers from 2009 to 2013.

The report is due to be submitted to my Department by the end of April/early May 2014.

I am committed to openness and transparency around this issue and want to see such information as is possible in the public domain. My officials have been working closely with the Health and Social Care Board and the Public Health Agency to establish what the figures are and what can be published. This involves individually reviewing information on every single Serious Adverse Incident.

## Drug and Alcohol Addiction

**Mr Maskey** asked the Minister of Health, Social Services and Public Safety to outline the impact that caring for drug and alcohol addiction issues has on emergency services. (AQO 5943/11-15)

**Mr Poots:** Substance misuse has a clear and undeniable impact on this country and on the health service. Research has shown that alcohol misuse alone costs Northern Ireland up to £900 million every year, and if we factor in drug misuse, the costs would total more than £1 billion. £250 million of these costs are borne by the Health and Social Care sector; to put these figures into context, this would build the new Children's Hospital or pay for roughly 20,000 heart by-pass operations.

Each year there are approximately 12,000 admissions to hospital with an alcohol-related diagnosis. Figures for Emergency Departments show that 1-in-6 people attend with alcohol-related injuries or issues, and during evenings at the weekend the proportion can rise to 8-in-10. The cost for Emergency Department attendances due to alcohol misuse is estimated at up to £30 million per year, the associated ambulance journeys is estimated to cost up to £13 million per year, and the cost to the Fire Services is almost £0.5 million per year.

To prevent and address the harm related to substance misuse, and to reduce the burden on the Health and Social Care Family, I launched our cross-departmental strategy – known as the New Strategic Direction for Alcohol and Drugs Phase 2 – in 2012. This sets out actions to raise awareness of the issue, provide information and educations, reduce supply and availability, intervene at an early stage for those at risk, and provide treatment and support for those who need additional help.

## Paramedics

**Mr McNarry** asked the Minister of Health, Social Services and Public Safety how many paramedics are employed in the Health Service.

**(AQO 5945/11-15)**

**Mr Poots:** As at 31st December 2013, there were 412 members of the NI Ambulance Service HSC Trust staff working as qualified paramedics. This includes 79 Rapid Response Vehicle Paramedics and there are a further 32 paramedics in training.

## Accident and Emergency Doctors: Recruitment

**Mr McKay** asked the Minister of Health, Social Services and Public Safety why no applications for middle-grade doctors were received following the recent recruitment campaign for Emergency Department staff.

**(AQO 5946/11-15)**

**Mr Poots:** There is a general UK wide shortage of Emergency Medicine doctors. Trusts run recruitment campaigns throughout the year and some are successful in attracting applicants and some are not. It is not possible however to explain why some recruitment campaigns do not yield any applicants.

## Transforming Your Care

**Mrs D Kelly** asked the Minister of Health, Social Services and Public Safety whether his Department will conduct a review of the implementation of Transforming Your Care with specific regard to patient outcomes.

**(AQO 5947/11-15)**

**Mr Poots:** As I have indicated on several occasions, the implementation of TYC is a 3 to 5 year journey with the emphasis on getting it right, in a safe manner, rather than rushing blindly ahead. The safety of patients and service users remains at the heart of this transformation process, in line with our commitments under Quality 2020.

The pressures on our Health and Social Care system, as demonstrated by the recent issues in our Emergency Departments, highlight the imperative to reshape our model of care as set out in TYC, to provide alternative services, earlier intervention and better patient self management.

In my recent Oral Statement to this House on TYC, I outlined the progress that has been made and the solid foundations laid.

A review of TYC will be appropriate in due course. However, it is too early in the implementation process for such a review to produce meaningful results.

## Department of Justice

### Domestic and Sexual Violence Consultation

**Ms Fearon** asked the Minister of Justice whether he will publish a child friendly version of the consultation on Domestic and Sexual Violence to enable young people to have their input.

**(AQW 32312/11-15)**

**Mr Ford (The Minister of Justice):** As part of the public consultation on the draft strategy 'Stopping Domestic and Sexual Violence and Abuse' my Department has jointly with the Department of Health, Social Services and Public Safety developed and published a full strategy document and an easy access version of the document pitched at a reading age of eleven.

Justice and Health officials, with the assistance and support of members of the Regional Strategy Group, have engaged with ten groups in March who wish to respond to the document and have an interest or have been affected by Domestic and Sexual Violence and Abuse. With the help of the NSPCC and the Women's Aid Federation two of the groups officials met with had membership between the ages of fourteen to eighteen years old.

Following the public consultation, our engagement with children and young people, and the feedback we receive from them, we plan to revise our strategy and develop a version suitable to the needs and requirements identified by this young readership.

We remain committed to engaging with children and young people now and in the future on this very important matter that affects many young people across Northern Ireland.

### Prisons: Abuse of Prescription Drugs

**Lord Morrow** asked the Minister of Justice, pursuant to AQW 31910/11-15, since prescription drugs issued in prisons are abused at a higher rate than banned substances, to detail the number of prisoners in all prisons in each of the last two years that have had in possession medication withdrawn for reasons of wrongdoing; and as a result, how many prisoners had disciplinary proceedings implemented against them.

**(AQW 32382/11-15)**

**Mr Ford:** I am unable to provide data relating to the withdrawal of medication. Your request should be directed to the Department of Health, Social Services and Public Safety.

Data is not held by the NIPS setting out the number of prisoners who have been subject to disciplinary procedures for potentially misusing medication. One of the nuances of the prison discipline system is that a specific charge for this offence does not exist and the matter is dealt with using a widely used charge covering all unauthorised articles.

### Magilligan Prison: Supervised Swallow Arrangements

**Lord Morrow** asked the Minister of Justice, pursuant to AQW 23268/11-15, following the success of supervised swallow arrangements at Magilligan Prison, for an update on the effectiveness of this process, including whether this method will be fully utilised at Maghaberry Prison.

**(AQW 32383/11-15)**

**Mr Ford:** Supervised Swallow procedures are now well established in Magilligan Prison and have been very effective to date.

The full implementation of this procedure at Maghaberry Prison is a matter for the South Eastern Trust.

### Court of Appeal: Judgements

**Lord Morrow** asked the Minister of Justice to detail the average length of time to deliver a Court of Appeal judgment following conclusion of the hearing.

**(AQW 32384/11-15)**

**Mr Ford:** The information requested is not routinely collated. However, in the current legal year the Court of Appeal has (to 31 March) heard 76 appeals. In the cases where judgment has been delivered, the average time taken is eight working days. The table below sets out the time taken to deliver these judgments and the cases where judgment is outstanding:

Time Taken	Number
Delivered on the day ("ex tempore")	35
Within 2 weeks	12
Within 4 months	18
To be delivered	11
<b>Total</b>	<b>76</b>

Three cases dating from 2013 are awaiting judgment.

The oldest of these was heard on 18 April 2013 and relates to another case in which the Court of Appeal will hear arguments and issue a judgment on both cases.

### Court of Appeal: Judgements

**Lord Morrow** asked the Minister of Justice to detail the longest duration passed, following the oldest case heard before the Court of Appeal, that is still awaiting judgement.

**(AQW 32385/11-15)**

**Mr Ford:** The information requested is not routinely collated. However, in the current legal year the Court of Appeal has (to 31 March) heard 76 appeals. In the cases where judgment has been delivered, the average time taken is eight working days. The table below sets out the time taken to deliver these judgments and the cases where judgment is outstanding:

Time Taken	Number
Delivered on the day ("ex tempore")	35
Within 2 weeks	12
Within 4 months	18
To be delivered	11
<b>Total</b>	<b>76</b>

Three cases dating from 2013 are awaiting judgment.

The oldest of these was heard on 18 April 2013 and relates to another case in which the Court of Appeal will hear arguments and issue a judgment on both cases.

### Victims: On-the-run Decisions

**Mr Allister** asked the Minister of Justice, pursuant to AQW 31909/11-15, what steps are being taken to implement the requirements and spirit of EU Directive 2012/29/EU, Articles 6 and 11, in respect of victims affected by on-the-run decisions. (AQW 32406/11-15)

**Mr Ford:** Articles 6 and 11 deal with a victim's right to receive information about their case and rights in the event of a decision not to prosecute. The forthcoming Victim Charter will set out what information a victim is entitled to receive in relation to their case and when. This will reflect these provisions of the EU Directive, which apply to any case in which a crime has been reported.

As my Department has not been involved in the on the runs scheme I am not aware of the procedures that were in place, including any arrangements to share information with victims. In terms of the Directive and the new Charter, victims will be entitled to receive information about the progress of their case where a crime is reported to the police.

### Filling Stations: Laundered Fuel

**Mr Humphrey** asked the Minister of Justice how many of the 500 filling stations selling laundered fuel are situated along the border with the Republic of Ireland. (AQW 32432/11-15)

**Mr Ford:** I refer the member to the response provided on 19 March 2014 to AQW/31619/11-15, tabled by Mr P Givan.

### Assembly: Motions Debated

**Mr McNarry** asked the Minister of Justice to detail (i) the number of Motions debated in the Assembly that he has responded to in the last two years; and (ii) the action that he has taken following any Motion that was passed. (AQW 32439/11-15)

**Mr Ford:** In the last two years I have responded to 15 Motions.

A summary of any action that I have taken following these Motions is provided in the attached table (Annex A).

#### Annex A

Date of Motion	Title of Motion	Motion – Passed / Failed	Follow Up Action (if applicable)
27/03/2012	Private Members' Motion - Review of the Serious Organised Crime and Police Act 2005	Failed	No follow-up action required.
14/05/2012	Private Members' Motion: Agri-Crime	Passed	The Minister of Justice undertook to develop and publish guidance on the use of reasonable force. That guidance has been prepared in conjunction with PSNI and PPS and is under consideration by the Justice and Agriculture Committees.
11/06/2012	Private Members' Motion: Review of Sentencing for the Murder of PSNI Officers	Passed	A review of the legislation governing the determination of tariffs is ongoing.
25/06/2012	Committee Motion: Draft Corporate Manslaughter and Corporate Homicide (2007 Act) (Commencement) Order (Northern Ireland) 2012	Passed	Commencement of legislation notice issued to relevant criminal justice and health bodies and interested parties.
03/07/2012	Committee Motion: Report on the Inquiry into the Criminal Justice Services available to Victims and Witnesses of Crime	Passed	The Justice Committee's report of its inquiry into services for victims and witnesses of crime substantially informed the development of the five-year strategy for victims and witnesses of crime, which was published in June 2013.

Date of Motion	Title of Motion	Motion – Passed / Failed	Follow Up Action (if applicable)
03/12/2012	Private Members' Motion: Report on Action Against Trafficking in Human Beings	Passed	<p>Publication of the multi-agency Human Trafficking Action Plan for Northern Ireland 2013-14 identified priorities for action, informed by recommendations made by Group of Experts on Action against Trafficking in Human Beings (GRETA) and other key reports.</p> <p>The Department is due to publish a report on progress against this action plan by summer 2014.</p>
04/02/2013	Private Members' Motion: National Crime Agency	Failed	See Motion 15 October 2013.
05/02/2013	Private Members' Motion: Regulation of Social Networking Websites	Passed	<p>Regulation of the internet is a reserved matter.</p> <p>In July 2013 the Prime Minister announced measures to provide automatic blocking of online pornography by internet providers.</p>
18/02/2013	Committee Motion: The draft Policing and Community Safety Partnerships (Designated Organisations) Order (Northern Ireland) 2013	Passed	The proposed legislation was finalised and became the Policing and Community Safety Partnerships (Designated Organisations) Order (Northern Ireland) 2013.
04/06/2013	Private Member's Motion: Access to the Equal Pay Settlement for PSNI and NIO Staff	Passed	<p>The Minister of Justice undertook to write to the Finance Minister about the issue. He wrote to the then Finance Minister on 6 June 2013. There has been ongoing correspondence between both Ministers and debate in the Assembly on the matter. The Minister of Justice remains of the view that only a centrally driven and centrally financed solution which would require Executive and political support could potentially resolve this issue. The issue currently rests with the Minister of Finance.</p> <p>It remains our understanding that the final approval mechanism on this issue rests with DFP.</p>
10/09/2013	Private Members' Motion: Compensation Policy	Passed	The Minister of Justice referred to the Victims and Witnesses Strategy published in June 2013 in which he made a commitment to Review of the legislation underpinning the Criminal Injuries Compensation Scheme by 2016.

Date of Motion	Title of Motion	Motion – Passed / Failed	Follow Up Action (if applicable)
15/10/2013	Private Members' Motion: Prison Review Reports	Passed	<p>Extensive communication has continued with stakeholders, including those in other Departments and across the voluntary and community sector, throughout the reform programme and will continue as a high priority until the end of the programme and beyond.</p> <p>This communication and engagement is recognised by the Department and NIPS senior management team as vital to the long term success of the end to end, transformational reform programme.</p>
15/10/2013	Private Members' Motion: National Crime Agency	Passed	<p>The motion called for work to extend the NCA in NI.</p> <p>The Minister of Justice has continued to seek to secure a full remit for the NCA here.</p>
18/11/2013	Private Members' Motion: Police Ombudsman's Office	Passed	<p>The motion related to consultation on proposals for the reform of the Office of the Police Ombudsman for Northern Ireland. In January 2014, the Minister of Justice circulated a draft Executive paper detailing a package of reform measures, informed by the outcome of that consultation and consideration of our obligations under the European Convention on Human Rights. A second draft paper is currently awaiting consideration by the Executive.</p>
20/01/2014	Private Members' Motion: Smithwick Tribunal Report	Passed	<p>The Motion called for the Minister of Justice and Chief Constable to have urgent discussions with their counterparts in the ROI. The Minister of Justice had already met Alan Shatter and subsequently David Ford and the Chief Constable met Alan Shatter and the Gardaí Commissioner.</p>

### Prison Service: Secondments

**Lord Morrow** asked the Minister of Justice how many employees of the Northern Ireland Prison Service (NIPS) have been on secondment in each of the last five years to date; and of these, how many had their expenses met (i) by NIPS; and (ii) by the agency to whom they were seconded.

**(AQW 32442/11-15)**

**Mr Ford:** Seven employees of the Northern Ireland Prison Service have been on secondment in the last five years. Three had their expenses met by NIPS and four had their expenses met by the agency to which they were seconded.

This answer is not being broken down by year due to the numbers involved as disclosure would be contrary to the Data Protection Act 1998.

## Court of Appeal: Judgements

**Lord Morrow** asked the Minister of Justice to detail the longest duration passed following a case heard before the Court of Appeal, that is still awaiting judgement, led by the Lord Chief Justice.

**(AQW 32444/11-15)**

**Mr Ford:** As at 31 March 2014, the oldest Court of Appeal case awaiting judgment to be delivered where the Lord Chief Justice presided over the court was heard on 4 June 2013.

## Prisons: Abuse of Prescription Drugs

**Lord Morrow** asked the Minister of Justice, pursuant to AQW 31910/11-15 and AQW 31923/11-15, in light of the acknowledged higher rate of abused prescription medications in prisons, whether he will expand the list of tested substances to include prescription drugs, in an effort to combat the problem and provide options for tracing the supply.

**(AQW 32445/11-15)**

**Mr Ford:** The list of substances tested for within prisons is kept under review and amended if required. The views of our health partners, the South Eastern Trust, are factored into those considerations.

In view of the legitimate but large scale prescription of medication within prisons, it would be unwise to extend testing arrangements to cover all medicines which could be traded, where a clinical argument for doing so has not been presented.

Such a move would prove labour intensive for Healthcare Departments and would pull clinicians away from front line work.

## New Council Areas: Staff Commute

**Mr McGlone** asked the Minister of Justice to detail the number of staff in his Department, broken down by grade, travelling daily to their place of work from each of the eleven new council areas to the Greater Belfast area.

**(AQW 32457/11-15)**

**Mr Ford:** At 1 January 2014 the number of staff in the Department of Justice, broken down by grade, travelling daily to their place of work from each of the eleven new council areas to the Greater Belfast area is provided in the table below.

New Council Areas	Analogous Grade									Uniformed Prison/Industrial	Total
	G5+	G6	G7	DP	SO	EOI	EOII	AO	AA		
Antrim and Newtownabbey	1	0	9	14	24	19	7	34	5	0	113
Armagh, Banbridge and Craigavon	1	0	3	12	8	7	7	19	2	0	59
Belfast	9	5	29	37	39	71	39	103	17	0	349
Causeway Coast and Glens	0	0	0	2	2	3	1	4	0	0	12
Derry and Strabane	0	0	3	1	1	0	0	4	0	0	9
Fermanagh and Omagh	0	0	0	0	0	1	1	2	0	0	4
Lisburn and Castlereagh	4	1	11	19	13	10	12	28	7	0	105
Mid and East Antrim	0	1	6	16	18	19	10	29	2	0	101
Mid Ulster	0	1	3	3	0	4	1	8	0	0	20
Newry, Mourne and Down	1	1	3	7	16	8	7	21	4	0	68
North Down and Ards	6	0	21	25	38	35	26	66	15	0	232
Postcode missing or invalid	8	1	28	44	66	25	48	74	19	14	327
<b>Total</b>	<b>30</b>	<b>10</b>	<b>116</b>	<b>180</b>	<b>225</b>	<b>202</b>	<b>159</b>	<b>392</b>	<b>71</b>	<b>14</b>	<b>1399</b>

## On-the-runs Scheme

**Mr Allister** asked the Minister of Justice, in relation to Hansard from the House of Commons on 25 March 2014 where the Secretary of State for Northern Ireland reported in regard to the on-the-run scheme that "10 names were identified by the prison service", what information he can provide in respect of this.

**(AQW 32468/11-15)**

**Mr Ford:** The Secretary of State's written statement of 25 March 2014 reaffirmed what Mr Justice Sweeney said in paragraph 65 of his Judgement on the Downey case, namely that a further 10 names of OTRs were raised by the Northern Ireland Prison Service (NIPS) in addition to those names provided by Sinn Fein and the Irish Government.

In line with the Executive's Ministerial Code and long standing constitutional convention that Ministers should not be told by their officials, whether directly or by access to departmental papers, information relating to the work of a previous Administration I have seen neither the note of 3 September 2002 nor copies of any correspondence that took place between NIPS and the Northern Ireland Office (NIO) on this subject prior to that date. I am therefore unable to provide any information in respect of this matter at this time.

I have, however, now written to the Secretary of State making the case that as Minister for Justice I have an interest in the role played by NIPS in the on the runs administrative scheme prior to devolution and to formally request any relevant papers and information the NIO holds in relation to the names the Prison Service put forward. I await her reply.

## Craigavon Crown Court Case

**Lord Morrow** asked the Minister of Justice for a detailed update of the status of case number 13/056715, latterly at Craigavon Crown Court, including a timeline since the first court appearance to date.

**(AQW 32483/11-15)**

**Mr Ford:** This case was last listed on 28 March 2014 to hear submissions from legal representatives on case management issues, various legal arguments and to set a date for the trial. The court subsequently directed that the case was listed for hearing on 6 May.

There have been a number of applications in this case with previous appearances in both the magistrates' court and the Crown Court. The main court events are detailed in the table below.

Date	Key Event
26 August 2011	1st appearance
7 June 2013	Preliminary Enquiry – committed to Crown Court
30 August 2013	Arraignment
25 November 2013	Trial Commenced
26 November 2013	Trial Aborted
13 January 2014	Trial Commenced
14 January 2014	Trial Aborted
11 March 2014	Trial Commenced
12 March 2014	Trial Aborted
18 March 2014	Trial Commenced
20 March 2014	Trial Aborted

## Prison Service Museum

**Mr Weir** asked the Minister of Justice what progress has been made on providing a location for the Prison Service Museum.  
**(AQW 32489/11-15)**

**Mr Ford:** NIPS continues to give consideration to the future arrangements for displaying, storing and managing those artefacts and records currently held at the Prison Service College and dialogue with a number of interested parties is ongoing.

No final decisions have been taken.

## Lord Chief Justice: Reporting Restrictions

**Lord Morrow** asked the Minister of Justice, in relation to correspondence from the Office of the Lord Chief Justice for Northern Ireland to legal representatives of people accused of sexual offence in which reporting restrictions have been granted against the defendants, that stated a review of all such orders in these circumstances is taking place and without direct representations the reporting restrictions will be amended accordingly, to detail (i) how many people this relates to

per court division; (ii) how many people have had restrictions lifted; (iii) the reason for this review; and (iv) how far the review dates back.

**(AQW 32496/11-15)**

**Mr Ford:** In January 2014 the Office of the Lord Chief Justice (OLCJ) became aware through media reports that some courts were making orders under section 1(2) of the Sexual Offences (Amendment) Act 1992 ("the 1992 Act") prohibiting the media from publishing the identity of defendants in sexual offences cases. On 6 February 2014 the OLCJ wrote to solicitors acting for defendants in cases which were currently before the court to clarify that the 1992 Act did not give courts the authority to make such an order and to announce that it was carrying out a review of orders that had been made. Solicitors for the relevant defendants were informed that the orders in respect of the defendants would be removed unless they indicated within 21 days that they intended to make submissions to the court that the defendant had some other legitimate ground for seeking anonymity.

The review covers all relevant active cases as at 6 February 2014. The oldest order dates from 10 January 2011. Cases which had been dealt with before 6 February 2014 will be reviewed by the OLCJ on foot of a request to publish the identity of a defendant.

The table below sets out the number of relevant defendants in each court division and the number of orders which have been removed or amended as of 31 March 2014. Orders were amended if the court was satisfied that there were other grounds for anonymity.

County Court Division	Number of Defendants	Number of Orders Removed or Amended
Antrim	13	0
Ards	19	10
Armagh & South Down	8	0
Belfast	10	2
Craigavon	4	2
Fermanagh & Tyrone	2	1
Londonderry	5	0
<b>Total</b>	<b>61</b>	<b>15</b>

### Taxi Drivers: Convictions

**Lord Morrow** asked the Minister of Justice to detail all convictions for assault, sexual assault or any other contact-related crime carried out by a taxi driver, within a taxi, including the date of conviction.

**(AQW 32497/11-15)**

**Mr Ford:** The Department does not currently record information on the occupation of defendants, or on the exact location at which an offence occurred, in relation to convictions in courts. Identification of this information would require a manual trawl of PSNI records, an exercise that would incur a disproportionate cost.

### Prison Service: Drug Testing

**Lord Morrow** asked the Minister of Justice to detail (i) the number of random drug tests carried out on prisoners in possession of medication in all prisons in each of the last two years; and (ii) how often individual prisoners are reviewed in terms of suitability for the retention of prescribed drugs.

**(AQW 32498/11-15)**

**Mr Ford:**

- (i) The selection of prisoners for this type of testing is done entirely randomly by computer. Random testing is not linked to any other aspect pertaining to the prisoner including his medication history; therefore as the test is not linked to medication it would not be possible to provide a number without a considerable trawl of records, however 5% of the population at Maghaberry and Magilligan Prisons are tested monthly and 10% at Hydebank College.
- (ii) Within the Northern Ireland Prison Service, prisoners are assessed on their suitability for storing and taking their own medication within one week of committal via risk assessments.

The process for reviewing a patient's In-Possession Risk Assessment is outlined in the South Eastern Trust's 'In-Possession' Medication Policy. The policy highlights that the risk assessment can only provide a snapshot of risk at a particular point in time and must be reviewed at appropriate times.

If a patient is assessed as suitable for In Possession then the risk assessment should be reviewed at least annually, or if a trigger factor occurs. Triggers include overdose incidents or if a patient is found abusing, hoarding and/or trading medication. As a result of these triggers, in practice, patients can switch on and off 'In Possession' status with relative

frequency. The South Eastern Health & Social Care Trust do not keep a record of these changes in status as to do so would require a significant resource input, with minimal clinical/patient safety benefits.

Prisoners are required to sign a Medication Contract on committal which highlights their responsibilities when issued with their medication "In possession" and outlines the consequences if they break this contract.

### **Coroners Act (Northern Ireland) 1959: Section 10**

**Mr Allister** asked the Minister of Justice when was the last prosecution pursuant to Section 10 of the Coroners Act (NI) 1959 for breach of Section 7 of the Act; and to detail the number of prosecutions in each of the last five years.

**(AQW 32510/11-15)**

**Mr Ford:** Section 7 of the Coroners Act (NI) 1959 relates to a duty to give information to a coroner. The Department currently holds prosecutions and convictions data for the period 1993 to 2006 and convictions data from 2007 to 2012. Data are recorded on a primary offence basis. No cases in relation to the offence specified have been recorded as being the subject of a prosecution, or a conviction, during this time.

### **Drugs: Zero-tolerance Initiative**

**Lord Morrow** asked the Minister of Justice how many random drugs tests were carried out during the three month zero tolerance to drugs initiative and training and education programme in partnership with PSNI at Maghaberry Prison, as detailed in the October 2013 Prison Service Management Board minutes; and to detail the results of each random test within this timeframe.

**(AQW 32524/11-15)**

**Mr Ford:** The number of random drugs tests carried out at Maghaberry during the first three months of the joint operation was 128. On a total of 27 occasions the test was either refused by the prisoner or produced a positive sample, indicating a failure rate of 21.09%. In the wake of this initiative that positive rate has reduced and in February stood at 11.59%.

### **Prison Service: Drug Test Samples**

**Lord Morrow** asked the Minister of Justice, pursuant to AQW 31310/11-15, what is the (a) contracted; and (b) average turnaround time for the confirmation of drug test samples in the Prison Service in each of the last two years.

**(AQW 32542/11-15)**

**Mr Ford:** Due to commercial confidentiality it would not be appropriate to discuss the exact terms of the drug testing contract. The turnaround for a confirmation test will depend on whether it was dispatched from the testing prison on the day of testing.

### **Prison Service: On-site Drug Test Kits**

**Lord Morrow** asked the Minister of Justice to detail the stated accuracy of the on-site drug test kits provided to the Prison Service.

**(AQW 32543/11-15)**

**Mr Ford:** The accuracy of the on-site disposable kits, used by the Prison Service to test for the indication of illicit substances is assessed to be accurate to between 95% - 100% depending on the substance concerned.

### **Filling Stations: Laundered Fuel**

**Mr Easton** asked the Minister of Justice to detail the filling stations found to be selling illegal fuel.

**(AQW 32610/11-15)**

**Mr Ford:** I refer the member to the response provided on 19 March 2014 to AQW/31619/11-15, tabled by Mr P Givan.

### **Law Commission: Chief Executive**

**Mr Allister** asked the Minister of Justice to detail (i) the employer of the Chief Executive of the Northern Ireland Law Commission; (ii) whether the holder of the post is an employee of the Northern Ireland Civil Service (NICS); (iii) whether the holder of the post is entitled to benefit from the NICS enhanced voluntary redundancy scheme; and (iv) whether the present holder of the post has been offered the benefits of the redundancy scheme.

**(AQW 32729/11-15)**

**Mr Ford:** The Chief Executive of the Northern Ireland Law Commission: (i) is employed by the Commission; (ii) is not, therefore, an employee of the Northern Ireland Civil Service; (iii) is however a member of the Northern Ireland Principal Civil Service Pension Scheme under her terms and conditions of employment, as permitted by Schedule 9 para (4) 2A of the Justice (Northern Ireland) Act 2002; (iv) has been offered and accepted voluntary redundancy under the standard compensation terms.

### On-the-runs: Legal Advice

**Mr Easton** asked the Minister of Justice why he did not involve his Department's Permanent Secretary in the legal advice sought for the on-the-runs administrative scheme.

**(AQO 5955/11-15)**

**Mr Ford:** As I explained to the Justice Committee last Thursday, 3 April, the Permanent Secretary and I have different roles as administrative and political heads of the Department. On this issue, I considered it entirely appropriate that we seek independent legal advice from separate legal advisers, given the different nature of our roles.

### Prisons: Addiction Programme

**Mr Flanagan** asked the Minister of Justice for an update on the new addiction programme for prisons that he announced in October 2013.

**(AQO 5949/11-15)**

**Mr Ford:** The business case which details plans to conduct a 12 week pilot of a therapeutic substance misuse unit in Maghaberry Prison has been approved.

A procurement process is currently underway and it is expected that an external provider will be appointed to deliver the pilot programme by June 2014.

Following the 12 week pilot period, evaluation will take place to assess the success of the programme in addressing the needs of those with substance misuse issues.

If the pilot is deemed to be a success, the Northern Ireland Prison Service would propose to initiate procurement for a 12 month programme.

An expected component of this programme would be the transfer of skills from the external provider to NIPS staff, so that NIPS staff would be skilled to deliver any further programmes.

### Prostitution: Research

**Mr Givan** asked the Minister of Justice who was chosen to carry out research into prostitution within Northern Ireland on behalf of his Department; and to detail the timeframe for its completion and publication.

**(AQW 32778/11-15)**

**Mr Ford:** The contract for research into prostitution in Northern Ireland has been awarded, through Department of Finance and Personnel tendering procedures, to Queen's University Belfast. The Lead Researcher is Dr Huschke, assisted by Professor Shirlow, Dr Schubotz and Dr Ward.

The research is due to be completed by 31 October 2014 and publication of the final report will follow.

### PSNI: Procurement

**Ms Ruane** asked the Minister of Justice what action he intends to take in light of the findings of the Public Accounts Committee's report which concluded that significant elements of the PSNI procurement process did not represent value for money.

**(AQO 5958/11-15)**

**Mr Ford:** In keeping with the accepted convention that Ministers do not comment until the Memorandum of Reply is provided to the Public Accounts Committee, it would be inappropriate for me to comment on the detail of the PAC report on PSNI: Use of Agency Staff.

That said, I am aware that there have been improvements in governance due to processes in place since devolution and that the PSNI now has a robust, centrally monitored process for appointing temporary staff.

In line with due process, my Department will submit a Memorandum of Reply to the PAC report, to the Department of Finance and Personnel by 2 May 2014.

### Police Museum: Department of Justice Funding

**Mr Maskey** asked the Minister of Justice to outline the process which allowed the Department to provide £380,000 to the Police Museum.

**(AQO 5959/11-15)**

**Mr Ford:** On the devolution of justice, HM Treasury made available £20m for the Police Part-Time Reserve Gratuity Scheme, £19.6m of which was allocated to over 6,000 applicants. The unallocated amount, £383,000, has been made available to the RUCGC Foundation to publicly mark the service and dedication of the PTR, in the new Police Museum.

## Probation Board: Dangerousness Threshold

**Mrs Dobson** asked the Minister of Justice for his assessment of the threshold at which the Probation Board arrives at an assessment of dangerousness.

**(AQO 5961/11-15)**

**Mr Ford:** The determination of dangerousness in respect of offenders is a matter for the courts. I am happy to outline the relevant operational arrangements.

The Probation Board for Northern Ireland assists in this process by assessing the risk of serious harm presented by offenders, using its Risk of Serious Harm procedures. This information is provided to the courts through pre-sentence reports.

The assessment takes account of the pattern of offending, both current and any previous offending, the extent of serious harm already caused and frequency and escalation of harm over time. The assessment includes the offender's attitudes, including attitudes to the victim and the offender's acceptance of responsibility for their crime and their motivation to address their offending.

Prior to PBNI coming to a conclusion of risk of serious harm, a multi-agency meeting is convened by PBNI with regard to agreeing whether or not the threshold for significant risk of serious harm is met and a risk management plan is formulated.

PBNI defines a significant risk of serious harm as where there is a high likelihood that the offender will commit a further offence, causing serious harm. Serious harm is defined in legislation as "death or serious personal injury, whether physical or psychological".

## Department for Regional Development

### Car Parking Charges

**Mr Weir** asked the Minister for Regional Development to detail (i) the revenue generated at Roads Service car parks in Bangor during Christmas 2013 when reduced charges were in place; and (ii) the revenue generated when full tariffs were charged.

**(AQW 31432/11-15)**

**Mr Kennedy (The Minister for Regional Development):** Details of the revenue generated at my Department's car parks in Bangor during the Christmas 2013 period (2 Dec 2013 to 11 Jan 2014), are provided in the table below:

Car Park Name	2 December 2013 to 11 January 2014 £
Central Avenue	167.75
Castle Street	5,821.05
Abbey Street East	8,922.10
Bingham Lane	7,870.50
Holborn Avenue	4,454.73
Mills Road	3,112.82
The Vennel	4,349.00
Clifton Road	1,878.23
Abbey Street West	1,233.05

All Bangor charged car parks had reduced charges in this period.

### Penalty Charge Notices

**Mr Dunne** asked the Minister for Regional Development to detail the number of Penalty Charge Notices issued in (i) Bangor; (ii) Holywood; and (iii) Donaghadee, in each of the last three years.

**(AQW 32120/11-15)**

**Mr Kennedy:** Details of the number of Penalty Charge Notices (PCNs) issued in Bangor, Holywood and Donaghadee in each of the last three years are provided in the table below:

Year	Bangor	Holywood	Donaghadee
2011	3,287	1,691	226
2012	3,708	1,191	159
2013	3,528	735	105

## Churchdale Meadows Development, Gortin

**Mr McAleer** asked the Minister for Regional Development, in relation to the Churchdale Meadows development in Gortin, County Tyrone, to detail (i) the level of bond deposited; and (ii) whether the bond is sufficient to fund the outstanding works. **(AQW 32173/11-15)**

**Mr Kennedy:** There are two bonds in place for this development, one for the road infrastructure and the other for the sewerage system. Details of the level of bond deposited with my Department's Roads Service cannot be disclosed due to it being commercially sensitive, but is sufficient to fund all of the outstanding work associated with the road infrastructure.

Northern Ireland Water (NIW) is aware of the unadopted status of the sewerage system and has attended several meetings with the Residents Group, Councillors and the local MLA's representative. The Developer previously entered into an Article 161 Agreement for the future adoption of sewers within the development and provided a sewer bond for approximately £30,000. The sewers have been inspected and a schedule of work identified which is necessary to bring the sewers at this development up to an adoptable standard. The estimated cost of completing the remedial works is approximately £75 to 80k. A shortfall therefore now exists between the cost of the projected work required and the available amount in the Developer's bond held by NIW.

The Company's policy was discussed at the recent meeting, when NIW advised that if the Bond is insufficient to cover the cost of the remedial works then NIW is unable to proceed. NIW would be prepared to implement enforcement procedures to carry out the works utilising the bond security, but undertaking the full remedial works would depend upon the provision of the shortfall costs. NIW does not have a contingency budget to cover the cost of undertaking such works to unfinished sewers in unadopted developments.

I am, however, pleased to advise that since the last meeting with the Residents' Group on 10 March 2014, the Developer has made contact with NIW to discuss the situation regarding the adoption of the development sewers and confirmed he is keen to address the sewer defects. NIW plans to meet with the Developer at an early opportunity to discuss in detail the outstanding works to the sewers and his programme for bringing the sewers up to an adoptable standard

## Road Defects: North Down

**Mr Weir** asked the Minister for Regional Development to detail the compensation paid to motorists as a result of vehicle damage due to road defects in North Down in each of the last five years. **(AQW 32184/11-15)**

**Mr Kennedy:** Details of expenditure paid out in respect of vehicle damage claims in the North Down area, in each of the last five financial years, are provided in the table below:

### North Down Section Office

Year	Compensation
2012/13	£976.00
2011/12	£4,194.00
2010/11	£8,865.00
2009/10	£6,204.00
2008/09	£3,050.00

The figures for Roads Service's North Down Section Office area largely mirror the District Council area.

## A26 Road Scheme

**Mr Campbell** asked the Minister for Regional Development to detail the total approximate cost of the dualling of the A26 road scheme. **(AQW 32220/11-15)**

**Mr Kennedy:** The current projected cost of dualling the A26 between Glarryford and the A44 Drones Road is £65 million.

## Cycling: North Down

**Mr Weir** asked the Minister for Regional Development what plans his Department has to provide additional cycling infrastructure in North Down. **(AQW 32236/11-15)**

**Mr Kennedy:** I have established a Cycling Unit within my Department in order to provide a focus to the Department's work on cycling. It will have an important role in ensuring cycling provision is a key element in both transport strategy and delivery. The Unit is working on a cycling strategy for Northern Ireland in order to provide a context within which consideration can be given to how a network of cycle routes can be developed. This will provide an appropriate framework within which to assess different routes, including those in North Down.

Budgets and details of work programmes for 2014/15 are still being finalised. When complete, details of proposed schemes will be included in Roads Service's Spring and Autumn Reports to Councils. These reports can be accessed from my Department's internet site at the following web address:

[www.drdni.gov.uk/index/freedom\\_of\\_information/customer\\_information/cinformationtype-results.htm?signpost=Customer+information&informationType=Roads+Service+reports+to+councils](http://www.drdni.gov.uk/index/freedom_of_information/customer_information/cinformationtype-results.htm?signpost=Customer+information&informationType=Roads+Service+reports+to+councils).

It is not possible to provide details of future programmes as budgets for subsequent years have still to be agreed.

### Footpaths: Darling Street, Enniskillen

**Mr Flanagan** asked the Minister for Regional Development to detail any action, including enforcement, that his Department has taken to ensure the footpath on Darling Street, Enniskillen near Castle Street is kept free from objects that would impact upon footpath users, particularly people with mobility problems or who are visually impaired.

**(AQW 32249/11-15)**

**Mr Kennedy:** My Department has been contacted on 3 occasions within the last two years about items placed on the footway outside the premises known as Everyday Needs in Darling Street in Enniskillen.

The presence of such objects may impede those with mobility problems or visually impaired who are passing the site and, on each occasion, when either highlighted or observed the owner has been contacted and requested to remove or contain the display. There was a further contact in 2009, bringing the number of contacts to 4 in 5 years.

My Department is mindful that frontage displays at some premises are regarded by some as an enhancement to the streetscape and its appearance to visitors. For that reason a certain amount of merchandise display on footpaths is usually tolerated, unless it is considered excessive as was the case in the above instances. No formal enforcement has been initiated to date.

It is my Department's intention, in conjunction with Fermanagh District Council, using the Clean Neighbourhoods and Environment Act (2011), to have any satellite displays removed, not only in Darling Street, but also in other areas as a matter of routine.

### Footpaths: Darling Street, Enniskillen

**Mr Flanagan** asked the Minister for Regional Development to detail (i) the number of times his Department has been contacted regarding the proliferation of objects outside a retail premises on Darling Street, Enniskillen; and (ii) the impact these objects have on the ability of people with mobility problems or visual impairments to use the footpath.

**(AQW 32250/11-15)**

**Mr Kennedy:** I would refer the Member to my answer to AQW 32249/11-15.

### Cycle Counters

**Mr McKay** asked the Minister for Regional Development whether there are plans to increase the number of cycle counters. **(AQW 32255/11-15)**

**Mr Kennedy:** In taking forward work on developing a vision and cycling strategy for Northern Ireland it is important that the Cycling Unit undertakes research on attitudes to cycling, the benefits of cycling and cycling habits – among other things. Cycle counters can be an important means of obtaining information both on route usage and the habits of cyclists so that cycling provision can be improved in the best ways and at the most appropriate locations. In established cycling cultures counters are one of the measuring tools used in the assessment of cycling development.

My Department has recently met with Sustrans to discuss options for a more strategic approach to collating cycling information – including the use of cycle counters. This work is ongoing and no conclusions have yet been reached but the number and location of cycle counters will be considered as my Cycling Unit develops its strategy and progresses the implementation of cycling infrastructure in the future.

### Cycle Counters

**Mr McKay** asked the Minister for Regional Development to detail the (i) total number; and (ii) location of cycle counters, broken down by constituency.

**(AQW 32257/11-15)**

**Mr Kennedy:** My Department currently has 30 cycle counters in operation throughout Northern Ireland at the following locations:

Constituency	Location of cycle counter
East Antrim	Coast Road, Larne (LHS)
	Coast Road, Larne (RHS)

Constituency	Location of cycle counter
East Londonderry	Coleraine to Portstewart cycle path
	Rose Gardens, Coleraine (A2-Milburn Rd)
	C570 Blackburn Pass, Scroggy Road, Limavady
	Millennium Bridge, Coleraine (west bank)
	Portrush Promenade at West Strand
	A26 Newbridge Rd at Causeway Hospital
	A2 Castlerock - Between Sea Road and Ballywoolen Road
	Strand Road, Coleraine at Christie Park
Fermanagh & South Tyrone	Irvinestown Road, Enniskillen
	Beechvalley, Dungannon (at Tesco)
Mid Ulster	Sandholes Road, Cookstown (between roundabout and DVA)
	Shore Road, Ballyronan
Foyle	Foyle Valley Greenway (off Letterkenny Road)
	A2 Culmore Road, Londonderry
	Collon Lane, Templemore, Londonderry
	Foyle Embankment, Londonderry
	A5 Victoria Road, Londonderry
North Antrim	Railway Path, Bushmills
	Frosses Road, Ballymoney (at Kirk Road)
	Raceview Road, Broughshane
	Ecos Centre, Ballymena
	Galgorm Road, Gracehill
	Riverside Park, Ballymoney
South Antrim	Greystone Road, Antrim
	Randalstown Road, Antrim
	Loughshore Park, Antrim
West Tyrone	Gortin Road, Omagh (at The Grange)
	Derry Road, Strabane

Officials from my Department have already met with Sustrans representatives to investigate options for a more strategic approach to cycle counters.

### Portavoe Reservoir

**Mr Weir** asked the Minister for Regional Development to detail the plans and timescale for work on Portavoe Reservoir. (AQW 32261/11-15)

**Mr Kennedy:** NI Water manages the reservoirs under its control in line with standards set out in the Reservoirs Act 1975 (England and Wales).

The lowering of the water level in Portavoe Reservoir is required to facilitate essential health and safety work to refurbish valves and other maintenance work required to protect the structural integrity of the reservoir. It is expected the water in the reservoir will be lowered to the required level by the end of April 2014 and the maintenance work will be completed by the end of July 2014. These dates are however subject to favourable weather conditions as the low water level must be maintained to enable the maintenance work to progress.

## Portavoe Reservoir

**Mr Weir** asked the Minister for Regional Development what provision has been made to protect wildlife, birds and aquatic life in advance of work on Portavoe Reservoir.

**(AQW 32263/11-15)**

**Mr Kennedy:** Northern Ireland Water (NIW) has consulted with Northern Ireland Environment Agency (NIEA) and DCAL to ensure that the agreed method of draining Portavoe Reservoir to complete essential safety work will minimise the impact on the environment. Actions include the following:

- A Habitat Regulatory Assessment has been carried out for the release of water from Portavoe, as required under the Habitats Directive to assess the impact on the Outer Ards Special Protection Area (SPA) and Ramsar Site which covers the protection of wetlands;
- It has been agreed with NIEA's wildlife officer that mussels will be collected and held within tanks for re-seeding on completion of the works. This approach has been successfully completed at other reservoirs.
- To prepare for the works DCAL has not stocked fish into the Reservoir since August 2013. Consequently, the lowering of the water level should have minimal impact on those fish remaining in the reservoir.
- DCAL's Inland Fisheries staff will also be undertaking regular inspections of the Reservoir and where there are any signs of fish in distress they will remove the fish to other Public Angling Estate waters in the vicinity.
- DCAL has also publicised details of the ongoing work on the relevant section of the NI Direct Website for the advice of anglers.

The impact of the lowering of the water level on nesting birds is not deemed to be significant as the water level in the reservoir naturally fluctuates during periods of wet weather or drought.

## Portavoe Reservoir

**Mr Weir** asked the Minister for Regional Development what organisations his Department has consulted with regarding the protection of wildlife, birds and aquatic life in advance of work on Portavoe Reservoir.

**(AQW 32265/11-15)**

**Mr Kennedy:** Northern Ireland Water has consulted with Northern Ireland Environment Agency regarding lowering the level of the reservoir and on the environmental approach to this work. Consultation has also taken place with DCAL who currently lease the reservoir for angling.

## A37 Limavady to Coleraine

**Mr G Robinson** asked the Minister for Regional Development whether there are plans for road works and warning signage on the A37 Limavady to Coleraine Road at the Garvagh junction to the Drumalief Road, in order to improve the road surface and warn of hidden dips, following the recent fatality on the road and to alleviate accident causes until the delivery of Gortcorbies Climbing Lane.

**(AQW 32275/11-15)**

**Mr Kennedy:** I was saddened to hear of the fatal collision on the A37 Broad Road on Tuesday 18 March 2014. Every death on the roads is a tragedy and I extend my heartfelt sympathy to the family and friends of Mr Kyle Simmons.

The PSNI investigation is underway in relation to this tragic incident and my officials, if requested, will cooperate fully with them, and endeavour to provide assistance or information on any roads related issues.

## Traffic Attendants

**Mr Campbell** asked the Minister for Regional Development, pursuant to AQW 31584/11-15, given the reduction outlined between 2010 and 2013, what is the anticipated number of traffic attendants operating in the current calendar year.

**(AQW 32277/11-15)**

**Mr Kennedy:** There are 107 Traffic Attendants operating in Northern Ireland in the current calendar year.

## Disability Action Transport Scheme

**Mr McMullan** asked the Minister for Regional Development, pursuant to AQW 31911/11-15, when the Disability Action Transport Scheme will be available to (a) Carnlough; (b) Glenariff; (c) Cushendall; and (d) Cushendun.

**(AQW 32306/11-15)**

**Mr Kennedy:** The Disability Action Transport Scheme (DATS) only provides services in those towns / cities with a population greater than 10,000. Other areas are deemed rural and are serviced by the Dial-a-Lift scheme operated by the Rural Community Transport Partnerships and grant funded by my Department under the auspices of the Rural Transport Fund. In the Carnlough area that Partnership is South Antrim Community Transport and in the Glenariff, Cushendall and Cushendun areas the Partnership is North Coast Community Transport.

## Travel Saving Schemes

**Mr Weir** asked the Minister for Regional Development what plans there are to ensure that travel saving schemes are equally available by bus and train commuters.

**(AQW 32326/11-15)**

**Mr Kennedy:** The TaxSmart scheme currently only applies to bus travel due to Her Majesty Revenue and Customs HMRC determination on the matter. This enables individuals to purchase an annual bus travel card through an Employer salary sacrifice scheme subject to certain conditions as laid down by (HMRC). The Northern Ireland Civil Service has signed up to the scheme but it is open to any employer.

I believe strongly there is a case for helping rail users by introducing this incentive.

I have therefore written to the Minister for Finance and Personnel on 9 January 2014 to raise the issue of extending the scheme to include rail travel in Northern Ireland with HM Treasury. I understand he has written to the Chancellor of the Exchequer who has responsibility for HMRC. There has been no reply at this point.

Translink operates its own fare discount schemes across bus and rail services. This takes account of relative costs of services, demand, commercial considerations and financial targets.

## Commuter Fare-saving Schemes

**Mr Weir** asked the Minister for Regional Development to detail the commuter fare saving schemes that are only available for one method of transport.

**(AQW 32327/11-15)**

**Mr Kennedy:** The TaxSmart scheme currently only applies to bus travel due to Her Majesty Revenue and Customs HMRC determination on the matter. This enables individuals to purchase an annual bus travel card through an Employer salary sacrifice scheme subject to certain conditions as laid down by (HMRC). The Northern Ireland Civil Service has signed up to the scheme but it is open to any employer.

Employers can make interest free loans available to staff using rail travel to enable them to take advantage of discounts for annual tickets, etc., though the employee will not enjoy the same tax advantage that TaxSmart users can avail of.

Translink operates its own separate fare discount schemes across bus and rail services. These take account of the different relative costs of services, demand, commercial considerations and financial targets across the bus and rail networks.

It should also be noted that the salary sacrifice Cycle to Work Scheme developed by HMRC is also open to any employer.

## Translink Smart Scheme Allowance

**Mr Weir** asked the Minister for Regional Development why the annual Translink smart scheme allowance is only available for bus travel.

**(AQW 32328/11-15)**

**Mr Kennedy:** The TaxSmart scheme currently only applies to bus travel due to Her Majesty Revenue and Customs HMRC determination on the matter. This enables individuals to purchase an annual bus travel card through an Employer salary sacrifice scheme subject to certain conditions as laid down by (HMRC). The Northern Ireland Civil Service has signed up to the scheme but it is open to any employer.

I have therefore written to the Minister for Finance and Personnel on 9 January 2014 to raise the issue of extending the scheme to include rail travel in Northern Ireland with HM Treasury. I understand he has written to the Chancellor of the Exchequer who has responsibility for HMRC. There has been no reply at this point.

## Cycle Lanes: Lagan Valley

**Mr Craig** asked the Minister for Regional Development what plans his Department has to provide dedicated cycle lanes in the Lagan Valley constituency, in particular the Lisburn City Council area.

**(AQW 32338/11-15)**

**Mr Kennedy:** I have established a Cycling Unit within my Department in order to provide a focus to the Department's work on cycling. It will have an important role in ensuring cycling provision is a key element in both transport strategy and delivery. The Unit is working on a cycling strategy for Northern Ireland in order to provide a context within which consideration can be given to how a network of cycle routes can be developed. This will provide an appropriate framework within which to assess different routes, including those in the Lagan Valley constituency and Lisburn City Council area.

Budgets and details of work programmes for 2014/15 are still being finalised. When complete, details of proposed schemes will be included in Roads Service's Spring and Autumn Reports to Councils. These reports can be accessed from my Department's internet site at the following web address:

[www.drndni.gov.uk/index/freedom\\_of\\_information/customer\\_information/cinformationtype-results.htm?signpost=Customer+information&informationType=Roads+Service+reports+to+councils](http://www.drndni.gov.uk/index/freedom_of_information/customer_information/cinformationtype-results.htm?signpost=Customer+information&informationType=Roads+Service+reports+to+councils).

It is not possible to provide details of future programmes as budgets for subsequent years have still to be agreed.

### **Portavoe Reservoir**

**Mr Easton** asked the Minister for Regional Development why Portavoe Reservoir has been emptied.  
(AQW 32366/11-15)

**Mr Kennedy:** NI Water manages the reservoirs under its control in line with standards set out in the Reservoirs Act 1975 (England and Wales).

The lowering of the water level in Portavoe Reservoir is required to refurbish valves and to carry out other maintenance work required to protect the structural integrity of the reservoir. It is expected the water in the reservoir will be lowered to the required level by the end of April 2014 and the maintenance work will be completed by the end of July 2014. These dates are however subject to favourable weather conditions as the low water level must be maintained to enable the maintenance work to progress.

### **Portavoe Reservoir: Local Angling Club**

**Mr Easton** asked the Minister for Regional Development why the local angling club was not informed that Portavoe Reservoir would be emptied.  
(AQW 32367/11-15)

**Mr Kennedy:** NI Water has consulted with the Department for Culture, Arts and Leisure (DCAL) who currently lease Portavoe Reservoir for angling purposes, with regard to lowering the level of the reservoir for essential maintenance work.

DCAL has publicised details of the ongoing work on the relevant section of the NI Direct website which provides advice for anglers.

### **Roads: Strathroy Link Road, Omagh**

**Mr McAleer** asked the Minister for Regional Development for an update on the construction of the Strathroy Link Road, Omagh.  
(AQW 32373/11-15)

**Mr Kennedy:** As part of a cross-departmental agreement between my Department and the Department for Education, engineering consultants, Mouchel, have been commissioned to assist with the development and delivery of the Strathroy Link Road.

It is anticipated the necessary scheme assessments and statutory processes will be completed to permit the acquisition of the necessary lands during 2015/16. This will enable the construction phase to be completed prior to the new Lisanelly Shared Education Campus becoming operational.

### **Glendun Viaduct**

**Mr McMullan** asked the Minister for Regional Development whether his Department plans to restore the inscription on the Glendun Viaduct.  
(AQW 32395/11-15)

**Mr Kennedy:** My Department will investigate options for restoring the inscription on Glendun Viaduct. However, as it is a listed structure, any work to the fabric of the viaduct will require the consent of the Northern Ireland Environment Agency.

### **Windmill Street Car Park, Ballynahinch**

**Mr Hazzard** asked the Minister for Regional Development to detail (i) the number of vehicles that used the Windmill Street Car Park in Ballynahinch each Saturday in the last six months; and (ii) how his Department plans to maximise the potential of this site.  
(AQW 32396/11-15)

**Mr Kennedy:** My Department does not hold the relevant data relating to usage of its car parks, including Windmill Street Pay and Display Car Park in Ballynahinch.

You may be aware the tariff in the Windmill Street and Lisburn Street Car Parks in Ballynahinch was reduced from 30 pence per hour to 30 pence for 3 hours in 2011 and general observations would indicate that usage of both car parks has increased in the intervening period.

As you will be aware, I have already given a commitment that car park tariffs will not be increased during this budget period up to April 2015. The Member will also be aware that all of my Department's off-street car parks are transferring to local councils under Local Government Reform in April 2015, and all matters regarding the operation and administration of car parks will be for relevant local councils to consider.

## New Council Areas: Staff Commute

**Mr McGlone** asked the Minister for Regional Development to detail the number of staff in his Department, broken down by grade, travelling daily to their place of work from each of the eleven new council areas to the Greater Belfast area.

**(AQW 32401/11-15)**

**Mr Kennedy:** The information shown in the table below details the council areas associated with the home addresses of staff in DRD whose normal work location is within the Greater Belfast area. Details are broken down by grade.

Council Area	Analogous Grade										Total
	G5+	G6	G7	DP	SO	EOI	EOII	AO	AA	Ind	
Antrim and Newtownabbey	1	0	3	10	13	16	5	13	3	2	66
Armagh, Banbridge and Craigavon	1	0	3	10	7	6	10	2	1	0	40
Belfast	3	3	15	28	34	19	25	47	16	15	205
Causeway Coast and Glens	0	0	2	5	3	0	3	1	0	0	14
Derry and Strabane	1	0	0	3	0	1	0	0	0	0	5
Fermanagh and Omagh	0	0	0	0	2	1	0	1	0	0	4
Lisburn and Castlereagh	2	0	3	11	7	6	4	9	3	3	48
Mid and East Antrim	0	0	3	3	10	11	6	7	3	1	44
Mid Ulster	1	0	1	4	2	3	0	3	1	0	15
Newry, Mourne and Down	1	0	3	9	8	6	8	7	0	1	43
North Down and Ards	2	1	9	15	14	10	2	16	2	3	74

## Assembly: Motions Debated

**Mr McNarry** asked the Minister for Regional Development to detail (i) the number of Motions debated in the Assembly that he has responded to in the last two years; and (ii) the action that he has taken following any Motion that was passed.

**(AQW 32420/11-15)**

**Mr Kennedy:** I have listed below the Motions debated in the Assembly that I have responded to in the last two years and the actions taken following the Motion being passed.

Date of Assembly Debate	Motion	Actions Taken
07/02/2012	Private Members Motion – Surety Bonds for new housing developments.	Letter issued to Dolores Kelly MLA on 21 February 2012 responding about open spaces, which she raised during the debate.  Work is ongoing by Departmental officials to progress the adoption of Private Streets developments as appropriate.
26/06/2012	Motion – Prayer of Annulment: S.R. 2012/203. That the Penalty Charges (Prescribed Amounts) Regulations (Northern Ireland) 2012 be annulled.	The Motion that the Penalty Charges (Prescribed Amounts) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/203) be annulled was defeated. The Regulations came into operation on 4 July 2012.

Date of Assembly Debate	Motion	Actions Taken
27/11/2012	Motion - EU Funding for 2014-2020	<p>The TEN-T and CEF regulations were finalized in December 2013. Important amendments have been secured which take account of Northern Ireland's unique position. These include exemptions from particular infrastructure requirements for our rail network and increased opportunities for funding for our roads and comprehensive network.</p> <p>The Department continues to work and collaborate with the British, Welsh, Scottish, and Irish Governments through various forums with a view to maximizing opportunities to secure EU funding for transport projects in the new EU Financial Period.</p>
04/12/2012	Motion – Committee Report on the Inquiry into Unadopted Roads.	<p>Written response issued to the Committee for Regional Development (CRD) in March 2013. Further updates have been provided to the Committee, the most recent was in December 2013.</p> <p>Various work streams, correspondence and meetings have been held to progress and implement the recommendations of the CRD Committee's report on the Inquiry into Unadopted Roads.</p> <p>Ongoing work is being carried out by Departmental officials to progress the adoption of Private Streets developments, as appropriate.</p>
18/06/2013	Private Members Motion – Funding for other road projects in place of the A5 Western Transport Corridor.	<p>Following the Motion funding was secured to construct the A26 Glarryford to Drones Road dual carriageway and the A31 Magherafelt Bypass. Procurement for these projects has commenced and both should be in a position to commence construction in late 2014 / early 2015.</p> <p>Funding has also been secured to take forward the A6 Randalstown to Castledawson scheme to a "shovel ready" position during 2014/15, allowing construction to start at short notice, should funding become available.</p>
02/07/2013	Committee Business - Motion - Report on the Inquiry into the Better Use of Public and Community Sector Funds for the Delivery of Transport Option	<p>The recommendations from the Committee's Inquiry report are being taken forward as part of the Integrated Transport Pilot Project in Dungannon and Cookstown. The project continues to explore ways of integrating passenger transport services being delivered by Translink, the Southern Education and Library Board, the Southern Health Trust and community transport. The changes already introduced continue to be evaluated and further changes are being planned. Work has also commenced on the collection of information about costs, services, etc. from the various providers to enable the development of an economic appraisal of the options for the wider implementation of integrated planning and delivery. This is expected to be completed by late 2014.</p> <p>The Department is in the process of conducting an evaluation of the demand-responsive transport schemes that support the urban programme for people with a disability and the Rural Transport Fund. It also continues to liaise with the Department of the Environment (DOE) on the options for a new, more flexible, operator licensing scheme.</p> <p>A Feasibility Study on the options for a new ticketing system is currently being completed by Translink. This will enable an economic appraisal to be developed for the new system.</p>

Date of Assembly Debate	Motion	Actions Taken
04/11/2014	Motion – Report on Inquiry into Comprehensive Transport Delivery Structures.	<p>Contracts for the Transport Planning and Modelling Managed Service Framework were awarded on 14 March 2014. Secondary competitions are now being run to develop a Strategic Modelling System and to</p> <p>appoint transport planning experts to assist with the development of integrated passenger transport models for the wider implementation of the type of integrated services being piloted in Dungannon and Cookstown.</p> <p>The delivery plan for the New Approach to Transportation continues to be developed to support the process of allocating funding to priority projects.</p>
26/11/2013	Road Races (Amendment) Bill – Accelerated Passage Motion Debate.	Brought the Bill through the Assembly process, resulting in it achieving Royal Assent on 17 January 2014, becoming the Road Races (Amendment) Act (Northern Ireland) 2014.

### Union Flag: Omagh

**Mr McAleer** asked Minister for Regional Development whether he will instruct departmental officials to remove a large Union Flag from departmental property at the junction of Drumragh Avenue and Market Street, Omagh in an effort to promote good community relations and maintain the neutrality of this shared space.

**(AQW 32434/11-15)**

**Mr Kennedy:** In accordance with the Joint Protocol in Relation to the Display of Flags in Public Places, this matter has been referred on to the PSNI in Omagh. Under this Policy the PSNI will take forward consultation and negotiation with local community representatives. When the consultation process has been completed, my Department will comply with the recommendation made by the PSNI.

### Millennium Way Scheme

**Mr Moutray** asked the Minister for Regional Development, given that planning permission has been obtained for phase 2 of the Millennium Way Road Scheme, when construction will commence.

**(AQW 32449/11-15)**

**Mr Kennedy:** Following the granting of planning permission for the proposed extension to Millennium Way, my Department is continuing to progress technical aspects of the design. As part of this process, preliminary meetings with affected landowners are taking place to describe and explain the level of impact of the proposal.

Substantial areas of land, currently in private ownership, will need to be acquired to complete the works and it is possible a Public Inquiry into the Vesting Order may be required to determine if the level of land take identified is appropriate.

It should be noted that subsequent progression onto my Department's Construction Programme remains subject to the proposal continuing to have a satisfactory economic appraisal, clearing the statutory procedures and funding being made available in future budget settlements.

### Cycling Master Plan: Ballymena

**Mr McKay** asked the Minister for Regional Development whether he will develop a cycling masterplan for Ballymena, given his recent statement that cyclists spend more in shops.

**(AQW 32469/11-15)**

**Mr Kennedy:** My Department is currently working on a cycling strategy for Northern Ireland. I expect a draft strategy to be prepared by June of this year.

In parallel with this, consideration will be given to the drafting of cycling masterplans for areas within Northern Ireland starting with Belfast. While my ambition is to improve cycling infrastructure throughout Northern Ireland, I think that it is important to adopt a step-by-step approach so that the benefits of investment are more effective.

### Cycling Master Plan: Belfast

**Mr McKay** asked the Minister for Regional Development when the departmental cycling unit will publish a cycling masterplan for Belfast.

**(AQW 32470/11-15)**

**Mr Kennedy:** My Department is currently working on a cycling strategy for Northern Ireland. I expect a draft strategy to be prepared by June of this year.

In parallel with this, consideration will be given to the drafting of cycling masterplans for areas within Northern Ireland starting with Belfast.

### Cycle Lanes: North Down

**Mr Weir** asked the Minister for Regional Development what plans he has to provide dedicated cycle lanes or routes in North Down.

**(AQW 32490/11-15)**

**Mr Kennedy:** My Department is currently working on a cycling strategy for Northern Ireland in order to provide a context within which consideration can be given to how a network of cycle routes can be developed. This will provide an appropriate framework which will allow the assessment of different routes, including those in North Down.

Budgets and details of work programmes for 2014/15 are still being finalised. When complete, details of proposed schemes will be included in Roads Service's Spring and Autumn Reports to Councils. These reports can be accessed from my Department's internet site at the following web address:

[http://www.drndi.gov.uk/index/freedom\\_of\\_information/customer\\_information/cinformationtype-results.htm?signpost=Customer+information&informationType=Roads+Service+reports+to+councils](http://www.drndi.gov.uk/index/freedom_of_information/customer_information/cinformationtype-results.htm?signpost=Customer+information&informationType=Roads+Service+reports+to+councils)

I can advise that the detailed budget for subsequent years has not yet been finalised and it is therefore not possible to provide details of future works programmes at this time.

### DRD: Vacancies and Agency Staff

**Mr Dallat** asked the Minister for Regional Development to detail the (i) vacancies; and (ii) agency staff in his Department, broken down by grade.

**(AQW 32514/11-15)**

**Mr Kennedy:** The details for my Department are set out in the tables below.

#### Vacancies

Grade	Total
Principal	2
Deputy Principal	1
Deputy Statistician	1
Staff Officer	4
Executive Officer I	1
Executive Officer II	3
Administrative Officer	1
Administrative Assistant	1
Personal Secretary	1
Purser	1
Support Manager 3	1
ICT Level 4	2
ICT Level 5	3
SPTO Civil Engineer	2
PTO Civil Eng Assistant	1
PTO M and E Eng Assistant	2
Technical Grade I	2
College-based Sandwich Student	1
Industrial grades	9
<b>Total</b>	<b>39</b>

**Agency Staff**

<b>Grade</b>	<b>Total</b>
Administrative Officer	4
Administrative Assistant	14
Purser	1
Information Officer	1
SO Accountant	1
PTO	1
Technical Grade 1	7
Industrial grades	3
<b>Total</b>	<b>32</b>

**A2 Buncrana Road**

**Mr Eastwood** asked the Minister for Regional Development for an update on the A2 Buncrana Road widening scheme.  
(AQW 32545/11-15)

**Mr Kennedy:** I am pleased to confirm that considerable progress has been made on the design of the A2 Buncrana Road widening scheme. This will provide sufficient information to ensure the land required to facilitate the improvement of the Buncrana Road is afforded planning protection.

There is no provision within the current 2011-2015 NI budget for construction of the scheme and delivery of schemes, such as the Buncrana Road improvement, beyond the current budget period will be dependent upon the level of funding made available through future budget settlements and the relative priorities afforded to schemes competing for the available funds.

**Car Parking: Enforcement Consistency**

**Mr Anderson** asked the Minister for Regional Development what steps he is taking to ensure consistency in car parking enforcement in all town centres.  
(AQO 5975/11-15)

**Mr Kennedy:** My Department has developed the Parking Enforcement Protocol to ensure consistency in car parking enforcement operations. The Parking Enforcement Protocol Document sets out the rules and procedures for Traffic Attendants to issue Penalty Charge Notices fairly and consistently. It also provides general information on parking enforcement, including the approach to be taken by Traffic Attendants and the processes in place to allow drivers to challenge any tickets which they believe may have been issued incorrectly.

Detailed information on the content of the protocol document is available on the NI Direct website at the following web address: <http://www.nidirect.gov.uk/index/information-and-services/travel-transport-and-roads/parking-and-parking-enforcement.htm>.

**Roads: Fermanagh/South Tyrone**

**Lord Morrow** asked the Minister for Regional Development for his assessment of the roads infrastructure in Fermanagh/South Tyrone.  
(AQO 5969/11-15)

**Mr Kennedy:** The condition of the roads infrastructure in Fermanagh & South Tyrone is comparable to the condition of the rest of the network in Northern Ireland, as it is maintained in accordance with established roads maintenance standards.

On the basis of traffic volumes, roads are inspected on four, eight or sixteen weekly cycles and all necessary repairs are carried out within preset target response times.

The main trunk roads within Fermanagh and Dungannon Council areas are the A4, A5, A29, A32 and A509 and constitute 192 kilometres of carriageway. Since I became the Minister for Regional Development in 2011, approx 61 lane kilometres of the trunk road network have been resurfaced. Over the same period, a total of 360 lane kilometres of non-trunk resurfacing has been carried out together with 685 kilometres of surface dressing. These resurfacing outputs are much higher than those achieved by my predecessor, over a similar period, when only 52 lane kilometres of the trunk road network were resurfaced and 193 lane kilometres of non-trunk road resurfacing was completed.

I consider this is a very creditable outturn on a network totalling 3600 kilometres of roads of which 2100 kilometres are unclassified.

## Ballynahinch Bypass

**Mr Wells** asked the Minister for Regional Development for his assessment of the most recent projected costs of providing a bypass for Ballynahinch.

**(AQO 5968/11-15)**

**Mr Kennedy:** It is estimated the A24 Ballynahinch Bypass will cost in the range of £40–£50million as confirmed with the announcement in January 2012 of the Preferred Option for the scheme.

The estimate includes elements for: construction of the scheme; land acquisition and compensation; preparation and supervision; and construction risk (which will reduce as the scheme design progresses).

The Traffic and Economic Assessments, which are undertaken at each stage of the scheme assessment process, form a key aspect of the development of Major Works schemes.

For Ballynahinch Bypass, these assessments indicate the proposed scheme would be expected to provide value for money with transport benefits, including safety benefits, exceeding the costs involved in providing this improvement. A full economic appraisal will be undertaken once the scheme has been finally defined following public inquiry.

The estimate will continue to be refined as the detailed design for the scheme is developed, and is currently under review as part of the preparation of the detailed design in the run up to the publication of the draft Statutory Orders.

## HGV Noise: Hillsborough

**Mr Craig** asked the Minister for Regional Development to outline what actions his Department can take to reduce the adverse noise and vibration impact that heavy goods vehicles are having on properties in Hillsborough village.

**(AQO 5971/11-15)**

**Mr Kennedy:** My Department, along with other competent authorities, including major Airports, Railways and Industry, is currently working towards a Noise Action Plan for Northern Ireland, in accordance with the requirements of the Environmental Noise Regulations (NI) 2006.

In line with criteria for investigating areas for potential action in relation to noise from road traffic, the noise level used in the assessment is based on the 1% of the population affected by the highest noise levels. This equates to a road traffic noise of at least 75 decibels (dB).

As part of the Road Noise Action Plan, my Department has assessed the A1 dual carriageway at Hillsborough and the roads through Hillsborough village. As a result, the Hillsborough area has not been identified as a Candidate Noise Management Area (CNMA). The assessment results show noise levels in the Hillsborough area to be below 75dB and do not indicate noise mitigation measures are required at this time.

There are a significant number of properties and people within the Belfast area who are currently exposed to noise levels over 75dB, and therefore priority has been given to these areas, included as CNMA's in the proposed Action Plan.

There has been a lot of research work carried out on the issue of traffic induced vibrations over the years and I understand the general conclusion has been that, they have insufficient energy to cause damage to an otherwise sound structure.

Imperfections in the road surface are the main cause of vibration and the monitoring of surface condition is an important part in preventing traffic induced vibration. My Department inspects the footways and carriageway in this area on a cyclical basis and anything considered hazardous to the public, is identified and programmed for repair.

## Roads: Weather Damage

**Mr McNarry** asked the Minister for Regional Development how many roads have required repair due to weather damage over the last 12 months.

**(AQO 5972/11-15)**

**Mr Kennedy:** There is no doubt the weather can have a significant impact on the condition of our road network. The storms and associated tidal surges earlier in the year caused significant damage to coastal roads and their associated defences. To date my Department anticipates the cost of carrying out repairs will be some £3.5 million. Whilst work is complete at some locations, works at other locations are either ongoing or scheduled for completion later this financial year. Due to the length of the coastal roads and associated defences, the inspection process is still ongoing and the total cost of repairs could potentially exceed £3.5 million.

In addition, repeated freezing and thawing cycles are particularly damaging to roads whereas excessive heat and rainfall can also cause significant damage.

Given the extent of the network (some 25,000 kilometers), the wide range of weather events over the last 12 months and difficulty diagnosing the exact cause of damage to roads, it is not possible quantify how many roads have required repair due to weather related damage over the last 12 months. However, in general well maintained roads in good condition suffer relatively little weather related damage.

In seeking to maintain the network and offset weather related damage, my Department anticipates it will have spent some £130 million on Structural Maintenance during 2013/14. This will be a record level of expenditure, showing an increase of some £20 million on the previous year, and some £10 million higher than the previous record of £120 million set in 2011/12.

### Roads: Maintenance Costs

**Mr McElduff** asked the Minister for Regional Development to outline the extent and costs of roads maintenance and improvements in the most recent financial year.

**(AQO 5973/11-15)**

**Mr Kennedy:** I can confirm the total Structural Maintenance budget for 2013/14 currently stands at some £130 million.

This will be a record level of expenditure, showing an increase of some £20 million on the previous year, and some £10 million higher than the previous record of £120 million set in 2011/12.

Structural Maintenance is the collective term for activities which maintain the integrity of the road and footway structure. The main activities include resurfacing and reconstruction, surface dressing, patching and structural drainage. Structural maintenance comprises planned maintenance activities such as resurfacing and surface dressing as well as reactive patching.

My Department's projected outturn for Minor Highway Capital improvements is £21 million in 2013/14. This figure includes measures to improve walking and cycling, road safety measures, minor road improvement schemes and bridge strengthening.

### Pumping Station: Ballymartin

**Mr Rogers** asked the Minister for Regional Development for an update on the proposed NI Water pumping station at Ballymartin.

**(AQO 5974/11-15)**

**Mr Kennedy:** The main contractor commenced work on the ground in December 2013. This included trial pits and carrying out surveys which were necessary for the completion of detailed design for the pumping station, pumping main and associated way-leaves. This phase of the work has been completed and installation of the waste water network infrastructure will progress during April 2014. The pumping station is scheduled to be completed and operational by the end of October 2014.

## Department for Social Development

### Freedom of Information Request DSD/2011-0148

**Mr Allister** asked the Minister for Social Development, pursuant to AQW 30890/11-15, to outline the reasons for the delay in responding to FOI Request DSD/2011-0148.

**(AQW 31580/11-15)**

**Mr McCausland (The Minister for Social Development):** The administrative procedures and processes of the Private Office are confidential. The answer to FOI request DSD/2011-0148 was provided on 6 February 2014.

### EU Nationals: Benefits

**Mr Allister** asked the Minister for Social Development whether departmental records show the number of EU nationals from outside the UK that are in receipt of benefits locally; and, if so, what are the respective totals in regard to each benefit.

**(AQW 31803/11-15)**

**Mr McCausland:** As the Social security benefit systems do not record a claimant's nationality, the information requested is not available. On 1 January 2014, however, changes were introduced both here in Northern Ireland and in Great Britain to restrict access to income based Jobseekers Allowance for European Economic Area nationals. These changes included a new three-month residency condition for European Economic Area nationals before being entitled to receive income based Jobseekers Allowance.

In support of these changes, the Social Security Agency is currently collecting information on the number of applications for income-based Jobseekers Allowance from foreign nationals. Figures collected indicate that 344 EU nationals were awarded income-based Jobseekers Allowance during January and February 2014. There are no figures collected on the number of applications for other social security benefits.

(The Department for Social Development's Analytical Services Unit is unable to provide the statistics that have been requested. The details provided have been taken from clerical data collected by Decision Makers during the dates stated. The management information provided is limited to standard reports with no facility to interrogate the system.)

### Housing Executive: Doury Road, Ballymena

**Mr McKay** asked the Minister for Social Development how residents of the Doury Road in Ballymena had input into the decisions concerning the possible demolition of properties in the area by the Housing Executive.

**(AQW 31956/11-15)**

**Mr McCausland:** The Housing Executive has previously demolished some 327 dwellings as part of a rolling programme to remove blight and dereliction with the Doury Road area. With regard to the current demolition proposals, the Housing Executive has assured me that as well as attending the Housing Community Network, they also attend meetings with the Doury Road Development Group at the Ballymena Resident and Inter Agency Meeting, the most recent meeting was 25th March 2014. A representative (DRDG) also attended a meeting on 12th March 2014 held in the Supporting Communities NI headquarters in Ballymena at which Doury Road was discussed.

The Regional Manager also met with DRDG on 6th March 2014 at the Doury Road Development Group Inter Agency Meeting.

The Housing Executive further explains that door to door consultation takes place with homeowners and tenants directly impacted by all NIHE projects and that elected representatives have also been advised of future plans through the annual District Housing Plan, and when they have been raised as individual queries on behalf of residents.

Residents of the Doury Road will be represented on the Forum to implement the Building Successful Community Programme in Doury Road. Members of this Forum, which will hold its first meeting on the 1st May, will input to the timing and co-ordination of all demolition and regeneration works in Doury Road.

Furthermore, the NIHE has assured me that they will take a phased and managed approach to this work and consideration will be given to those residents who prefer to remain onsite during the refurbishment work.

### Jobseeker's Allowance

**Mrs Overend** asked the Minister for Social Development how many returning UK Nationals have been disallowed claims for Jobseekers Allowance due to the introduction of new rules from 1 January 2014 for European Economic Area and returning UK Nationals.

**(AQW 32039/11-15)**

**Mr McCausland:** The information currently available for January and February 2014 shows that 146\* returning UK Nationals have been disallowed Income Based Jobseekers Allowance under the new rules.

\* The Department for Social Development's Analytical Services Unit is unable to provide the statistics that have been requested. The details provided have been taken from clerical data collected by Decision Makers during the dates stated. The management information provided is limited to standard reports with no facility to interrogate the system.

### Fermanagh Housing Executive: Kitchen Refurbishments

**Mrs D Kelly** asked the Minister for Social Development when the funding will be available for Fermanagh Housing Executive to carry out kitchen refurbishments.

**(AQW 32239/11-15)**

**Mr McCausland:** The Housing Executive has advised that there is a kitchen scheme planned for 2014/15 in Fermanagh for 92 dwellings in Kilmacormick/Knockninny and funding is available. The consultant will be briefed on the scheme at the end of April 2014 with a view to starting the work in the autumn.

### Heat Retention and Sustainability of Home Insulation Materials

**Mr Agnew** asked the Minister for Social Development what progress his Department has made on the review of the heat retention and sustainability of home insulation materials used in Housing Executive homes.

**(AQW 32241/11-15)**

**Mr McCausland:** The Housing Executive has advised that they are participating in a collaboration research project called S-IMPLER funded by the Technology Strategy Board. The aim is to help the refurbishment sector achieve an effective and economical retrofit insulation solution in solid walled homes (No Fines stock). The project will carry out external insulation to seven properties in Springfarm, Antrim with the following objectives:-

- 60% reduction in monitored annual energy costs in terms of heating and electricity;
- The use of a package of energy measures with a total average payback period of five years;
- The delivery on site to be 25% quicker with an improvement in both quality and Health and Safety performance.

The Housing Executive has further advised that an NIHE Working Group is already in place to progress their strategic approach to the thermal performance of the entire Housing Executive No Fines stock. This group will consider the technical solutions adopted in Springfarm and once options and costs are available it will evaluate the strategic direction of the Housing Executive regarding upgrading the thermal performance of this stock type including potential stock transfer issues.

The Housing Executive is also involved in a retrofit pilot project to five dwellings in Newry to establish the most economically viable way of retrofitting their stock while at the same time seeking to address fuel poverty and help improve the comfort levels of occupants. This will be achieved by adopting five different retrofit approaches with the ultimate aim to turn these energy inefficient dwellings into more efficient homes by the use of external insulation, upgrading windows and doors, combined with particular attention to air tightness to avoid draughts and potential heat loss paths. These dwellings will be monitored post completion for approximately one year to determine the running costs, payback periods and comfort

levels of the occupants. The report findings and the post evaluation outcomes will be shared with my Department, Housing Associations and the private sector market.

The Housing Executive is also nearing the completion of a cavity wall insulation research study following some evidence which suggested that insulation work undertaken in the past may need to be revisited and upgraded. The research will investigate a number of insulation-related issues, including an assessment of the scale of the problem and its degree in relation to its impact on energy efficiency. The project should provide an evidence base to underpin a programme of remedial works if required.

These projects will provide data and insight on how to improve heat retention of Housing Executive stock, and creating sustainable solutions whilst meeting the Government's targets for reduction in CO2 emissions.

### Atos Healthcare: Complaints

**Lord Morrow** asked the Minister for Social Development, pursuant to AQW 31970/11-15, for the annual breakdown of complaints submitted since June 2011; and the number of complaints upheld.

**(AQW 32313/11-15)**

**Mr McCausland:** Further to my previous answer to AQW 31970/11-15, the annual breakdown of complaints is detailed below:

Period	Complaints
June 2011 to March 2012	98
April 2012 to March 2013	221
April 2013 to February 2014	69
<b>Total Complaints</b>	<b>388</b>

Whilst my Department does not record the number of complaints which have been upheld, every complaint is thoroughly investigated and a comprehensive response is provided to the complaint which will include an acknowledgement and apology where individual shortcomings are identified.

Where appropriate, any specific weaknesses identified by my Department are fed back to our Medical Support Service provider to ensure that their medical processes are subject to continuous review and improvement.

### Housing Executive: Staff

**Mr Campbell** asked the Minister for Social Development, pursuant to AQW 31897/11-15 and given the long running problem the Northern Ireland Housing

Executive has had in recruiting people from the Protestant community, whether he will undertake an investigation as to how, in each of the most recent two year periods, despite there being more Protestant applicants for posts, there were fewer recruited in each year.

**(AQW 32358/11-15)**

**Mr McCausland:** I asked the Housing Executive to investigate this matter and have been advised that the Housing Executive is an Equal Opportunities employer and as such welcomes applications from all suitably qualified members of the community irrespective of any equality dimension. In addition, welcoming statements inviting members of the under-represented community are used on a regular basis within their recruitment advertisements.

With regard to the calendar year 2012, 69 appointments were made in total: 22 from the Protestant community, 34 from the Roman Catholic community and of the remaining 13, no religious background was assigned.

The Housing Executive's detailed analysis has shown that 46 of those appointments, whilst made in 2012, were processed from vacancies which had been advertised in 2011 mainly for a temporary Clerical Officer vacancy within the Omagh area and for a Technical Officer position province wide. The Omagh temporary Clerical job in particular has materially altered the balance which had been achieved in the overall applicant figures for the previous year. There were 72% and 56% Roman Catholic applicants respectively for each of the aforementioned vacancies.

With regard to the calendar year 2013, 52 appointments were made in total: 16 from the Protestant community, 26 from the Roman Catholic community and of the remaining 10, no religious background was assigned.

Similarly, when these figures are examined, a further 12 of those appointments, whilst made in 2013, were processed from vacancies which had been advertised in 2011 (temporary Clerical vacancy, Omagh) and from vacancies advertised in 2012.

A further review of the numbers provided in AQW 31897/11-15 indicate that whilst applicants apply for a position in a particular calendar year, it does not necessarily follow that they will be appointed if successful within the same 12 month period, due to the nature of time required to process recruitment exercises and the operation of reserve lists for particular vacancies.

The figures provided must also be weighted within the overall context of the Standard Occupational Classifications groupings of vacancies, the age profile of applicants and the geographical location of the vacancies advertised, contrasted against the religious profile of the catchment area; all of which have a bearing on the community profile of applicants and new starts.

The Housing Executive advises that an Equal Opportunities Policy has been in place since the implementation of equality legislation, together with a Joint Declaration of Protection which is displayed throughout their premises, promoting a neutral working environment.

All interview panels are balanced in terms of religion and gender and panellists have been trained in Recruitment and Selection practice which includes an equality element.

Finally, the Housing Executive has had an Affirmative Action Plan in place since the early 2000's which was developed and agreed with the Equality Commission for Northern Ireland. This Plan outlines measures developed by the Housing Executive to encourage applications from the Protestant community.

### Housing Executive and Housing Associations: Derelict Properties

**Mr Campbell** asked the Minister for Social Development to detail the number of derelict (i) Housing Executive; and (ii) Housing Association properties on 1 January (a) 2014; and (b) 2010.

**(AQW 32360/11-15)**

**Mr McCausland:** The table below details the number of derelict (i) Housing Executive and (ii) Housing Association properties on 1 January 2014 and 1 January 2010.

Date	Housing Executive derelict properties*	Housing Association derelict properties
1 January 2014	488	66
1 January 2010	662	71

\* The Housing Executive advises that these figures relate to "empty not for relet properties".

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### Social Housing: North Down

**Mr Weir** asked the Minister for Social Development to detail the number of (i) single; (ii) two; and (iii) three storey social housing units completed in North Down, in each of the last five years.

**(AQW 32389/11-15)**

**Mr McCausland:** The information is not available in the format requested because the Housing Executive does not routinely collate information on social housing completions by building height. However, they do maintain a database which details the "House types" for individual social housing schemes. The table below provides details of all social housing completions in the North Down Parliamentary constituency from 1 April 2009 to 24 March 2014 broken down by flats, houses and bungalows.

**Table 1: Social Housing Completions in North Down: -**

Completion Year	Flats	Houses	Bungalows
2009/10	41	5	0
2010/11	142	28	0
2011/12	0	0	0
2012/13	0	0	0
2013/14	0	10	13

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### Social Housing: North Down

**Mr Weir** asked the Minister for Social Development to detail the number of (i) one; (ii) two; and (iii) three or more bedroom social housing accommodation completed in North Down, in each of the last five years.

**(AQW 32390/11-15)**

**Mr McCausland:** The table below provides details of the social housing completions in North Down in the last five years by the number of bedrooms.

Completion Year	Total 2-bed units	Total 3-bed units
2009/10	41	5

Completion Year	Total 2-bed units	Total 3-bed units
2010/11	166	5
2011/12	0	0
2012/13	0	0
2013/14	7	16
	<b>214</b>	<b>26</b>

\* No one-bed units were completed in North Down between 2009/10 and 2013/14.

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### Assembly: Motions Debated

**Mr McNarry** asked the Minister for Social Development to detail (i) the number of Motions debated in the Assembly that he has responded to in the last two years; and (ii) the action that he has taken following any Motion that was passed.  
(AQW 32421/11-15)

**Mr McCausland:**

- (i) 11
- (ii) Any actions taken or not taken, following motions responded to be me, have been dependant on my Departments ability to deliver the outcomes sought in each individual motion.

### Atos Healthcare: Complaints

**Lord Morrow** asked the Minister for Social Development (i) to provide a copy of Atos Healthcare's complaints policy and procedures as held by his Department; (ii) whether all people examined by Atos Healthcare are made aware of their complaints policy and procedures; and (iii) if his Department make people aware of the option to submit a complaint against Atos Healthcare through his Department.

(AQW 32443/11-15)

**Mr McCausland:**

- (i) A copy of Atos Healthcare 'Caring about Customer Service' leaflet which explains the process for making a complaint is attached. A copy will also be placed in the Assembly Library.
- (ii) Atos Healthcare's complaints process is openly displayed in each of the 10 medical examination centres located throughout Northern Ireland. The complaints process is also included in relevant correspondence issued to claimants by Atos Healthcare on the Department's behalf.
- (iii) A complaint on any matter can be made through my Department and the complaint's policy and procedure is accessible from my Department's Internet site: [http://www.dsdni.gov.uk/index/ssa/customer-information/ssa-customer-service/ssa\\_customer\\_complaints\\_guidance.htm](http://www.dsdni.gov.uk/index/ssa/customer-information/ssa-customer-service/ssa_customer_complaints_guidance.htm)

### New Council Areas: Staff Commute

**Mr McGlone** asked the Minister for Social Development to detail the number of staff in his Department, broken down by grade, travelling daily to their place of work from each of the eleven new council areas to the Greater Belfast area.  
(AQW 32456/11-15)

**Mr McCausland:** The number of Department for Social Development staff, broken down by grade, travelling daily to their place of work from each of the eleven new council areas to the Belfast Metropolitan Urban Area (BMUA) is set out in the table at Annex A.

#### Annex A

New Council Areas	Analogous Grade									Total
	G5+	G6	G7	DP	SO	EOI	EOII	AO	AA	
Antrim and Newtownabbey	2	3	13	27	50	48	122	217	28	510
Armagh, Banbridge and Craigavon	0	1	10	29	35	47	103	154	16	395

New Council Areas	Analogous Grade									Total
	G5+	G6	G7	DP	SO	EOI	EOII	AO	AA	
Belfast	6	5	26	71	128	137	450	717	148	1688
Causeway Coast and Glens	1	0	2	4	9	6	7	52	14	95
LondonDerry and Strabane	1	0	1	1	1	1	2	11	3	21
Fermanagh and Omagh	0	0	2	1	4	2	5	8	1	23
Lisburn and Castlereagh	3	1	8	17	34	41	87	136	17	344
Mid and East Antrim	1	2	5	15	33	29	91	165	35	376
Mid Ulster	0	2	2	13	20	17	31	74	8	167
Newry, Mourne and Down	0	0	10	14	37	41	84	151	14	351
North Down and Ards	1	3	8	20	38	47	171	272	52	612
<b>Total *</b>	<b>16</b>	<b>17</b>	<b>90</b>	<b>220</b>	<b>405</b>	<b>432</b>	<b>1285</b>	<b>2223</b>	<b>381</b>	<b>5069</b>

**Notes:**

\* Total includes 487 (9.6%) staff whose home postcode was either missing or invalid and could not be allocated to a new council area.

Data is taken at 01 January 2014 from HRConnect database.

Number of staff does not include those seconded outside of the NICS or staff on a career break.

As there is no definition for Greater Belfast, the above analysis calculates travel for NICS staff from the new council areas to The Belfast Metropolitan Urban Area (BMUA). The BMUA is defined in the Statistical Classification and Delineation of Settlements (February 2005) and is available from NISRA at:

[www.nisra.gov.uk/archive/demography/publications/urban\\_rural/ur\\_gaz.pdf](http://www.nisra.gov.uk/archive/demography/publications/urban_rural/ur_gaz.pdf)

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**DSD: Vacancies and Agency Staff**

**Mr Dallat** asked the Minister for Social Development to detail the (i) vacancies; and (ii) agency staff in his Department, broken down by grade.

**(AQW 32513/11-15)**

**Mr McCausland:** At 2 April 2014, the Department for Social Development had a total of 67 permanent and 42 temporary vacancies and employed 208 agency staff. Vacancies and agency staff by grade are as follows:

Grade	Vacancies	Agency staff
Grade 7	2	
Deputy Principal	7	
Staff Officer	26	
Executive Officer I	21	
Executive Officer II	7	
Administrative Officer	3	
Administrative Assistant	1	
Audio Typist		3
Accountant (Deputy Principal)		1
Accountant (Staff Officer)		5

Grade	Vacancies	Agency staff
Information Officer (Staff Officer)		1
Temporary Administrative Officer	1	106
Temporary Administrative Assistant		44
Temporary Support Grade Band II	41	48
<b>Total</b>	<b>109</b>	<b>208</b>

## Domestic Abuse

**Mr P Ramsey** asked the Minister for Social Development whether any local homes are part of a 'sanctuary scheme' similar to that operating for victims of domestic violence in England; and if so, for a breakdown in each Housing Executive District Office area.

**(AQW 32528/11-15)**

**Mr McCausland:** The Housing Executive operates the Sanctuary Scheme throughout Northern Ireland. To date 27 properties have had work carried out under the scheme and the table below shows the number of properties which have availed of the scheme by local Housing Executive office.

Antrim	5
Ballymena	1
Coleraine	1
Limavady	2
Magherafelt	2
Newtownabbey 1	1
Newtownabbey 2	1
Waterloo place	3
Craigavon (Portadown)	1
Craigavon (Lurgan)	2
Downpatrick	1
Dungannon	1
Fermanagh	3
Lisburn (Dairyfarm)	1
Omagh	2
<b>Total</b>	<b>27</b>

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## Warm Homes Scheme

**Mrs Dobson** asked the Minister for Social Development for his assessment of the impact of the end of the Warm Homes Scheme, including the implications for the staff employed by the existing scheme managers.

**(AQW 32576/11-15)**

**Mr McCausland:** The current Warm Homes Scheme contract was awarded in 2009 for a period of 3 years with provision to extend it for 2 periods of 1 year each. Those extensions were granted and the contract will end on 18 June 2014. The scheme has been very popular and very successful and has improved the energy efficiency of over 120,000 low income households.

According to the 2011 House Condition Survey the Fuel Poverty rate in Northern Ireland is 42%. This is based on households needing to spend 10% or more of their income on household fuel costs. Research undertaken by Professor Christine Liddell (University of Ulster) in 2011 highlighted that 33,000 households need to spend 25% or more of their income on household fuel.

My Department asked Professor Liddell to identify these households, and in 2012 my Department working jointly with 19 local councils and the Housing Executive undertook a pilot to survey 2,145 households deemed to be in extreme/severe fuel poverty. Analysis of this research suggests that 34% of the households surveyed qualified for energy efficiency measures

from the Warm Homes Scheme. In the areas surveyed fuel poverty prevalence was 78% and many of these households had not availed of the Warm Homes Scheme. This supported the need for an area based approach to target fuel poor households.

In September 2013 my Department undertook a further pilot in conjunction with the mid Ulster council cluster (Dungannon, Cookstown, Magherafelt), Newtownabbey Council and the Housing Executive. This pilot involved 1,200 households to test the effectiveness of a targeted area based approach and using local installers to deliver the measures.

Householders are able to select an installer of their choice to fit the approved measures or choose one from a list held by the Housing Executive. Whilst the delivery of measures is still ongoing, I am encouraged by feedback from the Councils involved and the Housing Executive. This approach is similar to that used successfully in the Boiler Replacement Scheme where over 1800 local installers have been involved in installing new boilers. A number of local installers are also benefiting from working on the Affordable Warmth Scheme pilot.

My Department launched a Public Consultation exercise on 17 February 2014 on proposals for a new Affordable Warmth Scheme which will end on 9 May 2014. Responses to the Public Consultation will be considered when the consultation period ends and will inform the way forward for a new scheme.

My officials continue to work closely with all councils across Northern Ireland and with the Housing Executive regarding proposals for a new Affordable Warmth Scheme. My Department is currently developing a Business Case for the Affordable Warmth Scheme. The Business Case will be subject to rigorous consideration by my Department's Economist and by the Department of Finance & Personnel before any approval is given to proceed with a new scheme.

The Housing Executive has advised that with the ending of the Warm Homes contract Transfer of Undertakings (Protection of Employment) (TUPE) does not apply to the staff employed by the Scheme Managers.

### **Affordable Warmth Scheme**

**Mr Copeland** asked the Minister for Social Development to detail the total number of households which will be taken out of Fuel Poverty should the proposals in the Affordable Warmth consultation be implemented.

**(AQW 32598/11-15)**

**Mr McCausland:** Fuel poverty is impacted by three factors, household income, cost of energy and energy efficiency of the home. According to the 2011 House Condition Survey the Fuel Poverty rate in Northern Ireland is 42%, a slight decrease from 44% in 2009. This is based on households needing to spend 10% or more of their income on household energy costs.

The 2013 Home Energy Conservation Progress Report noted that fuel poverty remains a major issue in Northern Ireland at 42% in 2011. The report noted that the problem remains primarily one of high fuel prices and low household income. However, energy efficiency works are playing their part in reducing its impact.

The Fuel Poverty Strategy "Warmer Healthier Homes" resolved to work in partnership to improve the energy efficiency of low income households using a more targeted area based approach. Research undertaken by Professor Christine Liddell (University of Ulster) in 2011 highlighted that 33,000 households need to spend 25% or more of their income on household energy.

My Department launched a Public Consultation exercise on 17 February 2014 on proposals for a new Affordable Warmth Scheme which will end on 9 May 2014. The proposed new Affordable Warmth Scheme will target this group of vulnerable householders who are in severe and extreme fuel poverty to make their homes more energy efficient and reduce their energy bills.

### **Affordable Warmth Scheme**

**Mr Copeland** asked the Minister for Social Development (i) to detail the total budget for the Affordable Warmth Consultation in 2014/15; (ii) how much of this budget is expected to be spent on actual measures; and (iii) how much on administration costs to the University of Ulster, local councils and the Northern Ireland Housing Executive.

**(AQW 32599/11-15)**

**Mr McCausland:** The Warm Homes Scheme/Affordable Warmth budget allocation for 2014/15 year will be £16.5million.

The Warm Homes Scheme will end in June 2014 and my Department is currently conducting a public consultation on proposals for a new Affordable Warmth Scheme. The Economic Appraisal and Business case for a new scheme will be completed when the consultation has ended and account has been taken of responses. There is a rigorous process in place which involves a thorough examination by the Department's Economist and the Department of Finance and Personnel before the Economic Appraisal and Business Case for any new scheme is approved.

### **Affordable Warmth Scheme**

**Mr Copeland** asked the Minister for Social Development, with regard to the Reform of Local Government and the proposed changes to the Northern Ireland Housing Executive, how households in fuel poverty will be served by the new delivery model as outlined in the Affordable Warmth Consultation.

**(AQW 32600/11-15)**

**Mr McCausland:** According to the 2011 House Condition Survey the Fuel Poverty rate in Northern Ireland is 42%. This is based on households needing to spend 10% or more of their income on household fuel costs. Research undertaken by

Professor Christine Liddell (University of Ulster) in 2011 highlighted that 33,000 households need to spend 25% or more of their income on household fuel.

My Department asked Professor Liddell to identify these households, and in 2012 my Department working jointly with 19 local councils and the Housing Executive undertook a pilot to survey 2,145 households deemed to be in extreme/severe fuel poverty. Analysis of this research suggests that 34% of the households surveyed qualified for energy efficiency measures from the Warm Homes Scheme. In the areas surveyed fuel poverty prevalence was 78% and many of these households had not availed of the Warm Homes Scheme. This supported the need for an area based approach to target fuel poor households.

In September 2013 my Department undertook a further pilot in conjunction with the mid Ulster council cluster (Dungannon, Cookstown, Magherafelt), Newtownabbey Council and the Housing Executive. This pilot involved 1,200 households to test the effectiveness of a targeted area based approach and using local installers to deliver the measures.

Householders are able to select an installer of their choice to fit the approved measures or choose one from a list held by the Housing Executive. Whilst the delivery of measures is still ongoing, I am encouraged by feedback from the Councils involved and the Housing Executive. A number of local installers are also benefiting from gaining this work.

My Department launched a Public Consultation exercise on 17 February 2014 on proposals for a new Affordable Warmth Scheme which will end on 9 May 2014. Responses to the Public Consultation will be considered when the consultation period ends and will inform the way forward for a new scheme.

My officials continue to work closely with all councils across Northern Ireland and with the Housing Executive regarding proposals for a new Affordable Warmth Scheme. My Department is currently developing a Business Case for the Affordable Warmth Scheme. The Business Case will be subject to rigorous consideration by my Department's Economist and by the Department of Finance & Personnel before any approval is given to proceed with a new scheme.

### Housing Executive: Double Glazing

**Mr Campbell** asked the Minister for Social Development how many Northern Ireland Housing Executive homes in (i) Coleraine; (ii) Limavady; and (iii) Claudy and Banagher will have had double glazing work completed by 31 March 2015. (AQW 32616/11-15)

**Mr McCausland:** The Housing Executive has advised that the double glazing schemes included in the table below will be completed in the 2014/15 financial year and will complete the double glazing programme in line with the commitment in the Programme for Government to have double glazing installed in all Housing Executive dwellings by March 2015.

	Location	No. of properties	Expected start date
Coleraine	Coleraine	303	Autumn 2014
Limavady	Greysteel	110	Summer 2014
Limavady	Kennaught/Roemill	159	Autumn 2014
Claudy & Banagher	Foyle Crescent/ Enagh crescent	25	Summer 2014

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### Superinjunctions

**Mr Allister** asked the Minister for Social Development whether at any time his Department has funded or contributed to the costs of legal proceedings brought in the High Court of Justice in Northern Ireland, or elsewhere, involving the prohibition of publicity on the granting of injunctive relief, commonly referred to as super-injunctions. (AQW 32627/11-15)

**Mr McCausland:** My Department has no record of any proceedings involving the Department, where the granting of injunctive relief has been sought or awarded.

### Affordable Warmth Scheme

**Mrs D Kelly** asked the Minister for Social Development whether a process will be undertaken to procure the administration services for a new fuel poverty scheme under the proposals for Achieving Affordable Warmth. (AQW 32640/11-15)

**Mr McCausland:** My Department launched a Public Consultation on proposals for a new Affordable Warmth Scheme on 17 February 2014 which will end on 9 May 2014. Responses to the Public Consultation will be considered when the consultation period ends and will inform the way forward for a new scheme.

The proposed Affordable Warmth model involves collaboration with the University of Ulster, all local councils and the Housing Executive to target identified low income households and does not require my Department to undertake a procurement exercise for the provision of services.

## Affordable Warmth Scheme

**Mrs D Kelly** asked the Minister for Social Development what discussions his Department has had with councils on their role under the proposals for Achieving Affordable Warmth.

**(AQW 32641/11-15)**

**Mr McCausland:** My Department undertook a pilot in 2012 to test an area based approach to tackling fuel poverty, working with 19 local Councils. These Councils targeted low income households that were identified by a targeting tool developed by the University of Ulster.

In September 2013 my Department undertook a further pilot in conjunction with 4 Councils which were made up of the Mid-Ulster Cluster (Cookstown, Dungannon and Magherafelt) and also Newtownabbey Council. This pilot tested delivery measures using local installers to carry out the energy efficiency measures.

My Department continues to work closely with all Councils across Northern Ireland regarding proposals for a new Affordable Warmth Scheme. Whilst these pilots were ongoing a Project Group has been meeting on a monthly basis, discussing any issues that arise from the pilot.

## Warm Homes Scheme

**Mrs D Kelly** asked the Minister for Social Development (i) whether a process will be in place by 1 July 2014 to deliver fuel poverty initiatives; and what interim measures will be put in place during the consultation period on Achieving Affordable Wealth and following the end of the Warm Homes Scheme.

**(AQW 32642/11-15)**

**Mr McCausland:** The current Warm Home Scheme contract ends on 18 June 2014. My Department launched a Public Consultation regarding proposals for a new Affordable Warmth scheme on 17 February 2014 which will continue until 9 May 2014. When the consultation ends my Department will consider all of the responses to inform the new Affordable Warmth Scheme.

As the Warm Homes Scheme will continue to be available during the consultation period there is no requirement for interim measures to be introduced.

My Department aims to introduce the Affordable Warmth Scheme to coincide with the ending of the Warm Homes Scheme. My officials are working very closely with Housing Executive and local council officials regarding this.

## Social Housing: Clanmill Housing

**Mr McMullan** asked the Minister for Social Development how many of the 1600 social housing units to be built by Clanmill Housing over the next four years will be in the Cushendall, Cushendun and Glenariffe district electoral areas.

**(AQW 32646/11-15)**

**Mr McCausland:** Clanmil is committed to delivering more social and affordable homes for those in housing need where they can do so. They are currently actively pursuing opportunities in this area to determine their suitability to enable them to deliver homes to meet an identified need.

## Social Housing: Clanmill Housing

**Mr Eastwood** asked the Minister for Social Development whether priority will be given to areas most in need of social housing following the finance package granted to Clanmil Housing.

**(AQW 32651/11-15)**

**Mr McCausland:** Yes, all new build social housing as identified as part of the Social Housing Development Programme and part funded through the Housing Association Grant is subject to housing needs criteria.

## Social Housing: Clanmill Housing

**Mr Eastwood** asked the Minister for Social Development whether Clanmil Housing is actively pursuing land acquisition for social housing in Derry after failing to secure sites at Bunrana Road and Springtown Road for 250 homes.

**(AQW 32652/11-15)**

**Mr McCausland:** Clanmil Housing Association has advised that negotiations with the vendor of the site at Bunrana Road/ Springtown Road are continuing. They are also actively pursuing and investigating opportunities across Londonderry to determine their suitability to enable them to deliver homes to meet the high need in this area.

## Disability Living Allowance

**Ms Boyle** asked the Minister for Social Development how many people in the Western Health and Social Care Trust area are claiming Disability Living Allowance, broken down by eligibility criteria.

**(AQW 32655/11-15)**

**Mr McCausland:****DLA Claimants for the Western Health and Social Care Trust , November 2013**

<b>Component</b>	
Higher rate care only	540
Middle rate care only	2,020
Lower rate care only	2,360
Higher rate mobility only	1,140
Lower rate mobility only	600
Higher rate care and higher rate mobility	6,620
Higher rate care and lower rate mobility	3,840
Middle rate care and higher rate mobility	7,560
Middle rate care and lower rate mobility	9,100
Lower rate care and higher rate mobility	2,800
Lower rate care and lower rate mobility	980
<b>Total</b>	<b>37,560</b>

Data sourced from ASU Disability Living Allowance scans, November 2013.

Figures are rounded to nearest 10.

Claimants are allocated to a Health and Social Care Trust area by postcode. In some cases this is not possible, for example, a postcode may be missing, incomplete or incorrectly recorded.

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**Social Housing: Derry**

**Mr Eastwood** asked the Minister for Social Development what plans Clanmil Housing has for social housing projects in Derry; and at what stage are these projects.

**(AQW 32656/11-15)**

**Mr McCausland:** Clanmil is committed to delivering more social and affordable homes for those in housing need were it can do so and are currently actively pursuing and investigating opportunities across Londonderry to determine their suitability to enable them to deliver homes to meet the high need in this area.

Clanmil has four schemes planned in the City Council of Londonderry area to start on site during 2014/15;

- 14 units 26 Beechwood Avenue, completion 2015/16;
- 9 units 8a & 10 Clooney Terrace, Londonderry, completion 2016/17;
- 40 units 8-10 Victoria Road Londonderry, completion 2016/17; and
- 15 units Grangemore Ardgrange completion 2016/17.

There are currently no further schemes programmed for Clanmil in the City Council of Londonderry area for the 2015/16 or 2016/17 programme years of the SHDP.

**Direct Contact Numbers**

**Mrs Dobson** asked the Minister for Social Development whether he has plans to set up a direct contact number for elected representatives for (i) Housing Executive queries; and (ii) the Social Security Agency.

**(AQW 32670/11-15)**

**Mr McCausland:** The Housing Executive has advised that they have a centrally based public affairs team within its communication department – telephone number 028 9031 8702. They further advised that this number has been distributed to MLAs who wish to discuss any housing related matters. Housing Executive practice has been to encourage elected representatives to contact local Housing Executive offices if they wish to discuss constituency matters.

The Housing Executive will also distribute contact details to all councillors following the local elections in May.

The Social Security Agency currently provides a number of direct telephone contact numbers for elected representatives across the various benefit areas. The Agency has future plans to rationalise and reduce the overall number of contact numbers going forward.

## Minister: Housing Executive Meetings

**Mr McKay** asked the Minister for Social Development to detail the number of meetings he has held with officials from the Housing Executive in relation to the North Belfast constituency since 17 September 2013; and which other elected representatives attended these meetings.

(AQW 32708/11-15)

**Mr McCausland:** In my role as Minister for Social Development I had four meetings with Housing Executive officials in relation to the North Belfast constituency since 17 September 2013. Two of these meetings were to discuss housing need and both were facilitated at the request of Nigel Dodds MP; the third meeting was requested by me to discuss regeneration of Queen Victoria Gardens and was with Housing Executive officials only; the fourth meeting was with Connswater Housing, to discuss a new social housing scheme at Ballysillan Avenue.

## Housing Executive: Doury Road, Ballymena

**Mr Swann** asked the Minister for Social Development when residents of the Doury Road, Ballymena will receive formal notification that the immediate intent to demolish their homes has been suspended.

(AQW 32765/11-15)

**Mr McCausland:** The Housing Executive wrote to the residents of Doury Road, Ballymena on 7 April 2014 to advise those affected by the proposed demolition plans of their decision to pause the planned demolition.

Plans for demolition and regeneration of the Doury Road will be taken forward through the Building Successful Communities Programme. The Housing Executive will work with the Doury Road Forum to ensure their plans complement any proposal going forward in the area.

## Atos Healthcare

**Mr Agnew** asked the Minister for Social Development whether he has any intention, or power, to review the contract with Atos Healthcare to provide work capability assessments, following the UK Government's assessment that standards at Atos Healthcare had declined unacceptably; and what assessment has been made of Capita business services' resources to process personal independence payments on time following the deployment of civil servants in Britain to cope with a backlog.

(AQW 32788/11-15)

**Mr McCausland:** Atos currently provide medical assessment services in Northern Ireland under a contract with the Department for Social Development. The terms of this contract provide for a performance management regime which includes monthly and quarterly review mechanisms. There are a number of contractual remedies available if performance is not satisfactory. Officials meet regularly with Atos representatives, in accordance with the terms of the contract, to discuss performance and I receive reports both on performance and any issues which need brought to my attention. The types of issues raised in Great Britain are not occurring in Northern Ireland and my Department has specific arrangements for the monitoring of professional practice in place to ensure quality standards are being achieved.

The Northern Ireland Medical Support Service Agreement is separate and distinct from the contract Atos have with the Department for Work and Pensions. Atos have assured the Department for Social Development that they remain committed to the Northern Ireland Medical Support Services Agreement.

My officials are also working closely with Capita Business Services Limited to ensure that they have the appropriate resources in place to deliver the Personal Independence Payment Assessment Service when it goes live in Northern Ireland. Officials in my Department are continuing to monitor developments in Great Britain on how Personal Independence Payment is being implemented and will take appropriate action were required for Northern Ireland. They are also liaising closely with colleagues in the Department for Work and Pensions.

## Northern Ireland Assembly Commission

### Assembly Website: Questions for Written Answer

**Lord Morrow** asked the Assembly Commission to outline the nature of the technical difficulties leading to the Assembly website not updating submitted written questions and answers on a daily basis and when will be rectified.

(AQW 32118/11-15)

**Mr P Ramsey (The Representative of the Assembly Commission):** The Assembly outsources the hosting of its various websites and web services to an external provider and the recent technical difficulties were as a result of a serious hardware failure in the supplier's infrastructure.

At 9am on Tuesday 4th March 2014, the Assembly's external web hosting provider reported a critical failure on the storage area network (SAN) controller for their private cloud infrastructure. The provider was unable to effect repairs to the equipment and subsequently initiated their disaster recovery arrangements, again without success. This resulted in the Assembly's websites and online services including the AIMS Assembly Questions service being disrupted for a prolonged period.

Using temporary alternative hosting arrangements, Assembly Information Systems (I.S.) Office were able to restore a partial information service from 8am on the 5th March 2014; however this did not include the automatic updating of Assembly procedural information including AIMS Assembly Questions.

While the main Assembly website was fully restored during week commencing 10th March, the supplier was unable to recover all AIMS data services and this required IS Office to completely reconfigure the automatic updating of these services. This took a considerable time and effort to achieve and during this time manual updates were applied to ensure that Assembly questions and answers were updated as often as possible.

IS Office continued to work to restore all AIMS data services over the weekend of 14th-17th March 2014 and all Assembly web and online services were made fully operational as of the 18th March 2014.

The NI Assembly Commission intends to tender for a new website hosting contract later in 2014.

### **Parliament Buildings: Telephone Numbers**

**Mr Wells** asked the Assembly Commission to detail any steps being taken to allow telephone numbers from Parliament Buildings to appear on caller ID.

**(AQW 32530/11-15)**

**Mr P Ramsey (The Representative of the Assembly Commission):** The Assembly Commission currently utilises the Northern Ireland Civil Service (NICS) telephone system. Telephone calls made from Parliament Buildings' landlines to external telephone numbers appear as a 'blocked number' on the Caller ID as it is NICS policy to restrict all outgoing call information. If the 'blocked number' message did not appear on the Caller ID, the billing telephone number would appear in its place (this is a different number to the extension telephone number of the person making the telephone call).

The NICS are currently in the process of upgrading their telephone system from a Private Automatic Branch Exchange (PABX) system to a Voice Over Internet Protocol (VOIP) system. The Assembly will no longer utilise services from the NICS and will remain on the existing PABX system and continue to utilise the existing telephone handsets for at least one further year.

During this period we will scope the requirements for a proposed new 'stand-alone' telephone system for the Assembly. As part of this work, we will consider the requirement to display the originating number instead of 'blocked number' on the Caller ID for all telephone calls.



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# Northern Ireland Assembly

Friday 18 April 2014

## Written Answers to Questions

### Office of the First Minister and deputy First Minister

#### Children and Young People's Strategy: Planning and Review Group

**Mr Agnew** asked the First Minister and deputy First Minister to detail (i) the remit of the Strategy Planning and Review Group (SPRG) for the Children and Young People's Strategy; (ii) the dates the SPRG for the Children and Young People's Strategy met, including when each of the Junior Ministers were in attendance.

**(AQW 31463/11-15)**

**Mr P Robinson and Mr M McGuinness (The First Minister and deputy First Minister):** The Strategy Planning and Review Group (SPRG) was set up in 2008 with a remit

- to review the 2008-11 Action Plan under the Children and Young People's Strategy and to make recommendations taking into account feedback from the Children's Champions Group; Parents' Advisory Group; Research and Information Group; and Practitioners;
- to link the regional and area Children's Services Plans to the Strategy Action Plan;
- to monitor progress on delivery of the strategy action plan; and
- to submit review reports to the Ministerial sub-committee on children and young people.

Membership of the SPRG included senior representatives of statutory, community and voluntary sector organisations and government departments including the Northern Ireland Office and Northern Ireland Courts Service. The Departmental representatives were drawn from the Children and Young People's Inter-departmental Group (IDG) which was set up to oversee the development of the Strategy.

The SPRG met on four occasions during the lifetime of the 2008-11 Action Plan, on 10 September 2008, 11 November 2008, 24 March 2009 and 30 November 2010. Junior Ministers attended and chaired all of these meetings. OFMDFM continued to monitor progress on the actions in the Plan up until the end of the Plan in April 2011.

Since then, delivery on the Children and Young People's Strategy has been taken forward under the auspices of the Delivering Social Change (DSC) framework. Progress on the framework is monitored and overseen by DSC Programme Board which reports to the Ministerial Sub-Committee on Children and Young People and the Executive Sub-Committee on Poverty and Social Inclusion

#### Victims and Survivors Service: Scheme 6 Fund

**Mr Allister** asked the First Minister and deputy First Minister why the Scheme 6 fund, under the Victims and Survivors Service, was closed to applications on 30 June 2013; and why those, who hitherto had been receiving financial assistance from the NI Memorial Fund and who transferred to Scheme 6, were included in the stoppage on applications.

**(AQW 32057/11-15)**

**Mr P Robinson and Mr M McGuinness:** The application process for Financial Assistance Scheme 6 was closed on 30 June 2013 due to budgetary pressures. It is not unusual to have time limited application periods.

All those successful applicants continued to receive financial support. Owing to significant demand, we sought additional resources and were able to extend the Scheme to all remaining applicants.

#### Ethnic Minorities

**Mr Lyttle** asked the First Minister and deputy First Minister what work they have undertaken to assess the extent of ethnic minority poverty further to the Joseph Rowntree Foundation Report on Poverty and Ethnicity finding in February 2013 that 'the precise household circumstances and relative extent of poverty among minority ethnic groups in Northern Ireland are unknown.

**(AQW 32105/11-15)**

**Mr P Robinson and Mr M McGuinness:** We acknowledge the significant gaps in the knowledge base that have been highlighted by the Joseph Rowntree Foundation report. We are, of course, not unique in this. Joseph Rowntree Foundation's publication *Poverty and ethnicity: A review of evidence* (May 2011) refers to "weaknesses in the evidence relating to Scotland, Northern Ireland and Wales and insufficient exploration of much of England outside London and other major cities".

We can confirm that the Foundation has undertaken research – with active involvement of OFMDFM officials – to increase our understanding of the links between poverty and ethnicity which will enable us to tackle poverty across different ethnic groups more efficiently. We understand that this research will be published soon.

The consultation document on our new Racial Equality Strategy – "A Sense of Belonging" – proposes a major step to tackle the knowledge gaps: the introduction of ethnic monitoring (the process used to collect, store and analyse data about people's ethnic backgrounds) for all Government departments, Agencies and local councils.

However, we recognise that to obtain sound quantitative data about the attitudes and perceptions of minority ethnic people will present considerable difficulties; the still relatively small proportion of minority ethnic people here means that surveys that rely on sampling are unlikely to yield reliable results.

We will not allow these knowledge gaps to delay urgent action. We know already many of the issues that we need to tackle. These include: the language barrier, lack of accessible information, the training needs of staff, the cultural needs of minority ethnic people and issues around occupational segregation.

Our officials will use the consultation on "A Sense of Belonging" to gather further information on what minority ethnic people themselves identify as priority areas for action.

## Racial Discrimination and Harassment

**Mr Lyttle** asked the First Minister and deputy First Minister what work they have undertaken to determine the extent of racial discrimination and harassment.

**(AQW 32107/11-15)**

**Mr P Robinson and Mr M McGuinness:** Our key initiative in tackling all forms of racism – from illegal discrimination to race hate crime – will be the new Racial Equality Strategy – "A Sense of Belonging". The associated consultation, which we hope to launch for 12 weeks in April 2014, proposes the mainstreaming of ethnic monitoring. This is the collection, storage and analysis of data about people's ethnic backgrounds and the consultation document proposes that all Government departments, Agencies and local councils will participate.

Together: Building a United Community (TBUC) is also highly relevant. This commits us to ensure that good relations – good race relations as well as community relations – are mainstreamed into the revised arrangements following the review of public administration. One of its aims is to encourage the reporting of intimidation or harassment, which will help build a more accurate picture of all variants of discrimination and harassment.

Other initiatives which will help to build a more complete picture of the extent of racial discrimination and harassment locally are a further phase of OFMDFM's Unite against Hate, and work with the Department of Justice on the implementation of the Community Safety Strategy.

Unite against Hate is our multi-agency response to hate crime in all its forms. We will take work forward on this when we have made progress on setting up the Equality and Good Relations Commission.

## Shackleton Barracks, Ballykelly

**Mr Campbell** asked the First Minister and deputy First Minister whether the recently announced changes to the entrance to the Shackleton Barracks site will allow for the range of possible uses and access arrangements which may be required in the future.

**(AQW 32206/11-15)**

**Mr P Robinson and Mr M McGuinness:** The modifications to the entrance of the Shackleton site will not restrict access nor prevent future development of the site.

## Bright Start Programme

**Mr Lynch** asked the First Minister and deputy First Minister for an update on the roll out of the School Age Childcare actions under the Bright Start programme.

**(AQO 5823/11-15)**

**Mr P Robinson and Mr M McGuinness:** Junior Ministers launched the Bright Start School Age Childcare Grant Scheme on Thursday 27 March. Three of the 15 Bright Start Key First Actions relate to school age childcare and aim to create or sustain between 5,000 and 7,000 school age childcare places. Our new School Age Childcare Grant Scheme will work to deliver these places by making funding available to support current and potential school age childcare providers who intend to operate on a social economy basis. Another key first action under Bright Start will be to support up to 1,000 additional childminders.

Grants will assist providers to sustain or expand existing school age childcare services, or to set up new services. The Grant Scheme will target areas where there are currently limited school age childcare services and/or services insufficient to meet demand. The Scheme will focus on the childcare needs of disadvantaged families and rural communities and also support the use of the school estate as a base for school age childcare. Its emphasis will be on establishing school age childcare services that are both affordable and sustainable.

## Department of Agriculture and Rural Development

### Countryside Stewardship Scheme

**Lord Morrow** asked the Minister of Agriculture and Rural Development whether the Countryside Stewardship Scheme is available to (a) farmers; (b) landowners; and (c) rural dwellers.

**(AQW 32504/11-15)**

**Mrs O'Neill (The Minister of Agriculture and Rural Development):** The Countryside Stewardship Scheme is not available in the north of Ireland but has been available in England.

A new agri-environment scheme for farmers and landowners is currently being developed under the new NI Rural Development Programme 2014-2020, with an aim to launch it in 2015, subject to the necessary regulatory clarity and delivery processes being in place.

### Psoroptic Mange

**Mrs Dobson** asked the Minister of Agriculture and Rural Development, pursuant to AQW 32273/11-15, to detail the (i) methods; and (ii) timescales that she will be employing to contact farmers in relation to the identification of infected animals and the risks associated with cattle scab.

**(AQW 32512/11-15)**

**Mrs O'Neill:** My officials have recently updated the Department's website to provide information to farmers on psoroptic mange in cattle (also known as cattle scab). This is not a notifiable disease, so my Department has no statutory role to play in its control. As part of the animal disease surveillance and investigation service, AFBI laboratories in Belfast and Omagh provide a commercial examination service for the diagnosis of cattle scab.

As with other production diseases, the farmer's main provider of advice, prevention and treatment, is his or her Private Veterinary Practitioner (PVP) and I encourage farmers with concerns to contact their PVP for advice.

### DARD: Vacancies and Agency Staff

**Mr Dallat** asked the Minister of Agriculture and Rural Development to detail the (i) vacancies; and (ii) agency staff in her Department, broken down by grade.

**(AQW 32516/11-15)**

**Mrs O'Neill:** A breakdown of the vacancy and agency staff position in DARD is provided in the tables below.

#### Vacancies

Grade	Vacancy Position
Administrative Assistant	4
Administrative Officer	1
Casual Administrative Officer	1
Executive Officer II	2
Executive Officer I	10
Staff Officer	12
Deputy Principal	3
Grade 7	2
Grade 5	1
Typist	1
Auditor SO MIIA or BATS	1
SO Accountant	2
Agricultural Economist	2

<b>Grade</b>	<b>Vacancy Position</b>
Agricultural Inspector Grade III/IV	12
Grade 6	1
Graduate Trainee Civil Engineer	3
HPTO	1
ICT Level 3	1
ICT Level 4	2
ICT level 5	2
Inspector Group 1	1
Inspector Group 2	2
Inspector Group 4	2
Meat Inspector	1
Personal Secretary	1
PPTO	1
PTO	3
Sandwich Course Student	4
Scientific Officer	1
SPVO – Grade 6	1
Deputy Chief Veterinary Officer	1
Veterinary Officer	3
Veterinary Officer Testing	1
Industrial – Fitter Mechanic/Senior Craftsman	1
Industrial – Greenkeeper/Groundperson – Specialist Grade C	1
Industrial – Equine Worker	1
Industrial Plant Operator – Specialist A Grade 2	4
Specialist A Grade 2	1
Supervisor Grade 1	9
<b>Overall Total</b>	<b>103</b>

**Agency workers**

<b>Role</b>	<b>Posts covered</b>
Administrative Assistant	16
Administrative Officer	4
SO Accountant	2
DP Accountant	1
Information Officer	1
Support Grade Band 2	2
Supply Instructor	4
Supply Lecturer	11
General Farm Worker	2
Internal Auditor	1
Personal Secretary	1
<b>Overall Total</b>	<b>45</b>

## Emergency Animal Welfare Service

**Mr Byrne** asked the Minister of Agriculture and Rural Development whether there are any plans to withdraw the on-call emergency animal welfare service; and if so, to detail when this will take place.

**(AQW 32519/11-15)**

**Mrs O'Neill:** Councils are responsible for enforcement of the Welfare of Animals Act 2011 in respect of non-farmed animals and decide how this service is provided.

I understand that due to the low volume of high priority calls to the out of hours facility Councils reviewed its use and it was unavailable in early April. However, following the outcome of the Private Member's Motion on 31 March, which agreed that the implementation of the Welfare of Animals Act 2011 would be reviewed, the out of hours facility has resumed and its effectiveness will be considered as part of the review.

Details of how to access the out of hours facility which operates between the hours of 9am – 5pm at weekends and on bank holidays can be found on Councils' websites and on my Department's website at [www.dardni.gov.uk/index/animal-health-and-welfare/animal-welfare/animal\\_welfare\\_-\\_contacts.htm](http://www.dardni.gov.uk/index/animal-health-and-welfare/animal-welfare/animal_welfare_-_contacts.htm).

## Bovine Tuberculosis

**Mr Weir** asked the Minister of Agriculture and Rural Development for her assessment of the current prevalence of Bovine Tuberculosis in animals.

**(AQW 32523/11-15)**

**Mrs O'Neill:** My Department normally report changes in bovine TB levels in terms of incidence rather than prevalence and, therefore, I have directed my answer using this measure. Incidence figures are internationally regarded as preferable for monitoring TB trends, as prevalence figures refer to a single point in time and are, therefore, influenced by seasonal effects such as an increase in testing over winter months.

As of 31 January 2014, the annual TB herd incidence was 6.48% which was an 11% reduction over the same incidence figure as at 31 January 2013 (7.19%). For annual TB animal incidence, this was 0.521% at 31 January 2014 compared with 0.661% at 31 January 2013, a 27% reduction in incidence.

## Public Bodies: Appointments

**Mr Campbell** asked the Minister of Agriculture and Rural Development how many appointments to public bodies her Department made in the last twelve months.

**(AQW 32541/11-15)**

**Mrs O'Neill:** I have made 3 appointments to public bodies in the last twelve months, 2 of which were re-appointments.

## Welfare of Laying Hens Directive

**Mr Wells** asked the Minister of Agriculture and Rural Development for her assessment of the adherence by farmers to the Welfare of Laying Hens Directive.

**(AQW 32557/11-15)**

**Mrs O'Neill:** Adherence by farmers to the Welfare of Laying Hens Directive is good. The Welfare of Laying Hens Directive (Council Directive 1999/74/EC) is enforced here through the Welfare of Farmed Animals Regulations 2012 (WOFAR). No notices have been served on laying hen premises under WOFAR, since the enactment of this legislation on 2 April 2012.

However, under the WOFAR 2012 and the Eggs (Marketing Standards) Regulations 1995, 477 inspections have been completed within the previous 12 months. 100% of producers have been visited in this period and evidence has been recorded of non-compliances in 1.7% of these cases; these non-compliances are related to litter or range provision and have been followed up through the egg marketing regulations.

## Rural Crime

**Mr Weir** asked the Minister of Agriculture and Rural Development for her assessment of the increase in rural crime, particularly tractor thefts; and what additional strategies are being pursued to combat this crime.

**(AQW 32581/11-15)**

**Mrs O'Neill:** Responsibility for tackling crime, including rural crime, lies primarily with the PSNI and the Department of Justice. My Department does not record statistical information on crime.

I am very aware of the concern that the level of rural crime causes amongst the farming community and I have met with the Chief Constable and the Minister of Justice on a number of occasions to make them aware of my concerns.

My Department, through its Veterinary Service Enforcement Branch and CAFRE, continues to work with the Department of Justice, the PSNI and representatives of the farming community on a number of joint initiatives aimed at reducing rural crime and raising awareness of action that can be taken to help prevent rural crime including Farm Watch, the Freeze-branding initiative and the Crimestoppers Campaign.

I have also appointed a DARD representative to sit on the steering group for the PSNI's Rural Crime Unit. This Unit is focusing on a range of rural crime issues, including the identification of trends, and will assist with preventative action, help improve community confidence and, ultimately, reduce rural crime.

### DARD: Relocation of Headquarters

**Mr Swann** asked the Minister of Agriculture and Rural Development to detail the number of full-time equivalent staff members employed in her Department that are working on the headquarters relocation programme.

**(AQW 32604/11-15)**

**Mrs O'Neill:** There are currently 8 full-time equivalent staff members working on the headquarters relocation programme. The breakdown of grades of these staff is provided in table below.

Grade	No. of full-time equivalent staff members currently working on the headquarters relocation project
Senior Civil Servant	1
Grade 7	1.5*
Deputy Principal	3
Staff Officer	2
Personal Secretary	0.5

\* Up until March 2014, a Grade 7 Accountant had also been working on the project 50% of their time. As they are not currently involved they are not included in the table above.

The staff numbers detailed in the table are those working solely in the HQ relocation programme team and the Human Resource project team and does not include those staff who work on other duties but also contribute to the relocation programme.

### DARD: Relocation of Headquarters

**Mr Swann** asked the Minister of Agriculture and Rural Development how much has been spent on her departmental headquarters relocation programme, in each of the last three years to date.

**(AQW 32605/11-15)**

**Mrs O'Neill:** The amount that has been spent on the DARD headquarters relocation programme in each of the last three years to date is as follows:

2011/2012	£84,000
2012/2013	£278,976
2013/2014	£399,899

### Rural Development Programme: Funding

**Mr Weir** asked the Minister of Agriculture and Rural Development to detail the funding provided by her Department, via the Rural Development Programme, since 2009.

**(AQW 32633/11-15)**

**Mrs O'Neill:** The total amount of expenditure declared to the European Commission by DARD under the Rural Development Programme from 2009 to 2013 is £328,987,212.25.

### Rural Development Programme: North Down

**Mr Weir** asked the Minister of Agriculture and Rural Development to detail the projects in North Down that currently receive funding from the Rural Development Programme.

**(AQW 32634/11-15)**

**Mrs O'Neill:** Under the extension to the final tranche of Farm Modernisation Programme funding, 3 farm businesses in North Down were awarded financial support of £8,653. Only one of these farm businesses accepted the offer of financial support and has now received payment.

Under Axis 3 of the Rural Development Programme there are currently 2 projects being implemented in the North Down area with financial support of over £458k awarded, these are:-

- Crawfordsburn Glen Tourism Environmental Enhancement Project
- Upgrade and improvements to the North Down Coastal Path at Seahill, and between Seapark to Cultra

## Occupational Health Service

**Ms Boyle** asked the Minister of Agriculture and Rural Development what action her Department is taking to offer comprehensive occupational health services to its employees, including early access to services such as physiotherapy. (AQW 32683/11-15)

**Mrs O'Neill:** DARD avails of the NI Civil Service Occupational Health Service (OHS) which provides a comprehensive occupational health service to all employees of the NICS Departments.

OHS provides DARD with professional and appropriate occupational health advice to help manage employees who are absent from work, or to provide medical advice about some aspect of their employment whilst they are in work. This includes advice on rehabilitation, reasonable adjustments and fitness for specific jobs. OHS also undertakes health surveillance programmes for certain DARD duties such as underground working, audiometric testing, hand/arm vibration, electrofishing, avian flu vaccination and eyesight testing.

In addition, DARD offers all its employees the facility to attend a Lifestyle and Physical Activity Assessment with the OHS, access to counselling through the NICS Employee Assistance Programme and support and advice from the NICS Welfare Support Service.

Whilst OHS and DARD provides a range of services to employees, these do not include early access to physiotherapy services.

## Agrienvironment Schemes

**Ms Lo** asked the Minister of Agriculture and Rural Development whether her Department has calculated how many farmers will drop out of agri-environment schemes by 2015/16; and to outline the effect the recent non-decision on the transfer of Common Agricultural Policy funds for rural development will have on future agri-environment schemes. (AQW 32688/11-15)

**Mrs O'Neill:** Between 1 January 2015 and 31 December 2016, a total of 8,820 farmers will complete their agri-environment scheme agreements.

A new agri-environment scheme is being developed for the next Rural Development Programme. The amount of funding available to the next Rural Development Programme, and its constituent measures, is not yet confirmed.

While the lack of any transferred funds from Pillar 1 has the potential to reduce the scope and flexibility of the Programme, I am continuing to discuss with my officials how the next Programme can be financed.

My main objective in putting together a balanced package of funding for the next Rural Development Programme is to try to ensure that we improve the competitiveness of our farm and agri food businesses, protect and enhance our environment and countryside and improve the quality of life in our rural communities.

## Bovine Tuberculosis

**Mr Frew** asked the Minister of Agriculture and Rural Development to detail, why over the last twelve months (i) the annual Bovine Tuberculosis herd incidence has nearly doubled; and (ii) the annual Bovine Tuberculosis animal incidence has more than tripled in the Ballymena area compared to the Northern Ireland average which has witnessed a fall; and to outline the actions her Department is taking to address the high level of Bovine Tuberculosis incidences in the Ballymena area. (AQW 32701/11-15)

**Mrs O'Neill:** DARD is acutely aware of this contrary trend in Ballymena, particularly around Broughshane, and is ensuring that our disease control measures are appropriately applied to help to deal with this upturn in herd and animal disease incidence.

Such measures include an increased level of response testing and increasing the severity of test interpretation. Both of these measures will have the effect of increasing incidence levels in the short term because additional animals will be removed. This should however remove infection quicker and lead to a reduction in disease incidence levels in the intermediate - long term. A specific response measure adopted in Ballymena was the establishment of a "control zone" around Broughshane, where a genetic strain of TB more often found in Co Down has been identified, suggesting that infection was brought into the area through cattle movements. The control zone was an area of particularly high incidence in which all herds have had to carry out additional testing before the cattle are turned out in to grass. Investigations have not shown a single cause for the overall rise.

## Flooding: North Down

**Mr Weir** asked the Minister of Agriculture and Rural Development what action her Department is taking to reduce the risk of flooding in North Down. (AQW 32768/11-15)

**Mrs O'Neill:** Rivers Agency carries out regular inspections and maintenance to ensure free flow of designated watercourses. Any works identified are programmed and carried out by the Agency's industrial staff or contractors. When localised flooding issues are highlighted additional inspections and maintenance may be carried out. In some instances localised minor flood alleviation works may be undertaken, such as channel clearance, culvert upgrading or flood banking. The Agency also

provides emergency response to flooding incidents, and works closely with other Government Departments in addressing flooding hotspots.

### **Animal Cruelty Legislation: Implementation**

**Mr Weir** asked the Minister of Agriculture and Rural Development, following the Motion passed by the Assembly on 31 March 2014 calling for a review of the implementation of animal cruelty legislation, to outline the steps her Department will now take. (AQW 32771/11-15)

**Mrs O'Neill:** I welcomed the opportunity to debate the issue of animal cruelty in the Assembly on 31 March 2014 and supported the Motion calling for a review of the implementation of the Welfare of Animals Act 2011. My officials are currently developing the terms of the review, which will include engagement with the Department of Justice.

### **Single Farm Payment: Lowland Farmers**

**Mr Allister** asked the Minister of Agriculture and Rural Development whether any up to date data exists as to the level of loss of Single Farm Payments to lowland farmers should Northern Ireland be treated as a single region. (AQW 32794/11-15)

**Mrs O'Neill:** Under a single region, full flat rate, direct payment regime, it is estimated that the level of Pillar I CAP support accruing to the lowland area would be €16.4m lower compared with an allocation based on the current Single Farm Payment distribution pattern. This equates to 14.4% of the total value of Pillar 1 support payments currently accruing to the lowland area.

The extent of this reduction per year and over the 2015–2019 period under a single region model would, of course, depend on the extent of the movement towards a flat rate payment regime by 2019.

### **DARD: Relocation of Headquarters**

**Mr Allister** asked the Minister of Agriculture and Rural Development, in relation to the potential relocation of departmental headquarters and considering the excessive decontamination costs associated with the Ballykelly site, whether she will consider, at least as an interim solution, utilising office space which may become available in County Hall, Coleraine, in the event of the closure of the Driver and Vehicle Agency office. (AQW 32814/11-15)

**Mrs O'Neill:** In September 2012, I announced Ballykelly as the preferred location for my departmental headquarters. I remain committed to this decision.

As I have outlined before I want to play my role, along with my Executive colleagues, in dealing with the issues facing the Civil Service resulting from the loss of the work from the Driver and Vehicle Licensing Agency. I have asked my Permanent Secretary to consider the ways in which my Department can help and I do not want to pre-empt this work.

### **Single Farm Payment**

**Mr McAleer** asked the Minister of Agriculture and Rural Development to detail the number of farm businesses that actively engage in agricultural activity but are not in receipt of Single Farm Payment. (AQW 32818/11-15)

**Mrs O'Neill:** My Department does not hold definitive numbers of those farm businesses that are engaged in agricultural activity but who are not in receipt of Single Farm Payment.

In recognition of businesses in this situation, I have decided to implement the optional provision in the CAP Reform legislation which will allow entitlements to be allocated in 2015 to those who never previously held Single Farm Payment entitlements but who can submit verifiable evidence that on 15th May 2013, they produced, reared or grew agricultural products.

This decision will allow those businesses that commenced farming after 2005 but which would not qualify as new entrants under the regional reserve to receive entitlements under the Basic Payment Scheme.

### **School of Veterinary Science, University of Ulster**

**Mr Swann** asked the Minister of Agriculture and Rural Development what resources she will make available for the establishment of a School of Veterinary Science at the University of Ulster's Coleraine Campus. (AQW 32896/11-15)

**Mrs O'Neill:** I am very supportive of the proposal and have written to the University of Ulster confirming that support. My Chief Veterinary Officer has also given his support to the proposal.

I am aware that should the proposal to go ahead, there could be some involvement for the staff and facilities at CAFRE and AFBI. I would be supportive of this in principle.

However the extent of any such engagement cannot be firmed up until there is a definite decision on the proposal from the Department of Employment and Learning, and a clearer view emerges on the details and time-lines of any likely involvement.

For now, the decision on the proposal is a matter for the Department of Employment and Learning.

### Rivers Agency

**Mr Moutray** asked the Minister of Agriculture and Rural Development to outline the reasons and justification for the decision to change the name of the Rivers Agency.

**(AQW 32956/11-15)**

**Mrs O'Neill:** As I advised in the Written Ministerial Statement I made on 21 March 2014, I have decided that Rivers Agency will retain its current name for the immediate future. This will help to maintain continuity and clarity of roles in the delivery of Rivers Agency's functions.

### Rivers Agency

**Mr Moutray** asked the Minister of Agriculture and Rural Development to detail the cost associated with the change in name of the Rivers Agency.

**(AQW 32957/11-15)**

**Mrs O'Neill:** As per the Written Ministerial Statement I made on 21 March 2014, Rivers Agency will retain its name for the immediate future. Therefore, there are no costs associated with a change in name at this time.

## Department of Culture, Arts and Leisure

### Angling Regulations

**Mr Swann** asked the Minister of Culture, Arts and Leisure whether a decision has been made on the changes to angling regulations to enable angling clubs to make and approve their appropriate by-laws at their annual general meetings.

**(AQW 29646/11-15)**

**Ms Ní Chuilín (The Minister of Culture, Arts and Leisure):** Proposed changes to angling regulations are currently under consideration and these relate to salmon conservation measures which have been the subject of extensive consultation. It is intended that these will be in place by the start of the game angling season on 1st March.

It is proposed that catch and release will be mandatory for all salmon and sea trout caught in the DCAL jurisdiction and that worming will only be allowed for such fishing after the end of June. Only single or double barbless hooks will be permitted for salmon and sea trout angling.

### Irish Open Golf Tournament 2015

**Mr McNarry** asked the Minister of Culture, Arts and Leisure whether she will provide funding for the 2015 Irish Open at a similar or higher level than the £1.5m made available to the 2013 Irish Open.

**(AQW 31651/11-15)**

**Ms Ní Chuilín:** I am delighted that the European Tour has decided to host the 2015 Irish Open at Royal County Down Golf Club and the 2017 Irish Open at the Lough Erne Resort, Fermanagh.

However, responsibility for the funding of the Irish Open in 2015 and 2017 rests with the Department of Enterprise, Trade and Investment in the first instance.

### West Tyrone Projects: Funding

**Mr McAleer** asked the Minister of Culture, Arts and Leisure to detail the projects in the West Tyrone constituency that received funding from her Department since 2011.

**(AQW 32374/11-15)**

**Ms Ní Chuilín:** The value of projects funded in the West Tyrone constituency is summarised in the table below:

Financial Year	Projects Funded
2011/12	£1,164,527
2012/13	£1,128,746
2013/14	£1,360,403
<b>Total</b>	<b>£3,653,676</b>

Detailed breakdowns by project are provided in Annex A attached.

## Annex A

Funding Body	Funded Entity/ Project	Description	Amount Paid £	Financial Year
Department	Tyrone County Board	Construction of 3G pitches and 3G Multi Use Games	325,548	2013/14
Department	Tyrone County Board	Purchase of IFI Gym Equip, Construction of time trial and skills wall and alterations to gym	93,793	2013/14
Libraries NI	Castledearg Library	Part payments re CCTV installation	388	2011/12
Libraries NI	Castledearg Library	Part payments re CCTV installation	676	2012/13
Libraries NI	Newtownstewart Library	Refurbishment of Library	1,799	2011/12
Libraries NI	Omagh Library	Replacement Furniture and Equipment	43,930	2011/12
Libraries NI	Mobile Library Services	Vehicle replacement (Service wide provision apportioned equally across all constituencies)	9,383	2011/12
Libraries NI	Mobile Library Services	Vehicle replacement (Service wide provision apportioned equally across all constituencies)	38,036	2013/14
Libraries NI	ELFNI 2	Replacement of IT system (Service wide provision apportioned equally across all constituencies)	237,901	2013/14
IFG		Moorlough Angling Development	620	2011/12
IFG		Moorlough Angling Development	19,241	2012/13
IFG		Moorlough Angling Development	11,304	2013/14
NMNI	Ulster American Folk Park	New World Development	297,000	2011/12
NMNI	Ulster American Folk Park	New World Development	23,000	2012/13
NMNI	Ulster American Folk Park	UAFP Exhibit Buildings	50,000	2012/13
NMNI	Ulster American Folk Park	UAFP wifi	5,000	2012/13
NMNI	Ulster American Folk Park	Capital Maintenance	239,859	2012/13
ACNI	Newtownstewart Flute Band	Purchase of Musical Instruments	5,000	2011/12
ACNI	Blossomhill Pipe Band	Musical Instruments	5,000	2011/12
ACNI	Miss Emma McFarlane	Talente 2012 - individual artist project.	220	2011/12
ACNI	Cowan Memorial Flute Band	Purchase of Musical Instruments	4,540	2012/13
ACNI	9th Battalion Royal Inniskilling Fusiliers Corps of Drums Band	Purchase of Musical Instruments	3,330	2012/13
ACNI	Mountfield Pipe Band	Purchase of Musical Instruments	4,392	2012/13
ACNI	Castledearg Young Loyalists Flute Band	Purchase of Musical Instruments	4,846	2012/13

<b>Funding Body</b>	<b>Funded Entity/ Project</b>	<b>Description</b>	<b>Amount Paid £</b>	<b>Financial Year</b>
ACNI	Plumbridge Brien Boru Pipe Band	Purchase of Musical Instruments	4,947	2012/13
ACNI	Strabane and Lifford LGBT	Our story - A programme of storytelling, glass and ceramics.	5,000	2012/13
ACNI	Care for Cancer	Arts for leisure programme	5,000	2012/13
ACNI	Fountain Street Community Development Association	Winter wonderland	5,000	2012/13
ACNI	Omagh District Council	Purchase new equipment to upgrade our current lighting, sound, exhibition and conference facilities and multi-media capabilities.	7,000	2013/14
ACNI	Blair Memorial Flute Band	Purchase musical instruments	5,000	2013/14
ACNI	Strawhill Voluntary Independent Pipe Band	Purchase Musical Instruments	2,295	2013/14
ACNI	ROCO Magazine	Fully Interactive Magazine for all tablets and Smart phones.	9,850	2013/14
ACNI	Emily McFarland	Gold Is Where You Find It - individual artist project.	800	2013/14
Ulster Scots Agency	Drumquin Pipe Band	Sloughans Festival of Pipes, Drums and Dance	1,367	2011/12
Ulster Scots Agency	Donemana Cultural Association	Donemana Ulster-Scots Summer School	1,720	2011/12
Ulster Scots Agency	Mountfield Ulster-Scots Association	Mountfield Ulster-Scots Summer Scheme	2,656	2011/12
Ulster Scots Agency	Gillygooley Youth & Community development Association	Gillygooley Ulster-Scots Summer School	2,214	2011/12
Ulster Scots Agency	Cookstown North Community Group	Ulster-Scots Summer School	2,240	2011/12
Ulster Scots Agency	Augharan Pipe Band	Pipe and Drum	1,650	2011/12
Ulster Scots Agency	Augharonan Pipe Band	Piping and Drumming	1,650	2011/12
Ulster Scots Agency	Aughintober Pipe Band	Piping & Drumming Tuition	1,590	2011/12
Ulster Scots Agency	Ballybriest Flower of the Heather Flute Band	Flute & drum tuition	1,567	2011/12
Ulster Scots Agency	Ballybriest Pipe Band	Pipe & Drum	1,650	2011/12
Ulster Scots Agency	Bawn Junior Silver Band	Introduction to U-S Drumming	960	2011/12
Ulster Scots Agency	Bellaghy Pipe Band	Piping and Drum	1,575	2011/12
Ulster Scots Agency	Benburb Memorial Pipe Band	Piping and Drumming	1,650	2011/12

<b>Funding Body</b>	<b>Funded Entity/ Project</b>	<b>Description</b>	<b>Amount Paid £</b>	<b>Financial Year</b>
Ulster Scots Agency	Blacksessiagh Coronation Accordion Band	School of Music - Accordion & Drum	750	2011/12
Ulster Scots Agency	Blair Memorial Flute Band	Flute and Drum	780	2011/12
Ulster Scots Agency	Bloomhill Rural Development Association	Accordion & Drumming Tuition	1,650	2011/12
Ulster Scots Agency	Clogher & District Pipe Band	Pipes and Drum	1,600	2011/12
Ulster Scots Agency	Cloughfin Pipe Band	Piping & drumming tuition	1,650	2011/12
Ulster Scots Agency	Cookstown Fife & lambeg Drumming School	Lambeg Drumming & Fife Tuition	1,650	2011/12
Ulster Scots Agency	Cookstown Sons of William Flute Band	Flute & drumming tuition	1,568	2011/12
Ulster Scots Agency	Cranny Cultural & Community Group	Piping & drumming tuition	1,650	2011/12
Ulster Scots Agency	Drumconvis Young Defender Flute Band	Ulster-Scots Culture - Flute & Drum	550	2011/12
Ulster Scots Agency	Drumnacross Flute Band	Flute and Drum	1,447	2011/12
Ulster Scots Agency	Drumquin Pipe Band	Piping and Drumming	1,650	2011/12
Ulster Scots Agency	Edentilone Pipe Band	Musical Tuition - Pipe & Drum	1,650	2011/12
Ulster Scots Agency	Gillygooley Pipe Band	Pipes and Drum	1,125	2011/12
Ulster Scots Agency	Gortaclare Pipe Band	Tuition Project (Pipes & Drums)	1,518	2011/12
Ulster Scots Agency	Magheraglass Flute Band	Flute & Drum	1,650	2011/12
Ulster Scots Agency	Matt Boyd Memorial Pomeroy Pipe Band	Pipe and Drum	1,650	2011/12
Ulster Scots Agency	Montober Flute Band	Flute and Drum	1,650	2011/12
Ulster Scots Agency	Mountfield Ulster Scots Association	Piping and Drumming	1,650	2011/12
Ulster Scots Agency	Mullinagoagh Pipe Band	Dev U-S Music in local community (Pipe)	1,350	2011/12
Ulster Scots Agency	Newtownstewart Flute Band	Flute and Drum	1,650	2011/12
Ulster Scots Agency	Omagh Protestant Boys Melody Flute Band	Flute Tuition	1,650	2011/12
Ulster Scots Agency	Pomeroy Flute Band	Flute & drum tuition	814	2011/12
Ulster Scots Agency	Sandholes Community Group	Accordion and Drum	1,600	2011/12

<b>Funding Body</b>	<b>Funded Entity/ Project</b>	<b>Description</b>	<b>Amount Paid £</b>	<b>Financial Year</b>
Ulster Scots Agency	Seskanore Pipe Band	Drum	1,050	2011/12
Ulster Scots Agency	Tamlaghtmore Flute Band	Scottish Flute and Drum	1,650	2011/12
Ulster Scots Agency	Trillick Pipe Band	Pipe & Drum	1,650	2011/12
Ulster Scots Agency	Tullylagan Pipe Band	Piping and Drumming	1,600	2011/12
Ulster Scots Agency	William Kerr Memorial Pipe Band	Piping and Drumming	1,650	2011/12
Ulster Scots Agency	Curlough Accordion Band	Accordion and Drum	1,230	2011/12
Ulster Scots Agency	Derryoghill Flute Band	Flute and Drum	1,615	2011/12
Ulster Scots Agency	Blue Thistle Highland Dancers	Highland Dancing	2,025	2011/12
Ulster Scots Agency	Clogherny Scottish Country Dancers	Scottish Country Dance	1,155	2011/12
Ulster Scots Agency	Edentiloan & District Ulster-Scots Assoc	Scottish Country Dance	1,050	2011/12
Ulster Scots Agency	Mountfield Ulster Scots Association	Scottish Country Dance	1,704	2011/12
Ulster Scots Agency	Augharan Development Group	Celebrating Robert Burns	250	2011/12
Ulster Scots Agency	Cranny Cultural & Community Group	Burns Night & Ceildh	250	2011/12
Ulster Scots Agency	Bonn Community Association	Pomeroy Ulster-Scots & Orange Festival	1,470	2012/13
Ulster Scots Agency	Derry & Raphoe Action	St Andrews Ulster-Scots Festival	1,013	2012/13
Ulster Scots Agency	Plumbridge Cultural & Community Association	The Black in the Plum	4,634	2012/13
Ulster Scots Agency	Donemana Cultural Association	Donemana Summer School	1,938	2012/13
Ulster Scots Agency	Gillygooley Youth & Community Development Association	US Summer School	1,687	2012/13
Ulster Scots Agency	Newtownstewart Flute Band (Red Hand Defenders)	Stewarts Castle Tuition 2012 - Flute & Drum	1,642	2012/13
Ulster Scots Agency	Aghyaran Accordion Band	Accordian & Drums	1,470	2012/13
Ulster Scots Agency	Augharan Pipe Band	Piping & Drumming	1,650	2012/13
Ulster Scots Agency	Augharonan Pipe Band	Piping & drumming	1,650	2012/13
Ulster Scots Agency	Ballybriest Pipe Band	Piping & Drumming	1,350	2012/13

<b>Funding Body</b>	<b>Funded Entity/ Project</b>	<b>Description</b>	<b>Amount Paid £</b>	<b>Financial Year</b>
Ulster Scots Agency	Bellaghy Pipe Band	Scottish Piping & Drumming Tuition	1,595	2012/13
Ulster Scots Agency	Benburb Memorial Pipe Band	Piping & Drumming	1,650	2012/13
Ulster Scots Agency	Blacksessiagh Coronation Accordion Band	School of Music 2012	580	2012/13
Ulster Scots Agency	Blair Memorial Flute Band	Flute & Drum	1,373	2012/13
Ulster Scots Agency	Blossomhill Pipe Band	Pipe & Drum Tuition	1,650	2012/13
Ulster Scots Agency	Clogher & District Pipe Band	Pipe & Drum Tuition	1,565	2012/13
Ulster Scots Agency	Curlough Accordion Band	Accordion & Drum Tuition	1,470	2012/13
Ulster Scots Agency	Derryoghill Flute Band	Flute & Drum Tuition	1,650	2012/13
Ulster Scots Agency	Drumleagh Pipe Band	Drumming & Piping	368	2012/13
Ulster Scots Agency	Drumquin Pipe Band	Pipe & Drum Tuition	1,538	2012/13
Ulster Scots Agency	Edentilone Pipe Band	Pipe & Drum	1,560	2012/13
Ulster Scots Agency	Gillygooley Pipe Band	Piping & Drumming	1,613	2012/13
Ulster Scots Agency	Lislaird Pipe Band	Pipes & Drum Tuition	1,650	2012/13
Ulster Scots Agency	Magheraglass Flute Band	Flute & Drum Tuition	1,650	2012/13
Ulster Scots Agency	Matt Boyd Memorial Pomeroy Pipe Band	Pipe & Drums	1,650	2012/13
Ulster Scots Agency	Montober Flute Band	Flute & Drum	1,620	2012/13
Ulster Scots Agency	Mountfield Pipe Band	Pipes & Drum Tuition	1,560	2012/13
Ulster Scots Agency	Mullinagoagh Pipe Band	Drumming & Piping	1,343	2012/13
Ulster Scots Agency	Omagh Protestant Boys Melody Flute Band	Drum, Flute & Piccolo	1,260	2012/13
Ulster Scots Agency	Plumbridge Brien Boru Pipe Band	Piping & Drumming	1,490	2012/13
Ulster Scots Agency	Red Hand Defenders Auld Boys Flute Band	Flute & Drumming	1,388	2012/13
Ulster Scots Agency	Seskanore Pipe Band	Bagpipe Tuition	840	2012/13
Ulster Scots Agency	Sinclair Memorial Pipe Band	Pipes & Drum Tuition	1,418	2012/13

<b>Funding Body</b>	<b>Funded Entity/ Project</b>	<b>Description</b>	<b>Amount Paid £</b>	<b>Financial Year</b>
Ulster Scots Agency	Strawhill Voluntary Independent Pipe Band	Youth Tuition Programme	1,313	2012/13
Ulster Scots Agency	Tamlaghtmore Flute Band	Flute & Drums	1,153	2012/13
Ulster Scots Agency	Trillick Pipe Band	Musical Learning Programme	1,500	2012/13
Ulster Scots Agency	Tullylagan Pipe Band	Piping & Drumming School	1,600	2012/13
Ulster Scots Agency	Tullylagan Pipe Band	Drum Majoring School	1,050	2012/13
Ulster Scots Agency	W J Armstrong Memorial Pipe Band	Piping & Drumming	758	2012/13
Ulster Scots Agency	Cranny Cultural & Community Group	Highland Piping & Drumming Tuition	1,650	2012/13
Ulster Scots Agency	Mourne Valley Cultural Association	Piping & Drumming	1,050	2012/13
Ulster Scots Agency	Sandholes Community Group	Accordian & Drumming	1,298	2012/13
Ulster Scots Agency	Ardstraw & Baronscourt Youth Council	Newtown Stewart Highland Dancers	1,373	2012/13
Ulster Scots Agency	Blue Thistle Highland Dancers	Highland Dance Tuition	2,654	2012/13
Ulster Scots Agency	Clogherny Scottish Country Dance Group	Scottish Country Dance Group	2,178	2012/13
Ulster Scots Agency	Edenitloan & District Ulster-Scots Association	Scottish Country Dancing 2012	405	2012/13
Ulster Scots Agency	McClintock Parents Support Group	Seskinore Scottish Highland Dancing Group	1,482	2012/13
Ulster Scots Agency	Mountfield Scottish Country Dance	Scottish Country Dance Tuition	1,728	2012/13
Ulster Scots Agency	Derry & Raphoe Action	West Tyrone Ulster Scots Culture Festival	1,571	2013/14
Ulster Scots Agency	Cookstown North Community Group	Ulster Scots Summer School	2,146	2013/14
Ulster Scots Agency	Ardbarron Pipe Band	Pipe & Drum Tuition	1,650	2013/14
Ulster Scots Agency	Aughanran Pipe Band	Piping & Drumming Tuition	1,650	2013/14
Ulster Scots Agency	Augharonan Pipe Band	Pipe & Drum Tuition	825	2013/14
Ulster Scots Agency	Ballybriest Pipe Band	Pipe & Drum Tuition	1,650	2013/14
Ulster Scots Agency	Bellaghy Pipe Band	Pipe & Drum Tuition	1,650	2013/14
Ulster Scots Agency	Blair Memorial Flute Band	Flute & Drum Tuition	1,073	2013/14

<b>Funding Body</b>	<b>Funded Entity/ Project</b>	<b>Description</b>	<b>Amount Paid £</b>	<b>Financial Year</b>
Ulster Scots Agency	Blossomhill Pipe Band	Pipe & Drum Tuition	1,650	2013/14
Ulster Scots Agency	Cappagh Pipe Band	Pipe & Drum Tuition	1,050	2013/14
Ulster Scots Agency	Castledearg Young Loyalists Flute Band	Flute & Drum Tuition	1,650	2013/14
Ulster Scots Agency	Clogher & District Pipe Band	Pipe & Drum Tuition	1,538	2013/14
Ulster Scots Agency	Curlough Accordion Band	Accordion & Drum Tuition	1,350	2013/14
Ulster Scots Agency	Derryoghill Flute Band	Flute & Drum Tuition	1,650	2013/14
Ulster Scots Agency	Drumquinn Pipe Band	Pipe & Drum Tuition	1,540	2013/14
Ulster Scots Agency	Dungannon Volunteer Flute Band	Flute & Drum Tuition	425	2013/14
Ulster Scots Agency	Dyan Pipe Band	Pipe & Drum Tuition	1,200	2013/14
Ulster Scots Agency	Fardross Pipe Band	Pipe & Drum Tuition	1,650	2013/14
Ulster Scots Agency	Lislaird Pipe Band	Pipe & Drum Tuition	1,650	2013/14
Ulster Scots Agency	Magheraglass Flute Band	Flute & Drum Tuition	1,650	2013/14
Ulster Scots Agency	Mullinagoagh Pipe Band	Pipe & Drum Tuition	1,250	2013/14
Ulster Scots Agency	Omagh Protestant Boys Melody Flute Band	Flute & Drum Tuition	1,000	2013/14
Ulster Scots Agency	Plumbridge Brien Boru Pipe Band	Pipe & Drum Tuition	1,540	2013/14
Ulster Scots Agency	Pride of the Derg Flute Band	Flute Tuition	1,575	2013/14
Ulster Scots Agency	Red Hand Defenders Flute Band	Flute & Drum Tuition	1,650	2013/14
Ulster Scots Agency	Sinclair Memorial Pipe Band	Pipe & Drum Tuition	1,650	2013/14
Ulster Scots Agency	Strawhill Voluntary Independent Pipe Band	Pipe & Drum Tuition	1,650	2013/14
Ulster Scots Agency	Ardstraw & Baronscourt Youth Council	Highland Dancing	1,674	2013/14
Ulster Scots Agency	Clogherny Scottish Country Dance Group	Scottish Country Dance 2013	2,101	2013/14
Ulster Scots Agency	McClintock Primary School	Dance Tuition	1,856	2013/14
Ulster Scots Agency	Mountfield Scottish Country Dancers	Scottish Country Dance Tuition	1,867	2013/14

<b>Funding Body</b>	<b>Funded Entity/ Project</b>	<b>Description</b>	<b>Amount Paid £</b>	<b>Financial Year</b>
Ulster Scots Agency	The Blue Thistle Highland Dancers	Highland Dance	2,081	2013/14
Foras Na Gaeilge	Greencastle Youth Club	Óige mhuintir Luinigh 2 - Youth Event Scheme	3,260	2013
Foras Na Gaeilge	Cairde Bunscoil na Deirge	Afterschool Club Activities/Outings - Youth Event Scheme	2,772	2013
Foras Na Gaeilge	Cumann Iarscoil na gCrann	Cumann Iarscoil na gCrann - Youth Event Scheme	3,500	2013
Foras Na Gaeilge	Club Óige na Carraige Móire	Club Óige na Carraige Móire - Youth Event Scheme	2,900	2013
Foras Na Gaeilge	Cumann Iarscoil na gCrann	Campa na gCrann - Summer Camp Scheme	3,318	2013
Foras Na Gaeilge	Greencastle Youth Club	Coláiste Mhuintir Luinigh 3 - Summer Camp Scheme	3,388	2013
Foras Na Gaeilge	Campa na gCrann	Campa na gCrann - Summer Camp Scheme	3,018	2012
Foras Na Gaeilge	Greencastle Youth Group	Coláiste Mhuintir Luinigh - Summer Camp Scheme	3,476	2012
Foras Na Gaeilge	Óige Mhuintir Luinigh	Óige Mhuintir Luinigh - Youth Event Scheme	3,500	2012
Foras Na Gaeilge	Cumann Iarscoil na gCrann	Cumann Iarscoil na gCrann - Youth Event Scheme	3,500	2012
Foras Na Gaeilge	Club Óige na Carraige Móire	Club Óige na Carraige Móire - Youth Event Scheme	3,500	2012
Foras Na Gaeilge	Greencastle Youth Club	Coláiste Mhuintir Luinigh - Summer Camp Scheme	2,790	2011
Foras Na Gaeilge	Cumann Iarscoil na gCrann	Campa na gCrann - Summer Camp Scheme	3,092	2011
Foras Na Gaeilge	Cumann Iarscoil na gCrann	Cumann Iarscoil na gCrann - Youth Event Scheme	3,500	2011
Foras Na Gaeilge	Club Óige na Carraige Móire	Club Óige na Carraige Móire - Youth Event Scheme	3,500	2011
Foras Na Gaeilge	Gaelphobal Cheantar an tSratha Báin	Scéim Phobail Gaeilge Grantee	58,008	2014
Foras Na Gaeilge	Gaelphobal Cheantar an tSratha Báin	Scéim Phobail Gaeilge Grantee	58,008	2013
Foras Na Gaeilge	Gaelphobal Cheantar an tSratha Báin	Scéim Phobail Gaeilge Grantee	56,996	2012
Foras Na Gaeilge	Gaelphobal Cheantar an tSratha Báin	Scéim Phobail Gaeilge Grantee	54,688	2011
Sport NI	Altishane Primary School (Donemanagh)	Altishane Active Achievers	1,652	2013/14
Sport NI	Barrack Street Boys' Primary School (Strabane)	Barrack Street boys' Cricket Programme	1,480	2013/14
Sport NI	Castledearg High School	Castledearg High School Football Club	5,874	2013/14
Sport NI	Drumlisk Primary School (Dromore)	Multi-Sports After School Programme	4,083	2013/14

<b>Funding Body</b>	<b>Funded Entity/ Project</b>	<b>Description</b>	<b>Amount Paid £</b>	<b>Financial Year</b>
Sport NI	Gaelscoil Ui Dhochartaigh (Strabane)	Introducing new and extending Gaelic Games	3,168	2013/14
Sport NI	Gibson Primary School (Omagh)	Multi Sports Programme	4,019	2013/14
Sport NI	Holy Family Primary School (Omagh)	Individual sport Programme	2,667	2013/14
Sport NI	Four Elements Adventure	Adventure Activities Accreditation	150	2013/14
Sport NI	Four Elements Adventure	Adventure Activities Accreditation	750	2011/12
Sport NI	Altamuskin Community Association Ltd	Be Active, Be Fit, Have Fun - applying for coaching, venue hire and equipment	4,472	2011/12
Sport NI	North West Coaching Network	The North West Coaching Week - Coach Development	9,000	2011/12
Sport NI	Omagh Ladies Netball Club	Omagh Junior Netball: Equipment, venue hire, coaching fees	3,780	2011/12
Sport NI	St Joseph's Ladies GFC (Glenelly)	Health and Fitness to Beat the Winter Blues	3,525	2011/12
Sport NI	Omagh District Council	Active Communities (Year 3) 2011-12	218,519	2011/12
Sport NI	Omagh District Council	Active Communities (Year 4)	209,497	2012/13
Sport NI	Omagh District Council	Active Communities (Year 5)	182,714	2013/14
Sport NI	Strabane District Council	Active Communities (Year 3) 2011-12	342,813	2011/12
Sport NI	Strabane District Council	Active Communities (Year 4) 2012-13	354,267	2012/13
Sport NI	Strabane District Council	Active Communities (Year 5) 2013-14	306,064	2013/14
MAGUS	Omagh DC and Derry CC (Total project funding of £9k - costs were not separated by council area. Therefore apportioned on an equal basis)	Ulster-Scots Heritage Tourism Audit	4,500	2011/12
MAGUS	Omagh DC, Strabane DC and Derry CC (Total project funding of £50,719 across 12/13 & 13/14 - costs were not separated by council area. Therefore apportioned on an equal basis)	Ulster Scots Trail and learning resource project	40,833	2012/13

Funding Body	Funded Entity/ Project	Description	Amount Paid £	Financial Year
MAGUS	Omagh DC, Strabane DC and Derry CC (Total project funding of £50,719 across 12/13 & 13/14 - costs were not separated by council area. Therefore apportioned on an equal basis)	Ulster Scots Trail and learning resource project	9,886	2013/14
<b>Total</b>			<b>£3,653,676</b>	

### DCAL: Funding for West Tyrone

**Mr McAleer** asked the Minister of Culture, Arts and Leisure to detail the total funding invested by her Department in the West Tyrone constituency since 2011.

(AQW 32375/11-15)

**Ms Ní Chuilín:** The total amount of funding invested by the Department in the West Tyrone constituency since 2011 is summarised in the table below:

Financial Year	Amount Funded
2011/12	£3,506,793
2012/13	£3,814,917
2013/14	£3,506,737
<b>Total</b>	<b>£10,828,447</b>

A detailed breakdown of funding invested is provided in Annex A attached.

Funding Body	Funded Entity/ Project	Description of Funding	Amount Paid £	Financial Year
Department	Tyrone County Board	Construction of 3G pitches and 3G Multi Use Games Area	325,548	2013/14
Department	Tyrone County Board	Purchase of IFI Gym Equip, Construction of time trial and skills wall and alterations to gym	93,793	2013/14
Museums	Mellon Centre for Migration Studies	Running costs	87,000	2011/12
Museums	Mellon Centre for Migration Studies	Running costs	76,000	2012/13
Museums	Mellon Centre for Migration Studies	Running costs	76,500	2013/14
Libraries NI	Castlederg Library	Running Costs	59,540	2012
Libraries NI	Castlederg Library	Running Costs	53,998	2013
Libraries NI	Castlederg Library	Running Costs	48,869	2014
Museums	Centre for Migration Studies	Running Costs	66,936	2012
Museums	Centre for Migration Studies	Running Costs	19,432	2013
Museums	Centre for Migration Studies	Running Costs	18,646	2014
Libraries NI	Newtownstewart Library (OLD)	Running Costs	487	2012

<b>Funding Body</b>	<b>Funded Entity/ Project</b>	<b>Description of Funding</b>	<b>Amount Paid £</b>	<b>Financial Year</b>
Libraries NI	Omagh HQ & Divisional Library	Running Costs	505,572	2012
Libraries NI	Omagh HQ & Divisional Library	Running Costs	520,229	2013
Libraries NI	Omagh HQ & Divisional Library	Running Costs	472,264	2014
Libraries NI	Fintona Library Running Costs	Running Costs	94	2012
Libraries NI	Fintona Library Running Costs	Running Costs	25,233	2013
Libraries NI	Fintona Library Running Costs	Running Costs	22,584	2014
Libraries NI	Strabane Library	Running Costs	299,567	2012/13
Libraries NI	Strabane Library	Running Costs	274,381	2014
IFG		Moorlough Angling Development	620	2011/12
IFG		Moorlough Angling Development	19,241	2012/13
IFG		Moorlough Angling Development	11,304	2013/14
NMNI	Ulster American Folk Park	Running Costs	1,667,428	2011/12
NMNI	Ulster American Folk Park	New World Development	297,000	2011/12
NMNI	Ulster American Folk Park	New World Development	23,000	2012/13
NMNI	Ulster American Folk Park	UAFP Exhibit Buildings	50,000	2012/13
NMNI	Ulster American Folk Park	UAFP wifi	5,000	2012/13
NMNI	Ulster American Folk Park	Capital Maintenance	239,859	2012/13
NMNI	Ulster American Folk Park	Running Costs	1,686,865	2012/13
NMNI	Ulster American Folk Park	Running Costs	1,493,414	2013/14
Inland Waterways	W/R Sites in W Tyrone	Water Recreation Site Maintenance	10,855	2011/12
Inland Waterways	W/R Sites in W Tyrone	Water Recreation Site Maintenance	5,378	2012/13
Inland Waterways	W/R Sites in W Tyrone	Water Recreation Site Maintenance	15,614	2013/14
ACNI	Newtownstewart Flute Band	Purchase of Musical Instruments	5,000	2011/12
ACNI	Blossomhill Pipe Band	Musical Instruments	5,000	2011/12
ACNI	Miss Emma McFarlane	Talente 2012 - individual artist project.	220	2011/12
ACNI	Cowan Memorial Flute Band	Purchase of Musical Instruments	4,540	2012/13

<b>Funding Body</b>	<b>Funded Entity/ Project</b>	<b>Description of Funding</b>	<b>Amount Paid £</b>	<b>Financial Year</b>
ACNI	9th Battalion Royal Inniskilling Fusiliers Corps of Drums Band	Purchase of Musical Instruments	3,330	2012/13
ACNI	Mountfield Pipe Band	Purchase of Musical Instruments	4,392	2012/13
ACNI	Castledearg Young Loyalists Flute Band	Purchase of Musical Instruments	4,846	2012/13
ACNI	Plumbridge Brien Boru Pipe Band	Purchase of Musical Instruments	4,947	2012/13
ACNI	Strabane and Lifford LGBT	Our story - A programme of storytelling, glass and ceramics.	5,000	2012/13
ACNI	Care for Cancer	Arts for leisure programme	5,000	2012/13
ACNI	Fountain Street Community Development Association	Winter wonderland	5,000	2012/13
ACNI	Omagh District Council	Purchase new equipment to upgrade our current lighting, sound, exhibition and conference facilities and multi-media capabilities.	7,000	2013/14
ACNI	Blair Memorial Flute Band	Purchase musical instruments	5,000	2013/14
ACNI	Strawhill Voluntary Independent Pipe Band	Purchase Musical Instruments	2,295	2013/14
ACNI	ROCO Magazine	Fully Interactive Magazine for all tablets and Smartphones.	9,850	2013/14
ACNI	Emily McFarland	Gold Is Where You Find It - individual artist project.	800	2013/14
Ulster Scots Agency	Drumquin Pipe Band	Sloughans Festival of Pipes, Drums and Dance	1,367	2011/12
Ulster Scots Agency	Donemana Cultural Association	Donemana Ulster-Scots Summer School	1,720	2011/12
Ulster Scots Agency	Mountfield Ulster-Scots Association	Mountfield Ulster-Scots Summer Scheme	2,656	2011/12
Ulster Scots Agency	Gillygooley Youth & Community development Association	Gillygooley Ulster-Scots Summer School	2,214	2011/12
Ulster Scots Agency	Cookstown North Community Group	Ulster-Scots Summer School	2,240	2011/12
Ulster Scots Agency	Augharan Pipe Band	Pipe and Drum	1,650	2011/12
Ulster Scots Agency	Augharonan Pipe Band	Piping and Drumming	1,650	2011/12
Ulster Scots Agency	Aughintoiber Pipe Band	Piping & Drumming Tuition	1,590	2011/12
Ulster Scots Agency	Ballybriest Flower of the Heather Flute Band	Flute & drum tuition	1,567	2011/12
Ulster Scots Agency	Ballybriest Pipe Band	Pipe & Drum	1,650	2011/12

<b>Funding Body</b>	<b>Funded Entity/ Project</b>	<b>Description of Funding</b>	<b>Amount Paid £</b>	<b>Financial Year</b>
Ulster Scots Agency	Bawn Junior Silver Band	Introduction to U-S Drumming	960	2011/12
Ulster Scots Agency	Bellaghy Pipe Band	Piping and Drum	1,575	2011/12
Ulster Scots Agency	Benburb Memorial Pipe Band	Piping and Drumming	1,650	2011/12
Ulster Scots Agency	Blacksessiagh Coronation Accordion Band	School of Music - Accordion & Drum	750	2011/12
Ulster Scots Agency	Blair Memorial Flute Band	Flute and Drum	780	2011/12
Ulster Scots Agency	Bloomhill Rural Development Association	Accordion & Drumming Tuition	1,650	2011/12
Ulster Scots Agency	Clogher & District Pipe Band	Pipes and Drum	1,600	2011/12
Ulster Scots Agency	Cloughfin Pipe Band	Piping & drumming tuition	1,650	2011/12
Ulster Scots Agency	Cookstown Fife & lambeg Drumming School	Lambeg Drumming & Fife Tuition	1,650	2011/12
Ulster Scots Agency	Cookstown Sons of William Flute Band	Flute & drumming tuition	1,568	2011/12
Ulster Scots Agency	Cranny Cultural & Community Group	Piping & drumming tuition	1,650	2011/12
Ulster Scots Agency	Drumconvis Young Defender Flute Band	Ulster-Scots Culture - Flute & Drum	550	2011/12
Ulster Scots Agency	Drumnacross Flute Band	Flute and Drum	1,447	2011/12
Ulster Scots Agency	Drumquin Pipe Band	Piping and Drumming	1,650	2011/12
Ulster Scots Agency	Edentilone Pipe Band	Musical Tuition - Pipe & Drum	1,650	2011/12
Ulster Scots Agency	Gillygooley Pipe Band	Pipes and Drum	1,125	2011/12
Ulster Scots Agency	Gortaclare Pipe Band	Tuition Project (Pipes & Drums)	1,518	2011/12
Ulster Scots Agency	Magheraglass Flute Band	Flute & Drum	1,650	2011/12
Ulster Scots Agency	Matt Boyd Memorial Pomeroy Pipe Band	Pipe and Drum	1,650	2011/12
Ulster Scots Agency	Montober Flute Band	Flute and Drum	1,650	2011/12
Ulster Scots Agency	Mountfield Ulster Scots Association	Piping and Drumming	1,650	2011/12
Ulster Scots Agency	Mullinagoagh Pipe Band	Dev U-S Music in local community (Pipe)	1,350	2011/12
Ulster Scots Agency	Newtownstewart Flute Band	Flute and Drum	1,650	2011/12

<b>Funding Body</b>	<b>Funded Entity/ Project</b>	<b>Description of Funding</b>	<b>Amount Paid £</b>	<b>Financial Year</b>
Ulster Scots Agency	Omagh Protestant Boys Melody Flute Band	Flute Tuition	1,650	2011/12
Ulster Scots Agency	Pomeroy Flute Band	Flute & drum tuition	814	2011/12
Ulster Scots Agency	Sandholes Community Group	Accordion and Drum	1,600	2011/12
Ulster Scots Agency	Seskanore Pipe Band	Drum	1,050	2011/12
Ulster Scots Agency	Tamlaghtmore Flute Band	Scottish Flute and Drum	1,650	2011/12
Ulster Scots Agency	Trillick Pipe Band	Pipe & Drum	1,650	2011/12
Ulster Scots Agency	Tullylagan Pipe Band	Piping and Drumming	1,600	2011/12
Ulster Scots Agency	William Kerr Memorial Pipe Band	Piping and Drumming	1,650	2011/12
Ulster Scots Agency	Curlough Accordion Band	Accordion and Drum	1,230	2011/12
Ulster Scots Agency	Derryoghill Flute Band	Flute and Drum	1,615	2011/12
Ulster Scots Agency	Blue Thistle Highland Dancers	Highland Dancing	2,025	2011/12
Ulster Scots Agency	Clogherny Scottish Country Dancers	Scottish Country Dance	1,155	2011/12
Ulster Scots Agency	Edentiloan & District Ulster-Scots Assoc	Scottish Country Dance	1,050	2011/12
Ulster Scots Agency	Mountfield Ulster Scots Association	Scottish Country Dance	1,704	2011/12
Ulster Scots Agency	Augharan Development Group	Celebrating Robert Burns	250	2011/12
Ulster Scots Agency	Cranny Cultural & Community Group	Burns Night & Ceildh	250	2011/12
Ulster Scots Agency	Bonn Community Association	Pomeroy Ulster-Scots & Orange Festival	1,470	2012/13
Ulster Scots Agency	Derry & Raphoe Action	St Andrews Ulster-Scots Festival	1,013	2012/13
Ulster Scots Agency	Plumbridge Cultural & Community Association	The Black in the Plum	4,634	2012/13
Ulster Scots Agency	Donemana Cultural Association	Donemana Summer School	1,938	2012/13
Ulster Scots Agency	Gillygooley Youth & Community Development Association	US Summer School	1,687	2012/13
Ulster Scots Agency	Newtownstewart Flute Band (Red Hand Defenders)	Stewarts Castle Tuition 2012 - Flute & Drum	1,642	2012/13

<b>Funding Body</b>	<b>Funded Entity/ Project</b>	<b>Description of Funding</b>	<b>Amount Paid £</b>	<b>Financial Year</b>
Ulster Scots Agency	Aghyaran Accordion Band	Accordion & Drums	1,470	2012/13
Ulster Scots Agency	Augharan Pipe Band	Piping & Drumming	1,650	2012/13
Ulster Scots Agency	Augharonan Pipe Band	Piping & drumming	1,650	2012/13
Ulster Scots Agency	Ballybriest Pipe Band	Piping & Drumming	1,350	2012/13
Ulster Scots Agency	Bellaghy Pipe Band	Scottish Piping & Drumming Tuition	1,595	2012/13
Ulster Scots Agency	Benburb Memorial Pipe Band	Piping & Drumming	1,650	2012/13
Ulster Scots Agency	Blacksessiagh Coronation Accordion Band	School of Music 2012	580	2012/13
Ulster Scots Agency	Blair Memorial Flute Band	Flute & Drum	1,373	2012/13
Ulster Scots Agency	Blossomhill Pipe Band	Pipe & Drum Tuition	1,650	2012/13
Ulster Scots Agency	Clogher & District Pipe Band	Pipe & Drum Tuition	1,565	2012/13
Ulster Scots Agency	Curlough Accordion Band	Accordion & Drum Tuition	1,470	2012/13
Ulster Scots Agency	Derryoghill Flute Band	Flute & Drum Tuition	1,650	2012/13
Ulster Scots Agency	Drumleagh Pipe Band	Drumming & Piping	368	2012/13
Ulster Scots Agency	Drumquin Pipe Band	Pipe & Drum Tuition	1,538	2012/13
Ulster Scots Agency	Edentilone Pipe Band	Pipe & Drum	1,560	2012/13
Ulster Scots Agency	Gillygooley Pipe Band	Piping & Drumming	1,613	2012/13
Ulster Scots Agency	Lislaird Pipe Band	Pipes & Drum Tuition	1,650	2012/13
Ulster Scots Agency	Magheraglass Flute Band	Flute & Drum Tuition	1,650	2012/13
Ulster Scots Agency	Matt Boyd Memorial Pomeroy Pipe Band	Pipe & Drums	1,650	2012/13
Ulster Scots Agency	Montober Flute Band	Flute & Drum	1,620	2012/13
Ulster Scots Agency	Mountfield Pipe Band	Pipes & Drum Tuition	1,560	2012/13
Ulster Scots Agency	Mullinagoagh Pipe Band	Drumming & Piping	1,343	2012/13
Ulster Scots Agency	Omagh Protestant Boys Melody Flute Band	Drum, Flute & Piccolo	1,260	2012/13
Ulster Scots Agency	Plumbridge Brien Boru Pipe Band	Piping & Drumming	1,490	2012/13

<b>Funding Body</b>	<b>Funded Entity/ Project</b>	<b>Description of Funding</b>	<b>Amount Paid £</b>	<b>Financial Year</b>
Ulster Scots Agency	Red Hand Defenders Auld Boys Flute Band	Flute & Drumming	1,388	2012/13
Ulster Scots Agency	Seskanore Pipe Band	Bagpipe Tuition	840	2012/13
Ulster Scots Agency	Sinclair Memorial Pipe Band	Pipes & Drum Tuition	1,418	2012/13
Ulster Scots Agency	Strawhill Voluntary Independent Pipe Band	Youth Tuition Programme	1,313	2012/13
Ulster Scots Agency	Tamlaghtmore Flute Band	Flute & Drums	1,153	2012/13
Ulster Scots Agency	Trillick Pipe Band	Musical Learning Programme	1,500	2012/13
Ulster Scots Agency	Tullylagan Pipe Band	Piping & Drumming School	1,600	2012/13
Ulster Scots Agency	Tullylagan Pipe Band	Drum Majoring School	1,050	2012/13
Ulster Scots Agency	W J Armstrong Memorial Pipe Band	Piping & Drumming	758	2012/13
Ulster Scots Agency	Cranny Cultural & Community Group	Highland Piping & Drumming Tuition	1,650	2012/13
Ulster Scots Agency	Mourne Valley Cultural Association	Piping & Drumming	1,050	2012/13
Ulster Scots Agency	Sandholes Community Group	Accordian & Drumming	1,298	2012/13
Ulster Scots Agency	Ardstraw & Baronscourt Youth Council	Newtown Stewart Highland Dancers	1,373	2012/13
Ulster Scots Agency	Blue Thistle Highland Dancers	Highland Dance Tuition	2,654	2012/13
Ulster Scots Agency	Clogherny Scottish Country Dance Group	Scottish Country Dance Group	2,178	2012/13
Ulster Scots Agency	Edenitloan & District Ulster-Scots Association	Scottish Country Dancing 2012	405	2012/13
Ulster Scots Agency	McClintock Parents Support Group	Seskinore Scottish Highland Dancing Group	1,482	2012/13
Ulster Scots Agency	Mountfield Scottish Country Dance	Scottish Country Dance Tuition	1,728	2012/13
Ulster Scots Agency	Derry & Raphoe Action	West Tyrone Ulster Scots Culture Festival	1,571	2013/14
Ulster Scots Agency	Cookstown North Community Group	Ulster Scots Summer School	2,146	2013/14
Ulster Scots Agency	Ardbarron Pipe Band	Pipe & Drum Tuition	1,650	2013/14
Ulster Scots Agency	Aughanran Pipe Band	Piping & Drumming Tuition	1,650	2013/14
Ulster Scots Agency	Augharonan Pipe Band	Pipe & Drum Tuition	825	2013/14

<b>Funding Body</b>	<b>Funded Entity/ Project</b>	<b>Description of Funding</b>	<b>Amount Paid £</b>	<b>Financial Year</b>
Ulster Scots Agency	Ballybriest Pipe Band	Pipe & Drum Tuition	1,650	2013/14
Ulster Scots Agency	Bellaghy Pipe Band	Pipe & Drum Tuition	1,650	2013/14
Ulster Scots Agency	Blair Memorial Flute Band	Flute & Drum Tuition	1,073	2013/14
Ulster Scots Agency	Blossomhill Pipe Band	Pipe & Drum Tuition	1,650	2013/14
Ulster Scots Agency	Cappagh Pipe Band	Pipe & Drum Tuition	1,050	2013/14
Ulster Scots Agency	Castledearg Young Loyalists Flute Band	Flute & Drum Tuition	1,650	2013/14
Ulster Scots Agency	Clogher & District Pipe Band	Pipe & Drum Tuition	1,538	2013/14
Ulster Scots Agency	Curlough Accordion Band	Accordion & Drum Tuition	1,350	2013/14
Ulster Scots Agency	Derryoghill Flute Band	Flute & Drum Tuition	1,650	2013/14
Ulster Scots Agency	Drumquinn Pipe Band	Pipe & Drum Tuition	1,540	2013/14
Ulster Scots Agency	Dungannon Volunteer Flute Band	Flute & Drum Tuition	425	2013/14
Ulster Scots Agency	Dyan Pipe Band	Pipe & Drum Tuition	1,200	2013/14
Ulster Scots Agency	Fardross Pipe Band	Pipe & Drum Tuition	1,650	2013/14
Ulster Scots Agency	Lislaird Pipe Band	Pipe & Drum Tuition	1,650	2013/14
Ulster Scots Agency	Magheraglass Flute Band	Flute & Drum Tuition	1,650	2013/14
Ulster Scots Agency	Mullinagoagh Pipe Band	Pipe & Drum Tuition	1,250	2013/14
Ulster Scots Agency	Omagh Protestant Boys Melody Flute Band	Flute & Drum Tuition	1,000	2013/14
Ulster Scots Agency	Plumbridge Brien Boru Pipe Band	Pipe & Drum Tuition	1,540	2013/14
Ulster Scots Agency	Pride of the Derg Flute Band	Flute Tuition	1,575	2013/14
Ulster Scots Agency	Red Hand Defenders Flute Band	Flute & Drum Tuition	1,650	2013/14
Ulster Scots Agency	Sinclair Memorial Pipe Band	Pipe & Drum Tuition	1,650	2013/14
Ulster Scots Agency	Strawhill Voluntary Independent Pipe Band	Pipe & Drum Tuition	1,650	2013/14
Ulster Scots Agency	Ardstraw & Baronscourt Youth Council	Highland Dancing	1,674	2013/14

<b>Funding Body</b>	<b>Funded Entity/ Project</b>	<b>Description of Funding</b>	<b>Amount Paid £</b>	<b>Financial Year</b>
Ulster Scots Agency	Clogherny Scottish Country Dance Group	Scottish Country Dance 2013	2,101	2013/14
Ulster Scots Agency	McClintock Primary School	Dance Tuition	1,856	2013/14
Ulster Scots Agency	Mountfield Scottish Country Dancers	Scottish Country Dance Tuition	1,867	2013/14
Ulster Scots Agency	The Blue Thistle Highland Dancers	Highland Dance	2,081	2013/14
Foras Na Gaeilge	Greencastle Youth Club	Youth Event Scheme - resource funding	3,260	2013
Foras Na Gaeilge	Cairde Bunscoil na Deirge	Youth Event Scheme - resource funding	2,772	2013
Foras Na Gaeilge	Cumann Iarscoil na gCrann	Youth Event Scheme - resource funding	3,500	2013
Foras Na Gaeilge	Club Óige na Carraige Móire	Youth Event Scheme - resource funding	2,900	2013
Foras Na Gaeilge	Cumann Iarscoil na gCrann	Summer Camp Scheme - resource funding	3,318	2013
Foras Na Gaeilge	Greencastle Youth Club	Summer Camp Scheme - resource funding	3,388	2013
Foras Na Gaeilge	Campa na gCrann	Summer Camp Scheme - resource funding	3,018	2012
Foras Na Gaeilge	Greencastle Youth Group	Summer Camp Scheme - resource funding	3,476	2012
Foras Na Gaeilge	Óige Mhuintir Luinigh	Youth Event Scheme - resource funding	3,500	2012
Foras Na Gaeilge	Cumann Iarscoil na gCrann	Youth Event Scheme - resource funding	3,500	2012
Foras Na Gaeilge	Club Óige na Carraige Móire	Youth Event Scheme - resource funding	3,500	2012
Foras Na Gaeilge	Greencastle Youth Club	Summer Camp Scheme - resource funding	2,790	2011
Foras Na Gaeilge	Cumann Iarscoil na gCrann	Summer Camp Scheme - resource funding	3,092	2011
Foras Na Gaeilge	Cumann Iarscoil na gCrann	Youth Event Scheme - resource funding	3,500	2011
Foras Na Gaeilge	Club Óige na Carraige Mhóire	Youth Event Scheme - resource funding	3,500	2011
Foras Na Gaeilge	Gaelphobal Cheantar an tSratha Báin	Scéim Phobail Gaeilge Grantee	58,008	2014
Foras Na Gaeilge	Gaelphobal Cheantar an tSratha Báin	Scéim Phobail Gaeilge Grantee	58,008	2013
Foras Na Gaeilge	Gaelphobal Cheantar an tSratha Báin	Scéim Phobail Gaeilge Grantee	56,996	2012
Foras Na Gaeilge	Gaelphobal Cheantar an tSratha Báin	Scéim Phobail Gaeilge Grantee	54,688	2011
Sport NI	Altishane Primary School (Donemanagh)	Altishane Active Achievers	1,652	2013/14

<b>Funding Body</b>	<b>Funded Entity/ Project</b>	<b>Description of Funding</b>	<b>Amount Paid £</b>	<b>Financial Year</b>
Sport NI	Barrack Street Boys' Primary School (Strabane)	Barrack Street boys' Cricket Programme	1,480	2013/14
Sport NI	Castledearg High School	Castledearg High School Football Club	5,874	2013/14
Sport NI	Drumlisk Primary School (Dromore)	Multi-Sports After School Programme	4,083	2013/14
Sport NI	Gaelscoil Ui Dhochartaigh (Strabane)	Introducing new and extending Gaelic Games	3,168	2013/14
Sport NI	Gibson Primary School (Omagh)	Multi Sports Programme	4,019	2013/14
Sport NI	Holy Family Primary School (Omagh)	Individual sport Programme	2,667	2013/14
Sport NI	Four Elements Adventure	Adventure Activities Accreditation	150	2013/14
Sport NI	Four Elements Adventure	Adventure Activities Accreditation	750	2011/12
Sport NI	Altamuskin Community Association Ltd	Be Active, Be Fit, Have Fun - applying for coaching, venue hire and equipment	4,472	2011/12
Sport NI	North West Coaching Network	The North West Coaching Week - Coach Development	9,000	2011/12
Sport NI	Omagh Ladies Netball Club	Omagh Junior Netball: Equipment, venue hire, coaching fees	3,780	2011/12
Sport NI	St Joseph's Ladies GFC (Glenelly)	Health and Fitness to Beat the Winter Blues	3,525	2011/12
Sport NI	Strabane Athletic FC	Applicant received storage container from TNOC	-	2011/12
Sport NI	Omagh District Council	Active Communities (Year 3) - Coaching	218,519	2011/12
Sport NI	Omagh District Council	Active Communities (Year 4) - Coaching	209,497	2012/13
Sport NI	Omagh District Council	Active Communities (Year 5) - Coaching	182,714	2013/14
Sport NI	Strabane District Council	Active Communities (Year 3) - Coaching	342,813	2011/12
Sport NI	Strabane District Council	Active Communities (Year 4) - Coaching	354,267	2012/13
Sport NI	Strabane District Council	Active Communities (Year 5) - Coaching	306,064	2013/14
MAGUS	Omagh DC and Derry CC (Total project funding of £9k - costs were not separated by council area. Therefore apportioned on an equal basis)	Ulster-Scots Heritage Tourism Audit	4,500	2011/12

Funding Body	Funded Entity/ Project	Description of Funding	Amount Paid £	Financial Year
MAGUS	Omagh DC, Strabane DC and Derry CC (Total project funding of £50,719 across 12/13 & 13/14 - costs were not separated by council area. Therefore apportioned on an equal basis)	Ulster Scots Trail and learning resource project	40,833	2012/13
MAGUS	Omagh DC, Strabane DC and Derry CC (Total project funding of £50,719 across 12/13 & 13/14 - costs were not separated by council area. Therefore apportioned on an equal basis)	Ulster Scots Trail and learning resource project	9,886	2013/14
<b>Total</b>			<b>10,828,447</b>	

### Assembly: Motions Debated

**Mr McNarry** asked the Minister of Culture, Arts and Leisure to detail (i) the number of Motions debated in the Assembly that she has responded to in the last two years; and (ii) the action that she has taken following any Motion that was passed. (AQW 32436/11-15)

**Ms Ní Chuilín:** In the last two years I have responded to 13 Motions in the Assembly, 12 of which were passed.

I have listed at Annex A the key actions taken by my Department in relation to the Motions passed in the Assembly.

#### Annex A

- (i) Action Plan to Improve the Sustainability of Fish Stocks – Since the debate I have taken forward a range of measures to conserve and protect fish stocks. New legislation was introduced in March 2014 to make catch and release of salmon and sea trout compulsory and to prohibit commercial salmon netting in the DCAL jurisdiction.  
My Department has also been implementing programmes for the conservation of eel stocks and developing Fishery Management Plans for Lough Neagh and Lough Erne.
- (ii) Foras na Gaeilge Proposed Funding Model – At the NSMC Language Body meeting of 9 July 2013 NSMC Ministers approved the implementation of the new funding arrangements from 1 July 2014.
- (iii) Centenary of the Signing of the Ulster Covenant - The DCAL Family is playing a key role in telling the stories and different interpretations of the 1912-22 period. Libraries NI, National Museums NI, and PRONI have all delivered, and are developing, exhibitions, lectures and collaborative initiatives to mark significant anniversaries.
- (iv) Funding for Boxing - Significant progress has been made in the provision of funding for boxing since the debate. Under the Lottery funded Boxing Investment Programme (BIP), £3.27 million will be invested in the sport across the north of Ireland.
- (v) Legacy of 2012 Paralympic Games - My Department, through Sport NI, fund Disability Sports NI (DSNI) as they implement their Disability Mainstreaming Policy. I have met with DSNI on a number of occasions since this debate to hear of their ongoing work with governing bodies of sport. Sport NI is developing a new Sports Facility Strategy and I have asked that this takes account of facilities suitable for people with disabilities and special needs.
- (vi) CAL Committee Motion Grassroot & Elite Sports Facilities - The Assembly noted the target in Sport Matters to have a minimum of 10 new or upgraded facilities by 2014 to support player/athlete development. At the last Sport Matters Monitoring Group Meeting in November 2013, it was agreed that this target had been achieved.
- (vii) CAL Committee Motion Report on Maximising the Potential of the Creative Industries - DCAL has worked across Government to inform development of the Executive's draft Innovation Strategy. The extent of DCAL's input to an economic-focused Executive strategy is unprecedented. This recognises the importance of creativity and the contribution of the creative and cultural industries.

- (viii) 400 Year Historical Legacy - The Ministerial Advisory Group (MAG) – Ulster Scots Academy, The Ulster Scots Agency, and Foras na Gaeilge are undertaking a programme to mark the award of Charters to some forty towns and cities across the island of Ireland. The MAG are also part funding the Trail for Coleraine 400. This project will provide a legacy for Coleraine Town centre to commemorate the 400th anniversary of the Town's Charter.
- (ix) Northern Amateur Football League Primacy Rule - My Department has considered the implications of the NAFL Rule 2.1 (Primacy Factor), together with the league's legal status as a membership body and concluded that the impact of the rule and a refusal to change it is contrary to government's priority of equality, social inclusion, shared future and building a united community. I have written to the NAFL to provide an opportunity for the League to outline its concerns about removal of the rule and to explore options for achieving ground sharing and equitable use of sports facilities for soccer.
- (x) CAL Committee Motion Redevelopment of Central Library - Since the Assembly debate in September 2013 my officials have continued to work with Libraries NI to develop the Business Case that I referred to during the debate. Work on this is still ongoing.
- (xi) CAL Committee Motion Report into Gaps in Child Protection and Safeguarding across CAL Remit - My Department has established two working groups to examine the key recommendations in the report. DCAL has established a Safeguarding Forum with the aim of improving the safeguarding arrangements for those vulnerable groups participating in culture, arts and leisure.
- (xii) Sports Facilities for People with Disabilities & Special Needs - Sport NI is currently updating its Active Places Database which was initially compiled in 2009 as part of the 'Bridging the Gap' research report. This update will form the basis of a new Sports Facility Strategy and will take account of the new eleven district council areas. As part of this I have asked Sport NI to include facilities suitable for people with disabilities and special needs.

### Superinjunctions

**Mr Allister** asked the Minister of Culture, Arts and Leisure whether at any time her Department has funded or contributed to the costs of legal proceedings brought in the High Court of Justice in Northern Ireland, or elsewhere, involving the prohibition of publicity on the granting of injunctive relief, commonly referred to as super-injunctions.

**(AQW 32487/11-15)**

**Ms Ní Chuilín:** At no time has my Department funded or contributed to the costs of legal proceedings brought in the High Court of Justice in Northern Ireland, or elsewhere, involving the prohibition of publicity on the granting of injunctive relief, commonly referred to as super-injunctions.

### Public Bodies: Appointments

**Mr Campbell** asked the Minister of Culture, Arts and Leisure how many appointments to public bodies her Department made in the last twelve months.

**(AQW 32540/11-15)**

**Ms Ní Chuilín:** There have been 30 appointments made to DCAL public bodies in the period 1 April 2013 to 31 March 2014.

### DCAL: Vacancies and Agency Staff

**Mr Dallat** asked the Minister of Culture, Arts and Leisure to detail the (i) vacancies; and (ii) agency staff in her Department, broken down by grade.

**(AQW 32570/11-15)**

**Ms Ní Chuilín:** The information requested in respect of DCAL is contained in the tables attached at Annex A. The data is broken down by grade and reflects the position at 2 April 2014.

#### Annex A

##### DCAL Vacancies by Grade – 2 April 2014

Grade	Number of Vacancies
Grade 7	1
DP	1
SO	1
EO1	0
EO2	1
AO	2
Fisheries Officer 2	1

Grade	Number of Vacancies
Curatorial F	1
Industrial	2
<b>Total</b>	<b>10</b>

**DCAL Agency Staff by Grade - 2 April 2014**

Grade	Number of Agency Staff
Information Officer	1
SO Accountant	2
Curatorial F	5
EOI	1
AO	5
Industrial Staff	3
<b>Total</b>	<b>17</b>

**Portavoe Reservoir**

**Mr Weir** asked the Minister of Culture, Arts and Leisure what consultation took place between her Department and the Department for Regional Development prior to the drainage of the Portavoe Reservoir.  
(AQW 32580/11-15)

**Ms Ní Chuilín:** AQW 32580/11-15

Portavoe Reservoir is owned by NI Water and my Department leases the fishing rights.

My officials have been liaising directly with NI Water in relation to the ongoing remedial works at a number of its reservoirs which are in the Public Angling Estate. NI Water has provided a schedule of the commencement dates and estimated duration of the proposed works and updated this schedule when necessary.

My Department advised of the schedule of works on the NI Direct angling website [www.nidirect.gov.uk/angling](http://www.nidirect.gov.uk/angling) to inform permit holders and updated the website as updates were received.

**Occupational Health Service**

**Ms Boyle** asked the Minister of Culture, Arts and Leisure what action her Department is taking to offer comprehensive occupational health services to its employees, including early access to services such as physiotherapy.  
(AQW 32686/11-15)

**Ms Ní Chuilín:** The Northern Ireland Civil Service Occupational Health Service provides a comprehensive occupational health service to all of the NICS Departments and this is available to all employees.

The NICS does not provide early access to physiotherapy services. Further details of OHS services can be found at [www.nicsohs.gov.uk](http://www.nicsohs.gov.uk)

NICS employees are encouraged to join Benenden Healthcare, a mutual not for profit friendly society which would allow early access to physiotherapy services and costs are reimbursed.

**Foras na Gaeilge: Rent Payments**

**Mr D Bradley** asked the Minister of Culture, Arts and Leisure how much Foras na Gaeilge paid in rent during the last financial year; and how it is broken down.  
(AQW 32698/11-15)

**Ms Ní Chuilín:** The total rent paid by Foras na Gaeilge in respect of its 5 Offices for 2013 is shown on the table below in Euros and in Sterling. Foras na Gaeilge's financial year is from 1 January to 31 December each year.

	2013	2013
<b>Headquarters</b>		
7 Merrion Square -Dublin	€350,000	£287,000
Other Offices		

	2013	2013
Westgate House - Belfast	€37,829	£31,020
Ráth Chairn - Meath (Clár na Lebhar Gaeilge)	€8,449	£6,928
Frederick Street - Dublin	€99,137	£81,292
Gaoth Dobhair - Donegal	€22,616	£18,545
<b>Total</b>	<b>€518,031</b>	<b>£424,785</b>

### Foras na Gaeilge: Overnight Accommodation

**Mr D Bradley** asked the Minister of Culture, Arts and Leisure how much Foras na Gaeilge paid for overnight accommodation during the last financial year; and how it is broken down.

(AQW 32699/11-15)

**Ms Ní Chuilín:** The Foras na Gaeilge (FnaG) costs for overnight accommodation for 2013 are shown in the table below.

	Cost for 2013	Reason(s) for overnight accommodation
Board	£6,786.79	Foras na Gaeilge Board attending meetings.
Staff	£37,229.63	Foras na Gaeilge staff attending meetings, conferences and events throughout Ireland
Others	£4,466.98	Non – Foras na Gaeilge staff engaged to provide a service
<b>Total</b>	<b>£48,483.40</b>	

### Hockey

**Mr Moutray** asked the Minister of Culture, Arts and Leisure to detail the investment in hockey in the Upper Bann constituency in the last three years.

(AQW 32706/11-15)

**Ms Ní Chuilín:** In the last three financial years up to March 2014, Sport NI, an arms length body of my Department, has invested £1,787.40 in hockey in the Upper Bann constituency as detailed below:

Year	Programme	Applicant	Project	Award
2013	Active Schools	Maralin Village Primary School	Hockey Development Programme	£1,787.40

In addition, Sport NI has invested the following to support the development of the sport of hockey across the north of Ireland, including the Upper Bann Constituency:

- £30,650 to enable Ulster Hockey to employ a Grassroots Participation Officer through to September 2014;
- £67,114 for one full time Active Communities Hockey Coach employed by Ulster Hockey, during the period 2010/2014.
- £840,440 investment to Ulster Hockey through the Performance Focus Programme for the period 2013-2017.

### Hockey

**Mr Moutray** asked the Minister of Culture, Arts and Leisure what plans she has to invest in hockey in the Upper Bann constituency, given that there have been significant successes in recent days.

(AQW 32707/11-15)

**Ms Ní Chuilín:** Responsibility for the promotion of hockey, including the Upper Bann constituency, rests in the first instance, with the Governing Body of the sport, Ulster Hockey.

I am not aware of any current plans to invest in hockey in the Upper Bann constituency however, Sport NI, an arms length body of my Department, is in the process of developing a new capital investment programme, which will consist of two funding strands:

- Strand 1 – Community/Club
- Strand 2 – High Performance

The new programme aims to partially address the under-provision in high performance sports facilities, partially address the identified shortfalls in community sports facility provision, and to significantly increase community participation in sport and physical recreation. It is anticipated that the programme will open to applicants in June 2014 and Ulster Hockey may wish to apply.

## Windsor Park Stadium Development

**Mr Dunne** asked the Minister of Culture, Arts and Leisure for an update on the timescale for completion of the Windsor Park redevelopment project.

**(AQW 32745/11-15)**

**Ms Ní Chuilín:** The timescale for the Windsor Park development is currently on programme. Provided that significant delays around any legal challenges are avoided and IFA provide assurance to DCAL that appropriate governance and accountability structures are in place, the project will commence in April 2014 and be complete by October 2015.

## Boxing

**Mr Wells** asked the Minister of Culture, Arts and Leisure what steps her Department is taking to ensure that any potential world title fight involving Carl Frampton takes place in Northern Ireland.

**(AQW 32784/11-15)**

**Ms Ní Chuilín:** Responsibility for arrangements, including the venue, of any potential world title fight rests wholly with the promoter of such events.

The world title eliminator event held on 4 April 2014 showcased Belfast as a perfect venue and I am sure that the promoter of any world title fight involving Carl Frampton will take this into consideration.

I wish Carl all the best for any future contests.

## Foras na Gaeilge: Income

**Mr Humphrey** asked the Minister of Culture, Arts and Leisure to detail the total income of Foras na Gaeilge in 2010, broken down by source, including (a) government Departments in Northern Ireland and the Republic of Ireland; (b) earned income; and (c) all other sources.

**(AQW 32808/11-15)**

**Ms Ní Chuilín:** The total income for Foras na Gaeilge for 2010 broken down by source, is shown in the table below:

Source	2010
<b>Government Departments in Northern Ireland and the Republic of Ireland</b>	
Department of Arts Heritage and Gaeltacht	£11,697,840
Department of Culture Arts and Leisure	£3,941,605
DAHG (Colmcille)	£93,732
DCAL (Colmcille)	£93,805
DAHG (Clár na Leabhar Gaeilge)	£1,286,779
	<b>£17,113,760</b>
<b>Earned income</b>	
Income from Book distribution and sales (Áis)	<b>£1,031,653</b>
<b>All Other Sources.</b>	
Séideán Sí	£199,338
Miscellaneous income (interest etc) FnaG	£16,456
Miscellaneous income (interest) Colmcille	£1,627
	£217,421
<b>Total Income</b>	<b>£18,362,834</b>

## Foras na Gaeilge: Efficiency Savings

**Mr Humphrey** asked the Minister of Culture, Arts and Leisure to detail the level of efficiency savings (i) sought; and (ii) achieved from Foras na Gaeilge in (a) 2011; (b) 2012; and (c) 2013.

**(AQW 32809/11-15)**

**Ms Ní Chuilín:** The agreed efficiency savings sought by Finance Departments were to be at least 9% for 2011, 4% for 2012 and 4% for 2013.

The efficiency savings achieved were 9%, 6% and 5% respectively accumulating from the 2010 baseline to 9%, 15% and 20%.

## Foras na Gaeilge: Profits

**Mr Humphrey** asked the Minister of Culture, Arts and Leisure, pursuant to AQW 32410/11-15, to provide a breakdown of the Other Sources category of income for Foras na Gaeilge for (a) 2011; (b) 2012; and (c) 2013.

**(AQW 32810/11-15)**

**Ms Ní Chuilín:** The other income for Foras na Gaeilge for 2011, 2012 and 2013 is broken down by source in the table below:

All Other Sources of Income.	2011	2012	2013
Séideán Sí FnaG	£43,856	£6,506	£20,983
Gain on the trade in of car FnaG	£5,207		
Arts Council Funding Clár na Leabhar Gaeilge		£5,676	
Gain on the sale car Clár na Leabhar Gaeilge		£939	
Heritage Lottery Funding Colmcille	£24,950		£24,950
Miscellaneous income (interest etc) FnaG	£16,580	£9,300	£9,697
Miscellaneous income (interest) Colmcille	£10		
	<b>£90,603</b>	<b>£22,422</b>	<b>£55,630</b>

## Foras na Gaeilge

**Mr Humphrey** asked the Minister of Culture, Arts and Leisure to detail the profit made by Foras na Gaeilge through Áis in (a) 2011; (b) 2012; and (c) 2013.

**(AQW 32811/11-15)**

**Ms Ní Chuilín:** Áis provides a distribution service for Irish language publications nationally and internationally. The amount of income generated by Áis over the last three years is shown in the table below.

Earned Income	2011	2012	2013
Income from Book distribution and sales (Áis)	£896,471	£745,547	£767,892

Income from sales goes towards running costs and is offset against requirements by Foras na Gaeilge when preparing the monthly drawdown requests for Sponsor Departments.

## Department of Education

### Clandeboy Primary School, Bangor

**Mr Easton** asked the Minister of Education why the South Eastern Education and Library Board agreed to a water/sewage pumping station to be situated at Clandeboy Primary School, Bangor.

**(AQW 32376/11-15)**

**Mr O'Dowd (The Minister of Education):** Clandeboy Primary School is a controlled primary school in Bangor, and as such this is a decision for the South Eastern Education and Library Board (SEELB). The SEELB have advised me that in late 2013 they were approached by NI Water for permission to enter into a leasing arrangement for a subterranean pumping station in the grounds of the school as well as a wayleave for underground pipework and a right of way of maintenance. The identified location of the pumping station was a disused part of the school's site and on completion of works neither it nor the pipework will have any impact on day-to-day life in the school. The SEELB sought advice from Land and Property Services on the appropriate compensation that would be due for such an arrangement.

After careful consideration the SEELB agreed to this request from a fellow public sector body as NI Water's project is ultimately for the betterment of water and sewerage provision for members of the public who live in the Bangor area, including SEELB pupils and their families.

### DE: Capital Expenditure

**Mr Hazzard** asked the Minister of Education to detail the total amount of capital expenditure invested by his Department in (i) school builds; (ii) enhancement projects; and (iii) minor works in (a) South Down; (b) Strangford; and (c) Newry and Armagh.

**(AQW 32415/11-15)**

**Mr O'Dowd:** The following table provides details of the total amount of capital expenditure invested by my Department in (i) school builds; (ii) enhancement projects; and (iii) minor works in (a) South Down; (b) Strangford; and (c) Newry and Armagh.

**Capital Expenditure (£S)**

	South Down	Strangford	Newry And Armagh
School Builds*	20,000,000	0	13,800,000
Enhancement Projects*	9,000,000	2,400,000	10,500,000
Minor Works**	11,811,108.67	5,733,810.40	8,235,231.33

\* Information regarding school builds and enhancement projects relates to the current approved costs of schemes announced within the last three financial years. These figures include estimate of costs for schemes yet to commence and are subject to change as the schemes progress to completion.

\*\* Information in relation to minor works relates to the total approved expenditure covering the last three financial years up to 28 February 2014. March 2014 data is currently not yet finalised and is not readily available.

**Irish-medium Sector**

**Mr Humphrey** asked the Minister of Education to detail his Department's (i) capital; and (ii) revenue spend on the Irish Medium sector in (a) 2011; (b) 2012; and (iii) 2013.

**(AQW 32417/11-15)**

**Mr O'Dowd:** My Department's capital and revenue spend on the Irish Medium sector in the 2011-12, 2012-13 and 2013-14 financial years is detailed in the table below:

	2011-12 £'000	2012-13 £'000	2013-14 £'000
	Actual Spend	Actual Spend	Estimated Outturn*
Revenue	15,021	16,154	17,231
Capital	1,940	866	1,789

\* 2013-14 Annual Resource Accounts are not yet complete and therefore the figures provided are based on an estimate of outturn.

**Note:** Information in relation to Irish-medium Units attached to English-medium host schools has not been provided as it is not possible to disaggregate the funding of the Unit from the host school.

**Irish-medium Sector**

**Mr Humphrey** asked the Minister of Education what is his Department's projected (i) capital; and (ii) revenue spend on the Irish Medium sector in (a) 2014; (b) 2015; and (iii) 2016.

**(AQW 32418/11-15)**

**Mr O'Dowd:** I recently announced a 60% increase in Capital Expenditure for this financial year. Within this increased Capital budget, I am projecting in the region of £4.4m will be allocated across the Irish Medium sector.

I am currently finalising my Department's resource budget allocations for 2014-15. However, I anticipate that the projected amount of resource spend on the Irish Medium sector in 2014-15 will be approximately £17.8m.

The Executive has yet to agree Departmental resource and capital budget allocations for 2015-16 and so I am unable to project levels of funding for the Irish Medium sector until this has been completed. Budgets beyond 2015-16 will not be known until after the general election next year.

**Note:** Information in relation to Irish-medium Units attached to English-medium host schools has not been provided as it is not possible to disaggregate the funding of the Unit from the host school. In addition, resources such as milk and meals and transport have been excluded as these are not allocated at individual school level.

**Banger Leisure Centre: Purchase of Car Park**

**Mr Weir** asked the Minister of Education what consideration his Department has given to a formal cash offer to North Down Borough Council to secure the car park of the former Bangor Leisure Centre.

**(AQW 32451/11-15)**

**Mr O'Dowd:** Following an open call for expressions of interest from North Down Borough Council on 26 April 2013, the South Eastern Education and Library Board (SEELB) made a formal written offer to secure part of the former leisure centre site for use by Bangor Central Integrated Primary School. SEELB wrote again to North Down Borough Council on 3 April 2014 setting out its continuing interest in acquiring the land marketed as Lot 2 for the purpose of the development of a replacement building for Bangor Central IPS. In this letter the Board also requested that the Council enter into negotiations with the Board to dispose of Lot 2 at a price to be determined by Land and Property Services. There has been no response from the Council to date as it is currently evaluating offers and seeking clarification from bidders where appropriate.

## C2K Attendance Recording System

**Mr Beggs** asked the Minister of Education when access to the C2K attendance recording system will be granted to the Department of Education's employees who are tasked with investigating absenteeism.[R]  
(AQW 32495/11-15)

**Mr O'Dowd:** Employees of my Department do not investigate absenteeism. Education and Library Boards have statutory duties in relation to attendance, which are taken forward through the work of the Education Welfare Service (EWS). Education Welfare Officers can access the C2k system during the course of their work in schools.

## Castle Tower Special School: Hydrotherapy Pool

**Mr Swann** asked the Minister of Education what level of support his Department will provide for the installation of a hydrotherapy pool in the new build for Castle Tower Special School, Ballymena.  
(AQW 32658/11-15)

**Mr O'Dowd:** My Department is content with the proposal to retain the hydrotherapy pool on the new school campus. The original approved Economic Appraisal (EA) did not include provision of hydrotherapy pool, as recurrent funding elements to be provided by the Northern Health and Social Care Trust (NHSCT) could not be confirmed at that time. DE has now received confirmation from NSHCT that this funding will be provided and has requested DFP approval to the option contained in the EA to include the hydrotherapy pool.

## C2K: Difficulties

**Mr Rogers** asked the Minister of Education to outline the reasons for the difficulties with the latest C2K implementations.  
(AQW 32666/11-15)

**Mr O'Dowd:** Roll-out of the new C2k contract involves a major upgrade to all school networks and C2k is working with schools to agree a suitable schedule to do this. As the network is typically unavailable for 3-5 days per school while transformation takes place, there are inevitably frustrations and I have asked the Western Education & Library Board to ensure that C2k is responsive to these and taking every possible step to minimise disruption.

Those steps include responding positively where possible to requests to postpone transformation until the summer and continuing to offer vital training to C2k Managers within schools prior to their transformation.

If the member has more specific concerns about operational issues in individual schools, I would encourage him to raise these directly with the Chief Executive of the Western Education & Library Board.

## Occupational Health Service

**Ms Boyle** asked the Minister of Education what action his Department is taking to offer comprehensive occupational health services to its employees, including early access to services such as physiotherapy.  
(AQW 32687/11-15)

**Mr O'Dowd:** The Civil Service Occupational Health Service provides a comprehensive occupational health service to all of the NICS Departments and this is available to all employees.

The NICS does not provide early access to physiotherapy services. Further details of OHS services can be found at [www.nicsohs.gov.uk](http://www.nicsohs.gov.uk)

## Academic Underachievement: Upper Bann

**Mrs Dobson** asked the Minister of Education for his assessment of, and to provide available statistics on, the academic underachievement amongst Protestant boys from working class communities in Upper Bann.  
(AQW 32696/11-15)

**Mr O'Dowd:** In 2011/12, 48.7% of the 347 Protestant boys resident in Upper Bann left school having achieved at least 5 GCSEs A\*-C (or equivalent) including GCSE English and maths compared to the NI average of 53.5% for all Protestant boys achieving at this level.

In 2011/12, 13.5% of the 52 Protestant boys resident in Upper Bann and entitled to free school meals left school having achieved at least 5 GCSEs A\*-C (or equivalent) including GCSE English and maths compared to the NI average of 19.7% for all Protestant boys entitled to free school meals achieving at this level.

## Little Oaks Unit, Foyle

**Mr P Ramsey** asked the Minister of Education to outline the status of the Little Oaks Unit in Foyle; and how many children using the facility are (a) with and (b) without statements of educational need.  
(AQW 32702/11-15)

**Mr O'Dowd:** Little Oaks is a Key Stage 1 and 2 Social, Emotional and Behaviour Difficulties (SEBD) unit operating as part of the Western Education and Library Board (WELB) Education Otherwise Than At School (EOTAS) Service. It also provides outreach support for children referred to, but not yet attending, the unit.

Little Oaks is based on the Belmont House site and the unit is currently managed as part of Belmont Special School. WELB's Children and Young Peoples Services Department, however, manage all aspects of the pupil placement process and, as part of the current development plan for the site, the Board intends to create a new, purpose built SEBD unit, wholly independent from the school, by September 2014.

There are currently 25 children using the facility, 8 children have statements of educational needs and 17 children do not. Of the 17 however, 3 are likely to receive statements in the near future.

### Teachers: Pay Award

**Mrs Cochrane** asked the Minister of Education, pursuant to AQW 30238/11-15, for an update on the progress of the Teachers' Negotiating Committee discussions regarding the 2013/14 pay award for teachers.  
(AQW 32705/11-15)

**Mr O'Dowd:** The Teachers' Negotiating Committee has recommended 1% pay award to teachers' salaries with effect from September 2013. As a result, a pay remit business case will be submitted to DFP for approval.

### Educational Underachievement

**Mr Weir** asked the Minister of Education what funding is available to combat educational underachievement.  
(AQW 32740/11-15)

**Mr O'Dowd:** Since coming to office I have continued to implement policies to raise standards and tackle educational underachievement. Key policies include the school improvement policy, the literacy and numeracy strategy, the revised curriculum, the entitlement framework, the framework for early years' education and learning and the SEN and inclusion review.

Alongside these policies the Department is implementing a range of funded programmes targeting educational underachievement. These include the Delivering Social Change programme to provide additional teaching support to pupils at risk of underachievement, the literacy and numeracy Continuing Professional Development Key Stage 2/3 project and funding to support Area Learning Communities develop effective approaches to improving literacy and numeracy levels amongst disadvantaged pupils.

I am also providing funding to support a range of programmes targeted at socially deprived communities. These include Sure Start, the extended schools and full service provision, the Community Education Initiatives Programme, the Achieving Belfast and Achieving Derry Bright Futures programmes and projects to address educational underachievement in Greater West Belfast.

Last month I announced changes to the way schools are funded in order to target resources at areas of disadvantage. I have redistributed school funding to target schools with high numbers of pupils from socially disadvantaged backgrounds under the common funding scheme and injected a further £10 million into school budgets from April 2014.

### Temporary Classrooms: East Londonderry

**Mr Campbell** asked the Minister of Education how many (i) primary; and (ii) post-primary schools in the East Londonderry constituency are using mobile classrooms compared to four years ago.  
(AQW 32823/11-15)

**Mr O'Dowd:** The Education and Library Boards do not normally hold historic data in relation to numbers of temporary classrooms however the then Minister for Education answered an Assembly question in June 2010 regarding the number of temporary classrooms in the east Derry constituency. This information has been included in the table below together with the current numbers.

	Number of temporary classrooms in primary schools (i)	Number of temporary classrooms in post primary schools (ii)	Total
June 2010	56	41	97
April 2014	63	49	112

### Continuing Professional Development

**Mr Kinahan** asked the Minister of Education to detail the plans he has to increase funding for continuing professional development for teachers who wish to further their education, including the amount of extra funding and when it will be available.  
(AQW 32825/11-15)

**Mr O'Dowd:** My officials have carried out a review of the school support currently available. This has included a series of workshops with school leaders, as well as an examination of provision in other jurisdictions.

Further investigation of planned provision for the 2014/15 year will inform the development of a regional programme of support for schools and professional development for teachers to complement the significant existing support provided for schools. Until this work is completed it will not be possible to consider the extent of funding required for the new regional support programme.

Details of the programme will be announced in due course, with phased implementation during the 2014/15 financial year.

With regard to Continuing Professional Development (CPD) for teachers wishing to further their education in relation to teaching pupils with special educational needs (SEN), I can advise that as part of the Review of SEN and Inclusion, I plan to continue to support the CPD Literacy Project run by Stranmillis and St Mary's University Colleges until March 2015. It is estimated that the funding will be in the order of £1.5M in 2014/15.

Also, alongside the Department of Education and Skills, my Department co-funds the Middletown Centre for Autism. The Centre delivers a programme of professional training each year which is available to teachers, school staff and other educational professionals. The Centre's programme for the 2014/15 academic year is currently being finalised. Based on current plans, the delivery of this training in the north of Ireland is estimated to cost approximately £190,000.

## Preschool Places

**Mr P Ramsey** asked the Minister of Education how many applicants in each constituency were successful for (i) full-time; and (ii) part-time nursery places.

**(AQW 32826/11-15)**

**Mr O'Dowd:** At this stage of the pre-school admissions process, over 95% of children have been offered a pre-school place for the 2014/15 school year, with 86% in their first preference setting.

The Chief Executives of the Education and Library Boards have provided the following information in regard to the number of applicants that have received the offer of a funded pre-school place during stage one of the pre-school admissions process for the 2014/15 academic year:

Constituency area	No. of final pre-school age children placed in full time settings at the end of Stage 1	No. of final pre-school age children placed in part time settings at the end of Stage 1
Ards	156	641
Armagh	261	490
Banbridge	260	351
Belfast North	182	104
Belfast*	2675	763
Castlereagh	284	538
Cookstown	182	341
Craigavon	919	362
Derry	942	501
Down	182	627
Dungannon	275	543
East Antrim	234	725
East Derry	130	478
Fermanagh	78	680
Limavady	78	322
Lisburn	580	881
Mid Ulster	26	641
Newry	539	804
North Antrim	242	1013
North Down	102	764
Omagh	130	512
South Antrim	105	1029
Strabane	229	263

Constituency area	No. of final pre-school age children placed in full time settings at the end of Stage 1	No. of final pre-school age children placed in part time settings at the end of Stage 1
<b>Total</b>	<b>8791</b>	<b>13373</b>

Please note there may be minor discrepancies in numbers due applications between ELB areas, the effects of which have not yet been fully accounted for

### Nursery School Places

**Mr Kinahan** asked the Minister of Education what action he is taking to include working families who are at the lower income earning level in any preferential treatment for nursery school places.

**(AQW 32828/11-15)**

**Mr O'Dowd:** All admissions criteria are set by pre-school providers themselves; however legislation requires that the top criterion for each provider prioritises children from socially disadvantaged backgrounds.

Research has shown that children from socially disadvantaged circumstances tend to experience more difficulty at school than other children, so they are given priority in the pre-school admissions process as part of wider efforts to tackle educational underachievement.

Children from socially disadvantaged circumstances are currently defined as a child whose parent is in receipt of income support, income-based job-seekers allowance, or Employment Support Allowance where an award of income-based job-seekers allowance has been converted and the amount of the award remains unchanged.

The Review of Pre-School Admissions recommended that this definition be examined with a view to mirroring the relevant economic elements of the definition of Free School Meal Entitlement and officials are currently developing proposals for my consideration.

### Nursery School Education

**Mr Kinahan** asked the Minister of Education to outline the timescale for all nursery school education being on a full-time basis.

**(AQW 32830/11-15)**

**Mr O'Dowd:** A key action in Learning to Learn – A Framework for Early Years Education and Learning is, over time, to standardise patterns of attendance as part of the Pre-School Education Programme. This action is not restricted to nursery schools.

The current pattern of provision for pre-school and the duration of session time can range from 2.5 hours to below 4.5 hours (part-time, with no meal) and 4.5 hours or over (full-time, with a meal) per day. Therefore, a number of options are available when considering standardising patterns of attendance.

It is hoped that the exercise of assessing the potential implications of and options for standardising patterns of attendance, as part of wider considerations of area planning for pre-school provision, will be complete by 2015/16. In the meantime, there is a moratorium on any new or additional full-time provision or conversion from part-time to full-time provision.

### South Eastern Education and Library Board: Commissioner Meetings

**Mr Storey** asked the Minister of Education, pursuant to AQW 32297/11-15, on how many occasions, since their establishment, have the Commissioners chosen to meet in public, in accordance with provision 4.1 of their Standing Orders.

**(AQW 32836/11-15)**

**Mr O'Dowd:** The SEELB has advised that since the commissioners were appointed, they have not opened any of their meetings to the general public. However, the Board has also advised that over the period of their tenure the Commissioners have met with a large number of delegations including local politicians, Parents Groups, school Boards of Governors, Youth Organisations and Health Trusts to take on board their views on a range of issues as part of the Commissioners' decision making process. These delegations were received either as part of the Commissioners' board meetings or organised as separate meetings. No delegations wishing to meet with the Commissioners have been refused. As you are aware, all disclosable papers from the Commissioners meetings are published on the SEELB website.

### Council for Catholic Maintained Schools: Staffing

**Mr Storey** asked the Minister of Education, pursuant to AQW 31630/11-15, what reduction in staffing has taken place in the Council for Catholic Maintained Schools as a result of these arrangements.

**(AQW 32837/11-15)**

**Mr O'Dowd:** The detail regarding the need for additional staff and associated resources to be allocated in the Council for Catholic Maintained Schools, due to the increase in the non-controlled minor works budget, are under consideration in the Department but have not as yet been finalised.

## Shared Education Campuses

**Mr Storey** asked the Minister of Education how many expressions of interest have been received from each Education and Library Board area to the Shared Education Campuses Programme.

**(AQW 32838/11-15)**

**Mr O'Dowd:** Fifteen expressions of interest have been received and these are broken down by each Education and Library Board area as follows.

BELB	3 expressions of interest
BELB/NEELB	1 joint expressions of interest
BELB/NEELB/SEELB	1 joint expression of interest
NEELB	4 expressions of interest
SELB	4 expressions of interest
WELB	2 expressions of interest

## Pupil Suspensions

**Mr Storey** asked the Minister of Education, pursuant to AQW 30338/11-15, for a breakdown of the suspensions by (i) sector; and (ii) primary and post-primary school.

**(AQW 32839/11-15)**

**Mr O'Dowd:** The Department publishes the statistics of pupil suspensions on its website based on annual returns provided by the Education and Library Boards.

The following tables provide details of primary, post primary and special school pupils who have been suspended in each of the last three years, broken down by the school management type:

### 2010-2011

	Controlled	Catholic Maintained	Other Types	NI Totals
Primary	111	63	5	179
Post-Primary	1637	1430	929	3996
Special	62	3	-	65
<b>All Schools</b>	<b>1810</b>	<b>1496</b>	<b>934</b>	<b>4240</b>

### 2011-2012

	Controlled	Catholic Maintained	Other Types	NI Totals
Primary	134	59	7	200
Post- Primary	1450	1194	950	3594
Special	79	6	-	85
<b>All Schools</b>	<b>1663</b>	<b>1259</b>	<b>957</b>	<b>3879</b>

### 2012-2013

	Controlled	Catholic Maintained	Other Types	NI Totals
Primary	133	46	12	191
Post- Primary	1291	1091	914	3296
Special	63	6	-	69
<b>All Schools</b>	<b>1487</b>	<b>1143</b>	<b>926</b>	<b>3556</b>

The "Other Types" category includes grant maintained and controlled integrated schools, voluntary grammar schools and other maintained schools. Data for independent schools is not available.

Details for pupils in Special schools cannot be broken down by primary and post primary because the information is so small that doing so would carry a high risk of allowing individual pupils to be identified.

This reflects the Statistics Authority Code of Practice on Official Statistics, in particular Principle 5, relating to confidentiality.

## Preschool Places

**Mr Storey** asked the Minister of Education how many children remain unplaced in each (i) Education and Library Board; and (ii) council area at the end of Stage 1 of the pre-school placement process for 2014-15.

**(AQW 32840/11-15)**

**Mr O'Dowd:** At this stage of the pre-school admissions process, over 95% of children have been offered a pre-school place for 2014/15 with 86% in their first preference setting. It is important to note, however, that this is only Stage One of the process and those parents or guardians whose child remains unplaced have already been invited to submit further preferences and proceed into Stage Two of the process.

There are 1064 children unplaced at this stage but there are still more than 1900 places available to meet demand at Stage Two. Sufficient funding has been provided by the Department to meet the projected need for pre-school places for the 2014/15 academic year and this will be kept under review as the admissions process progresses.

The Chief Executives of the Education and Library Boards have provided the following information in regard to the number of applicants that applied but did not receive the offer of a funded pre-school place during Stage One of the pre-school admissions process for the 2014/15 academic year:

ELB	Council area	No. of 1st applications received for final pre-school age children during Stage1	No. of final pre-school age children placed in settings at the end of Stage 1	No. of final pre-school age children unplaced at end Stage 1
BELB	Belfast	3713	3438	267
<b>BELB Total</b>		<b>3713</b>	<b>3438</b>	<b>267</b>
NEELB	Antrim	639	628	9
NEELB	Ballymena	771	737	23
NEELB	Ballymoney	358	362	2
NEELB	Carrickfergus	405	400	6
NEELB	Coleraine	618	608	7
NEELB	Larne	309	308	1
NEELB	Magherafelt	665	667	7
NEELB	Moyle	191	190	2
NEELB	Newtownabbey	1017	1009	28
<b>NEELB Total</b>		<b>4973</b>	<b>4909</b>	<b>85</b>
SEELB	Ards	809	797	26
SEELB	Castlereagh	915	822	71
SEELB	Down	821	809	18
SEELB	Lisburn	1550	1461	99
SEELB	North Down	929	866	51
SEELB	BELB	n/a	n/a	4
<b>SEELB Total</b>		<b>5024</b>	<b>4755</b>	<b>269</b>
SELB	Armagh	810	764	46
SELB	Banbridge	653	610	43
SELB	Cookstown	549	519	30
SELB	Craigavon	1352	1280	72
SELB	Dungannon	843	820	23
SELB	Newry	1394	1334	60
<b>SELB Total</b>		<b>5601</b>	<b>5327</b>	<b>274</b>
WELB	Derry	1542	1443	99
WELB	Fermanagh	765	758	7

ELB	Council area	No. of 1st applications received for final pre-school age children during Stage1	No. of final pre-school age children placed in settings at the end of Stage 1	No. of final pre-school age children unplaced at end Stage 1
WELB	Limavady	428	400	28
WELB	Omagh	673	642	31
WELB	Strabane	496	492	4
<b>WELB total</b>		<b>3904</b>	<b>3735</b>	<b>169</b>
<b>Total</b>		<b>23215</b>	<b>22164</b>	<b>1064</b>

Please note there may be minor discrepancies in numbers due applications between ELB areas, the effects of which have not yet been fully accounted for

I would strongly encourage the parents and guardians of these children to consider the full range of pre-school provision that remains available and provide a range of preferences at Stage Two of the application process to increase the chance of securing a place for their child.

### St Mark's Secondary School, Warrenpoint

**Mr Wells** asked the Minister of Education why changes have been made to the transport arrangements for pupils attending St Mark's Secondary School, Warrenpoint.

**(AQW 32904/11-15)**

**Mr O'Dowd:** To meet their duty to provide an economic service, all Boards regularly review and amend existing service provision to meet the changing needs of pupils who are eligible for assistance with transport. In practice, this may mean changing routes and pick-up points, or removing/adding-to routes when demand fluctuates. With regard to pick-up points, Boards site these to create an efficient and economic route. The distance from a pick-up point to a pupil's home may be up to, but may not exceed, the relevant distance criterion (two miles for Primary-age pupils, and three miles for others).

The Southern Education and Library Board informs me that, following a reorganisation of school transport resources in the Newry area, there is a requirement to increase the passenger capacity on one of the routes serving St Marks High School, Warrenpoint. It is intended that a larger vehicle will be used on this route from the start of the summer term commencing Tuesday, 6 May 2014. A short section of the existing route is no longer suitable for the large vehicle to operate safely on a daily basis. The Board has written to the parents of 5 children affected to advise that the bus will no longer be able to operate on this short stretch of road and that their children will now be required to meet the bus at an alternative bus-stop along the route 0.9 miles from their homes.

### Continuing Professional Development

**Mr Kinahan** asked the Minister of Education to detail the plans to fund Continuing Professional Development for teachers wishing to further their education in relation to teaching pupils with special educational needs, particularly Autistic Spectrum Disorders.

**(AQW 32915/11-15)**

**Mr O'Dowd:** My officials have carried out a review of the school support currently available. This has included a series of workshops with school leaders, as well as an examination of provision in other jurisdictions.

Further investigation of planned provision for the 2014/15 year will inform the development of a regional programme of support for schools and professional development for teachers to complement the significant existing support provided for schools. Until this work is completed it will not be possible to consider the extent of funding required for the new regional support programme.

Details of the programme will be announced in due course, with phased implementation during the 2014/15 financial year.

With regard to Continuing Professional Development (CPD) for teachers wishing to further their education in relation to teaching pupils with special educational needs (SEN), I can advise that as part of the Review of SEN and Inclusion, I plan to continue to support the CPD Literacy Project run by Stranmillis and St Mary's University Colleges until March 2015. It is estimated that the funding will be in the order of £1.5M in 2014/15.

Also, alongside the Department of Education and Skills, my Department co-funds the Middletown Centre for Autism. The Centre delivers a programme of professional training each year which is available to teachers, school staff and other educational professionals. The Centre's programme for the 2014/15 academic year is currently being finalised. Based on current plans, the delivery of this training in the north of Ireland is estimated to cost approximately £190,000.

### Primary-school Places: North Down

**Mr Weir** asked the Minister of Education for an estimate of the reduction in the number of primary school places in North Down in each of the next two years.

**(AQW 32938/11-15)**

**Mr O'Dowd:** It is a matter for the South Eastern Education and Library Board to decide on the level of provision for the North Down area and to bring forward Development Proposals which align with the area plans.

At present, there are two Development Proposals under consideration for this area. These propose to decrease the approved admissions and enrolment numbers at Kilcooley PS and Clandeboye PS with effect from 31 August 2014 or as soon as possible thereafter by a total of 591 places covering all year groups.

I have not made my decision on these proposals yet.

### Nursery School Places: North Down

**Mr Weir** asked the Minister of Education what plans there are to create additional nursery school places in North Down.

**(AQW 32940/11-15)**

**Mr O'Dowd:** The Pre-School Education Advisory Group (PEAG) of each Education and Library Board is responsible for ensuring there is sufficient pre-school provision in their local area. Sufficient funding has been provided by the Department to meet the projected need for pre-school places for the 2014/15 academic year and this will be kept under review as the admissions process progresses.

The Chief Executive of the South Eastern Education and Library Board has advised that the published list of available places represents only the minimum number of places that will be available for stage two of the admissions process and that the SEELB PEAG is taking steps to identify additional places.

Four statutory pre-school providers in the North Down area applied for temporary flexibility under new arrangements put in place following the publication of the Learning to Learn framework, providing pre-school places for an additional 13 children in the area at Stage One of the admission process.

I would strongly encourage the parents and guardians of children who did not receive the offer of a funded pre-school place at the first stage of the admissions process to consider the full range of pre-school provision that remains available and provide a range of preferences at stage two to increase the chance of securing a place for their child.

### Nursery Schools and Units: Admissions Criteria

**Mr Weir** asked the Minister of Education what plans there are to review the entry criteria for nursery schools.

**(AQW 32942/11-15)**

**Mr O'Dowd:** All admissions criteria are set by pre-school providers themselves. Legislation does, however, require that the top criterion for each provider prioritises children from socially disadvantaged circumstances.

Research has shown that children from socially disadvantaged circumstances tend to experience more difficulty at school than other children so they are given priority in the pre-school admissions process as part of wider efforts to tackle educational underachievement.

The Review of Pre-School Admissions Arrangements included an action to review the definition of socially disadvantaged circumstances and my Department is currently developing proposals for this.

### Nursery School Places: North Down

**Mr Weir** asked the Minister of Education what action he is taking to address the shortage of nursery places in North Down.

**(AQW 32984/11-15)**

**Mr O'Dowd:** The Pre-School Education Advisory Group (PEAG) of each Education and Library Board is responsible for ensuring there is sufficient pre-school provision in their local area. Sufficient funding has been provided by the Department to meet the projected need for pre-school places for the 2014/15 academic year and this will be kept under review as the admissions process progresses.

The Chief Executive of the South Eastern Education and Library Board has advised that the published list of available places represents only the minimum number of places that will be available for stage two of the admissions process and that the SEELB PEAG is taking steps to identify additional places.

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I would strongly encourage the parents and guardians of children who did not receive the offer of a funded pre-school place at the first stage of the admissions process to consider the full range of pre-school provision that remains available and provide a range of preferences at stage two to increase the chance of securing a place for their child.

## Preschool Places

**Mr Weir** asked the Minister of Education how many applications were received for nursery places in North Down for 2014/15; and how many were unsuccessful.

**(AQW 32985/11-15)**

**Mr O'Dowd:** At this stage of the pre-school admissions process, over 95% of children have been offered a pre-school place for 2014/15 with 86% in their first preference setting.

It is important to note, however, that this is only Stage One of the process and those parents or guardians whose child remains unplaced have already been invited to submit further preferences and proceed into Stage Two of the process. Sufficient funding has been provided by the Department to meet the projected need for pre-school places for the 2014/15 academic year and this will be kept under review as the admissions process progresses.

The Chief Executive of the South Eastern Education and Library Boards has provided the following information in regard to the number of applicants in North Down during stage one of the pre-school admissions process for the 2014/15 academic year:

Council area	No. of 1st applications received for final pre-school age children during Stage 1	No. of final pre-school age children placed in settings at the end of Stage 1	No. of final pre-school age children unplaced at end Stage 1
North Down	929	866	51

I would strongly encourage the parents and guardians of children who have not yet received the offer of a funded place to consider the full range of pre-school provision that remains available and provide a range of preferences at Stage Two of the application process to increase the chance of securing a place for their child.

## Schools: Free Public Transport

**Mr Moutray** asked the Minister of Education how many children who live in the BT66 postcode area, receive free public transport to a Catholic Maintained Grammar School outside the area.

**(AQW 32988/11-15)**

**Mr O'Dowd:** The Southern Education and Library Board has informed me that there are 112 pupils living in the BT66 postcode area that are eligible for, and receive assistance with, transport to a Denominational (Catholic) Grammar School outside the area.

## Schools: Free Public Transport

**Mr Moutray** asked the Minister of Education whether children who live in the BT66 postcode area, whose parents choose to send them to a Catholic grammar school outside this area, will be eligible for free public transport to those schools after September 2014, given the planned creation of a non-selective voluntary Catholic grammar school for 11 to 19 year olds in Lurgan.

**(AQW 32989/11-15)**

**Mr O'Dowd:** Once a pupil has secured a place at a grant-aided school then under the Home to School Transport Scheme, they are assessed by their Education and Library Board for assistance with transport based on their individual circumstances. Therefore, it is not possible to say generally whether pupils will be eligible for assistance or not.

The existing policy uses two criteria to assess pupils; namely 'distance' and 'suitable school'. A 'suitable school' is one in the recognised management categories of Controlled, Integrated, Irish Medium, Maintained, and Denominational and Non-Denominational grammar (whether selecting or not). When a pupil lives beyond the relevant distance criterion of a grant-aided school in a recognised category chosen by the parent(s), and when that pupil has been refused a place in all suitable schools (if any) in the chosen category within the relevant distance criterion, then they are eligible for assistance with transport.

## School Leaving Age

**Mr Moutray** asked the Minister of Education what consideration has been given to increasing the school leaving age from 16 years old.

**(AQW 32990/11-15)**

**Mr O'Dowd:** Compulsory school leaving age in the north of Ireland is where pupils, who are 16 between 1 September and 1 July (inclusive) in the school year, can leave school on 30 June of that year. Pupils, who become 16 between 2 July and 31 August (inclusive) in any year, cannot leave school until 30 June of the following year.

I have currently no plans to change the school leaving age.

# Department for Employment and Learning

## Assembly: Motions Debated

**Mr McNarry** asked the Minister for Employment and Learning to detail (i) the number of Motions debated in the Assembly that he has responded to in the last two years; and (ii) the action that he has taken following any Motion that was passed. (AQW 32438/11-15)

**Dr Farry (The Minister for Employment and Learning):** In the past two years I have responded to nine Motions. Actions taken following each Motion are attached at Annex A.

### Annex A

#### 1 Educational Assistance for Young People

The Executive agreed the Northern Ireland cross-departmental strategy for those young people in the NEET category, 'Pathways to Success', in May 2012. The strategy contains a three tier package of measures aimed at:

- preventing young people missing opportunities for education and training, and/or becoming unemployed;
- helping young people in the 16-18 age group, especially those facing barriers; and
- assisting unemployed young people aged 18-24 more generally.

These measures, specifically designed to meet the needs of young unemployed people throughout Northern Ireland, include: a Collaboration and Innovation Fund; a Community Family Support Programme; a Community Based Access Programme; and a training allowance.

The training allowance for young people participating on programmes supported by the European Social Fund, and subsequently also the Collaboration and Innovation Fund, was specifically called for in the debate.

Mechanisms were also established for oversight of delivery of the strategy and formal engagement with key stakeholders, including the NEET Advisory Group and the NEET Strategy Forum.

#### 2 Cross Border Education

The Department has a specific interest in four of the nine recommendations from the Irish Business and Employers Confederation and the Confederation of British Industry Joint Business Council study of obstacles to cross-border undergraduate education. The key recommendations are:

1. Improving the quality and flow of information about university courses and entry requirements
4. Student support for NI students studying in ROI
6. A level and Leaving certificate equivalencies
9. Research on student flows and the impact of future demographics

I can report the following on each of these recommendations:

1. Improving information – work is ongoing with the Department's Careers Service, UCAS, the Central Applications Office (CAO) and the Northern Ireland Schools and Colleges Careers Association (NISCA) to ensure that my Department's careers advisers are fully briefed and students have access to relevant, up to date information on higher education opportunities in the UK and the Republic of Ireland. The CAO participated in the NISCA Conference in November 2013 and eight Institutions from the Republic of Ireland were represented at the UCAS Higher Education Event in Belfast in March 2014
4. The anomaly in relation to student finance has now been resolved and, from 2013, students from Northern Ireland studying in the Republic of Ireland have access to a repayable Student Contribution loan and other financial support.
6. A Level and Leaving Certificate equivalencies – the Department of Education is in the lead on this work and I understand that the Irish Universities Association is due to report in the next few months. I met with Minister Quinn on 2 April and he advised that individual universities e.g. Trinity College and Dublin City University are examining their own access arrangements for NI students. I welcome this positive development.
9. Research on cross border student flows and the impact of future demographics – preparatory work has been undertaken and my Department is in discussions with The Department of Education and Skills and the Higher Education Authority.

#### 3 Reform of Employment Law

Following the No Day Named Motion in November 2012, which urged me to take forward employment law reforms in line with those in Great Britain, I launched a formal review of employment law in Northern Ireland. My review was based around the three main themes of: early resolution of workplace disputes; efficient and effective employment tribunals; and Better Regulation measures. A full, public consultation closed in November 2013, and I am currently considering all responses to that consultation with a view to bringing forward a substantial number of policy recommendations before the Summer recess.

We have already made significant progress in taking forward Better Regulation measures, having worked with stakeholders to consolidate the Working Time Regulations. We have also recently launched a consultation on the Conduct Regulations which govern the recruitment sector, again having worked with stakeholders to develop the proposals.

On a range of these issues, my Department is engaging with representatives of business and the trade union movement through the Employment Relations Roundtable facilitated by the Labour Relations Agency.

My Department has also publicly consulted on whether it is appropriate to introduce in Northern Ireland the new right to shared parental leave and pay, which is to be introduced in Great Britain in 2015. Shortly, I intend to bring a final proposal on the way forward before the Executive.

#### **4 Graduate Programmes in the Agri-Food Sector**

In collaborating with local businesses, the Connected programme is continuing to enable the universities and further education colleges to provide a highly effective one-stop-shop for businesses wishing to access the expertise and knowledge in the local research and technology base. Through Connected 2, the higher and further education sectors proactively developed additional strategic links with the Agri-Food and Biosciences Institute (AFBI) and with the College of Agriculture, Food and Rural Enterprise (CAFRE). These linkages will continue to be developed under Connected 3, thereby maintaining a focus on the knowledge transfer needs of the agri-food and biotechnology industry.

The University of Ulster is currently preparing an economic appraisal for the introduction of a degree in veterinary medicine at its Coleraine campus.

The latest addition to the Department for Employment and Learning's Management and Leadership Development Programme is the 'Leaders in Industry Programme for the Food and Drink Manufacturing Sector' Programme, delivered by The William J Clinton Leadership Institute, Queen's University. The programme is aimed at middle to senior management level within the sector and accredited at Level 5 by the Institute of Leadership and Management. Delivery is via a blend of formal workshops, peer to peer coaching, and a two-day study visit to the Cranfield School of Management. The first cohort of 25 participants commenced the programme on 10 March 2014, and is expected to complete in early July.

The Department's INTRO Programme is an Entry to Management initiative, designed to improve the key management and leadership skills of graduates and thereby enhance their managerial competencies and sustain quality graduate level employment. The Programme combines 3 weeks' off-the-job classroom training, with a 21 week work placement where the graduates, from whatever discipline they come, have the opportunity to work on a management-level business improvement project with an employer, and to complete a professional management diploma. During the past year, 92% of INTRO participants have gone on to secure management-level employment upon completion, and 12 graduates have been placed with companies within the agri-food sector.

Since 1 April 2013, the Department has offered 100% funding of training costs to eligible participants on the Leaders in Industry Programme for the Food and Drink Manufacturing Sector's Programme and INTRO Programme from Micro-businesses, Small to Medium-sized Enterprises and Social Economy Enterprises.

#### **5 and 6. Special Educational Needs Provision**

Following Assembly debates regarding provision for students with special educational needs, my Department carried out an audit of further education (FE) provision specifically for students aged 19+ who, as a result of their disability, are unable to participate in mainstream college provision. The findings of the audit were provided to the Committee in September 2013.

As you may be aware, the Committee for Employment and Learning has announced its intention to undertake an inquiry into post Special Educational Need (SEN) Provision in education, employment and training for those with Learning Disabilities in Northern Ireland. I will await the outcomes of the inquiry which will help inform my Department's future strategic direction of Further Education provision for those with a learning difficulty and/or disability.

In addressing concerns raised at the debates, DEL has also:

- engaged with the Department of Health, Social Services and Public Safety (DHSSPS) over Health and Social Care Trust provision in order to improve provision for young people with disabilities;
- obtained agreement from the Department of Finance and Personnel for a new Social Clause in public sector contracts to support the provision of employment and training opportunities for young people with disabilities;
- increased the level of funding for further education students with learning difficulties and/or disabilities, through the Additional Support Fund (ASF) from £1.5m per annum to £2m. The fund helps provide the additional technical and personal support required by students to participate in mainstream or discrete programmes within further education colleges;
- begun examining the issue of access to transport for young people aged 19 with special education needs who wish to avail of further education provision; and
- raised the issue of transitions for young people with special educational needs at the DHSSPS-led Inter Departmental Ministerial meeting on Mental Health and Learning Disability. As a result, DEL is now chairing an inter Departmental Group on transitions, which will report back to the Inter Departmental Ministerial group.

Also, the Department continues to take forward a range of related work which will help address issues raised during the Assembly debates, such as: the review of the Disability Employment Service, which will involve the development of a

Disability Employment Strategy; implementation of the Pathways to Success Strategy; and engagement with the Committee for Employment and Learning over its current inquiry into post Special Education Needs Provision in education, employment and training for those with Learning Disabilities in Northern Ireland. This is in addition to other inter departmental activity that supports the Northern Ireland Executive's wider approach to addressing the needs of those with disabilities.

#### **7 University of Ulster Expansion at Magee**

Since the debate took place, Derry City Council has commissioned consultants, on behalf of the Derry-Londonderry Strategy Board, to prepare an economic appraisal for the expansion of the Magee campus of the University of Ulster. It is anticipated that the economic appraisal will be submitted to the Department in September.

#### **8 Support and Investment for the Higher Education Sector**

In January 2014, Richard Bruton TD, Minister for Jobs, Enterprise and Innovation in the Republic of Ireland, and I jointly launched a new research partnership between the Department for Employment and the Learning and Science Foundation Ireland. The new "DEL/SFI Investigators Programme Partnership" will support collaborative projects involving universities from both jurisdictions to undertake internationally peer-reviewed, leading edge discovery and fundamental research. The investment from my Department will be up to £8.4 million over the next 6 years to enable Queen's and the University of Ulster to participate in the next two annual calls, the first of which was published in February 2014.

In January 2014, I also confirmed to Queen's University and the University of Ulster a one-off allocation of an additional £8.2 million of funding for quality-related research in 2013/14 financial year. This additional allocation is to assist the universities in the further development of Northern Ireland's internationally excellent/world-leading higher education research base, which will enable the Institutions to secure additional funding from other sources, including the Research Councils and the European Commission.

#### **9 Committee Inquiry into Careers Education, Information, Advice and Guidance**

In response to the Assembly motion, I announced on 31st March 2014 that a formal review of careers policies and practices in Northern Ireland will be conducted jointly by DEL and DE during 2014. This will involve a fundamental review of careers education and guidance in NI and take account of the recommendations of the Employment and Learning Committee Enquiry report into careers. The review will report late in 2014.

### **Careers Review**

**Mr Storey** asked the Minister for Employment and Learning in whether the terms of reference of the Review of Careers will include consideration of the CBI suggestion that all post primary schools be required to undertake a mandatory work placement.

**(AQW 32549/11-15)**

**Dr Farry:** On the 31 March 2014 I formally announced the commencement of the Careers review in the Assembly.

The terms of reference for the review, which are attached, have been developed and agreed by both Departments taking account of the recommendations of the Employment and Learning Committee's inquiry into careers and the CBI report on education and employer partnerships.

You will note from the terms of reference, that the issues you have raised will be considered as part of the review process.

In particular, the review will consider how engagement between all schools and businesses can be better structured, integrated and improved, including the quality and relevance of work experience.

Regarding the provision of careers advice in primary schools, I am aware of the need to engage pupils and their parents in thinking about career options and pathways from an early age and the review will consider if the current guidelines to primary schools needs to be strengthened.

The evidence to support my statement that there has been no significant increase in the uptake of STEM subjects over the past 7 years is provided by the Committee for Employment and Learning's Inquiry report into careers. Paragraph 178 of the report states 'A lot of resource has been channelled into promoting STEM; however, the figures received from the Department of Education do not show a significant increase in uptake over the years from 2004/05 to 2011/12'. The review will pick up on this issue, and in particular consider ways to address the gender imbalance in the uptake of STEM subjects and careers.

With regard to the number of advisers supported by my Department, currently 102 (full-time equivalent) careers advisers are employed. The full complement required is 105 (full-time equivalent). Over the past few years the Department has run an open recruitment competition to ensure that there is an available pool of qualified advisers to fill vacancies as they arise. The 3 vacant posts are in the process of being filled from the live successful candidates' list.

Careers advisers, as a condition of their employment, are required to be professionally qualified. Once in post, responsibility for the professional development of careers advisers sits with my Department while the Department of Education is responsible for the training and development of careers teachers.

Regarding opportunities for joint training, since November 2012, my Department's Careers Service has supported the Northern Ireland Schools and Colleges Careers Association (NISCA) in the organisation of a joint annual conference

attended by careers advisers and careers teachers. Speakers at the events have included industry leaders from key growth sectors, careers education and guidance academics, and representatives from careers services and higher education across these islands.

Other opportunities for joint training include invitations extended to careers professionals from external organisations such as Queens University and University of Ulster to attend careers events. The ongoing professional development of all staff involved in careers education and guidance, including the effective use of labour market information, is a key aspect of the review.

## Careers Review

**Mr Storey** asked the Minister for Employment and Learning what opportunities for joint training has been offered to careers advisers and careers teachers in each of the last 3 years.

**(AQW 32553/11-15)**

**Dr Farry:** On the 31 March 2014 I formally announced the commencement of the Careers review in the Assembly.

The terms of reference for the review, which are attached, have been developed and agreed by both Departments taking account of the recommendations of the Employment and Learning Committee's inquiry into careers and the CBI report on education and employer partnerships.

You will note from the terms of reference, that the issues you have raised will be considered as part of the review process.

In particular, the review will consider how engagement between all schools and businesses can be better structured, integrated and improved, including the quality and relevance of work experience.

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Other opportunities for joint training include invitations extended to careers professionals from external organisations such as Queens University and University of Ulster to attend careers events. The ongoing professional development of all staff involved in careers education and guidance, including the effective use of labour market information, is a key aspect of the review.

## DEL: Strategies, Development Plans and Implementation Plans

**Mr Swann** asked the Minister for Employment and Learning, pursuant to AQW26325/11-15, for an update.

**(AQW 32558/11-15)**

**Dr Farry:** There is no change to the number of strategies and associated recommendations within my Department.

The Department now has 11 implementation plans, comprising 194 recommendations or actions. There are no 'development plans'.

The Department continues to contribute to the development and delivery of a significant number of wide-ranging inter-Departmental strategies and related action plans, for which other Departments are in the lead.

## Superinjunctions

**Mr Allister** asked the Minister for Employment and Learning whether at any time his Department has funded or contributed to the costs of legal proceedings brought in the High Court of Justice in Northern Ireland, or elsewhere, involving the prohibition of publicity on the granting of injunctive relief, commonly referred to as super-injunctions.

**(AQW 32565/11-15)**

**Dr Farry:** At no time has my Department funded or contributed to the costs of legal proceedings brought in the High Court of Justice in Northern Ireland, or elsewhere, involving the prohibition of publicity on the granting of injunctive relief, commonly referred to as super-injunctions.

### DEL: Vacancies and Agency Staff

**Mr Dallat** asked the Minister for Employment and Learning to detail the (i) vacancies; and (ii) agency staff in his Department, broken down by grade.

**(AQW 32572/11-15)**

**Dr Farry:**

- (i) The total number of vacancies within the Department for Employment and Learning (DEL) at 20 March 2014 is 95.25, 12.5 of which are on hold. The detail is provided in Annex A. The figures are based on vacancies notified to the Human Resources Team at 20 March 2014 and are broken down by Business Area within DEL and by grade. Vacancies which are currently filled on a temporary basis, i.e. by temporary promotion or deputising, have been included. Figures are provided in terms of Full-Time Equivalent (FTE).
- (ii) The Department for Employment and Learning currently has four Agency Staff – 1 Staff Officer (Communications Officer), 1 Executive Officer I (Accounting Technician) and 2 Support Grade Band II staff.

### Annex A

#### Vacancies Notified to HR Branch as at 20th March 2014

Grade	Corporate Services Division	Further Education	Finance	Higher Education	Employment Service	Strategy, European & Employment Relations Division	Skills & Industry Division	Total
Casual AO	-	-	-	-	2	-	1	3
AO	1	0.6	-	-	2	1	2	6.6
EO2	2	-	-	-	9.75	2	1	14.75
EO1	2	1	-	-	14.8	1.6	11	30.4
Careers Adviser	-	-	-	-	-	-	1	1
SO	-	1	1	2	6	2	4	16
Information Officer (SO)	1	-	-	-	-	-	-	1
SO Accountant	-	-	-	1	-	-	-	1
DP	1	-	1	-	-	-	3	5
Grade 7	-	1	-	-	2	-	-	3
Grade 6	-	-	-	-	1	-	-	1
<b>Total:</b>	<b>7</b>	<b>3.6</b>	<b>2</b>	<b>3</b>	<b>37.55</b>	<b>6.6</b>	<b>23</b>	<b>82.75</b>

#### Vacancies on Hold as at 20th March 2014

Grade	Corporate Services Division	Further Education	Finance	Higher Education	Employment Service	Strategy, European & Employment Relations Division	Skills & Industry Division	Total
SGB1	1	-	-	-	-	-	-	1
SGB2	2	-	-	-	-	-	-	2
AA	0.5	-	-	-	-	-	-	0.5
AO	-	-	-	-	1	-	-	1
EO2	-	-	1	-	1	-	-	2
EO1	1	-	1	-	1	-	-	3

Grade	Corporate Services Division	Further Education	Finance	Higher Education	Employment Service	Strategy, European & Employment Relations Division	Skills & Industry Division	Total
SO	-	1	-	-	-	-	1	2
G6	-	-	-	1	-	-	-	1
<b>Total:</b>	<b>2.5</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>-</b>	<b>1</b>	<b>12.5</b>

Total number of vacancies notified to HR as at 20TH MARCH 2014 = 95.25 (includes figures in both tables above)

## Skills Shortage

**Mr Campbell** asked the Minister for Employment and Learning to detail the estimated difference in the skills shortage among young people between March 2010 and March 2013.

**(AQW 32612/11-15)**

**Dr Farry:** The term 'skills shortage' is generally used to refer to a lack of skills in a specific sector or business, that is, that there is a lack of people with the necessary skills to ensure that it can achieve its full economic potential. For the purposes of this answer, I have taken the question to refer to the skills attained by young people during the period specified and the opportunities available to them. It should be noted that my Department is responsible for education and training post-16; young people below that age fall within the remit of the Department of Education.

I am pleased to say that the UK Commission for Employment and Skills' Employer Skills Survey 2013 showed that Northern Ireland employers' level of satisfaction with the preparedness for work of 17-18 year old further education leavers and university/higher education leavers was among the highest in the UK.

This is reassuring, as a key focus of the work of my Department is aimed at ensuring young people have access to the skills to enable them to participate fully in education, training and work. The Skills Strategy 'Success Through Skills – Transforming Futures', published in 2011, advocates the need to provide training and qualifications that meet the current and future skill needs of employers.

This includes the specific goal of increasing the proportion of those qualifying in Science, Technology, Engineering and Mathematics (STEM) subjects. The STEM Strategy 'Success Through STEM' also published in 2011, has aimed to increase the number of young people studying STEM subjects in Northern Ireland.

A number of the Department's programmes and strategies are helping young people fulfil their potential. The ApprenticeshipsNI programme provides quality training in the workplace and supports off-the-job training. Although open to adults, the programme mainly seeks to attract young people as a viable alternative to full-time education. At October 2013, 5,773 under 25s were participating, compared with 5,520 in 2010.

In response to industry demand, in 2012 I introduced the ICT Public/Private Apprenticeship Scheme, which recruits and trains individuals for ICT positions, in both software development and infrastructure roles, in the public and private sector. To date, 74 people have been recruited, the majority of whom are under 25. A further pilot scheme is currently being considered in the North West.

'Training for Success' provides young people with relevant qualifications and the interpersonal and behavioural skills to get a job. Between 2008 and 2012, occupancy for this programme grew by 59%. In 2012, I introduced the Youth Employment Scheme, which gives unemployed young people the opportunity to gain skills in the workplace. Since the launch, over 3,200 young people have participated, with over 2,000 currently on the programme. By March 2015, the Department will offer 12,600 opportunities to unemployed 18-24 year olds.

The 'Pathways to Success' strategy includes initiatives specifically aimed at young people who are not in education, training or employment (NEETs), by helping them overcome employability barriers and enhance their prospects.

I am also developing a United Youth Programme, on behalf of the Executive, which will provide well integrated, flexible, high quality opportunities for young people to learn new skills and take on new challenges.

These programmes, along with other education and training delivered through the further education colleges and higher education institutions ensure that our young people have more opportunities than ever before to develop new skills that will improve their employability prospects.

## Disability Strategy

**Mr McMullan** asked the Minister for Employment and Learning to detail the names and backgrounds of the people in the Working Group that is taking forward the new Disability Strategy.

**(AQW 32623/11-15)**

**Dr Farry:** The Department fully supports the Executive's Disability Strategy, 'A Strategy to improve the lives of people with disabilities 2012 -15', which was launched last year. The cross Departmental approach provides a high level policy framework for the delivery of improved outcomes for people with disabilities.

As part of the framework for monitoring and measuring the Strategy's progress, officials in the Office of the First and Deputy First Minister recently established a Departmental Disability Focus Group (Departments represented are attached at Annex A) to assist with the work to deliver on the Strategy.

The Department's representative on the Group is Stephen Jackson, Grade 7, who heads up the Department's Strategy and Equality Branch, which leads on the Department's contribution in the development and implementation of inter-Departmental Strategies.

## Annex A

### Departmental Disability Strategy Focus Group

#### Departmental Representation

- Department of Agriculture and Rural Development (DARD)
- Department of Culture, Arts and Leisure (DCAL)
- Department of Education (DENI)
- Department for Employment and Learning (DEL)
- Department of Enterprise, Trade and Investment (DETI)
- Department of Finance and Personnel (DFP)
- Department of Health, Social Services and Public Safety (DHSSPS)
- Department of the Environment (DOE)
- Department for Regional Development (DRD)
- Department of Justice (DOJ)

## Learning Disability: Inclusion and Provision

**Mr McMullan** asked the Minister for Employment and Learning whether he would consider allowing tutors from Further Education Colleges to attend day care facilities to teach young people with a learning disability who cannot attend their local college. (AQW 32625/11-15)

**Dr Farry:** My Department already facilitates the teaching of students with learning disabilities in day centres. Funding provided to the further education (FE) sector provides for this type of external provision.

Currently, lecturing staff in all FE colleges are involved in the delivery of course provision to people with a learning disability of all ages (including young people) in a range of day care facilities throughout Northern Ireland.

## Educational Underachievement: Protestant Working-class Areas

**Mrs Dobson** asked the Minister for Employment and Learning for his assessment of, and to provide available statistics on, the academic underachievement amongst Protestant working class communities in Upper Bann. (AQW 32697/11-15)

**Dr Farry:** Population data from the Census indicate that Protestants and Catholics (aged over 16) in deprived areas in the Upper Bann assembly area are less likely to have level 2 qualifications and above than those in affluent areas.

Deprivation has been measured on the official multiple measure which categorises areas into 'quintiles'. In deprived areas (quintiles 1 and 2), Protestants are less likely to have this level of qualification than Catholics – 45% of Protestants compared to 51% of Catholics (although they are much fewer in number) (Annex 1, Tables 1 and 2).

## Further Education

While the total number of enrolments for Protestants and Catholics in Upper Bann is very similar (at between 3,000 and 4,000 each year for level 2 and above (Table 4), the proportion of Protestants enrolling in further education from deprived areas is lower at 27% of all Protestant enrolments, compared to 61% of all Catholic enrolments (Table 3, 2012/13 academic year).

In terms of attainment, 27% of all Protestants gaining qualifications in further education come from deprived areas – a similar proportion to those enrolling (Table 3).

As the main providers of adult education in Northern Ireland, further education (FE) colleges encourage access to course provision by delivering a wide and varied curriculum through their main campuses and network of community outreach centres. Southern Regional College offers a range of full-time and part-time courses, from Entry level to level 5, which are open to people of all abilities across the Upper Bann constituency. Further education (FE) colleges continue to have a strong record of engaging participants from the most deprived areas in Northern Ireland. During the 2012/13 academic year, colleges across Northern Ireland had over 67,483 accredited enrolments from the 40% most deprived areas of Northern Ireland. This represented 44% of all such enrolments.

In addition, my Department has developed and implemented the Learner Access and Engagement Programme (LAE). This programme, which has been mainstreamed, with effect from September 2013, allows FE colleges to contract with third party organisations for the provision of learner support. This support is directed at 'hard to reach' learners, who are economically inactive, disengaged from the labour market and hold few or no qualifications, to encourage them to enrol on, and to complete, FE courses.

### Higher Education

While the total number of enrolments for Protestants and Catholics in Upper Bann is very similar (at between 1,000 and 1,200 each year) (Table 6), the proportion of Protestants enrolling in higher education from deprived areas is lower at 11% of all Protestant enrolments, compared to 38% of all Catholic enrolments (Table 5).

In terms of attainment, approximately 11% of all Protestants gaining qualifications in higher education come from deprived areas – a similar proportion to those enrolling (Table 5).

Access to Success, is my Department's regional strategy to widen participation in higher education among those groups which are currently under-represented. The strategy recognises an under-representation among young males from areas of high deprivation, which is particularly acute among young Protestant males.

The strategy has a strong focus on the creation of a more accessible sector in which the people who are most able but least likely to participate are given every encouragement and support to apply to, and to benefit from, higher education. The strategy sets out a programme which includes:

- a co-ordinated higher education awareness and aspiration raising campaign which was launched in March 2014 to better communicate the benefits of higher education to under-represented sections of the community;
- an expansion in the range of aspiration and educational attainment raising programmes at school, college, community and the workplace;
- the development of agreed regional programmes for a standardised route of exceptional application to higher education for the most disadvantaged applicants;
- the development of additional support measures by higher education providers for students from disadvantaged backgrounds to sustain their participation.

### Training for Success (TfS)

While the total number of Protestants and Catholics in Upper Bann participating in TfS is very similar (70 and 86 respectively at the end of October 2012 and 112 and 120 respectively at the end of October 2013) (Table 8), the proportion of Protestants participating from deprived areas is lower at 37% of all Protestants participating, compared to 71% of all Catholics participating (at the end of October 2012) (Table 7).

Proportions at the end of October 2013 are slightly lower, at 34% and 67% respectively.

I have placed an Excel file containing 4 worksheets in the Assembly Library and on my department's website at <http://www.delni.gov.uk/>. The 1st tab looks at educational attainment (level 2 and above) by deprivation quintile for the Upper Bann Parliamentary Constituency for those aged 16 and over. The 2nd and 3rd tabs detail enrolments/qualifications (at level 2 and above) in HE and FE respectively from Upper Bann students, again by deprivation quintile for the 11/12 and 12/13 academic years. The 4th tab details the number of participants, from Upper Bann, on Training for Success as at the end of October 2012 and 2013, again by deprivation quintile.

### Enabling Success

**Mr Weir** asked the Minister for Employment and Learning to detail the projected budgets for the funding of the pilots under Enabling Success.

**(AQW 32767/11-15)**

**Dr Farry:** Enabling Success, the new draft strategic framework to tackle economic inactivity in Northern Ireland is currently subject to a 12 week public consultation. Following the conclusion of the consultation exercise, a final draft strategy will be developed and presented to the NI Executive for consideration and approval. It is therefore too early to anticipate either the exact nature of any pilot projects or the projected budgets required to deliver them.

### Enabling Success

**Mr Weir** asked the Minister for Employment and Learning to detail the projected range of funding available for the pilot projects under Enabling Success.

**(AQW 32769/11-15)**

**Dr Farry:** Enabling Success, the new draft strategic framework to tackle economic inactivity in Northern Ireland is currently subject to a 12 week public consultation. Following the conclusion of the consultation exercise, a final draft strategy will be developed and presented to the NI Executive for consideration and approval. It is therefore too early to anticipate either the exact nature of any pilot projects or the projected budgets required to deliver them.

## Occupational Health Service

**Ms Boyle** asked the Minister for Employment and Learning what action his Department is taking to offer comprehensive occupational health services to its employees, including early access to services such as physiotherapy.

**(AQW 32772/11-15)**

**Dr Farry:** The Northern Ireland Civil Service Occupational Health Service provides a comprehensive occupational health service to all of the NICS Departments including my Department and this is available to all employees. The Northern Ireland Civil Service does not provide early access to physiotherapy services. Further details of Occupational Health Services can be found at [www.nicsohs.gov.uk](http://www.nicsohs.gov.uk)

## Steps to Work

**Mrs Dobson** asked the Minister for Employment and Learning for his assessment of the links between Job Centres and education providers who are sub-contracted to provide the Steps to Work Programme; and whether any changes will be made to the process of referring potential students from Job Centres to providers of the new Steps to Success scheme.

**(AQW 32857/11-15)**

**Dr Farry:** In your constituency, there are currently two Steps to Work Lead Contractors, Wade Training and People 1st. Wade does not sub-contract with any Education Provider; however, People 1st sub-contracts with the Southern Regional College.

Jobs and Benefits office/JobCentre staff refer Steps to Work participants directly to the Lead Contractor and do not refer participants to sub-contractors, in this case, Education Providers.

Jobs and Benefits office/JobCentre staff will continue to refer all participants to the Lead Contractors of the new Steps 2 Success programme who will determine the appropriate assistance required to enable them to progress into work.

## Steps 2 Success

**Mrs Dobson** asked the Minister for Employment and Learning for his assessment of the proposal that funds will be withheld from education providers unless participants undertaking the new Steps to Success Scheme secure employment at the end of their studies.

**(AQW 32858/11-15)**

**Dr Farry:** Steps 2 Success is an employment programme designed to help participants find and sustain employment. Jobs and Benefits office/JobCentre staff will refer all participants directly to the Lead Contractor of the new Steps 2 Success programme who will determine the appropriate assistance required to enable participants to progress into work. This may entail a referral by the Lead Contractor to a member of its supply chain, who may be an Education Provider.

Funding for the programme is heavily weighted towards job outcomes achieved by the Lead Contractor; however, additional funding is paid to a Lead Contractor where a participant achieves a qualification and secures employment.

Proposals for Steps 2 Success were consulted upon and results of the public consultation exercise published, before I considered and approved the final design of the Programme.

## Steps 2 Success

**Mrs Dobson** asked the Minister for Employment and Learning how he will retain the expertise of local private education providers who have delivered academic outcomes on the Steps to Work scheme within the new Steps to Success scheme.

**(AQW 32859/11-15)**

**Dr Farry:** The competition for Steps 2 Success is currently in a live procurement process. Supply Chains for the delivery of Steps 2 Success are being established as part of this process by the Lead Contractors.

The approach to Steps 2 Success is that providers will determine the interventions required to meet the participants' employability barriers to enable them to achieve and sustain employment. Steps 2 Success is an employment programme and providers are paid on the basis of job outcomes achieved.

Payment for qualifications will be made when a participant secures a qualification resulting in a job for that individual.

## Steps 2 Success

**Mrs Dobson** asked the Minister for Employment and Learning to detail the tender process for the new Steps to Success Scheme; and how this process took account of small local education providers who may be delivering the project, irrespective of which company secures the contract.

**(AQW 32860/11-15)**

**Dr Farry:** The Department, in consultation with Central Procurement Directorate agreed to a two stage procurement process.

Stage 1 consisted of a Pre Qualification Questionnaire which examined the suitability and capability of potential suppliers to perform the contract. Stage 1 was launched in July 2013 and a total of 18 organisations tendered for the Stage 1 process.

The competition closed in September 2013 with the assessment of the bids taking place during October/early November. This process resulted in nine organisations being shortlisted to progress to Stage 2.

Stage 2 of the procurement launched on Friday the 29 March 2014 and will close on the 9 May 2014.

As part of the procurement process, contractors will identify their Supply Chain. This will be assessed by the Department as part of the evaluation of bids.

The Central Procurement Directorate of the Department of Finance and Personnel considers that the Department is in a live procurement process and until the end of the competition, the specifics of a Lead Contractors' supply chain will not be known. The Department cannot comment further on the potential make up of a supply chain, as this is a competitive issue.

## Department of Enterprise, Trade and Investment

### Irish Open Golf Tournament 2015

**Mr Hazzard** asked the Minister of Enterprise, Trade and Investment if her Department, or its arm's-length bodies, have established any funding opportunities to allow the local tourism and business community to harness the potential opportunity of the Irish Open 2015 being held in Newcastle, County Down.

**(AQW 32397/11-15)**

**Mrs Foster (The Minister of Enterprise, Trade and Investment):** The Irish Open 2015 in Newcastle will help grow domestic and overnight visitor numbers and spend, provide a positive image of Newcastle and The Mournes internationally, and build on other recent high profile events to further demonstrate Northern Ireland's capacity to host major events. The Northern Ireland Tourist Board will work with key partners to plan for the 2015 event.

#### Tourism Events Fund:

The main support mechanism available for tourism events from my Department, through the Northern Ireland Tourist Board, is the Tourism Event Funding Programme, an annual funding programme designed to support International and National Tourism Events.

The next Tourism Event Funding Programme, for events taking place between 1 April 2015 and 31 March 2016, will open in autumn 2014.

#### Industry Development Programme:

As part of the NITB Industry Development programme, NITB hosted an event to encourage the tourism industry to maximise opportunities arising from The Irish Open 2012. The workshop covered topics such as the Golf Visitor profile, trends/facts, lessons learned from previous Irish Opens and specific event information. NITB also tailored WorldHost training to cover Irish Open volunteers. Similar support will be provided to the 2015 event.

### Superinjunctions

**Mr Allister** asked the Minister of Enterprise, Trade and Investment whether at any time she Department has funded or contributed to the costs of legal proceedings brought in the High Court of Justice in Northern Ireland, or elsewhere, involving the prohibition of publicity on the granting of injunctive relief, commonly referred to as super-injunctions.

**(AQW 32566/11-15)**

**Mrs Foster:** We have no record of any proceedings involving the Department where the granting of injunctive relief has been sought or awarded.

### Company Law

**Mr Flanagan** asked the Minister of Enterprise, Trade and Investment what plans she has to update existing company law.

**(AQW 32607/11-15)**

**Mrs Foster:** Company law, although a transferred matter, is administered on a UK wide basis from Westminster. This ensures that legislative changes in relation to company law take effect in Northern Ireland and Great Britain simultaneously.

My officials are working with their Whitehall colleagues on proposed measures to simplify and clarify the existing company rules on auditors and proxies, and enhance the transparency of UK company ownership and increase trust in UK business.

Legislative changes coming from these proposals will be legislated on our behalf at Westminster with agreement of the Northern Ireland Assembly by way of legislative consent motions.

## Small Business Loan Fund Scheme

**Mr Weir** asked the Minister of Enterprise, Trade and Investment how many business in (i) North Down; and (ii) Northern Ireland have availed of the Small Business Loan Fund Scheme since its launch; and to detail the total value of all approved loans. (AQW 32631/11-15)

**Mrs Foster:** During the period from the launch of the NI Small Business Loan Fund in February 2013 until the date of the most recently publicly released figures (30th September 2013):

- (i) one business in North Down has availed of the fund; and
- (ii) 33 businesses across Northern Ireland have availed of the fund. The total value of the 33 loans approved during this period is £580,500.

## Propel Programme

**Mr P Ramsey** asked the Minister of Enterprise, Trade and Investment to detail the number of people that have taken part in the Propel Programme since its inception, broken down by constituency. (AQW 32638/11-15)

**Mrs Foster:**

### Invest NI Number of Clients that have Participated in the Propel Programme up to April 2014

PCA	No of Clients
Belfast East	17
Belfast North	9
Belfast South	31
Belfast West	3
East Antrim	4
East Londonderry	4
Fermanagh and South Tyrone	10
Foyle	10
Lagan Valley	9
Mid Ulster	5
Newry and Armagh	12
North Antrim	2
North Down	5
South Antrim	8
South Down	13
Strangford	4
Upper Bann	6
West Tyrone	6
<b>Total</b>	<b>158</b>

## Exporter Skills Workshops

**Mr P Ramsey** asked the Minister of Enterprise, Trade and Investment to detail the locations of Exporters Workshops that have taken place in the last two years. (AQW 32639/11-15)

**Mrs Foster:** I can inform the member that from 1 April 2012 to 31 March 2014 a total of 56 Export Skills Workshops took place at locations across Northern Ireland. Details of the number of workshops at each location are broken down as follows:

26 in Belfast, 8 in Londonderry, 6 in Enniskillen, 5 in Craigavon, 3 in Ballymena, 2 in Newry, and 1 each in Coleraine, Omagh, Cookstown, Armagh, Templepatrick and Newtownabbey.

I can also inform the member that Invest NI is already in the process of arranging the Autumn 2014 series of these workshops when it is planned to hold up to 4 workshops in Londonderry.

## Occupational Health Service

**Ms Boyle** asked the Minister of Enterprise, Trade and Investment what action her Department is taking to offer comprehensive occupational health services to its employees, including early access to services such as physiotherapy.  
(AQW 32685/11-15)

**Mrs Foster:** The Northern Ireland Civil Service Occupational Health Service provides a comprehensive occupational health service to all of the NICS Departments and this is available to all employees.

The NICS does not provide early access to physiotherapy services. Further details of OHS services can be found at [www.nicsohs.gov.uk](http://www.nicsohs.gov.uk)

## Common Agricultural Policy

**Ms Lo** asked the Minister of Enterprise, Trade and Investment whether her Department has calculated the impact of the recent non-decision on the transfer of Common Agricultural Policy funds for rural development on Northern Ireland's reputation as a 'clean and green' place to live and visit, given its reliance on both for the agri-food and tourism sectors.  
(AQW 32689/11-15)

**Mrs Foster:** Maintaining and developing Northern Ireland's natural, clean and green image and provenance is essential to the continued growth of the agri-food and tourism sectors. The non-transfer of funds between Pillar 1 and Pillar 2 of the Common Agricultural Policy (CAP) will help to ensure that this continues to be the case by providing funding direct to farmers and supporting them as they seek to look after the countryside, maintain rural communities, produce affordable food and create employment.

## Invest NI

**Mr Eastwood** asked the Minister of Enterprise, Trade and Investment to detail the financial assistance provided by InvestNI to companies during the 2013/14 financial year, broken down by constituency; and the amount that each represents as a percentage of the total financial assistance provided by InvestNI during this period.  
(AQW 32718/11-15)

**Mrs Foster:** The information you have requested is not currently available. Similar to previous years, Invest NI will make this information available to you when it has been validated and approved for public release.

## Jobs Created

**Mr Eastwood** asked the Minister of Enterprise, Trade and Investment to detail the number of new jobs created through inward investment projects supported by InvestNI during the 2013/14 financial year, broken down by constituency; and what each figure represents as a percentage of the total number of new jobs created by inward investment projects during that period.  
(AQW 32719/11-15)

**Mrs Foster:** The information you have requested is not currently available. Similar to previous years, Invest NI will make this information available to you when it has been validated and approved for public release.

## Jobs Created

**Mr Eastwood** asked the Minister of Enterprise, Trade and Investment to detail the number of new jobs created through first time international investors that were supported by InvestNI during the 2013/14 financial year, broken down by constituency; and what each figure represents as a percentage of the total number of new jobs created by first time international investors during that period.  
(AQW 32720/11-15)

**Mrs Foster:** The information you have requested is not currently available. Similar to previous years, Invest NI will make this information available to you when it has been validated and approved for public release.

## Vacant Office Space

**Mr Eastwood** asked the Minister of Enterprise, Trade and Investment to detail the amount of vacant office space in the Foyle constituency.  
(AQW 32726/11-15)

**Mrs Foster:** Invest NI maintains an online database which contains the details of a range of available properties across both the private and public sectors. This information, whilst not available at the parliamentary constituency level, can be filtered by council area.

Within the Derry City Council area Invest NI is aware of available office space across 22 properties. Further details on these and other available commercial properties can be found on the NI Business Information website <http://www.nibusinfo.co.uk/>.

It is, however, important to be aware that the information within the database does not comprise an exhaustive listing of all available properties. Invest NI is wholly reliant upon the accuracy of the information provided to it by commercial property agents and developers.

### Jobs Created

**Mr Eastwood** asked the Minister of Enterprise, Trade and Investment how many of the jobs created by InvestNI in each constituency during the 2013/14 financial year offer a salary which is (i) less than 25 per cent above; and (ii) 25 per cent or more than the average private sector wage, expressed as a number and a percentage of all the new jobs created by inward investment projects during this period.

**(AQW 32727/11-15)**

**Mrs Foster:** The information you have requested is not currently available. Similar to previous years, Invest NI will make this information available to you when it has been validated and approved for public release.

### 'Game of Thrones' Tourism

**Mr Campbell** asked the Minister of Enterprise, Trade and Investment, given the high profile of the latest Game of Thrones television series, what steps are being undertaken by the Northern Ireland Tourist Board to specifically market the Northern Ireland locations utilised for filming as short stay tourist destinations.

**(AQW 32801/11-15)**

**Mrs Foster:** The Northern Ireland Tourist Board (NITB) is working with Northern Ireland Screen, Tourism Ireland and the hospitality industry to maximise on the tourism potential and opportunities that Game of Thrones offers.

In June 2014 NITB will be partnering with Northern Ireland Screen and Belfast City Council to bring the Game of Thrones Exhibition to Belfast. Last year the exhibition attracted 19,000 visitors and significant international press coverage.

NITB is aware that locations have become must-see attractions for dedicated fans and has released a set of guidelines for trade so that new products operate legally and do not contravene HBO's intellectual property.

NITB has met with three local tour operators who have built tours around the Game of Thrones locations, and will continue to work with and enable local trade to develop experiences based on film tourism. NITB showcases these products on a film tourism section on the consumer website [www.DiscoverNorthernIreland.com](http://www.DiscoverNorthernIreland.com) and there is also a section dedicated specifically to the Game of Thrones Exhibition.

In December 2013 NITB held a screen tourism insight event with over 150 attendees from local industry which examined how film can be used to inform tourism experiences.

It is undoubted that Game of Thrones has great potential benefits for Northern Ireland tourism both in terms of promotion and creating a compelling visitor experience. I recently announced a new agreement between Tourism Ireland and HBO to capitalise on the incredible success of the HBO brand and the global popularity of Game of Thrones. The announcement, which will see HBO lend its name and logo to new Tourism Ireland campaigns to promote Northern Ireland for holidays in markets across the world, is a major coup for tourism in Northern Ireland.

### One Plan: Targets

**Mr Eastwood** asked the Minister of Enterprise, Trade and Investment what action has InvestNI taken to encourage private sector data centre providers to consider locating an international data centre in Derry in accordance with the One Plan target.

**(AQW 32905/11-15)**

**Mrs Foster:** Invest NI actively encourages companies from the ICT industry to invest in all parts of Northern Ireland but no particular emphasis is given to any one sector. While the establishment of a data centre in Londonderry would be welcome, creation of such a centre is dependent upon substantial private sector funding of approximately £50 million, as outlined in the One Plan. Unfortunately, no company has as yet, shown itself willing to make such an investment.

### Invest NI

**Mr Eastwood** asked the Minister of Enterprise, Trade and Investment to detail the (i) number; and (ii) name of companies contacted by InvestNI in relation to locating an international data centre in Derry,

**(AQW 32906/11-15)**

**Mrs Foster:** All discussions with prospective investors in relation to any project are regarded as 'commercial-in-confidence' until an official announcement or formal offer is made.

### Concentrix

**Mr Eastwood** asked the Minister of Enterprise, Trade and Investment what efforts were made to encourage Concentrix to set up an operation in Derry given that Northern Ireland contact centre firm GEM, which it acquired in 2011, formerly employed around 100 people in the city.

**(AQW 32951/11-15)**

**Mrs Foster:** Invest NI has a close working relationship with the senior management team of Concentrix (and formerly GEM) and is aware that the Concentrix senior management team evaluated many locations in Northern Ireland, in the rest of the UK, the Republic of Ireland and other global locations before making this investment decision.

Location decisions are ultimately the responsibility of the company's senior management team and such decisions will take into account issues such as:

- property costs and availability;
- skills and labour availability and transportation issues;
- assistance available from government;
- potential economies of scale ;
- issues regarding management efficiency.

Invest NI ensured that the company's senior management team were aware that locations situated outside Belfast (such as Londonderry) would attract a higher grant rate from government than in Belfast, however, they chose Belfast as a location for a mix of operational reasons, some of which are as stated above.

It is understood that the project will be carried out across the company's three existing locations in Belfast.

### **Petroleum Licence PL2/10**

**Mr Agnew** asked the Minister of Enterprise, Trade and Investment on what date each Department or Minister was made aware of her decision to extend the date of petroleum exploration licence PL2/10; and on what date was the Assembly informed that this decision had been taken.

**(AQW 32995/11-15)**

**Mrs Foster:** There has been no extension to the five-year Initial Term of Petroleum Licence PL2/10. A petroleum licence will automatically cease at the end of Year Three if the licensee has not carried out Part I and undertaken to carry out Part II of the work programme before the end of the Initial term, unless the Department in any particular case decides otherwise. At the end of Year Three (31st March 2014) the PL2/10 Licensee had been unable to complete Part I of the work programme and, thus, was not in a position to give the undertaking to complete Part II of the work programme. My Department has given the Licensee a further six months (until 30th September 2014) to complete Part I of the work programme and to make their decision as to whether they wish to complete Part II of the work programme or to relinquish the licence.

The administration of the petroleum licensing system is a matter for DETI and it is not usual practice to inform the Assembly about the detailed administration of petroleum licences. At the meeting of the Shale Gas Regulators' Forum, on 20th February 2014, DETI officials communicated to other Departments that this postponement of the 'drill or drop' decision date was likely.

## **Department of the Environment**

### **Burnt-out Cars**

**Mr Easton** asked the Minister of the Environment how many burnt out cars have been removed by local councils from public spaces over the last three years.

**(AQW 32132/11-15)**

**Mr Durkan (The Minister of the Environment):** Information on the number of burnt out cars removed from public spaces by all councils in Northern Ireland over the last three years is not held centrally by the Department. This information may be held by individual councils.

### **Farmers: Compensation Arrangements**

**Mr Allister** asked the Minister of the Environment what progress is being made on the introduction of compensation arrangements for farmers suffering loss from having lands designated as Areas of Special Scientific Interest.

**(AQW 32218/11-15)**

**Mr Durkan:** Areas of Special Scientific Interest (ASSI) are declared and protected in accordance with the Environment (Northern Ireland) Order 2002 (the Order).

The Order does not provide for compensation to be paid in respect of the designation of lands and my Department has no plans to introduce such provisions.

While compensation is not available, there are various funding sources that landowners can access for environmental management purposes which DOE officials can advise landowners on.

## Driver and Vehicle Agency: Coleraine

**Mr Dallat** asked the Minister of the Environment what was the sequence of events that led to his discovery that 300 posts were to be lost in the Driver and Vehicle Agency in Coleraine.

**(AQW 32342/11-15)**

**Mr Durkan:** When I met Robert Goodwill, MP, then the Transport Minister with responsibility for vehicle licensing, in November 2013, I was told that a decision on the Driver and Vehicle Licensing Agency's (DVLA) proposal to centralise vehicle registration and licensing in Swansea would be made early in 2014.

From the beginning of January 2014 onward, I made regular enquiries about progress but I received no indication as to when a decision would be forthcoming. I requested and received written assurances from the Transport Minister that I would be informed as soon as a decision had been made and in advance of any public announcement. I made it clear to Ministers in London that I would be available at any time to discuss this critical issue.

On Wednesday 5 March, the Private Office of Stephen Hammond, MP, Parliamentary Under Secretary of State for Transport with responsibility for vehicle licensing, contacted my Private Office to arrange a telephone call to me later that afternoon but Mr Hammond's office subsequently cancelled the call.

On Wednesday 12 March, the office of Philip Rutnam, Permanent Secretary at the Department for Transport in Whitehall contacted the DOE Private Office at approximately 12.00 to set up a call with the DOE Permanent Secretary for between 19.00 and 19.30 that evening. The time of that call was subsequently brought forward to 16.30 at the request of the Department for Transport.

The Transport Minister's office also contacted my Private Office at approximately 14.40 asking to set up a telephone call with me at 15.40. However, that was not possible as I was already en route to boarding a flight to the United States at 15.40 which did not land until 00.25 (GMT). My Private Secretary also contacted The Transport Minister's Office at 15.24 to make them aware of the situation, and advised them that my Permanent Secretary would be available to take a call from their Minister, but in the event no such telephone call took place.

Mr Rutnam telephoned my Permanent Secretary at approximately 16.50 on Wednesday 12 March and outlined the content of the Written Ministerial Statement to the House of Commons that would be issued at 09.30 the following morning (Thursday 13 March). However no advance copies of the statement were provided to my Department. Following this telephone call, the Permanent Secretary discussed the position with the Chief Executive of the Driver and Vehicle Agency (DVA) and a communication was sent immediately to me, which I received when my flight to the United States landed at 00.25 (GMT). The DVA Chief Executive also received a letter from the DVLA Chief Executive at 18:09 on 12 March confirming the DfT decision and outlining a general timetable for implementation.

The text of the Written Statement itself was sent to the Department at 09.50 on Thursday 13 March.

I have written to Stephen Hammond, the current Transport Minister, to set out my complete dissatisfaction with the decision and the manner in which I was informed of the decision.

## DOE: Staff Travel

**Mr McGlone** asked the Minister of the Environment to detail the number of staff in his Department, broken down by grade, travelling daily to their place of work from each of the eleven new council areas to the Greater Belfast area.

**(AQW 32398/11-15)**

**Mr Durkan:** The number of staff in the Department of Environment, broken down by grade, travelling daily to their place of work from each of the eleven new council areas to the Greater Belfast area is provided in the attached table.

This information is based on employee records held at 1 January 2014 .

New Council Areas	Analogous Grade									Total
	G5+	G6	G7	DP	SO	EOI	EOII	AO	AA	
Antrim and Newtownabbey	1	1	9	29	28	14	17	15	3	117
Armagh, Banbridge and Craigavon	1	1	10	25	26	12	8	19	2	104
Belfast	4	6	29	82	86	52	30	85	17	391
Causeway Coast and Glens	0	0	1	9	8	7	3	3	0	31
Derry and Strabane	1	0	2	1	2	2	1	5	0	14
Fermanagh and Omagh	0	0	1	0	3	1	0	1	0	6

New Council Areas	Analogous Grade									Total
	G5+	G6	G7	DP	SO	EOI	EOII	AO	AA	
Lisburn and Castlereagh	1	2	4	23	22	18	18	20	3	111
Mid and East Antrim	0	1	4	24	21	12	11	15	1	89
Mid Ulster	0	0	4	4	5	6	4	6	1	30
Newry, Mourne and Down	0	0	7	14	28	19	9	12	1	90
North Down and Ards	4	2	13	31	30	22	3	23	4	132
<b>Total *</b>	<b>13</b>	<b>13</b>	<b>90</b>	<b>256</b>	<b>285</b>	<b>179</b>	<b>110</b>	<b>231</b>	<b>38</b>	<b>1215</b>

**Notes:**

\* Total includes 100 (8.2%) staff whose home postcode was either missing or invalid and could not be allocated to a new council area.

Data is taken at 01 January 2014 from HRConnect database.

Number of staff does not include those seconded outside of the NICS or staff on a career break

As there is no definition for Greater Belfast, the above analysis calculates travel for NICS staff from the new council areas to The Belfast Metropolitan Urban Area (BMUA). The BMUA is defined in the Statistical Classification and Delineation of Settlements (February 2005) and is available from NISRA at:

[www.nisra.gov.uk/archive/demography/publications/urban\\_rural/ur\\_gaz.pdf](http://www.nisra.gov.uk/archive/demography/publications/urban_rural/ur_gaz.pdf)

**Assembly: Motions Debated**

**Mr McNarry** asked the Minister of the Environment to detail (i) the number of Motions debated in the Assembly that he has responded to in the last two years; and (ii) the action that he has taken following any Motion that was passed.

**(AQW 32440/11-15)**

**Mr Durkan:** Since becoming Minister in July 2013, I have responded to four motions debated in the Assembly. These were:-

- 1 Concern over the practices of some car parking enforcement companies and how they operate.
- 2 Concern about Climate Change and impact on flooding.
- 3 Revised planning policy to meet the needs of farming and non-farming rural dwellers applying for planning permission to build in the countryside.
- 4 BBC Spotlight Programme on Waste Disposal.

Follow up actions I have taken in relation to the motions are set out below:

The outcome of the debate on the practices of car parking companies, which took place on 7 October 2013, called for a more robust code of practice for parking enforcement and more effective regulation by the British Parking Association. I agreed to meet with the Secretary of State for Transport to outline these concerns.

My only responsibility for car parking relates to the supply to the car parking enforcement companies of the names and addresses of the keepers of vehicles allegedly in breach of conditions of use for the car parks. The Driver and Vehicle Agency within my Department is obliged to supply this information as directed by Driver and Vehicle Licensing Authority and the Department for Transport, which have jurisdiction for the excepted matter of vehicle licensing.

Since the debate I have engaged with Transport Ministers in London to highlight concerns about the operations of some of the parking enforcement companies and the practice of releasing keeper data to these companies. Transport Ministers have however indicated that they are content with the current arrangements under which names and addresses of vehicle keepers are supplied to the car parking enforcement companies.

Although not falling directly with my remit, additionally I have met and written several times to the Chief Executive of the British Parking Association, to express concern and to press for better regulation of enforcement companies. I also have ongoing engagement with the Justice Minister, David Ford MLA, to examine the feasibility of the introduction of an independent appeals process in Northern Ireland.

The next motion passed in January 2014 called on me to bring forward revised planning policy as part of the single planning policy statement, inclusive of PPS 21, which would adequately meet the needs of current and future generations of farming and non-farming rural dwellers, applying for planning permission and obtaining planning approval to build in the countryside.

Since this motion was passed, my Department issued the draft Strategic Planning Policy Statement (SPPS) for public consultation. The consultation period was launched on 4 February and will run until 29 April 2014.

The SPPS provides a new set of overarching core planning principles to underpin delivery of the planning reforms set out in the Planning Act (Northern Ireland) 2011 ('the Planning Act'). It also explains the new Development Plan and Development Management system requirements. In addition, the SPPS consolidates existing subject planning policies into a single document and brings forward new strategic town centres and retailing planning policy. The SPPS includes strategic planning policy for sustainable development in the countryside and the consultation will allow views to be expressed and taken into account as appropriate on this issue. Responses will be considered after the consultation period and planning officials will engage with the Environment Committee to scrutinise comments and amendments sought prior to the final publication of the document towards the end of the year.

Also directly as a result of the motion, I wrote to the Minister for Agriculture and Rural Development, Michelle O'Neill MLA, on 12 February 2014 requesting further detail on the proposed Common Agricultural Policy (CAP) reform measures and the timescales for their implementation.

Minister O'Neill wrote to me on 20 March providing detail on the proposed changes, which I understand will apply from 1 January 2015. Following this advice my officials have sought a meeting with their counterparts in the Department of Agriculture and Rural Development to seek clarification on a number of matters. This clarification will be important in determining what, if any, impact these reforms may have upon the operation of my Department's planning policy for applications for dwellings on farms both now and in the future through the SPPS.

As a result of the debate on the motion on Climate Change and flooding held in February 2014, the Assembly, inter alia, expressed support for the introduction of a Northern Ireland Climate Change Bill. It would fall to my Department to introduce this primary legislation. I am currently considering options for taking this work forward.

The Private Members' Motion on 11 March 2014 related to a recent BBC Spotlight programme and called for the establishment of an independent public inquiry into waste disposal. I am seeking Executive agreement to establishing a full independent public inquiry as called for in the Assembly Motion and to the Executive meeting the necessary costs associated with such an inquiry.

### **Lough Neagh Special Protection Area: Mineral Extraction**

**Mr Mitchel McLaughlin** asked the Minister of the Environment, pursuant to AQW 30959/11-15 and AQW 30962/11-15, to confirm (i) that his Department is aware that unregulated mineral extraction has been taking place in Lough Neagh Special Protection Area without the required development consents; (ii) how long his Department has been aware; and (iii) when it opened the live enforcement investigation.

**(AQW 32461/11-15)**

**Mr Durkan:** My Department opened an enforcement case to investigate the working of minerals within Lough Neagh on 6 February 2014. My Department is aware of the mineral extraction taking place within Lough Neagh. The presence of barges for dredging on the Lough has been known for many years.

### **Planning Control Breaches**

**Mr Mitchel McLaughlin** asked the Minister of the Environment, pursuant to AQW 30961/11-15, to detail the nature of the four breaches of planning control.

**(AQW 32462/11-15)**

**Mr Durkan:** From the Department's records the nature of the four complaints are outlined below:

1. A complaint regarding unauthorised working of minerals in Lough Neagh by dredging: currently being investigated.
2. A complaint regarding unauthorised working of minerals in Lough Neagh by dredging: currently being investigated.
3. A complaint regarding an unauthorised jetty and unauthorised extraction. The case was closed due to the jetty being considered lawful.
4. A complaint relating to an unauthorised barge at Ram's Island, Lough Neagh. The case was closed due to 'no breach' being identified. The barge was converted to an educational use and not involved in extraction.

### **Planning Service: Complaints**

**Mr Campbell** asked the Minister of the Environment what options are available for objectors to a planning application who have completed the Planning Service Complaints Procedure and where the complaint is outside the remit for investigation by the Assembly Ombudsman for Northern Ireland.

**(AQW 32538/11-15)**

**Mr Durkan:** While an application is ongoing I would urge objectors to engage with the Department as objections can be submitted right up until a decision has issued.

After a decision has issued, and the complaints process has been exhausted, then the only recourse open to the objectors would be to apply for leave to judicially review the decision made.

### Motor Vehicles (Driving Licences) (Amendment) Regulations 2013

**Mr McKinney** asked the Minister of the Environment, prior to adoption of The Motor Vehicles (Driving Licences) (Amendment) Regulations 2013, whether he sought to conduct a comprehensive Equality Impact Assessment; and if so, what comparators were used.

**(AQW 32547/11-15)**

**Mr Durkan:** The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2013, which came into operation on 1 August 2013, amended the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 in regard of medical standards for vision and epilepsy. The changes were part of the implementation of Commission Directives 2009/112/EC and 2009/113/EC ("the Directives") which amended the 2nd and 3rd Directives on Driving Licences respectively and which introduced revised minimum medical standards in relation to vision, epilepsy and diabetes for applicants for driving licences or for the renewal of such licences.

Prior to the introduction of each of the amending Regulations, the Department carried out an equality screening analysis on the changes involved, which were included in a UK-wide consultation on the Directives carried out in 2011. No equality issues were identified during either the equality screening or the consultation processes. It was concluded in each case, therefore, that a full Equality Impact Assessment was not necessary.

I have arranged for copies of the Department's completed equality screening analysis forms in relation to the amending Regulations to be placed in the Assembly Library.

### Motor Vehicles (Driving Licences) (Amendment) Regulations 2013

**Mr McKinney** asked the Minister of the Environment where in The Motor Vehicles (Driving Licences) (Amendment) Regulations 2013 does the Driver and Vehicle Agency obtain the ability to remove a driving licence from a diabetic driver on foot of two severe, non-driving, hypoglycemic attacks.

**(AQW 32548/11-15)**

**Mr Durkan:** Regulations 50 and 51 of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 prescribe diabetes mellitus as a relevant disability, as regards Group 1 and Group 2 licences respectively, for the purposes of Article 9(2) of the Road Traffic (Northern Ireland) Order 1981 ("the 1981 Order"). These regulations were amended by the Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2013 (SR 2013 No. 170) which came into operation on 1 August 2013.

Where a person suffers from a relevant disability prescribed for the purposes of Article 9(2) of the 1981 Order, the Department must refuse to grant a licence. This power of refusal is set out in Article 9(3) of the 1981 Order. A similar power to revoke an existing licence is contained within Article 10(1) of the 1981 Order.

Regulation 50(4) of the amended regulations sets out the conditions which must be met by the applicant for, or holder of, a Group 1 licence. Where a person has suffered two or more episodes of severe hypoglycaemia in the preceding year, the Department is required by Article 9(2) of the 1981 Order to refuse the licence. It is immaterial whether the episodes of severe hypoglycaemia occur while driving.

### Lough Neagh Special Protection Area: Unregulated Sand Extraction

**Mr Agnew** asked the Minister of the Environment whether his Department is aware of, or has received any reports of, lignite being dredged from the bed of Lough Neagh Special Protection Area as part of the process of unregulated sand extraction.

**(AQW 32561/11-15)**

**Mr Durkan:** My Department is not aware of any lignite extraction from the bed of the Lough Neagh Special Protection Area.

### New Councils: Chief Executive Positions

**Mr Weir** asked the Minister of the Environment to list the Chief Executives appointed to each of the eleven new councils.

**(AQW 32583/11-15)**

**Mr Durkan:** Please find list below as requested.

Mrs Jacquie Dixon	Antrim and Newtownabbey District
Mr Roger Wilson	Armagh, Banbridge and Craigavon District
Mrs Suzanne Wylie	Belfast District
Mr David Jackson	Causeway Coast and Glens District
Mr John Kilpie	Derry and Strabane District
Mr Brendan Hegarty	Fermanagh and Omagh District
Dr Theresa Donaldson	Lisburn and Castlereagh District

Mrs Anne Donaghy	Mid and East Antrim District
Mr Anthony Tohill	Mid Ulster District
Mr Liam Hannaway	Newry, Mourne and Down District
Mr Stephen Reid	North Down and Ards District

## Transboundary Municipal Waste

**Mr McMullan** asked the Minister of the Environment whether local harbours and shipping ports meet the required standards for receiving transboundary municipal waste.

**(AQW 32593/11-15)**

**Mr Durkan:** The UK Transfrontier Shipment of Waste Regulations 2007 prohibits the export of municipal waste for recovery without pre-treatment. The Department has published a Regulatory Position Statement (RPS) in relation to the Classification of Mixed Municipal Waste leaving waste management facilities. The statement sets out the Department's policy for municipal waste and the pre-treatment required to substantially alter refuse derived fuel (RDF).

The Department has also published a related Regulatory Position Statement for "the Short Term Storage of Refuse Derived Fuel (RDF) and /or Solid Recovered Fuel (SRF) at a Dockside". This RPS states that the Agency will allow the storage of refuse derived fuel and/or solid recovered fuel for up to 5 days at a dockside pending its loading or unloading, without the need for a waste authorisation.

The Statement sets out a number of criteria which must be met including:

- The total amount of RDF and/or SRF stored at any one time does not exceed 4,000 tonnes.
- The RDF must be stored in a secure place to the satisfaction of the Department.
- A written system and site layout must be in place to prevent, contain and mitigate fires. The layout should identify the proposed width, depth and height of the waste by bales, bays etc. This must be accompanied with a stability risk assessment, fire assessment and a fire management plan.
- The waste must be stored as follows:
  - Fully wrapped bales that prevent the ingress of water, odour release or access by pests, on an impermeable surface, or indoors with appropriate infrastructure.
  - Any burst or damaged bales must be removed off-site to an authorised facility immediately.
- Each bale must be clearly identified with:
  - (i) The producer name, site address and waste management licence/permit reference number;
  - (ii) Date of final processing prior to storage; and
  - (iii) Bale production number on that date.

NIEA staff routinely inspect ports to ensure this policy is complied with. If the waste storage activity is likely to cause pollution or harm to human health, or there is a breach of waste management controls, NIEA will take action in line with its Enforcement and Prosecution Policy.

A waste management licence under the Waste and Contaminated Land (Northern Ireland) Order 1997 (as amended) would be required for longer term storage of RDF/SRF in bales, containers or stockpiled loose. A person applying for a waste management licence must satisfy the Department that they can meet all the required standards before a licence will be granted. NIEA has to date issued 4 licences for the storage of RDF/SRF at ports. There are 3 operational sites at; Larne, Belfast and Warrenpoint and one site, Lisahally Docks, Londonderry where the licence is currently suspended.

## Northern Area Plan 2016

**Mr McMullan** asked the Minister of the Environment under which circumstances would he not make public the independent examination into the Northern Area Plan.

**(AQW 32594/11-15)**

**Mr Durkan:** To the best of my knowledge the Department has always published a report into an Area Plan Inquiry or Examination. This traditionally was done when the Plan was adopted. My predecessor, Minister Attwood, introduced the change of making publicly available the PAC report into the Belfast Metropolitan and Banbridge, Newry & Mourne Area Plans prior to adoption. As stated in my response to your previous question, this is a change which I fully support and intend adopting for the PAC report on the Draft Northern Area Plan. I would consider it inexpedient to make the report available at an early date if, for example, the PAC had not fulfilled its legal obligations in preparing their report. I do not anticipate that this will occur and you may rest assured that a difference of opinion over any of the recommendations in the report would not, in my view, be a justifiable reason for delay in making the report public.

## Planning Approvals

**Mr Craig** asked the Minister of the Environment what measures are in place to ensure that conditions attached to planning approvals are adhered to.

**(AQW 32595/11-15)**

**Mr Durkan:** When a breach of planning condition has been identified, the local enforcement team usually negotiate to ensure that the required works are carried out. If this is unachievable then a Breach of Condition Notice can be issued. There is no right of appeal to this notice and failure to comply with it constitutes an offence. Being convicted of this offence at court may result in a fine of up to £1000.

## Planning Enforcement Officers

**Mr Craig** asked the Minister of the Environment how many current planning applications within the Lisburn City Council area are being processed by Planning Enforcement Officers.

**(AQW 32596/11-15)**

**Mr Durkan:** I am interpreting your question to mean how many enforcement cases are being investigated by Planning Enforcement Officers, as opposed to planning applications.

On the basis of this interpretation, I can advise that as of 30 September 2013, 250 enforcement cases were under investigation in the Lisburn City Council area. This figure is taken from the most recent official statistical information available in relation to outstanding enforcement cases.

However, in order to provide more up to date information, I can confirm that unofficial statistical data extracted from the Area Planning Office Administrative Systems, indicate that there are currently fewer than 200 active enforcement cases within the Lisburn City Council area.

I am fully committed to swift and robust enforcement action being taken whenever it is warranted. This is a message that I have conveyed to all of my officials - including those in the Downpatrick Area Planning office who are responsible for planning enforcement in the Lisburn City Council area.

In recognition of the need to enhance the standard of service delivery in planning enforcement, additional staff resources have been devoted to the enforcement section in Downpatrick and the office is now in the process of implementing a more focussed and proactive approach to this area of work.

The Department already has in place an Enforcement Strategy which sets out the objectives for planning enforcement, the guiding principles and priorities for enforcement action and performance targets. Officials in the Downpatrick Area Planning office are committed to complying with the terms of the strategy and the targets set out therein. These targets include bringing 70% of cases to a conclusion within 39 weeks (9 months) of receipt of complaint.

I am monitoring how, with a more focussed and proactive approach now being taken to enforcement, progress is being made towards improving performance in the Lisburn City Council area.

## Planning Applications

**Mr Craig** asked the Minister of the Environment to list the planning application enforcement cases within the Lisburn City Council area, broken down by (i) year; and (ii) nature of non-compliance with approval.

**(AQW 32597/11-15)**

**Mr Durkan:** Official DoE statistics indicate that at September 2013, the Department was processing 250 enforcement cases in the Lisburn City Council area (see attached Table).

However, in order to provide more up to date information, I can confirm that unofficial statistical data extracted from the Area Planning Office administrative systems, indicate that there are currently less than 200 active enforcement cases within the Lisburn City Council area.

### Pending enforcement cases<sup>1</sup> in Lisburn LGD at the end of Quarter 2 2013/14<sup>2</sup>, broken down by the nature of the breaches and the financial year the cases were opened

	2000/ 01	2001/ 02	2004/ 05	2005/ 06	2006/ 07	2007/ 08	2008/ 09	2009/ 10	2010/ 11	2011/ 12	2012/ 13	2013/ 14	Total
Operational Development	1	0	0	0	1	4	6	16	20	18	25	23	114
Breach of Planning Condition	0	0	1	0	2	2	2	9	12	10	5	8	51
Change of Use	0	0	3	2	1	2	2	8	5	8	4	11	46

	2000/ 01	2001/ 02	2004/ 05	2005/ 06	2006/ 07	2007/ 08	2008/ 09	2009/ 10	2010/ 11	2011/ 12	2012/ 13	2013/ 14	Total
Unauthorised Signage (advertisements)	0	0	0	0	0	0	1	4	4	6	4	10	29
Non Compliance	0	0	0	0	2	2	0	0	0	0	0	0	4
Demolition in a Conservation Area	0	0	0	0	0	0	0	0	1	0	1	0	2
Tree Preservation Order	0	0	0	0	0	0	0	0	1	0	0	1	2
Works to a Listed Building	0	1	0	0	0	0	0	0	0	0	1	0	2
<b>Total</b>	<b>1</b>	<b>1</b>	<b>4</b>	<b>2</b>	<b>6</b>	<b>10</b>	<b>11</b>	<b>37</b>	<b>43</b>	<b>42</b>	<b>40</b>	<b>53</b>	<b>250</b>

**Notes:**

- 1 An enforcement case is opened when there has been an alleged breach of planning control.
- 2 Up to Q2 2013/14 is our latest published information. The number of pending cases is as at the 30th September 2013.

**Taxis: Private Hire**

**Lord Morrow** asked the Minister of the Environment what offence or regulation breach is committed when a private hire taxi driver does not record an in-car booking.

**(AQW 32601/11-15)**

**Mr Durkan:** Section 3(2) of the Taxis Act (Northern Ireland) 2008 permits an operator or an affiliated driver to accept a booking at a place other than at an operating centre. Where the operator or affiliated driver accepts such a booking they must record the prescribed particulars as set out in Regulation 9(3) of the Taxi Operators Licensing Regulations 2012.

An operator or affiliated driver who fails to comply with Regulations made under Section 3(3) and/or Section 3(8) of the Taxis Act (Northern Ireland) 2008 shall be guilty of an offence and upon conviction be liable to a fine not exceeding level 3 on the standard scale (£1,000). The specific offence provision is contained at Section 3 (11) of the Act.

**Taxi Operators**

**Lord Morrow** asked the Minister of the Environment whether the explicit agreement in place for the taxi-operator at Ravenhill Rugby Ground applies to any other venue or area within the Belfast City limit.

**(AQW 32602/11-15)**

**Mr Durkan:** There is no explicit agreement in place in relation to taxi provision at Ravenhill Rugby Ground.

However, in response to AQW 27856/11-15, I attached a copy of the Department's interpretation of the legal position regarding taxi provision at Ravenhill Rugby Ground. That summary will be of use, if similar circumstances arise.

**Taxis: Public Hire**

**Lord Morrow** asked the Minister of the Environment, in light of the statement by a departmental official at the Committee for the Environment meeting on 6 February 2014 that there had been over 900 Public Hire taxi drive-offs from Belfast City Hall on sight of traffic wardens, (i) on what evidence he based this statement and to provide a copy of same; (ii) whether traffic wardens record such information and pass it to the Driver and Vehicle Agency; and (iii) to list the dates of these drive-offs.

**(AQW 32608/11-15)**

**Mr Durkan:** My officials have reviewed the footage and the transcript from the Committee for the Environment meeting on 6 February 2014 and have found no reference relating to taxi drive-offs from Belfast City Hall on the sight of traffic wardens.

I can however confirm that traffic wardens do not provide the Driver and Vehicle Agency with any information relating to taxi drive-offs from Belfast City Hall.

**Local Government Reform: Costs**

**Mr Allister** asked the Minister of the Environment for an update on the expectation of 2009 that the cost of local government reform would amount to £118m over five years, given the costs which have since emerged.

**(AQW 32628/11-15)**

**Mr Durkan:** Due to the interdependency of the costs and savings associated with the local government reform programme - AQW 32628/11-15 and AQW 32629/11-15 have been combined into one response.

The economic appraisal of local government service delivery, published by PricewaterhouseCoopers (PwC) in October 2009, indicated that under the preferred option (i.e. Transformation with Regional Collaboration) implementation of the local government reform programme could involve expenditure of up to £118 million over five years and achieve savings of £438 million over twenty five years.

This is considered the benchmark cost to bring about a model of a fully transformed local government sector and what associated savings might be anticipated. The sector's subsequent 'ICE Programme' and 'Case for Change', which included an alternative to the regional Business Support Organisation (BSO), projected savings in the region of up to £570 million for less upfront investment over the same timescale.

In 2013, the Executive agreed to provide councils with a reform funding package of £17.8 million over the 2013 to 2015 period. There is also a further commitment of an estimated £30 million for rates convergence following the creation of the 11 new councils in April 2015.

Over recent months, senior local government officers have undertaken a detailed financial assessment of those additional transition work streams, which are both unavoidable and are not covered by the £47.8 million funding package provided by the Executive. A total upper limit for those costs likely to be incurred during the transition period, excluding the Executive funding package, has been estimated at £33 million. These costs have been calculated at a regional level and based on the transition cost data capture exercise completed by the local government sector.

The local government reform programme is, therefore, based on a model which involves significant upfront costs – currently estimated at an upper level of £80.8 million during the transition period - while delivering substantial longer term savings projected at between £438 million to £570 million over twenty five years. These projected savings and any associated costs will be refined further once the new councils are established and the work on organisational design is complete.

### Local Government Reform: Savings

**Mr Allister** asked the Minister of the Environment for an update on the expectation of 2009 that the savings resulting from local government reform would amount to £438m over 25 years.  
(AQW 32629/11-15)

**Mr Durkan:** Due to the interdependency of the costs and savings associated with the local government reform programme - AQW 32628/11-15 and AQW 32629/11-15 have been combined into one response.

The economic appraisal of local government service delivery, published by PricewaterhouseCoopers (PwC) in October 2009, indicated that under the preferred option (i.e. Transformation with Regional Collaboration) implementation of the local government reform programme could involve expenditure of up to £118 million over five years and achieve savings of £438 million over twenty five years.

This is considered the benchmark cost to bring about a model of a fully transformed local government sector and what associated savings might be anticipated. The sector's subsequent 'ICE Programme' and 'Case for Change', which included an alternative to the regional Business Support Organisation (BSO), projected savings in the region of up to £570 million for less upfront investment over the same timescale.

In 2013, the Executive agreed to provide councils with a reform funding package of £17.8 million over the 2013 to 2015 period. There is also a further commitment of an estimated £30 million for rates convergence following the creation of the 11 new councils in April 2015.

Over recent months, senior local government officers have undertaken a detailed financial assessment of those additional transition work streams, which are both unavoidable and are not covered by the £47.8 million funding package provided by the Executive. A total upper limit for those costs likely to be incurred during the transition period, excluding the Executive funding package, has been estimated at £33 million. These costs have been calculated at a regional level and based on the transition cost data capture exercise completed by the local government sector.

The local government reform programme is, therefore, based on a model which involves significant upfront costs – currently estimated at an upper level of £80.8 million during the transition period - while delivering substantial longer term savings projected at between £438 million to £570 million over twenty five years. These projected savings and any associated costs will be refined further once the new councils are established and the work on organisational design is complete.

### Local Government Reform: Staff Numbers

**Mr Allister** asked the Minister of the Environment to indicate the change in council staff numbers which will result from local government reform; and any cost savings, taking account of severance and other obligations.  
(AQW 32630/11-15)

**Mr Durkan:** Changes in council staff numbers as a result of local government reform have yet to be determined. Councils will be responsible for identifying future staffing requirements as they move to the 11 council model and this will be dependent on decisions on organisational design that the new councils will have to take.

Cost savings realised through changes in staff numbers within local government will only be identified at a later date. However, the economic appraisal of local government service delivery, published by PricewaterhouseCoopers (PwC) in October 2009, indicated that under the preferred option the local government reform programme could achieve savings of £438 million over twenty five years.

The sector's subsequent 'ICE Programme' and 'Case for Change', which included an alternative to the regional Business Support Organisation (BSO), projected savings in the region of up to £570 million for less upfront investment over the same timescale. Contributing to these savings will be an overall reduction in staff numbers during the twenty five year period, through various mechanisms, such as staff availing of the severance scheme.

Councils will be responsible for the cost of any severance payments made, in accordance with severance scheme criteria agreed by the Local Government Reform Joint Forum. Should staff apply for release under the severance scheme, the costs must result in savings to the new councils within a 3.25 year timeframe.

In addition to existing council staff, it is estimated that around 430 staff will transfer from central government to local government, along with transferring functions. These staff will be allocated across the 11 new councils, and the costs relating to these staff will also be transferred from central to local government.

My Department continues to provide oversight and monitor all costs and benefits associated with the reform programme.

### Planning Applications: Enforcement

**Mr Craig** asked the Minister of the Environment to detail the number of planning application enforcement cases being processed in the Lisburn City Council area, broken down by (i) year; and (ii) the nature of the contravention. **(AQW 32644/11-15)**

**Mr Durkan:** Official DoE statistics indicate that at September 2013, the Department was processing 250 enforcement cases in the Lisburn City Council area (see attached Table).

However, in order to provide more up to date information, I can confirm that unofficial statistical data extracted from the Area Planning Office administrative systems, indicate that there are currently less than 200 active enforcement cases within the Lisburn City Council area.

#### Pending enforcement cases<sup>1</sup> in Lisburn LGD at the end of Quarter 2 2013/14<sup>2</sup>, broken down by the nature of the breaches and the financial year the cases were opened

	2000/ 01	2001/ 02	2004/ 05	2005/ 06	2006/ 07	2007/ 08	2008/ 09	2009/ 10	2010/ 11	2011/ 12	2012/ 13	2013/ 14	Total
Operational Development	1	0	0	0	1	4	6	16	20	18	25	23	114
Breach of Planning Condition	0	0	1	0	2	2	2	9	12	10	5	8	51
Change of Use	0	0	3	2	1	2	2	8	5	8	4	11	46
Unauthorised Signage (advertisements)	0	0	0	0	0	0	1	4	4	6	4	10	29
Non Compliance	0	0	0	0	2	2	0	0	0	0	0	0	4
Demolition in a Conservation Area	0	0	0	0	0	0	0	0	1	0	1	0	2
Tree Preservation Order	0	0	0	0	0	0	0	0	1	0	0	1	2
Works to a Listed Building	0	1	0	0	0	0	0	0	0	0	1	0	2
<b>Total</b>	<b>1</b>	<b>1</b>	<b>4</b>	<b>2</b>	<b>6</b>	<b>10</b>	<b>11</b>	<b>37</b>	<b>43</b>	<b>42</b>	<b>40</b>	<b>53</b>	<b>250</b>

#### Notes:

- 1 An enforcement case is opened when there has been an alleged breach of planning control.
- 2 Up to Q2 2013/14 is our latest published information. The number of pending cases is as at the 30th September 2013.

## Taxis: Illegal Pick-ups

**Lord Morrow** asked the Minister of the Environment to state the offence committed if a private hire taxi illegally picks up a fare in Belfast City Centre.

**(AQW 32654/11-15)**

**Mr Durkan:** Private hire vehicle licensees who cause or permit their vehicle to stand and ply for hire within Belfast City Centre would be in contravention of the Public Service Vehicle Regulations (Northern Ireland) 1985 and the Road Traffic (Northern Ireland) Order 1981. This offence can be dealt with by way of a £30 Fixed Penalty Notice or if taken to court the maximum fine upon conviction is £2,500.

## Taxi Meters and Fares Consultation

**Lord Morrow** asked the Minister of the Environment to provide a copy of the completed report on the Meters and Taxi Fares consultation, and to detail the number of responses (i) received; (ii) in favour of the proposals; and (iii) against the proposals.

**(AQW 32675/11-15)**

**Mr Durkan:** The public consultation on mandatory maximum taxi fare and taximeter provisions ran from 21 November 2011 and closed on 17 February 2012. In total, 71 responses were received, representing the views of over 3,600 stakeholders. Consultees were asked to respond to 14 individual questions around the maximum fare and taximeter proposals and there was a combination of responses to each, some in favour and some opposing each of the proposals. The details on each are contained in the synopsis of responses, provided to the Environment Committee on 31 May 2012. A copy of the synopsis can be found at the link below:

<http://www.doeni.gov.uk/index/information/foi/recent-releases/publications-details.htm?docid=8756>

## Driver and Vehicle Agency: Statutory Off-road Notification Certificate

**Mr Eastwood** asked the Minister of the Environment to detail the amount of money collected by the Driver and Vehicle Agency from drivers who failed to have a Statutory Off Road Notification in force in 2012/13.

**(AQW 32710/11-15)**

**Mr Durkan:** Continuous Registration (CR), which was introduced in 2003, makes the registered keeper of a vehicle responsible for ensuring that, at all times, it is either licensed or has a current Statutory Off Road Notification (SORN) in place. The automatic issue of a CR penalty is prompted by the failure of a vehicle keeper to take action on the expiry of a vehicle licence or SORN notice. It is not possible to detail the amount of money collected from drivers who failed to have a SORN notice in force as this information is not held separately.

In 2012-13, the total revenue from CR penalties, collected on behalf of the DVLA (Swansea) was £1,307,000.

## Occupational Health Service

**Ms Boyle** asked the Minister of the Environment what action his Department is taking to offer comprehensive occupational health services to its employees, including early access to services such as physiotherapy.

**(AQW 32721/11-15)**

**Mr Durkan:** The Northern Ireland Civil Service Occupational Health Service provides a comprehensive occupational health service to all of the NICS Departments and this is available to all employees.

The Department does not provide early access to physiotherapy services. Further details of Occupational Health Service (OHS) services can be found at [www.nicsohs.gov.uk](http://www.nicsohs.gov.uk).

## Air Pollution

**Mr Weir** asked the Minister of the Environment how the levels of air pollution have altered in each of the last five years.

**(AQW 32735/11-15)**

**Mr Durkan:** Air quality in Northern Ireland is generally good and has improved significantly over the last decade. In 2012, EU limit values, target values, and corresponding UK Air Quality Strategy objectives had been met for the following air pollutants: particulate matter, carbon monoxide, benzene, sulphur dioxide and metallic pollutants.

However, in general, there remains a problem with nitrogen dioxide from road vehicle exhaust emissions. A small number of sites near busy roads in urban areas did not meet limit values and objectives of the UK Air Quality Strategy for nitrogen dioxide in 2012 and preceding years. Official compliance with the EU Air Quality Directive was also assessed using modelling, and this showed exceedences of nitrogen dioxide in the Greater Belfast urban area (in particular, along the A12 Westlink).

Problems also exist with levels of polycyclic aromatic hydrocarbons (PAHs) in urban centres, and it is believed that these levels result from domestic combustion of solid fuel, in particular, smoky coal. In recent years, there have been exceedences of the EU Target Value for annual mean PAHs in some, or all, of the three sites where this pollutant is measured.

Emissions of ammonia (a pollutant which can adversely affect sensitive ecosystems and habitats) from agricultural activities, such as manure spreading and handling, remain a particular problem, with data showing only small decreases year on year.

Information on air quality in Northern Ireland is available at the following sources:

- The Official Statistics 'Northern Ireland Environmental Statistics Report 2014': <http://www.doeni.gov.uk/ni-environmental-statistics-report-2014.pdf> (pp 2129). The report shows air quality trends in Northern Ireland for the key pollutants from 2001 to 2012;
- The Department's 'Air Pollution in Northern Ireland 2012' report: [http://www.airqualityni.co.uk/documents/1131129\\_AQ\\_NI\\_2012\\_Final.pdf](http://www.airqualityni.co.uk/documents/1131129_AQ_NI_2012_Final.pdf) (The next issue of the report, containing data for 2013, will be available in Autumn 2014); and
- The Northern Ireland Environment Agency 'State of the Environment Report 2013': [http://www.doeni.gov.uk/niea/index/about-niea/state\\_of\\_the\\_environment/state-of-the-environment-report-2013-text.htm](http://www.doeni.gov.uk/niea/index/about-niea/state_of_the_environment/state-of-the-environment-report-2013-text.htm) (pp13-24)

The Department also maintains a dedicated air quality website, which shows currently monitoring results across the network, and which allows users to view historic data: <http://www.airqualityni.co.uk>

## Air Pollution

**Mr Weir** asked the Minister of the Environment how air pollution in Northern Ireland compares with the rest of the UK. (AQW 32737/11-15)

**Mr Durkan:** In general, air pollution in Northern Ireland compares favourably with some regions of the UK – for example, the Southeast of England and the Midlands – because of Northern Ireland's relative population density and also its geographic position.

However, levels of air pollutants, in particular nitrogen dioxide (NO<sub>2</sub>) along busy roads in urban centres (particularly Greater Belfast), can approach those in other areas of the UK.

Detailed information on Northern Ireland's air quality in comparison with the other Devolved Administrations can be found in the following Defra report: [http://uk-air.defra.gov.uk/library/annualreport/viewonline?year=2012\\_issue\\_1](http://uk-air.defra.gov.uk/library/annualreport/viewonline?year=2012_issue_1)

Local authorities in the UK are responsible for implementing a Local Air Quality Management (LAQM) regime, as set out in the UK Air Quality Strategy. As part of LAQM, local authorities have a duty to periodically review and assess the air quality in their areas, and where it is poor, to declare an Air Quality Management Area (AQMA) and corresponding Air Quality Action Plan. The following table, from the above report, shows the number of AQMAs which local authorities in each of the Devolved Administrations have declared.

Region	Total no. of LAs	No. of LAs with AQMAs	AQMAs declared for NO <sub>2</sub>	AQMAs declared for PM <sub>10</sub>	AQMAs declared for SO <sub>2</sub>
England (outside London)	292	190	463	40	6
London	33	33	33	29	0
Scotland	32	13	21	21	1
Wales	22	10	33	1	0
<b>Northern Ireland</b>	<b>26</b>	<b>12</b>	<b>23</b>	<b>6</b>	<b>1</b>

### Key:

LAs Local Authorities; AQMAs – Air Quality Management Areas;

NO<sub>2</sub> is nitrogen dioxide, produced from road traffic;

PM<sub>10</sub> is particulate matter, resulting from road traffic/solid fuel combustion; SO<sub>2</sub> is sulphur dioxide, from industry/power generation / solid fuel combustion.

Some individual AQMAs are declared for more than one pollutant and in Northern Ireland, there are 28 discrete AQMAs. The majority of these (24) are declared for air pollution from road traffic emissions, as is the case in the other Devolved Administrations. The remaining four AQMAs in Northern Ireland are declared as a result of air pollution from domestic heating emissions.

Compared with the England, Scotland and Wales, urban centres in Northern Ireland experience relatively high levels of polycyclic aromatic hydrocarbons (PAHs) in ambient air. Research has shown that these levels are most likely attributable to domestic solid fuel (in particular, smoky coal) combustion, with this practice being more widespread in Northern Ireland where there is a greater uptake of natural gas.

Compared with England, Scotland and Wales, Northern Ireland has relatively high emissions of ammonia. Ammonia is an air pollutant arising predominantly from agricultural activities such as manure handling and storage, and can have damaging effects on the species balance of ecosystems. Because of the relative intensity of the agricultural industry here, Northern Ireland's emissions of ammonia in 2012 (the latest year for which figures are available) were estimated to be around 10% of total UK emissions.

Air quality information and data can also be found on the Department's dedicated air quality website: [www.airqualityni.co.uk](http://www.airqualityni.co.uk)

## Gypsum Disposal

**Mr I McCrea** asked the Minister of the Environment what process is used to dispose of gypsum.  
(AQW 32749/11-15)

**Mr Durkan:** Gypsum may be recycled and used in market sectors including the manufacture of new gypsum based construction products; along with providing a raw material in the manufacture of cement providing the process complies with End of Waste criteria.

The process of turning waste plasterboard into product remains a waste recovery operation and is subject to appropriate legislation.

The disposal of plasterboard, gypsum and gypsum containing wastes together with biodegradable wastes can lead to the production of high concentrations of hydrogen sulphide gas which is both odorous and toxic. Gypsum may be landfilled in separate cells of non-hazardous sites where no biodegradable waste is accepted. There are presently no landfills in Northern Ireland with a separate cell for high sulphate wastes. Such landfills are available in Great Britain.

## Cottonmount Landfill Site

**Mr Clarke** asked the Minister of the Environment how many meetings he has had over the last twelve months to discuss the Cottonmount landfill site in Newtownabbey.  
(AQW 32751/11-15)

**Mr Durkan:** I have had one meeting to discuss Cottonmount landfill with Pam Cameron MLA and local residents on 3 March 2014.

## Driver and Vehicle Agency: Ravenhill Rugby Ground

**Lord Morrow** asked the Minister of the Environment to state the job titles of the three Driver and Vehicle Agency staff who confirmed a private hire taxi operator centre at Ravenhill Rugby Ground, Belfast.  
(AQW 32759/11-15)

**Mr Durkan:** An application was submitted to the Driver and Vehicle Agency (DVA) to have Ravenhill Rugby ground included on a taxi operator licence and a declaration was made to confirm that it did not require planning approval and was outside the scope of any planning enforcement action. Accordingly the taxi operator licensing section of the DVA, comprising of staff graded from administrative assistant to deputy principal level, included Ravenhill Rugby ground on a taxi operator licence. Procedures did not require any advance inspection of the operating centre and, accordingly, no confirmation was required that an operating centre had been established at this location.

## Driver and Vehicle Agency: Regulation Breaches

**Lord Morrow** asked the Minister of the Environment whether Driver and Vehicle Agency (DVA) enforcement staff who impose a penalty to taxi-driver for a legal failing or regulation breach, are required to notify DVA licensing staff to enable them to record this against the relevant taxi operator; and if so, to detail the notifications in each of the last twelve months, including the relevant taxi operator.  
(AQW 32790/11-15)

**Mr Durkan:** Since the introduction of taxi operator licensing in September 2012, the Driver Vehicle Agency's focus has been placed on ensuring full compliance with taxi operator licensing requirements. In this regard, DVA Enforcement staff are required to refer details of compliance audits at commercial operating centres and associated roadside detections to DVA Licensing Section in accordance with the requirements set out in the Taxi Operator Handbook.

During the previous 12 months there have been 2 referrals made to Taxi Licensing Section. The first referral was made in May 2013 and resulted in the revocation of the taxi operator's licence which is currently under appeal. A second referral was made in January 2014 and is presently pending adjudication. Information relating to the identity of both operators is restricted from general release in accordance with the Data Protection Act 1998.

A further 8 taxi operators have been identified by DVA Enforcement staff as falling within scope of referral consideration and work is ongoing to prepare operator briefing material for consideration by DVA Licensing Section.

## Townscape Heritage Initiative

**Mr Allister** asked the Minister of the Environment how much funding has been successfully drawn down under the Townscape Heritage Initiative; and how this compares with the available funding.  
(AQW 32833/11-15)

**Mr Durkan:** The Department provides grant funding to Townscape Heritage Schemes under Article 52 of the Planning (NI) Order 1991, which provides for the making of conservation area grants towards expenditure in connection with the promotion, preservation or enhancement of the character or appearance of a designated Conservation Area. The aim of the Townscape Heritage Initiative (THI) is to secure the long-term future of Northern Ireland's built heritage.

In 2013/14 my Department allocated £160k of budget for THI Grants, and letters of offers totalling this amount were sent out to relevant groups based upon requests received by the Department. Work undertaken by the groups on the ground has however been significantly less than they estimated, with completed work only allowing payment of approximately £30k for the year.

Following a review of THI financial management processes, I have introduced interim payments for the completion of specific works. Officials will consider applications for interim payments on a case by case basis. I am hopeful that the introduction of interim payments will increase the amount of THI funds successfully drawn in the future.

### **Lough Neagh Special Protection Area**

**Mr Agnew** asked the Minister of the Environment, pursuant to AQW 32086/11-15, whether any of the site operators extracting sand from Lough Neagh Special Protection Area applied for a rebate from HMRC on the aggregates levy payable.  
(AQW 32871/11-15)

**Mr Durkan:** My Department administered environmental aspects of the Aggregates Levy Credit Scheme on behalf of Her Majesty's Revenue and Customs (HMRC). However, the determination of rebate entitlements, and collection of revenue due under the scheme, are the responsibility of HMRC and therefore outside the remit of my Department.

### **Aggregates Levy Credit Scheme**

**Mr Agnew** asked the Minister of the Environment, pursuant to AQW 32086/11-15, whether his Department entered into any Aggregates Levy Credit Scheme (ALCS) agreements or issued any ALCS certificates for sand extraction operations relating to the Lough Neagh Special Protection Area.  
(AQW 32872/11-15)

**Mr Durkan:** The Department's contemporaneous records show that Certificates were granted under the Aggregates Levy Credit Scheme for eight sites connected with extraction of sand from the Lough Neagh Special Protection Area. Operators for two of these sites withdrew from the scheme prior to extraction taking place under the ALCS regime.

### **Cycling: By-laws**

**Mr Weir** asked the Minister of the Environment what powers the new councils will have to make by-laws in relation to cycling.  
(AQW 32883/11-15)

**Mr Durkan:** The eleven new councils will be able to make bye-laws under the powers and procedures in section 90 of the Local Government (Northern Ireland) Act 1972 (the 1972 Act), but these will not come into operation until 1 April 2015 when the councils will take up their full responsibilities and powers.

Existing bye-laws which are in force prior to 1 April 2015 will continue to apply unless the new council decides to revoke them.

There is no specific power enabling councils to make bye-laws in relation to cycling. A council may make bye-laws for the good rule and government in its district or the prevention and suppression of nuisances under the 1972 Act.

Councils may use existing powers, for example in the Open Spaces Act 1906 and the Public Health Acts Amendment Act 1907, to make bye-laws which regulate cycling in open spaces and promenades which are the responsibility of that council.

### **Council-maintained Graveyards: Charges**

**Mr Swann** asked the Minister of the Environment whether any council places a charge on people to visit a grave in a council maintained graveyard.  
(AQW 32889/11-15)

**Mr Durkan:** The information required is not held by the Department, and was obtained from the individual councils.

All councils have confirmed that they do not charge people to visit a grave in any of their graveyards.

### **Renewable Energy Projects**

**Mr Elliott** asked the Minister of the Environment to detail the number of (i) planning approvals; and (ii) planning refusals for renewable energy projects in (a) 2010; (b) 2011; (c) 2012; and (d) 2013, broken down by renewable energy type.  
(AQW 32890/11-15)

**Mr Durkan:** Table 1 below details the number of approved and refused renewable energy applications from 2009/10 to 28 February 2014, broken down by renewable energy type.

**Table 1: Renewable Energy Applications Decided<sup>1</sup> from 2009/10 to 28th February 2014<sup>2</sup> by Renewable Energy Type**

	2009/10			2010/11			2011/12			2012/13			2013/14 (up to 28/02/14 <sup>2</sup> )			Total		
	Approved	Refused	Total Decided	Approved	Refused	Total Decided	Approved	Refused	Total Decided									
Single wind turbine	102	19	121	117	28	145	266	60	326	499	75	574	358	51	409	1,342	233	1,575
Wind farm	14	3	17	13		13	10	2	12	11	5	16	10	1	11	58	11	69
Hydro-electricity	5	1	6	5		5	12		12	16		16	22	1	23	60	2	62
Solar panels	13		13	3		3	24		24	97	1	98	86	1	87	223	2	225
Biomass/ anaerobic digester	5		5	8		8	23		23	56		56	36	5	41	128	5	133
Other <sup>3</sup>				1		1	4		4	2		2	4		4	11		11
<b>Total</b>	<b>139</b>	<b>23</b>	<b>162</b>	<b>147</b>	<b>28</b>	<b>175</b>	<b>339</b>	<b>62</b>	<b>401</b>	<b>681</b>	<b>81</b>	<b>762</b>	<b>516</b>	<b>59</b>	<b>575</b>	<b>1,822</b>	<b>253</b>	<b>2,075</b>

**Notes:**

- 1 Applications decided do not include withdrawn applications.
- 2 Latest available, provisional, renewable energy information.
- 3 Other includes, Landfill Gases, Waste Incineration and Heat Pumps.

**Dereliction Intervention**

**Mr Dunne** asked the Minister of the Environment when the next stage of Dereliction Intervention funding will be rolled out to all local councils.

**(AQW 32891/11-15)**

**Mr Durkan:** On the 28 March 2014 my Department wrote to all district councils advising that I will be making a bid for additional funding for the Dereliction programme in the June Monitoring Round. The letter also invites councils to prepare bids for submission at the end of May. In the January 2014 Monitoring Round, I was successful in obtaining £0.5m for the Dereliction Funding. With an additional £105k from expected underspends from the July 2013 funding, I was able to allocate a total of £605k to 6 councils. The table below shows the allocation of dereliction scheme funding in January 2014.

<b>Council</b>	<b>Allocation</b>
Ards	£111,000
Belfast	£220,000
Larne	£39,000
Newry & Mourne	£80,000
Newtownabbey	£53,000
North Down	£102,000
<b>Total</b>	<b>£605,000</b>

**Dereliction Intervention**

**Mr Dunne** asked the Minister of the Environment how much funding was awarded to each local council through the most recent Dereliction Intervention scheme.

**(AQW 32892/11-15)**

**Mr Durkan:** On the 28 March 2014 my Department wrote to all district councils advising that I will be making a bid for additional funding for the Dereliction programme in the June Monitoring Round. The letter also invites councils to prepare bids for submission at the end of May. In the January 2014 Monitoring Round, I was successful in obtaining £0.5m for the Dereliction Funding. With an additional £105k from expected underspends from the July 2013 funding, I was able to allocate a total of £605k to 6 councils. The table below shows the allocation of dereliction scheme funding in January 2014.

Council	Allocation
Ards	£111,000
Belfast	£220,000
Larne	£39,000
Newry & Mourne	£80,000
Newtownabbey	£53,000
North Down	£102,000
<b>Total</b>	<b>£605,000</b>

### Council Meetings

**Mr Agnew** asked the Minister of the Environment to detail the number of (i) meetings; and (ii) sub committee meetings that were held in each local council in the last twelve months; and to detail the number of these meetings held, or partly held, in closed session.

**(AQW 32912/11-15)**

**Mr Durkan:** The information requested is not routinely collected by the department and to obtain it would constitute disproportionate cost. This would therefore be a matter for the individual councils.

### Planning Policy Statement 23

**Mrs Dobson** asked Minister of the Environment, pursuant to AQW 32378/11-15 and AQW 32380/11-15, to provide a timescale for the publication of PPS23.

**(AQW 32971/11-15)**

**Mr Durkan:** I published Planning Policy Statement 23 'Enabling Development for the Conservation of Significant Places' on 14 April 2014.

The policy document and summary of consultation responses report can be accessed on the Planning NI Website at [www.planningni.gov.uk](http://www.planningni.gov.uk).

### Taxis: Single-tier System

**Lord Morrow** asked the Minister of the Environment, pursuant to AQW 32381/11-15, whether taxi-licensing will be transferred from Northern Ireland; and if so, how this will affect the proposed single tier taxi scheme, given it will be separate and unique legislation from the rest of the UK.

**(AQW 32972/11-15)**

**Mr Durkan:** The decision by the Department for Transport to centralise vehicle registration and licensing in Swansea applies only to that excepted matter, which is carried out by the Driver and Vehicle Agency (DVA) under an agency agreement. The other functions of the DVA, including taxi licensing, which are devolved matters, are not affected by this decision.

### Councils: General Fund Reserves

**Mr Copeland** asked the Minister of the Environment to detail the current level of reserves currently held by each of the 26 local councils; and how this compares to the same time in each of the previous four years.

**(AQW 33001/11-15)**

**Mr Durkan:** The certified accounts, of the 26 councils, for the year ended 31 March 2014 will be published before 31 October 2014 and will contain details of the level of General Fund reserves at 31 March 2014.

The level of General Fund reserves for each of the last 4 years, for which there are certified accounts, are summarised in the attached table.

	31/3/13 £	31/3/12 £	31/3/11 £	31/3/10 £
Belfast	20,614,051	13,904,696	11,461,733	6,215,384
	<b>20,614,051</b>	<b>13,904,696</b>	<b>11,461,733</b>	<b>6,215,384</b>
Antrim	3,679,994	3,863,363	3,770,207	2,134,693
Newtownabbey	3,840,758	3,492,674	3,506,480	4,342,824
	<b>7,520,752</b>	<b>7,356,037</b>	<b>7,276,687</b>	<b>6,477,517</b>

	31/3/13 £	31/3/12 £	31/3/11 £	31/3/10 £
Ards	1,443,396	1,602,249	2,320,232	1,992,786
North Down	2,004,249	2,003,455	1,070,748	2,194,739
	<b>3,447,645</b>	<b>3,605,704</b>	<b>3,390,980</b>	<b>4,187,525</b>
Armagh	2,397,528	4,071,857	2,869,260	2,538,767
Banbridge	2,010,046	2,719,197	2,348,753	2,172,652
Craigavon	7,264,119	4,831,980	3,678,701	2,485,896
	<b>11,671,693</b>	<b>11,623,034</b>	<b>8,896,714</b>	<b>7,197,315</b>
Ballymena	1,957,221	1,901,385	1,790,658	1,614,844
Carrickfergus	974,762	239,849	693,231	931,256
Larne	1,459,958	1,163,581	1,115,040	1,275,602
	<b>4,391,941</b>	<b>3,304,815</b>	<b>3,598,929</b>	<b>3,821,702</b>
Ballymoney	1,018,366	857,335	373,589	353,300
Coleraine	2,642,330	1,697,440	1,080,013	1,011,069
Limavady	816,739	747,517	481,712	558,418
Moyle	757,134	958,369	1,279,690	1,438,332
	<b>5,234,569</b>	<b>4,260,661</b>	<b>3,215,004</b>	<b>3,361,119</b>
Castlereagh	3,057,210	2,243,820	753,661	1,544,665
Lisburn	10,059,123	7,502,579	5,578,283	4,096,368
	<b>13,116,333</b>	<b>9,746,399</b>	<b>6,331,944</b>	<b>5,641,033</b>
Cookstown	2,842,949	3,612,456	4,037,435	2,377,036
Dungannon & South Tyrone	1,778,671	4,738,912	3,394,110	2,188,182
Magherafelt	849,694	671,582	668,043	613,677
	<b>5,471,314</b>	<b>9,022,950</b>	<b>8,099,588</b>	<b>5,178,895</b>
Derry	2,439,246	2,402,296	2,303,466	2,276,268
Strabane	1,943,981	2,003,301	1,536,801	1,432,442
	<b>4,383,227</b>	<b>4,405,597</b>	<b>3,840,267</b>	<b>3,708,710</b>
Down	4,969,888	5,181,997	2,351,397	2,165,310
Newry & Mourne	2,509,952	2,475,355	1,957,930	1,919,253
	<b>7,479,840</b>	<b>7,657,352</b>	<b>4,309,327</b>	<b>4,084,563</b>
Fermanagh	1,148,876	1,891,755	1,618,642	1,347,290
Omagh	1,480,250	1,441,901	1,432,929	1,201,191
	<b>2,629,126</b>	<b>3,333,656</b>	<b>3,051,571</b>	<b>2,548,481</b>
<b>Total</b>	<b>85,960,491</b>	<b>78,220,901</b>	<b>63,472,744</b>	<b>52,422,244</b>

## Department of Finance and Personnel

### Northern Ireland Water: Pension Contributions

**Mr Allister** asked the Minister of Finance and Personnel whether he is satisfied that NI Water following the appointment of a new Chief Executive, did not increase the required employee pension contribution above 3.5% and reduce the employer contribution of 26.9% of salary.

(AQW 31161/11-15)

**Mr Hamilton (The Minister of Finance and Personnel):** Changes to the Northern Ireland Water Pension Scheme are a matter for the Department for Regional Development to determine in conjunction with the Board of Trustees for that scheme.

### Enterprise Zone: Pilot

**Mr Eastwood** asked the Minister of Finance and Personnel to detail any locations being considered for the pilot Enterprise Zone. (AQW 32217/11-15)

**Mr Hamilton:** It has been decided that the pilot Enterprise Zone will be located adjacent to the University of Ulster Coleraine Campus.

### Enterprise Zone: Pilot

**Mr Eastwood** asked the Minister of Finance and Personnel to detail the criteria used in selecting Coleraine as the location for the pilot Enterprise Zone.

(AQW 32246/11-15)

**Mr Hamilton:** In selecting a location for the pilot Enterprise Zone, the over-riding criterion was that it could potentially assist the development of new capital-intensive projects where the Enhanced Capital Allowances (ECAs) on offer would provide an attractive incentive. In addition, due to the then legislation cut-off date of April 2017 for projects to benefit from ECAs, a key factor in the selection was that any potential project needed to be operational before that date.

### Enterprise Zone: Pilot

**Mr Eastwood** asked the Minister of Finance and Personnel to detail his Department's role in locating the pilot Enterprise Zone in Coleraine.

(AQW 32247/11-15)

**Mr Hamilton:** Prior to the Budget announcement, DFP in conjunction with DETI considered options for the location of the pilot Enterprise Zone in Northern Ireland. However, the final decision to designate, and responsibility for designating a zone offering Enhanced Capital Allowances is a matter for HM Treasury. In that regard, DETI and DFP are currently working alongside Treasury to ensure that the necessary arrangements are put in place as quickly as possible.

### Superinjunctions

**Mr Allister** asked the Minister of Finance and Personnel whether at any time his Department has funded or contributed to the costs of legal proceedings brought in the High Court of Justice in Northern Ireland, or elsewhere, involving the prohibition of publicity on the granting of injunctive relief, commonly referred to as super-injunctions.

(AQW 32563/11-15)

**Mr Hamilton:** No

### Family Law

**Mr P Ramsey** asked the Minister of Finance and Personnel for his assessment of the comments made by Mr Justice Coleridge in relation to family law that a 'three strikes rule' should be enacted in relation to custody rights for parents.

(AQW 32736/11-15)

**Mr Hamilton:** I am assuming that this is a reference to comments which Mr Justice Coleridge is reported to have made in respect of child contact at an annual conference of the Association of Lawyers for Children. Essentially, it was suggested that there should be a "three strikes and you're out" approach, which would result in a transfer of care to the father if the mother persistently defies a court order for contact. Our law already allows a court to make a residence order in favour of either parent. However, in any decision regarding the upbringing of a child, the welfare of the child is paramount. In my view, it is entirely right to focus on the best interests of the child, rather than adopt a fixed approach or formula. However, I also recognise the hurt that is caused – to both parent and child – when contact is unreasonably refused. My Department will shortly be seeking views on the issue of child contact and, during the consultation exercise, my officials will be exploring what remedies could be made available when a contact order is disregarded.

### Stormont Estate: Car Parking

**Mr Campbell** asked the Minister of Finance and Personnel for an explanation for the newly painted yellow lines within the Stormont Estate, particularly when employees and staff are experiencing parking difficulties.

(AQW 32813/11-15)

**Mr Hamilton:** Prince of Wales (POW) Avenue has been resurfaced in advance of the Giro D'Italia and the first portion of resurfacing was carried out over the weekend of 5/6th April with the remainder completed over the weekend of 12/13th April. As part of this work the roads required to be relined after surfacing. It was intended to modify the double yellow lining from the previous staggered arrangement with sections of double yellow lines on either side of POW, to double lining on one side of

POW only, with the other side having no restriction. Unfortunately, an unclear instruction was given to the contractor and both sides of the resurfaced portion of POW

were lined over the weekend of 5/6th April. This will be remedied over several evenings during w/c 14th April and should be complete for close of play on 18th April.

### Equal Pay Settlement: PSNI, Department of Justice and Northern Ireland Office Staff

**Mr Agnew** asked the Minister of Finance and Personnel for an update on the equal pay settlement for PSNI, Department of Justice and Northern Ireland Office staff and to detail when he intends to bring a resolution to this issue.

**(AQW 32961/11-15)**

**Mr Hamilton:** I refer you to my answer in response to AQO 5542/11-15 tabled by you and advise that the matter is still under consideration.

### Civil Partnerships and Marriages

**Mr Wells** asked the Minister of Finance and Personnel to detail how many (i) civil partnerships and; (ii) marriages have been registered since 2005.

**(AQW 32963/11-15)**

**Mr Hamilton:** The table overleaf details the number of civil partnerships and marriages registered in Northern Ireland each year since 2005.

**Table: Annual number of Civil Partnerships and Marriages registered 2005 to 2012 (Northern Ireland)**

Registration Year	Civil Partnerships	Marriages
2005	12	8,140
2006	116	8,259
2007	111	8,687
2008	86	8,510
2009	96	7,931
2010	116	8,156
2011	89	8,366
2012	101	8,480

1 Civil Partnership was introduced in December 2005.

### Civil Partnerships: Dissolutions

**Mr Wells** asked the Minister of Finance and Personnel how many civil partnerships have been dissolved since 2005.

**(AQW 32965/11-15)**

**Mr Hamilton:** The attached table details the number of civil partnership dissolutions recorded in Northern Ireland since 2005.

**Table: Number of Civil Partnership Dissolutions, 2005 – 2012 (Northern Ireland)**

Year	Civil Partnership Dissolutions
2005	0
2006	0
2007	0
2008	0
2009	0
2010	3
2011	4
2012	10

## Department of Health, Social Services and Public Safety

### Assembly: Motions Debated

**Mr McNarry** asked the Minister of Health, Social Services and Public Safety to detail (i) the number of Motions debated in the Assembly that he has responded to in the last two years; and (ii) the action that he has taken following any Motion that was passed. (AQW 32422/11-15)

**Mr Poots (The Minister of Health, Social Services and Public Safety):** In the last two years I have responded to 32 Motions and 12 Adjournment Debates in the Assembly.

A list of my subsequent actions to date in relation to the Assembly Motions is attached.

#### Tab A

##### 10-Mar-12 Legal Highs

No action is appropriate at this stage as legislation on this is a reserved matter. A Home Office-led review of legislation relating to new psychoactive substances is currently underway, and is due to report shortly.

##### 26-Mar-12 Accident and Emergency Department at the Royal Victoria Hospital

In March 2012 I announced the establishment of an Improvement Action Group. Improving emergency departments continues to be a priority for the HSC. In addition, I asked the Health and Social Care Board to develop consultation options on the configuration of emergency department services in the Greater Belfast area. A public consultation on this took place in 2013 and the outcome of the consultation and recommendations of the Board for a preferred option have been submitted to the Department for consideration.

##### 23-Apr-12 Multi-Agency Support Teams

The Public Health Agency and Health and Social Care Board have undertaken a review of the multi-disciplinary support teams for schools in Northern Ireland (referred to as MASTS within the Northern HSC Trust Area). The review scoped current models, taking cognisance of the good practice in each of the teams. A regional principles-based model has now been developed in conjunction with a range of stakeholders, including colleagues from the Department of Education. This is currently being progressed through internal processes for approval. The next stage will be to implement the regional model through collaboration with key stakeholders, which I hope will begin later this month.

##### 01-May-12 Strategy to Promote Patient Safety

I launched a 10 Year strategy designed to protect and improve quality in health and social care in Northern Ireland – the Quality Strategy 2020 – in November 2011. The 5 main goals of the strategy are;

- 1 Transforming the culture;
- 2 Strengthening the workforce;
- 3 Measuring the Improvement;
- 4 Raising the standards; and
- 5 Integrating the care.

The work has been divided into tasks, some of which have now been completed:

Task 1 - Protocol for managing safety alerts – This new protocol, introduced from 1 August 2013, requires the Health and Social Care Trusts to provide an assurance to the Health and Social Care Board and the Department that Safety Alerts (and equivalent correspondence issued by the Department) have been actioned.

Task 2 - Annual Quality Report - All Trusts have now published their first Annual Quality Reports detailing Quality initiatives and quality indicators which they have been asked to report against.

Task 6 - Ward level review of patient experience & the quality of clinical & social care - To develop and test a methodology to do a weekly ward-level review of patient experience and the quality of clinical care (including associated social service input) in a small number of patients in that ward; test and refine it in 1 ward in an acute inpatient setting in each Trust – The review has been completed and gathering learning is now underway.

Task 7 – Literature Review on Changing Culture - Organisational Culture: A Review of the Literature has been completed, published and circulated to HSC Chief Execs and across the Department to G3s. A meeting of the Stakeholder Forum is planned for later in 2014

A Learning Matters newsletter has been developed by HSCB and PHA to highlight learning from SAIs that does not warrant a formal learning letter. This newsletter also contains learning from other sources such as complaints and provides reminders for staff on topical issues.

**01-May-12 Pseudomonas Incidents in Neonatal Units**

As soon as possible after the pseudomonas incidents, in January 2012, I commissioned an independent review which was carried out by the RQIA. The inquiry team produced an interim report on 4 April 2012 and their final report on 31 May 2012. They made 32 recommendations in total. My Permanent Secretary wrote to Health and Social Care organisations following publication of both the interim and final reports asking them to take forward as a priority the response to the recommendations. Further details were set out in joint letters issued by the Chief Medical Officer and Chief Estates Officer. Most of the 32 recommendations have been completed and all have been progressed. In addition, in April 2013 the Public Health Agency conducted a look-back seminar to review these incidents and seek to identify any further lessons that could be learned.

**28-May-12 You Need to Know Campaign**

I launched the cross-departmental Autism Strategy (2013 – 2020) and Action Plan (2013- 2016) on behalf of the NI Executive in the NI Assembly 14 January 2014 and the Strategy also references the regional protocol setting out arrangements for joint working between Autism Services and specialist Child and Adolescent Mental Health Services.

**29-May-12 Use of '0844' Numbers by GP Surgeries**

21 (6%) out of 351 Practices use 0844 numbers. In March 2013 my Department made The Health and Personal Social Services (General Medical Services Contracts) (Amendment) Regulations (Northern Ireland) 2013 which came into operation on 1 April 2013. On 25 June 2013 my officials arranged with the 0844 Service Provider that it would offer GP Practices the opportunity to have installed free of charge a geographical line to run alongside their 0844 number. Out of the 21 GP Practices (one of which is currently in the process of implementing a geographical line and it should be in place by week commencing 14 April 2014) 12 have installed a geographical number. Six Practices didn't agree to install the additional line because their current contracts are due to end in June 2014. Two Practices were not willing to install the additional line. On 27 June 2013 my Department wrote to the 21 GP Practices that use 0844 telephone number reminding them of their obligations under the Amendment Regulations and seeking confirmation that they were adhering to the Department's policy relating to telephoning patients back, if requested to do so. My officials monitor the use of 0844 number on a continuous basis. When contracts are approaching their termination date my officials contact the Practices to ensure that they do not renew or extend their 0844 contract.

**10-Sep-12 World Suicide Prevention Day**

A wide range of work has been undertaken to implement the actions within the refreshed Protect Life Strategy and support community and voluntary sector partners. These include the establishment of the Lifeline 24/7 crisis response helpline; delivery of awareness raising public information campaign; regional and local training programmes; community and voluntary sector and bereaved family involvement in the delivery of Card Before You Leave; establishment and support of the Family Voices Forum; development of the Flourish! Churches initiative; community engagement workshops; and the ongoing delivery of community support for suicide prevention. My Department has commenced work on the next suicide prevention strategy and will be considering how best to further develop work with community and voluntary partners in the development of future Protect Life services in Northern Ireland.

**25-Sep-12 Paediatric Congenital Cardiac Services**

I have commissioned, alongside my counterpart in the Republic of Ireland Dr Reilly, an International Group of Experts to carry out an Assessment to recommend the Optimal All-Island Hospital Service for Cardiology and Cardiac Surgery for Congenital Heart Disease in the Republic of Ireland and Northern Ireland which would meet the requirements of both jurisdictions.

**05-Nov-12 Muscular Dystrophy and Related Neuromuscular Conditions**

A lead Assistant Director has been identified in the Public Health Agency for muscular dystrophy and related neuromuscular conditions in NI. In addition, the Health and Social Care Board agreed 3 year funding for a fixed term clinical network manager to develop and formalise network arrangements both at local, regional and national level. A Neurological Conditions Advisory Group was also established to ensure robust engagement mechanisms with service users and carers, clinical staff, Trust management, voluntary and community organisations and other statutory organisations.

**12-Nov-12 Diabetes Strategy**

A review of the 2003 Diabetes UK/CREST Joint Taskforce Report on diabetes had already been initiated in January 2012. A Review Steering Group had been established and was chaired by the Chief Medical Officer. The first meeting of the Group was held in July 2012 with a remit to assess progress against the objectives of the 2003 Diabetes UK/CREST Report and to identify current gaps in service provision. The Review Steering Group's report and recommendations were completed in autumn 2013. I am currently considering proposals for progressing implementation of the recommendations.

**04-Feb-13 GP Annual Health Checks**

Mandatory annual health checks have not been introduced. However, highly effective public health programmes continue to be delivered which help to prevent ill health or allow earlier diagnosis, more effective treatment and better outcomes for patients. Generic standards are included in all Service Frameworks which support key health improvements messages such

as healthy physical activity, smoking cessations and alcohol consumption. Under the General Medical Services contract a number of services are delivered which require GPs to monitor patients with chronic diseases through reviews and periodic health checks. The reviews and periodic health checks provide GPs with the opportunity to offer health and lifestyle advice.

#### **18-Feb-13 Health Inequalities**

A new public health strategic framework has been developed and submitted to my Executive colleagues for their consideration. The revised framework takes into account recommendations from the Health, Social Services and Public Safety Committee's report on health inequalities, along with public consultation responses and other stakeholder views.

#### **11-Mar-13 Ovarian Cancer Awareness**

The Public Health Agency expects to finalise the preparation of the cancer awareness campaign, which will prioritise ovarian cancer, by September or October 2014 with commencement of the campaign shortly thereafter. In addition the Agency is planning a targeted leaflet and poster distribution shortly and in February 2014 the Agency and the Health and Social Care Board issued to GPs a reinforced patient referral pathway. Both have reinforced the agreed referral pathway for patients suspected of having ovarian cancer. The aim of this pathway is to ensure that all patients presenting to their GP with symptoms or signs of ovarian cancer are swiftly investigated and able to access specialist cancer care rapidly. The referral pathway reflects an evidence-based approach as set out in existing NICE guidance for ovarian cancer and was issued in February 2014. In addition and to move things forward more swiftly to improve awareness of ovarian cancer, the Public Health Agency plans to initiate an awareness raising programme over the coming weeks. The programme will comprise the targeted distribution of leaflets and posters, possibly supplemented by a platform piece to be included in local newspaper publications.

#### **15-Apr-13 Suicide Prevention**

The membership of the Ministerial Group for Suicide Prevention has been broadened and now includes all Departments except for the Department of Finance and Personnel. This is appropriate because most Departments can influence the upstream factors that increase the risk of suicide, rather than being engaged directly in delivering the frontline crisis response services that are required when a person is actually suicidal. All member Departments now report to the Group on progress they have made on programmes to improve mental health and reduce suicide.

#### **07-May-13 Preferred Option Document on Paediatric Cardiac Surgery**

I have commissioned, alongside my counterpart in the Republic of Ireland Dr Reilly, an International Group of Experts to carry out an Assessment to recommend the Optimal All-Island Hospital Service for Cardiology and Cardiac Surgery for Congenital Heart Disease in the Republic of Ireland and Northern Ireland which would meet the requirements of both jurisdictions.

#### **28-May-13 Epilepsy Service Provision**

Together with the Chief Executive of the Health and Social Care Board, I met with George Robinson MLA and members of Epilepsy Action on 19 November 2013 when Epilepsy Services generally and paediatric epilepsy services at Altnagelvin were discussed.

The HSC Board is working with Belfast Trust to take forward the appointment of two neurological care advisors who will provide advice, support and information to people living with neurological conditions and using health and social care services across Northern Ireland.

During 2014/15 the HSC Board will also commence a process to modernise and reform adult neurology services over the next two to three years. This will use existing arrangements for the engagement and involvement of all interest groups such as the Neurological Conditions User and Carer Reference Group and the Neurological Conditions Advisory Group.

Following Western LCG investment in 2013/14, Western Trust now provides EEGs for both adults and children. There had been some difficulties in recruitment to support children's EEGs but these have been resolved and the service is now being provided. There was no one waiting longer than 3 weeks for an EEG with Western Trust as at 31 December 2013 (the most recent figures available).

#### **28-May-13 Transforming Your Care Review**

The section in the motion on Statutory Residential Homes was preceded by my acknowledgement of the issues, my consequent stopping of the individual Trust actions, and my direction to the Health and Social Care Board to provide a regional approach. In response in August 2013 the Board announced a 2 phase consultation assessing the future role and function of statutory residential care homes across the province.

#### **17-Jun-13 Integrated Endometriosis Service**

My Department has written to the Health and Social Care Board bringing the views of Members to the attention of the Board and asking it to ensure that the services provided for sufferers of this condition are given appropriate priority. Officials from the Board have met with the Patient and Client Council and clinicians to discuss the issue of care for women living with severe endometriosis. The Board has made commitments to include the management of severe endometriosis as a priority within the Commissioning Plan 2014/15. Work is also underway to develop a business case for an endometriosis service at the Belfast Health and Social Care Trust.

**17-Sep-13 Day of Recognition for the Emergency Services**

I continue to recognise and acknowledge the contribution made by members of the Emergency Services to our society through the service they deliver across the Province on a daily basis. I have used the opportunity of visits to Fire Stations to talk to individual Firefighters and thank them for their work. Later this month I will attend inaugural training awards that recognise both individual trainers and teams within the Northern Ireland Fire Service (NIFRS) and on the previous day an engagement event in the Long Gallery in respect of NIFRS. At both events I will continue my public recognition of the contribution of both individual firefighters and the services provided by NIFRS.

Also earlier this year I had the pleasure of attending the Northern Ireland Ambulance Service's Long Service and Good Conduct Medal award ceremony in Armagh City Hotel to acknowledge the immense contribution which ambulance services personnel make in providing often life-saving care to people in life-threatening situations. I was also happy to repeat my appreciation of our ambulance services personnel when I was guest speaker at the NI Assembly Speaker's St Patrick's Day Celebration in March.

**30-Sep-13 Exploitation of Children & Young People**

I appointed Professor Kathleen Marshall as the Chair of the Independent Inquiry into Child Sexual Exploitation and agreed the Terms of Reference for the Inquiry on 4 November 2013. I confirmed these developments and shared the Terms of Reference in an Oral Statement to the Assembly the following day. I issued a Direction to the Safeguarding Board for Northern Ireland to carry out a Thematic Review on 10 December 2013, and shared this Direction and the Terms of Reference for the review with the Assembly in a written Ministerial statement on 20 December 2013. The team has been established and work is progressing with oversight from external quality assurers. Work has commenced in the development of the SBNI's overall communications strategy and supporting plans for messages on Child Sexual Exploitation

Both the CSE Inquiry and the SBNI Thematic Review are expected to report by the end 2014. Interim Regional Guidance, which includes use of the Barnardo's Child Sexual Exploitation Tool, was issued by the Health and Social Care Board on 7 March 2014. A review of Protecting Looked After Children Guidance has also been initiated by the Board. Child sexual exploitation is being integrated within the Department's Safeguarding policy as part of the ongoing revision of Co-operating to Safeguard Children. A child sexual exploitation Strategic Partnership Group has been established, and work is underway with member agencies to undertake multi-agency self-assessment in order to identify scale and nature of the problem and assess progress in protecting children from sexual exploitation.

Work with the knowledge transfer scheme is underway, designed to inform professional practice in relation to children who go missing and / or at risk of sexual exploitation. Press advertising has taken place recently and articles have been published in the daily and weekly newspapers across Northern Ireland.

**14-Oct-13 Bowel Cancer**

An extension of the bowel cancer screening programme, to include all men and women from 60 to 74 years of age was introduced from 1 April 2014. This fulfils a commitment made in the Northern Ireland Executive's Programme for Government 2011-15.

**04-Nov-13 International Mental Health Centre**

In keeping with the Bamford vision, my priority for development of mental health services will continue to be focussed on the improvement of community-based services across the Region.

**05-Nov-13 Ban on Blood Donations from Gay Men**

There is no ban on blood donations by gay men. The lifetime ban on blood donation applies to men who have had sex with men. I have appealed the outcome of the JR case JR65. It would not be appropriate at this stage for me to comment further on a matter that is before the courts.

**12-Nov-13 Public Awareness Campaign on Prostate Cancer**

I have asked the Public Health Agency to host a cancer prevention campaign workshop. This is to take place on 8 May 2014 at the Lagan Valley Island Centre, Lisburn to seek stakeholder engagement on the principles of a cancer awareness campaign programme, the specific messages appropriate for our population and the key site specific tumours to be included.

**02-Dec-13 Day Services for Individuals with Learning Disability**

The Health and Social Care Board's consultation on a Regional Day Opportunities Model for those with a Learning Disability closed in January 2014 and the responses have been analysed and themes identified. The proposed model sets out a way forward to improve day opportunities and day centres for those with learning disabilities. It is expected that the Report will be finalised in May 2014 thereafter, Trusts will develop, consult, agree and put in place plans and work programmes. The Board also intends to convene a Regional Implementation Group to provide strategic direction and to facilitate co-ordinated implementation which will seek representation from various organisations especially those involved in education, further education and employment, transport and, culture, arts and leisure. There has also been a cross-departmental Transitions Group set up at official level to address the gaps in day provision for those with a learning disability. This group intends to meet with parents and carers directly to identify those gaps.

**27-Jan-14 Nursing Staff Levels in Key Hospital Wards**

During the debate I advised the assembly that I had approved Delivering Care, to ensure 100% supervisory time for Ward Sisters/Charge Nurses and a range of nurse staffing normally expected in general and specialist medicine and surgery.

A Task and Finish group has been established, chaired by the Public Health Agency to ensure progress towards meeting all the elements within Delivering Care, which will be placed on my Department's website and that of NIPEC, for use by Commissioners and Trusts. Work is progressing on extending the methodology to Community Nursing, Health Visiting and Emergency Departments, with further roll out to other specialties as capacity allows.

**28-Jan-14 Crisis Conditions at Accident & Emergency Departments**

I have commissioned the RQIA to carry out a review of the whole system arrangements for unscheduled care in the Belfast Trust. This review will examine the fundamental underpinning systems, processes, resources and model for unscheduled and emergency care including how we build sufficient resilience regionally.

**03-Feb-14 Report on Review into Health Inequalities Experienced by People with a Learning Disability**

I have responded in detail to the Health, Social Services and Public Safety Committee's Report and Recommendations into Health Inequalities experienced by people with a Learning Disability on 19 February 2014. There is also work being carried out on Directed Enhanced Services for Learning Disability which provide regular checks undertaken by General Practitioners for adults with a learning disability and a range of supports provided by health facilitators appointed by each of the Health and Social Care Trusts. There has also been GAIN guidelines published which intend to enhance safe and effective care throughout the journey within the general hospital setting for people with a learning disability. A Regional Learning Disability Health Care and Improvement Group has been established, which aims to improve health care provided to people with learning difficulties across all areas of health and social care and to reduce inequalities in health for this client group.

**03-Feb-14 Mental Wellbeing of the Farming Community**

The Ministerial Co-ordination Group for Suicide Prevention has helped to ensure a multi-agency response and it has also directed a number of departments to work together to develop a joint programme for addressing suicide prevention and mental wellbeing through sporting and rural organisations. Ongoing initiatives led by the health sector include: mental health and suicide prevention awareness sessions held in farmers' markets; the Older Peoples Rural Project; and the Farm Families Health Check which has been provided to over 4000 people. Community grants programmes have also funded initiatives delivering counselling services, bereavement support, and mentoring programmes for people at risk of suicide in rural areas.

**03-Mar-14 Pulse Oximetry**

The National Screening Committee discussed pulse oximetry at their meeting of 12th March 2014. I am currently awaiting their advice on the matter.

**24-Mar-14 Fostering Services**

I am in the process of arranging a meeting with the Health and Social Care Board in order to seek an update in relation to the RQIA recommendations for the Board and Trusts alike.

My officials have obtained further details about a case raised by Cathal Boylan MLA during the debate relating to foster parents who were unable to avail of the replacement boiler scheme as their foster care payment pushed them over the threshold for assistance. I am pursuing this with the relevant Trust and the Social Development Minister.

**Home-Start: Down District**

**Mr Agnew** asked the Minister of Health, Social Services and Public Safety whether the increased demand for Home-Start services in Ballynahinch and Newcastle will be met with additional funding.

**(AQW 32474/11-15)**

**Mr Poots:** My prime concern is that families in the district are able to obtain access to the widest range of family support services they need delivered by providers that are safe and sustainable.

I am fully aware of the issues facing Home Start Down District scheme operating in the Ballynahinch and Newcastle area, having received a considerable volume of repeat correspondence from individuals lobbying on behalf of this scheme over the past few years.

The HSC Board, HSC Trusts and Local Outcomes Groups assess need at both regional and local level. On the basis of this assessment, the HSC Trust and Local Outcomes Group are best placed to prioritise which health and social care services are required to meet the assessed needs of their local communities. It is inappropriate for my Department to interfere with those decisions.

I have met with representatives of this scheme and advised them of the existing commissioning arrangements and the need for them to move to a financially sustainable position. This may require collaboration with other service providers in the area.

My officials and HSC Board officers recently met with the Chief Executive of Home Start UK and the Director of Home Start Northern Ireland at which the Department's and HSC Board's position was restated. I am now informed that Home Start Northern Ireland will be working with its schemes to help them compete for service contracts.

We are currently experiencing financial challenges within the Health and Social Care sector and this is set to continue over the next few years. My position on Home Start Down District is clear. I am not in a position to offer the organisation any additional financial support and would urge it to work with Home Start UK and Northern Ireland to seek to resolve its operational difficulties.

### **Antrim Area Hospital: Major Incident**

**Mr Dickson** asked the Minister of Health, Social Services and Public Safety for his assessment of Antrim Area Hospital's ability to cope with a major incident following the major incident drill of 23 March 2014.

**(AQW 32526/11-15)**

**Mr Poots:** Antrim Area Hospital, like all public service organisations, is required to ensure that the people of Northern Ireland receive a level of protection and emergency response which is consistent with that elsewhere in the UK and which meets their needs and expectations.

Accordingly, my Department sets standards of assurance to ensure that emergency preparedness or 'Major Incident' plans are not simply in place; but must be part of an annual programme for testing, exercising and validation. This is an important part of emergency preparedness as it permits aspects of the plans to be tested in safe conditions and for review and updating of plans in the light of any learning from the experience.

The recent exercise, to which you refer, is an admirable demonstration of the Trust testing its ability to cope with a major incident – particularly with a scenario that is clearly outside of its normal experience. In doing so, the Trust is following best practice in emergency preparedness.

### **Western Health and Social Care Trust: Staff**

**Mr Hussey** asked the Minister of Health, Social Services and Public Safety (i) how many Western Health and Social Care Trust staff were not paid correctly on 27 March 2014; (ii) how this anomalously occurred; (iii) what steps are being taken to ensure there is no repeat of this situation; (iv) for a breakdown of the grades of staff affected; and (v) whether any staff who have incurred bank charges due to failed direct debits will be reimbursed by the Trust or his Department.

**(AQW 32546/11-15)**

**Mr Poots:**

- (i) The final number of Western HSC Trust staff that were not paid correctly on 27 March 2014 amounted to 446.
- (ii) The anomalies occurred largely because the Payroll Shared Service Centre (PSSC) did not receive the claims for overtime, travel claims and allowances. This typically involved claims that were sent via e-mail to the incorrect email address or had been identified as spam by the BSO Firewall and therefore not sent through to the required network for processing.
- (iii) A range of steps have been taken to address these issues. These include: implementing e-mail checks prior to payroll cut-off to confirm that the correct information has been received by the PSSC; increasing the capacity of the electronic mailbox to ensure that e-mail are not blocked; implementing electronic timesheets to replace paper based systems; and providing continuous feedback on key issues and training to payroll staff to identify and prevent similar errors occurring in the future. Additional payruns have also been made to correct the anomalies that were identified.
- (iv) The grades affected were as follows:

<b>Band</b>	<b>Total</b>
1	11
2	100
3	68
4	19
5	134
6	58
7	21
8A	3
8B	2
8C	1
Senior Executive	1

Band	Total
Medical/Dental	28
	446

- (v) For those cases where bank charges have been incurred by staff, these will be considered on their individual merits and where it can be clearly demonstrated that any such loss was due to employer errors, then a resolution will be agreed with the staff member affected.

### South West Acute Hospital

**Mr Flanagan** asked the Minister of Health, Social Services and Public Safety what plans are in place to offer free wi-fi for patients and visitors to the South West Acute Hospital in Enniskillen.

**(AQW 32554/11-15)**

**Mr Poots:** I would advise that the ICT Infrastructure for a Wi-Fi network service is currently in place in the South West Acute Hospital.

A Trust policy paper is currently being drafted regarding operational access and is to be submitted to the Trust Corporate Management Team for approval and subsequent implementation

We are advised that free Wi-Fi service should be available by the end of 2014.

### Western Health and Social Care Trust: Financial Deficit

**Mr Flanagan** asked the Minister of Health, Social Services and Public Safety how his Department intends to deal with the continuing financial deficit within the Western Health and Social Care Trust; and what steps are being taken to ensure that the current financial situation does not negatively impact on patient care.

**(AQW 32555/11-15)**

**Mr Poots:** The Western Trust, like other Trusts, has continued to carry out detailed analysis of its financial position for 2013/14, implementing, where possible, options to reduce expenditure which do not impact on front line services. I have not provided clearance to proceed with any plans that would compromise the safety and quality of care provided to patients and clients. All aspects of the HSC budget have also been examined in order to secure available savings opportunities.

Looking ahead, structured engagement with all key stakeholders will continue, including the Health and Social Care Board and the trusts, in order to progress all possible measures to help address the significant financial challenges facing the HSC. I continue to be committed to ensuring that this process does not negatively impact on patient care.

### Western Health and Social Care Trust: Budget Allocation and Expenditure

**Mr Flanagan** asked the Minister of Health, Social Services and Public Safety for a breakdown of the monthly, or quarterly, (i) budget allocation; and (ii) expenditure for the Western Health and Social Care Trust.

**(AQW 32556/11-15)**

**Mr Poots:** The table below shows the quarterly breakdown of the budget allocation and expenditure for the Western Health and Social Care Trust during the 2013/14 financial year. The information for the quarter ended March 2014 is not yet available – the figures for the two months to February 2014 have therefore been presented.

Period Ending	YTD Budget £'000	YTD Expenditure £'000	YTD Surplus/(deficit) £'000
30/6/2013	122,885	127,067	(4,182)
30/9/2013	250,485	255,686	(5,201)
31/12/2013	366,781	373,896	(7,115)
28/2/2014	456,358	459,644	(3,286)

### Superinjunctions

**Mr Allister** asked the Minister of Health, Social Services and Public Safety whether at any time his Department has funded or contributed to the costs of legal proceedings brought in the High Court of Justice in Northern Ireland, or elsewhere, involving the prohibition of publicity on the granting of injunctive relief, commonly referred to as super-injunctions.

**(AQW 32564/11-15)**

**Mr Poots:** My Department has not funded or contributed to the costs of legal proceedings brought in the High Court of Justice in Northern Ireland, or elsewhere, involving the prohibition of publicity on the granting of injunctive relief.

## Zero-hours Contracts

**Mr Flanagan** asked the Minister of Health, Social Services and Public Safety to detail the (i) number; and (ii) percentage of staff employed (a) on zero-hour contracts; (b) bank staff; and (c) 'as and when' staff in each Health and Social Care Trust; and how these figures compare with those at the time of the foundation of the Trusts.

**(AQW 32578/11-15)**

**Mr Poots:**

- (i) 'Zero-hour contracts' is mainly applicable in the private sector and is not used in employment contracts within Health and Social Care Trusts. For the purposes of data recording and statistical analysis, the terms 'as and when staff' and 'bank staff' have the same meaning. The table below sets out the estimated number of bank staff (non-medical and dental) in 2007 and 2014.

HSC Trust	2007	2014	% *
Belfast	3900	6800	36
Northern	1600	3800	34
South Eastern	2200	3200	35
Southern	2500	2900	29
Western	2400	2900	30

\* When considering the percentages quoted account should be taken of the fact that staff can register on more than one bank and a high number of staff registered on the Bank are also on permanent contracts. Therefore these percentage figures should not be relied upon for any further analysis, as it is very probable that a substantial number of staff members have been counted more than once.

## Domestic Abuse

**Mr Craig** asked the Minister of Health, Social Services and Public Safety, in each of the last five years, how many (i) men; and (ii) women presented at an Emergency Department as a result of domestic abuse, broken down by Health and Social Care Trust. **(AQW 32609/11-15)**

**Mr Poots:** Information on the number of attendances at emergency care departments as a result of domestic abuse is not available and could only be provided at disproportionate cost.

Research carried out in England in 2002 and 2003 and reported in the Emergency Medicine Journal suggested that the number of victims attending the accident and emergency departments due to physical violence of a partner was between 1% and 1.2%. The Department is working with Trusts to put in place a pilot to train doctors, nurses and radiographers in emergency departments to recognise, respond to and report on incidents of domestic violence. Victims will be provided with appropriate care pathways, information and advice.

## Castle Tower Special School: Newbuild

**Mr Swann** asked the Minister of Health, Social Services and Public Safety what level of support his Department will provide for the installation of a hydro-therapy pool in the new build for Castle Tower Special School, Ballymena.

**(AQW 32657/11-15)**

**Mr Poots:** The Northern HSC Trust Physiotherapy Department has provided information on the number of children in the Ballymena area that benefit from hydrotherapy and the number of physiotherapy hours attached to that.

The Trust has also carried out a service user survey and provided data in relation to the benefits of hydrotherapy as perceived by parents and teaching staff and submitted that information to the head teacher of Castle Tower campus.

The Trust will continue to provide physiotherapy support.

## Medical Hub: Lurgan

**Mrs Dobson** asked the Minister of Health, Social Services and Public Safety when further details of a new medical hub in the Lurgan area will be announced; and when the necessary funding will be in place.

**(AQW 32662/11-15)**

**Mr Poots:** The Health & Social Care Board has submitted to my Department, for consideration, a Strategic Implementation Plan for investment in primary care infrastructure. The hubs proposed within the plan will have to be considered in line with the other infrastructure priorities across the HSC and will be included in a bid to DFP for funding from 15/16 onwards. The actual timing of future hubs will be dependent on the confirmation of funding availability, capital and revenue, and the completion and approval of business cases. At this stage I cannot be any more definitive than this.

## GP Premises: Funding

**Mrs Dobson** asked the Minister of Health, Social Services and Public Safety whether proposals for new GP Surgery premises could receive funding earmarked for Transforming Your Care.

**(AQW 32663/11-15)**

**Mr Poots:** Transitional funding for Transforming Your Care was secured in 2012/13 and 2013/14 specifically to support the development and provision of local health services and care pathways.

Development of Primary Care infrastructure will follow existing processes and consideration will be given to a range of funding options, including capital funding, 3rd Party Development, Ring-Fenced Financial Transactions Capital or through revenue from the GMS Budget. The outcome of this consideration will feed into the overall Capital Priorities Review leading to a capital plan which will form the basis of the Department's bid for the next budget period.

## Emergency Departments: Support Workers

**Lord Morrow** asked the Minister of Health, Social Services and Public Safety whether he has any plans to provide a support worker in Emergency Departments for victims of domestic violence, similar to a trial in England through Victim Support; and if so, to outline the action that is planned.

**(AQW 32672/11-15)**

**Mr Poots:** The Department is working with the South Eastern and Western Health and Social Care Trusts to put in place a pilot to train doctors, nurses and radiographers in accident and emergency departments to recognise, respond to and report on incidents of domestic violence. Victims will be provided with appropriate care pathways, information and advice.

## Nursing Homes: North Down Waiting Lists

**Mr Weir** asked the Minister of Health, Social Services and Public Safety how many elderly people are currently on nursing home waiting lists in the North Down area.

**(AQW 32677/11-15)**

**Mr Poots:** The information is not available centrally and was therefore requested from the South Eastern Health and Social Care (HSC) Trust. Their reply can be found below.

The South Eastern HSC Trust currently has one client, who is in the Elderly Programme of Care, in an intermediate care bed waiting for a permanent place in a nursing home.

## Macular Degeneration

**Mr Weir** asked the Minister of Health, Social Services and Public Safety what progress has been made on the treatment of macular degeneration by oral medication, rather than injections.

**(AQW 32680/11-15)**

**Mr Poots:** Exudative (wet) age related macular degeneration (AMD) accounts for approximately 15% of all age-related macular degenerations, and NICE-approved treatments for wet AMD utilize anti-vascular endothelial growth factor (anti-VEGF) therapies (such as Lucentis, Eylea) injected into the eye.

Whilst pre-clinical trials are being undertaken to assess the possibility of topical delivery of anti-VEGF therapies through drops, these have yet to be technically assessed or approved by NICE.

Dry AMD accounts for approximately 85% of all age-related macular disease but is not amenable to anti-VEGF treatment. Early investigational pre-clinical trials of oral treatments are currently being undertaken, but, as yet have not been assessed or approved as being safe or efficacious by NICE.

## Lipoedema and Lymphoedema

**Mr Moutray** asked the Minister of Health, Social Services and Public Safety what plans he has to improve the services for sufferers of lipoedema and lymphoedema.

**(AQW 32694/11-15)**

**Mr Poots:** The Lymphoedema Network Northern Ireland (LNNI) oversees the development of lymphoedema services across Northern Ireland, which also accepts lipoedema patients. Its current work includes:

- Development of a cross-boundary informal network for families with children who have lymphoedema to build peer support and caring skills;
- Development of genetics clinics to develop accurate diagnoses and an understanding of the regional picture regarding the genetic components of this condition;
- Exercise programmes to address the higher than normal body mass index (BMI) scores noted by this population;
- Liaison with other referring groups to address the issue of education of recognised higher risk patient groups;
- Local research investigating the impact of breast cancer surgery, and methods of early lymphoedema detection to enhance early access to treatment; and

- Partnership working with both the British Lymphology Society and the International Lymphoedema Framework.

The International Lymphoedema Framework has as a priority for its work plan to obtain a clearer understanding of lipoedema and its management.

## Lipoedema and Lymphoedema

**Mr Moutray** asked the Minister of Health, Social Services and Public Safety what research has been carried out on the causes and potential medical assistance for sufferers of lipoedema and lymphoedema.

(AQW 32695/11-15)

**Mr Poots:** The Lymphoedema Network Northern Ireland (LNNI) is a partner of the International Lymphoedema Framework which champions research in this field. At present, research is being undertaken on the physiological working of the actual lymphatics, and into the role of self-management of lymphoedema. Regionally, self-management pilot trials are being undertaken.

The LNNI also currently conducts three ongoing research projects:

- The investigation of the role of volumetric measurement versus bioimpedence in the early detection of breast cancer-related lymphoedema.
- Research into the psychological impact of lymphoedema as a long-term condition.
- Research into the impact of previous breast cancer surgery on patients who then require shoulder orthopaedic surgery, and the relevant potential links to increased lymphoedema risk.

Lymphoedema liposuction is also a developing area where medical management is becoming recognised through research.

In addition, the International Lymphoedema Framework, which the LNNI partners, also has as a priority for its work plan to obtain a clearer understanding of lipoedema and its management.

## Residential Homes: Closures

**Mr McMullan** asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 22823/11-15, whether the financial cost of his decision to change the consultation process on the closure of residential homes has been identified.

(AQW 32711/11-15)

**Mr Poots:** The Health and Social care Board have advised that the process of pre consultation, consultation and post consultation has cost approximately £50,000 from June 2013 to date. This money has been spent in ensuring that the process is as inclusive, accessible and comprehensive as possible through, for example, the provision of peer facilitators to help residents express their views, an engagement event with future users and documents being made into accessible formats.

## Domestic Abuse

**Mr Nesbitt** asked the Minister of Health, Social Services and Public Safety to detail the proportion of admissions to Emergency Departments as a result of domestic violence over each of the last three years, broken down by Health and Social Care Trust.

(AQW 32754/11-15)

**Mr Poots:** Information on attendances at emergency care departments as a result of domestic violence is not available and could only be provided at disproportionate cost.

Research carried out in England in 2002 and 2003 and reported in the Emergency Medicine Journal suggested that the number of victims attending the accident and emergency departments due to physical violence of a partner was between 1% and 1.2%. The Department is working with Trusts to put in place a pilot to train doctors, nurses and radiographers in emergency departments to recognise, respond to and report on incidents of domestic violence. Victims will be provided with appropriate care pathways, information and advice.

## Domestic Abuse: Victim Support

**Mr Nesbitt** asked the Minister of Health, Social Services and Public Safety whether he would consider a trial of placing a support worker in hospital Emergency Departments, specifically dedicated to working with victims of domestic violence.

(AQW 32755/11-15)

**Mr Poots:** The Department is working with the South Eastern and Western Health and Social Care Trusts to put in place a pilot to train doctors, nurses and radiographers in accident and emergency departments to recognise, respond to and report on incidents of domestic violence. Victims will be provided with appropriate care pathways, information and advice.

## Parkinson's Disease

**Mrs Dobson** asked the Minister of Health, Social Services and Public Safety for his assessment of the impact on the care of patients diagnosed with Parkinson's disease in the Southern Health and Social Care Trust area following the withdrawal of the specialist nurse services; and how he will address this issue.

**(AQW 32760/11-15)**

**Mr Poots:** The Parkinson's Disease Nurse Specialist post in the Southern Health and Social Care Trust has not been withdrawn. The post holder was on a period of extended leave.

During this period the Southern Health and Social Care Trust's Neurology Team collaborated with Parkinson's UK to provide interim support for patients with Parkinson's disease.

The Parkinson's Disease Nurse Specialist returned to post with effect from 7 April 2014.

## Domestic Abuse: Victim Support

**Mr Wells** asked the Minister of Health, Social Services and Public Safety for his assessment of the Victim Support initiative which places support workers for victims of domestic violence in Emergency Department settings in England; and whether he has any plans to introduce a similar scheme.

**(AQW 32761/11-15)**

**Mr Poots:** The Department is working with the South Eastern and Western Health and Social Care Trusts to put in place a pilot to train doctors, nurses and radiographers in accident and emergency departments to recognise, respond to and report on incidents of domestic violence. Victims will be provided with appropriate care pathways, information and advice.

The Victim Support pilot initiative in Manchester has a similar remit to the pilot initiative in Northern Ireland. My Department will monitor developments in Manchester and will consider the outcomes of any evaluations of that initiative in order to learn lessons and to help provide the best possible service for victims of domestic violence in Northern Ireland.

## Tobacco Products: Vending Machines

**Mr Wells** asked the Minister of Health, Social Services and Public Safety for his assessment of the effectiveness of the legislation which prevents the sale of tobacco products from vending machines.

**(AQW 32762/11-15)**

**Mr Poots:** Legislation banning the sale of tobacco products from vending machines was introduced in Northern Ireland in March 2012. No formal evaluation of the legislation has yet been carried out, however, unofficial reports from district council enforcement officers continue to show very high levels of compliance, indicating that the legislation has been effective in preventing the sale of tobacco to young people from this particular source.

The results of the Young Person's Behaviour and Attitudes Survey 2013, which are due to be published in May, will indicate if there has been a reduction in smoking prevalence in the 11-16 year old age group. However, it will not be possible to disaggregate any specific impact of the vending machine sales ban from other tobacco control interventions such as the ban on point of sale displays in larger shops.

## Plain Paper Packaging Review

**Mr Wells** asked the Minister of Health, Social Services and Public Safety what action he plans to take following the publication of the Review on Plain Paper Packaging.

**(AQW 32763/11-15)**

**Mr Poots:** The Chantler report was published on 3 April and I was encouraged by the findings which indicated a link between branded packaging and youth smoking uptake and concluded that standardised packaging is very likely to lead to a reduction of the uptake and prevalence of smoking.

Following receipt of the report, the Department of Health in London announced plans to issue a final short consultation, to include draft regulations, before making a final decision as to the introduction of standardised packaging. I have written to the Parliamentary Under Secretary of State for Public Health to confirm, in principle, my agreement to the inclusion of Northern Ireland in this consultation.

The outcome of the final consultation, in conjunction with the findings of the Chantler Report, will assist the Executive in making a decision on whether Northern Ireland should be included in any regulations providing for the introduction of standardised packaging of tobacco products.

## Sunbeds Act (Northern Ireland) 2011

**Mr Wells** asked the Minister of Health, Social Services and Public Safety for his assessment of the implementation of the Sunbeds Bill.

**(AQW 32764/11-15)**

**Mr Poots:** The Sunbeds Act (Northern Ireland) 2011 came into force on 1st May 2012.

Feedback from District Councils indicates that levels of compliance with the Act have been high. The table below shows the results from 285 council officer visits to sunbed premises across Northern Ireland during the period 1st May 2012 until the end of April 2013. These included nine premises which were also involved in hiring out sunbeds.

Premises Visited	Hire Premises	Allowing U18s	Not Providing Health Advice	Not Displaying Poster	Non – Compliance for Display of Health Claims	Under 18s in Restricted Area	Not Providing Eyewear
285	9	2	50	66	11	1	1

To date, two Fixed Penalty Notices have been issued, one for allowing someone under 18 to use a sunbed and one for not providing protective eyewear.

Whilst the legislation has only been in force for less than two years, I am reassured by the high level of early compliance with the new law and am confident that the legislation will contribute to reducing the prevalence of skin cancer in the longer term.

### Ovarian Cancer Awareness

**Mrs Dobson** asked the Minister of Health, Social Services and Public Safety for his assessment of the public awareness of the risks and signs of ovarian cancer.

(AQW 32766/11-15)

**Mr Poots:** March was designated Ovarian Cancer Awareness month by a number of local and national charities in an effort to raise the profile of this disease. The March campaign includes informing the public about the signs and symptoms of ovarian cancer.

The Public Health Agency (PHA) is taking forward work to establish a baseline of the levels of knowledge and awareness of cancer, including ovarian cancer, amongst the population. The PHA is also hosting a stakeholder workshop on 8 May 2014 to ensure that key individuals and organisations are fully engaged in planning and supporting the cancer awareness programme. This work is essential in order to develop a cancer awareness campaign that is evidence-based and appropriate to the needs of the public in Northern Ireland. As part of the programme the PHA will include specific messages about ovarian cancer. It is expected this work will be finalised by September or October with commencement of the campaign shortly thereafter.

In addition and to move things forward more swiftly to improve awareness of ovarian cancer, the PHA plans to initiate an awareness raising programme over the coming weeks. The programme will comprise of a targeted distribution of leaflets and posters, possibly supplemented by a platform piece to be included in local newspaper publications.

The Public Health Agency has also been working closely with the Health and Social Care Board to provide information for primary care practitioners, including information on the appropriate investigations to be undertaken with women whose signs and symptoms are suggestive of ovarian cancer. This information and referral pathway is consistent with the evidence issued by the National Institute for Health and Clinical Excellence (NICE).

### Northern Health and Social Care Trust

**Mr McKay** asked the Minister of Health, Social Services and Public Safety how many of the twenty patients, or their families, were contacted in advance of his written statement on the Northern Health and Social Care Trust on 28 March 2014.

(AQW 32775/11-15)

**Mr Poots:** The Northern Health & Social Care Trust has advised that in all 20 cases, patients/families/appropriate carer or guardian were made aware that their case was being investigated as a Serious Adverse Incident (SAI). The Trust has confirmed that such communication took place prior to 28 March 2014.

This is a sensitive issue for families and requires careful interaction. It is also important to understand that families may choose to decline engagement with the Serious Adverse Incident process.

### X-rays

**Mr McKay** asked the Minister of Health, Social Services and Public Safety whether the review of 48,000 x-rays across the Northern Health and Social Care Trust includes CT scans and MRI scans.

(AQW 32776/11-15)

**Mr Poots:** CT Scans and MRI Scans are a different type of imaging procedure and therefore are not included within the 48,000 x-rays reports currently under review.

### Hospitals: Secretarial Staff

**Mr McKay** asked the Minister of Health, Social Services and Public Safety how many secretarial staff are based in each hospital; and what is the secretarial staff to patient ratio.

(AQW 32777/11-15)

**Mr Poots:** The tables below shows headcount and whole-time equivalent (WTE) for all staff graded as a Personal Secretary, a Medical Secretary or a Typist, by hospital. These figures have been sourced directly from HSC Trusts.

#### Belfast HSC Trust

Hospital	Grade	Headcount	WTE
Belfast City Hospital	Personal Secretary Bands 3-4	11	8.3
	Medical Secretary Bands 3-4	107	87.4
Cancer Centre	Personal Secretary Bands 3-4	2	2.0
	Medical Secretary Bands 3-4	21	16.8
Knockbracken Healthcare Park	Personal Secretary Bands 3-4	9	8.4
	Medical Secretary Bands 3-4	10	9.2
Mater Hospital	Typist Band 2	5	3.5
	Personal Secretary Bands 3-4	4	2.4
	Medical Secretary Bands 3-4	31	24.5
Muckamore Abbey Hospital	Personal Secretary Bands 3-4	4	4.0
	Medical Secretary Bands 3-4	3	2.8
Musgrave Park Hospital	Personal Secretary Bands 3-4	23	16.6
	Medical Secretary Bands 3-4	50	42.9
Royal Belfast Hospital for Sick Children	Personal Secretary Bands 3-4	2	1.6
	Medical Secretary Bands 3-4	28	23.7
Royal Dental Hospital	Personal Secretary Bands 3-4	3	2.1
	Medical Secretary Bands 3-4	5	4.1
Royal Jubilee Maternity Hospital	Personal Secretary Bands 3-4	2	1.5
	Medical Secretary Bands 3-4	12	9.7
Royal Victoria Hospital	Personal Secretary Bands 3-4	37	29.7
	Medical Secretary Bands 3-4	117	101.0

#### Northern HSC Trust

Hospital	Grade	Headcount	WTE
Antrim Hospital	Personal Secretary Bands 3-4	12	10.0
	Medical Secretary Bands 3-4	85	70.6
Braid Valley Hospital	Personal Secretary Bands 3-4	4	3.3
	Medical Secretary Bands 3-4	3	2.4
Causeway Hospital	Personal Secretary Bands 3-4	15	11.6
	Medical Secretary Bands 3-4	42	35.4
Holywell Hospital	Personal Secretary Bands 3-4	31	28.1
	Medical Secretary Bands 3-4	13	9.8
Mid Ulster Hospital	Personal Secretary Bands 3-4	5	4
	Medical Secretary Bands 3-4	9	6.5

#### South Eastern HSC Trust

Hospital	Grade	Headcount	WTE
Ards Community Hospital Main Block	Medical Secretary Bands 3-4	6	5.4

Hospital	Grade	Headcount	WTE
Bangor Community Hospital	Medical Secretary Bands 3-4	1	1.0
Downe Hospital	Personal Secretary Bands 3-4	6	5.2
	Medical Secretary Bands 3-4	12	10.8
Downshire Hospital Main Building	Personal Secretary Bands 3-4	11	8.7
	Medical Secretary Bands 3-4	4	3.7
Lagan Valley Hospital	Typist Band 2	1	0.7
	Personal Secretary Bands 3-4	16	12.6
	Medical Secretary Bands 3-4	17	14.7
Ulster Hospital	Typist Band 2	3	2.2
	Personal Secretary Bands 3-4	40	35.6
	Medical Secretary Bands 3-4	72	62.6

**Southern HSC Trust\***

Hospital	Grade	Headcount	WTE
Craigavon Area Hospital	Typist Band 2	4	2.9
	Personal Secretary Bands 3-4	58	49.9
	Medical Secretary Bands 3-4	30	24.4
Daisy Hill Hospital, Newry	Personal Secretary Bands 3-4	1	1.0
	Medical Secretary Bands 3-4	12	9.7
Lurgan Hospital	Typist Band 2	1	0.5
	Personal Secretary Bands 3-4	1	1.00
South Tyrone Hospital, Dungannon	Personal Secretary Bands 3-4	19	12.7
	Medical Secretary Bands 3-4	5	3.8
St Luke's Hospital, Armagh	Personal Secretary Bands 3-4	21	15.0
	Medical Secretary Bands 3-4	3	2.6
Tower Hill Community Hospital, Armagh	Personal Secretary Bands 3-4	6	4.4
	Medical Secretary Bands 3-4	4	2.8

\* Southern HSCT noted that they have not included staff working in outlying buildings/facilities.

**Western HSC Trust**

Hospital	Grade	Headcount	WTE
Tyrone County Hospital Site	Personal Secretary Bands 3-4	16	13.9
	Medical Secretary Bands 3-4	4	3.0
Tyrone & Fermanagh Hospital Site	Personal Secretary Bands 3-4	24	21.1
Waterside Hospital Site	Personal Secretary Bands 3-4	1	1.0
Gransha Hospital Site	Personal Secretary Bands 3-4	22	20.1
Altnagelvin Hospital Site	Personal Secretary Bands 3-4	52	45.4
	Medical Secretary Bands 3-4	110	98.4

With regard to the second part of the question, it has not been possible to calculate an appropriate ratio of secretarial staff based in hospitals to patients or inpatient beds. This is because many hospital premises serve as administrative hubs for non-patient care services, such as Trusts' Human Resources and Finance departments. Some administrative and secretarial staff servicing acute functions may also not be based in hospitals. Therefore, any ratio that might be produced would not be indicative of the level of service.

### Hospitals: Serious Adverse Incidents

**Mr McKay** asked the Minister of Health, Social Services and Public Safety whether the reduction in secretarial staff at the Causeway Hospital contributed to any of the twenty Serious Adverse Incidents in the Northern Health and Social Care Trust. (AQW 32779/11-15)

**Mr Poots:** The Northern Health and Social Care Trust have advised that none of the twenty Serious Adverse Incidents were related to the level of Medical Secretarial administrative support provided within the Trust.

### Schools: Multi-agency Support Teams

**Mr Swann** asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 32356/11-15, to detail the schools supported, including the amount, in (i) 2010/11; (ii) 2011/12; and (iii) 2012/13. (AQW 32791/11-15)

**Mr Poots:** Pursuant to AQW 32356/11-15, details of the schools supported by Multi Agency Support Teams in the Northern Health and Social Care Trust area in 2010/11, 2011/12 and 2012/13 are set out in the attached Appendices.

It is not possible to detail the financial amounts provided to each individual school as funds are provided to the various multi agency support teams and not individual schools.

#### Appendix 1

##### Schools Receiving Masts Support 2010 – 11

	East Antrim	Ballymena/Antrim	Mid-Ulster	Causeway
<b>Nursery Schools</b>	Ashgrove NS, Glengormley	Ballymena NS	Cookstown NS	Ballysally NS, Coleraine
	Ballyhenry NS, Glengormley	Dunclug NS, Ballymena	Magherafelt NS	Ballymoney NS
	Monkstown NS	St. Joseph's NS, Antrim		Kylemore NS, Coleraine
	Mossley NS, Newtownabbey	Steeple NS, Antrim		
	Sunnylands NS, Carrickfergus			
<b>Primary Schools with Nursery Units</b>	Earlview PS, Newtownabbey	Ballykeel PS, Ballymena	Holy Trinity PS, Cookstown	Ballycastle Integrated PS
	Mossgrove PS, Glengormley	Braidside Integrated PS, Ballymena	Moneymore PS	Harpur's Hill PS, Coleraine
	Moyle PS, Larne	Broughshane PS	Orrritor PS, Cookstown	Irish Society PS, Coleraine
	Silverstream PS, Greenisland	Gracehill PS, Ballymena	St. Mary's PS, Bellaghy	St. Patrick's & St. Brigid's PS, Ballycastle
	St. James' PS, Newtownabbey	Harryville PS, Ballymena	St. Oliver Plunkett's PS, Toome	St. Patrick's PS, Loughgiel
	St. Bernard's PS, Glengormley	Mount St. Michael's PS, Randalstown		St. Patrick's PS, Rasharkin
	Victoria PS, Carrickfergus	St. Joseph's PS, Crumlin.		
	Whitehouse PS, Newtownabbey	Templepatrick PS		

	<b>East Antrim</b>	<b>Ballymena/Antrim</b>	<b>Mid-Ulster</b>	<b>Causeway</b>
<b>Primary Schools</b>	Ballynure PS	Antrim PS	Castledawson PS	Ballmoney Model PS
	Carrickfergus Central PS	Ballycraig PS, Antrim	Creivagh PS, Cookstown	Ballysally PS, Coleraine
	Eden PS, Carrickfergus	Carniny PS, Ballymena	Derrychrin PS Coagh	Ballytober PS, Bushmills
	Fairview PS, Ballyclare	Creggan PS, Randalstown	Knockloughrim PS	Balnamore PS, Ballymoney
	Glengormley Integrated PS	Crumlin Integrated PS	St. Patrick's PS Glen, Maghera	Bunscoil an Chaistil, Ballycastle
	Greenisland PS	Duneane PS, Toome	Spires Integrated PS, Magherafelt	Carnalridge PS, Portrush
	Mallusk PS, Newtownabbey	Groggan PS, Randalstown	Portglenone P.S	Castleroe PS, Coleraine
	Mossley PS, Newtownabbey	Kells & Connor PS, Kells	Queen Elizabeth II PS, Pomeroy	Cullycapple PS, Aghadowey
	Parkgate PS, Ballyclare	Loanends PS, Crumlin	St. Brigid's PS, Magherafelt	Dalriada Prep Dept, Ballymoney
	Straid PS, Ballyclare	Maine Integrated PS, Randalstown	St. Columba's PS, Straw, Draperstown	Glenann PS, Cushendall
	Tir na Nog PS, Ballyclare	Moneynick PS, Randalstown	St Mary's PS, Dunamore	Killowen PS, Coleraine
	Lourdes PS, Whitehead (closed June 2011)	Parkhall PS, Antrim	St. Mary's PS, Greenlough	Landhead PS, Ballymoney
		Randalstown Central PS	St. Mary's PS, Maghera	Millburn PS, Coleraine
		St. Comgall's PS, Antrim	St Mary's PS, Pomeroy	St. Columba's PS, Garvagh
		St. Joseph's PS, Antrim	St Mary's PS, Portglenone	St. John's PS, Coleraine
			St Mary's PS, Stewartstown	St. John's PS, Swatragh
			St Patrick's PS, Ardboe	St Patrick's PS, Glenariff
		Woods PS, Ballyronan		
	<b>Total = 103</b>			

**Appendix 2**  
**Schools receiving MASTS support 2011 – 2012**

	<b>East Antrim</b>	<b>Ballymena/Antrim</b>	<b>Mid-Ulster</b>	<b>Causeway</b>
<b>Nursery Schools</b>	Ashgrove NS, Glengormley	Ballymena NS	Cookstown NS	Ballysally NS, Coleraine
	Ballyhenry NS, Glengormley	Dunclug NS, Ballymena	Magherafelt NS	Ballymoney NS
	Monkstown NS	St. Joseph's NS, Antrim		Kylemore NS, Coleraine
	Mossley NS, Newtownabbey	Steeple NS, Antrim		

	<b>East Antrim</b>	<b>Ballymena/Antrim</b>	<b>Mid-Ulster</b>	<b>Causeway</b>
	Sunnylands NS, Carrickfergus			
<b>Primary Schools with Nursery Units</b>	Earlview PS, Newtownabbey	Ballykeel PS, Ballymena	Holy Trinity PS, Cookstown	Ballycastle Integrated PS
	Mossgrove PS, Glengormley	Braidside Integrated PS, Ballymena	Moneymore PS	Harpur's Hill PS, Coleraine
	Moyle PS, Larne	Broughshane PS	Orrritor PS, Cookstown	Irish Society PS, Coleraine
	Silverstream PS, Greenisland	Gracehill PS, Ballymena	St. Mary's PS, Bellaghy	St. Patrick's & St. Brigid's PS, Ballycastle
	St. James' PS, Newtownabbey	Harryville PS, Ballymena	St. Oliver Plunkett's PS, Toome	St. Patrick's PS, Loughgiel
	St. Bernard's PS, Glengormley	Mount St. Michael's PS, Randalstown	Cookstown PS, Cookstown	St. Patrick's PS, Rasharkin
	Victoria PS, Carrickfergus	St. Joseph's PS, Crumlin.	Holy Family PS, Magherafelt	St. Columba's PS, Kilrea
	Whitehouse PS, Newtownabbey	Templepatrick PS		
	Acorn Integrated PS, Carrickfergus			
	Oakfield PS, Carrickfergus			
	Rathcoole PS, Newtownabbey			
<b>Primary Schools</b>	Ballynure PS	Antrim PS	Castledawson PS	Ballmoney Model PS
	Carrickfergus Central PS	Ballycraigy PS, Antrim	Creivagh PS, Cookstown	Ballysally PS, Coleraine
	Eden PS, Carrickfergus	Carniny PS, Ballymena	Derrychrin PS Coagh	Ballytober PS, Bushmills
	Fairview PS, Ballyclare	Creggan PS, Randalstown	Knockloughrim PS	Balnamore PS, Ballymoney
	Glengormley Integrated PS	Crumlin Integrated PS	St. Patrick's PS Glen, Maghera	Bunscoil an Chaistil, Ballycastle
	Greenisland PS	Duneane PS, Toome	Spires Integrated PS, Magherafelt	Carnalridge PS, Portrush
	Mallusk PS, Newtownabbey	Groggan PS, Randalstown	Portglenone P.S	Castleroe PS, Coleraine
	Mossley PS, Newtownabbey	Kells & Connor PS, Kells	Queen Elizabeth II PS, Pomeroy	Cullycapple PS, Aghadowey
	Parkgate PS, Ballyclare	Loanends PS, Crumlin	St. Brigid's PS, Magherafelt	Dalriada Prep Dept, Ballymoney (closed June 2012)
	Straid PS, Ballyclare	Maine Integrated PS, Randalstown	St. Columba's PS, Straw, Draperstown	Glenann PS, Cushendall
	Tir na Nog PS, Ballyclare	Moneynick PS, Randalstown	St Mary's PS, Dunamore	Killowen PS, Coleraine
Abbot's Cross PS, Newtownabbey	Parkhall PS, Antrim	St. Mary's PS, Greenlough	Landhead PS, Ballymoney	

	<b>East Antrim</b>	<b>Ballymena/Antrim</b>	<b>Mid-Ulster</b>	<b>Causeway</b>
	Ashgrove PS, Glengormley	Randalstown Central PS	St. Mary's PS, Maghera	Millburn PS, Coleraine
	Carnlough Integrated PS, Carnlough	St. Comgall's PS, Antrim	St Mary's PS, Pomeroy	St. Columba's PS, Garvagh
	The Thompson PS, Ballyrobert	St. Joseph's PS, Antrim	St Mary's PS, Portglenone	St. John's PS, Coleraine
	Woodburn PS, Carrickfergus	Ballymena PS, Ballymena	St Mary's PS, Stewartstown	St. John's PS, Swatragh
		Greystone PS, Antrim	St Patrick's PS, Ardboe	St Patrick's PS, Glenariff
		Rathenraw Integrated PS, Antrim	Woods PS, Ballyronan	Armoy PS
		Round Tower Integrated PS, Antrim	Anahorish PS	Crossroads PS, Kilrea
		St. Colmcille's PS, Ballymena	Ballylifford PS	Damhead PS, Coleraine
		St. Brigid's PS, Ballymena	Drumard PS	Eden PS, Ballymoney
			Millquarter PS	Kilrea PS
			Moortown PS	Millstrand Integrated PS, Portrush
			St. John's Bosco PS	Portrush PS
			St. Joseph's PS, Killeenan	Rasharkin PS
				St. Ann's PS, Corkey
				St. Brigid's PS, Ballymoney
				St. Patrick's PS, Portrush
				<b>Total = 137</b>

**Appendix 3****Schools receiving MASTS support 2012 – 2013**

	<b>East Antrim</b>	<b>Ballymena/Antrim</b>	<b>Mid-Ulster</b>	<b>Causeway</b>
<b>Nursery Schools</b>	Ashgrove NS, Glengormley	Ballymena NS	Cookstown NS	Ballysally NS, Coleraine
	Ballyhenry NS, Glengormley	Dunclug NS, Ballymena	Magherafelt NS	Ballymoney NS
	Monkstown NS	St. Joseph's NS, Antrim		Kylemore NS, Coleraine
	Mossley NS, Newtownabbey	Steeple NS, Antrim		
	Sunnylands NS, Carrickfergus			
	Ballyclare NS, Ballyclare			

	<b>East Antrim</b>	<b>Ballymena/Antrim</b>	<b>Mid-Ulster</b>	<b>Causeway</b>
<b>Primary Schools with Nursery Units</b>	Earlview PS, Newtownabbey	Ballykeel PS, Ballymena	Holy Trinity PS, Cookstown	Ballycastle Integrated PS
	Mossgrove PS, Glengormley	Braidside Integrated PS, Ballymena	Moneymore PS	Harpur's Hill PS, Coleraine
	Moyle PS, Larne	Broughshane PS	Orrritor PS, Cookstown	Irish Society PS, Coleraine
	Silverstream PS, Greenisland	Gracehill PS, Ballymena	St. Mary's PS, Bellaghy	St. Patrick's & St. Brigid's PS, Ballycastle
	St. James' PS, Newtownabbey	Harryville PS, Ballymena	St. Oliver Plunkett's PS, Toome	St. Patrick's PS, Loughgiel
	St. Bernard's PS, Glengormley	Mount St. Michael's PS, Randalstown	Cookstown PS, Cookstown	St. Patrick's PS, Rasharkin
	Victoria PS, Carrickfergus	St. Joseph's PS, Crumlin.	Holy Family PS, Magherafelt	St. Columba's PS, Kilrea
	Whitehouse PS, Newtownabbey	Templepatrick PS		
	Acorn Integrated PS, Carrickfergus	Buick Memorial PS, Cullybackey		
	Oakfield PS, Carrickfergus			
	Rathcoole PS, Newtownabbey			
<b>Primary Schools</b>	Ballynure PS	Antrim PS	Castledawson PS	Ballmoney Model PS
	Carrickfergus Central PS	Ballycraig PS, Antrim	Creivagh PS, Cookstown	Ballysally PS, Coleraine
	Eden PS, Carrickfergus	Carniny PS, Ballymena	Derrychrin PS, Coagh	Ballytober PS, Bushmills
	Fairview PS, Ballyclare	Creggan PS, Randalstown	Knockloughrim PS	Balnamore PS, Ballymoney
	Glengormley Integrated PS	Crumlin Integrated PS	St. Patrick's PS Glen, Maghera	Bunscoil an Chaistil, Ballycastle
	Greenisland PS	Duneane PS, Toome	Spires Integrated PS, Magherafelt	Carnalridge PS, Portrush (closed June 2013)
	Mallusk PS	Groggan PS, Randalstown	Portglenone PS	Castleroe PS, Coleraine
	Mossley PS, Newtownabbey	Kells & Connor PS, Kells	Queen Elizabeth II PS, Pomeroy	Cullycapple PS, Aghadowey
	Parkgate PS, Ballyclare	Loanends PS, Crumlin	St. Brigid's PS, Magherafelt	St. Ann's PS, Corkey
	Straid PS, Ballyclare	Maine Integrated PS, Randalstown	St. Columba's PS, Straw, Draperstown	Glenann PS, Cushendall
	Tir na Nog PS, Ballyclare	Moneynick PS, Randalstown	St Mary's PS, Dunamore	Killowen PS, Coleraine
	Abbot's Cross PS, Newtownabbey	Parkhall PS, Antrim	St. Mary's PS, Greenlough	Landhead PS, Ballymoney
	Ashgrove PS, Glengormley	Randalstown Central PS	St. Mary's PS, Maghera	Millburn PS, Coleraine

	East Antrim	Ballymena/Antrim	Mid-Ulster	Causeway
	Carnlough Integrated PS, Carnlough	St. Comgall's PS, Antrim	St Mary's PS, Pomeroy	St. Columba's PS, Garvagh
	The Thompson PS, Ballyrobert	St. Joseph's PS, Antrim	St Mary's PS, Portglenone	St. John's PS, Coleraine
	Mullaghduh PS, Islandmagee	Ballymena PS, Ballymena	St Mary's PS, Stewartstown	St. John's PS, Swatragh
	Woodburn PS, Carrickfergus	Greystone PS, Antrim	St Patrick's PS, Ardboe	St Patrick's PS, Glenariff
		Rathenraw Integrated PS, Antrim	Woods PS, Ballyronan	Arroy PS
		Round Tower Integrated PS, Antrim	Anahorish PS	Crossroads PS, Kilrea
		St. Colmcille's PS, Ballymena	Ballylifford PS	Damhead PS, Coleraine
		St. Brigid's PS, Ballymena	Drumard PS (closed June 2013)	Eden PS, Ballymoney
			Millquarter PS	Kilrea PS
			Moortown PS	Millstrand Integrated PS, Portrush
			St. John's Bosco PS	Portrush PS
			St. Joseph's PS, Killeenan	Rasharkin PS
			Gaelscoil Na Sperinni, Draperstown	Carhill Integrated PS
			Donaghey PS, Dungannon	St. Brigid's PS, Ballymoney
			Sacred Heart PS	St. Patrick's PS, Portrush
			Lissan PS	Barnish PS
			Maghera PS	St. Joseph's PS, Dunloy
				Macosquin PS
				<b>Total = 148</b>

### Causeway Hospital: Emergency Department Patients

**Mr Campbell** asked the Minister of Health, Social Services and Public Safety, pursuant to AWQ 32279/11-15, what steps have been taken to replicate the results at the Causeway Hospital in other hospitals.

(AQW 32797/11-15)

**Mr Poots:** The Health and Social Care Board has been working with the Health and Social Care Trusts to improve emergency care performance. The Board's unscheduled care improvement team works with all Trusts to ensure that areas of best practice are shared across every hospital and that the 18 key actions that have been identified to improve patient flow are being implemented.

### Causeway Hospital: Agency Locums

**Mr Allister** asked the Minister of Health, Social Services and Public Safety what cost comparisons have been conducted on filling vacant positions at the mid to top range in the Causeway Hospital and the current cost of agency locums.

(AQW 32803/11-15)

**Mr Poots:** The Northern Health and Social Care Trust has advised it has not carried out cost comparisons between filling vacant posts at the mid to top range of the salary scale and filling vacant posts by agency locum doctors in the Causeway Hospital. The Trust reports that the average monthly cost of agency locum doctors is £575k.

The Trust advises that there are a number of consultant vacancies at the Causeway site and these are at various stages in the recruitment process. The Trust has advertised these vacancies in various journals and papers throughout the UK and Ireland. It has also liaised with Global/MediRec, an English based recruitment agency, which recruits doctors from mainland Europe, but with limited success.

## Pregnancy Miscarriages

**Mr McCarthy** asked the Minister of Health, Social Services and Public Safety how many pregnancy miscarriages were recorded in each Health and Social Care Trust in (i) 2009/10; (ii) 2010/11; (iii) 2011/12; and (iv) 2012/13.

**(AQW 32804/11-15)**

**Mr Poots:** The number of pregnancy miscarriages which required an admission to hospital, are given in the table below, by HSC Trust for each of the last four years.

HSC Trust	2009/10	2010/11	2011/12	2012/13
Belfast	759	586	594	384
South Eastern	466	489	448	374
Northern	465	446	473	393
Southern	676	611	642	653
Western	526	492	464	490
<b>Total</b>	<b>2,892</b>	<b>2,624</b>	<b>2,621</b>	<b>2,294</b>

**Source:** Hospital Inpatient System

**Note:** The number of pregnancy miscarriages given includes ectopic pregnancies, hydatidiform moles, other abnormal products of conception and spontaneous abortions.

## Pregnancy Miscarriages

**Mr McCarthy** asked the Minister of Health, Social Services and Public Safety what support is provided in each Health and Social Care Trust to women and parents who have lost a child through miscarriage.

**(AQW 32805/11-15)**

**Mr Poots:** All women and their partners who experience the loss of a child at any gestation of pregnancy are supported initially by the midwifery staff and obstetric team responsible for care at the time of their loss. Further bereavement care and support is provided following discharge from hospital by the General Practitioner, Community Midwife and Health Visitor to whom the mother is referred for follow up care. Support is also provided in the form of Trust bereavement booklets containing advice and links to relevant support and counseling organisations such as the Miscarriage Association.

Health and Social Care (HSC) Trusts work closely with SANDS, the Stillbirth and Neonatal Death Society, which provides memory boxes and information packs in Trust hospitals for all parents who have suffered stillbirth or neonatal death. There is a book of remembrance and an annual remembrance service for parents, families and friends bereaved of a baby or child.

All HSC Trusts in Northern Ireland have bereavement coordinators who work within Trusts to develop bereavement care, standards and training for all types of bereavement, including miscarriage, stillbirth and neonatal death. All midwives undergo bereavement training on how to support and care for grieving parents.

The South Eastern Health and Social Care Trust is the only Trust with a dedicated bereavement support midwife.

## Pregnancy Miscarriages

**Mr McCarthy** asked the Minister of Health, Social Services and Public Safety what research is currently being undertaken on the issues of miscarriage and the causes of miscarriage.

**(AQW 32806/11-15)**

**Mr Poots:** My Department provides support for research in health and social care (HSC)

through the regional HSC Research & Development Fund, managed through the Public Health Agency. Projects relevant to miscarriage funded recently include supporting doctoral fellowships in the prediction of pre-eclampsia in high risk pregnancies and the role of a placental enzyme in diabetic pre-eclampsia. The EUROCAT study is a major project, involving European surveillance of congenital abnormalities, coordinated from NI that attracts significant EU R&D funding.

Other research is underway in both NI universities, collaborating with HSC Trusts, with funding achieved from a range of sources, led by Professor Fiona Alderdice at Queen's and Professor Marlene Sinclair at The University of Ulster.

## Obstetric Theatres

**Mr McKay** asked the Minister of Health, Social Services and Public Safety to list the hospitals which have a dedicated obstetric theatre; and whether there are any plans to provide such theatres in other hospitals.

**(AQW 32822/11-15)**

**Mr Poots:** Hospitals in Northern Ireland with dedicated Obstetric Theatres are given in the table below.

Hospital	Number of Obstetric Theatres
Royal Jubilee Maternity Hospital	3
Antrim Area Hospital	2
Ulster Hospital	2
Craigavon Area Hospital	2
Daisy Hill Hospital	1
Altnagelvin Hospital	1

There are no current plans in any of the Trusts to add any further dedicated Obstetric Theatres, however it should be noted that at Altnagelvin there is an action plan in place to transfer to the Main Theatre should there be the need for a second theatre, and that South West Acute Hospital, Enniskillen transfer women patients to their Main Theatre if and when required.

## Ambulance Response Times

**Mr Moutray** asked the Minister of Health, Social Services and Public Safety what is the average ambulance response time in (i) Lurgan; (ii) Banbridge; and (iii) Portadown.

**(AQW 32835/11-15)**

**Mr Poots:** My Department's current performance indicator for ambulance response times is that 72.5% of all Category A (life-threatening) calls are responded to within eight minutes, with no less than 67.5% in any Local Commissioning Group (LCG). Provisional information on the performance against this indicator is detailed in the table below for 2013/14.

### Percentage of Category A (Life threatening) Calls Responded to Within Eight Minutes, by Local Commissioning Group (April 2013 – March 2014)<sup>1</sup>

LCG	Apr 2013	May 2013	Jun 2013	July 2013	Aug 2013	Sept 2013	Oct 2013	Nov 2013	Dec 2013	Jan 2014	Feb 2014	Mar 2014
Belfast	75.7%	83.0%	85.0%	83.9%	83.4%	85.9%	84.9%	83.3%	76.9%	78.8%	75.1%	78.7%
Northern	58.0%	58.8%	61.5%	56.6%	62.1%	62.6%	65.0%	61.4%	59.3%	58.2%	57.0%	58.4%
South Eastern	57.2%	66.3%	68.4%	64.1%	65.1%	61.4%	68.2%	62.4%	59.6%	58.6%	59.5%	57.9%
Southern	60.3%	62.6%	63.3%	65.7%	64.4%	63.9%	65.7%	65.7%	60.1%	60.8%	60.2%	60.5%
Western	64.0%	66.8%	66.4%	65.9%	66.1%	72.1%	71.5%	69.0%	62.9%	66.1%	65.7%	63.7%
<b>Northern Ireland</b>	<b>63.8%</b>	<b>68.7%</b>	<b>69.8%</b>	<b>68.4%</b>	<b>69.3%</b>	<b>70.8%</b>	<b>72.1%</b>	<b>69.6%</b>	<b>64.7%</b>	<b>65.7%</b>	<b>64.3%</b>	<b>65.1%</b>

<sup>1</sup> Information is provisional and may be subject to change.

## Sarcoma Research

**Mr Weir** asked the Minister of Health, Social Services and Public Safety how many people have been diagnosed with sarcoma in each of the last five years.

**(AQW 32841/11-15)**

**Mr Poots:** Latest information provided by the Northern Ireland Cancer Registry (NICR) on the number of sarcomas diagnosed in Northern Ireland in each of the last five years, is given in the table below:

Year of Diagnosis	Number of Sarcomas
2008	100
2009	96
2010	101
2011	105

Year of Diagnosis	Number of Sarcomas
2012	109
<b>Total</b>	<b>511</b>

## Sarcoma Research

**Mr Weir** asked the Minister of Health, Social Services and Public Safety whether any research is being carried out on sarcoma; and what funding is available for such research.

**(AQW 32843/11-15)**

**Mr Poots:** Health and Social Care (HSC) research is carried out in all Trusts, usually in association with universities. There are a great many sources of funding, including Government, charities and industry. This applies equally to cancer, and sarcoma in particular, as to other aspects of health or care. Critical factors that enable research are the necessary facilities and resources, including scientists and clinicians with specialist skills and experience. With the small scale of Northern Ireland, much research is undertaken in collaboration with other centres nationally and internationally.

Locally, our HSC R&D Fund, managed through the Public Health Agency, supports research that focusses on benefits for patients and the population. Funding is provided for the Northern Ireland Cancer Trials Centre (NICTC, in Belfast) and Network (involving all other Trusts). This enables Trusts to employ health care professionals with the skills and experience to deliver high quality clinical research for patients locally who have cancer.

The NICTC has enabled a number of clinical trials for adults and children with sarcoma. Three separate studies involving 21 patients have been completed since 2012, two trials for children with sarcoma are due to commence in Belfast in coming months and a further trial is in development. The results of such trials, undertaken locally or elsewhere, are published and presented at conferences so that findings can inform future practice.

Details on clinical trials in the UK are available on the UK Clinical Trials Gateway [www.ukctg.nihr.ac.uk](http://www.ukctg.nihr.ac.uk)

Details on clinical trials across the globe are available on [www.clinicaltrials.gov](http://www.clinicaltrials.gov)

## Mileage Allowance Rate

**Lord Morrow** asked the Minister of Health, Social Services and Public Safety what assurances he can give that community health care workers will not be disadvantaged by the new mileage allowance rate; and whether he would consider lifting the rate for these workers.

**(AQW 32856/11-15)**

**Mr Poots:** The NHS/HSC has a responsibility to reimburse costs incurred by staff. The rates of reimbursement which came into effect on 1 July 2013 are £0.67 per mile for the first 3,500 business miles and £0.24 per mile thereafter. These rates were negotiated nationally and apply to all health service staff who use their own vehicle to travel on official business. There is no scope within the agreement to lift the rate for a particular group of staff.

## Test and Vaccinate or Remove Scheme

**Mr Swann** asked the Minister of Health, Social Services and Public Safety what role his Department has had in the Department of Agriculture and Rural Development's test, vaccinate or remove scheme.

**(AQW 32862/11-15)**

**Mr Poots:** Under the Animals (Scientific Procedures) Act 1986 ("the Act") my Department is responsible for licensing research that uses live animals. The Act regulates any experimental or other scientific procedure applied to a protected animal which may have the effect of causing that animal pain, distress or lasting harm. A protected animal is any living vertebrate, other than man, and any living cephalopod.

DARD has advised my Department about the proposed DARD research project entitled Test and Vaccinate or Remove (TVR). The aim of the TVR project is to describe the effects of implementing a TVR intervention on badgers in an area of high prevalence of bovine TB.

In preparation for DARD submitting the relevant licence applications its officials have been in regular contact with my officials to ensure they understand the licensing process and requirements that need to be met before a licence can be granted. My Department has granted DARD an establishment licence, and as my Department receives applications for project and personal licences for the proposed research project, the applications will be processed in accordance with the requirements of the Act.

I understand that the TVR proposal is a research project, not a scheme or a policy. My Department's functions under the Animals (Scientific Procedures) Act 1986 are concerned only with research; they do not extend to policies or schemes.

## Caries Prevention in Practice Trial

**Mr Rogers** asked the Minister of Health, Social Services and Public Safety for an update on the Northern Ireland Caries Prevention in Practice trial.

**(AQW 32866/11-15)**

**Mr Poots:** The Northern Ireland Caries Prevention in Practice trial is a large research trial which is investigating the effectiveness, and cost effectiveness, of fluoride varnish applied by dental professionals in dental practices, to the teeth of children under the age of 5. The trial involves around 1250 children aged 2-4 and is following these children over a 3 year period to check if they develop dental decay. 88 dentists and 22 general dental practices across Northern Ireland are involved in the study. The trial measures how many children remain free of decay and the incidence of toothache and extractions in this group. The overall duration of the trial will be around 4 years, from the recruitment of patients at the start of the trial, to the evaluation and final report at the end. The trial is now more than half way through and the preliminary results are expected in autumn 2015.

This is the first time that such a trial has been undertaken in Western Europe and is a coup for Northern Ireland. Indeed it is the largest dental research trial ever undertaken in Northern Ireland. The trial has been largely funded by the National Institute of Health Research Health Technology Assessment Programme but I am pleased that my Department and the Northern Ireland Research and Development Office have been able to contribute to the funding of this very important research. If this trial shows that topical fluorides in dental practice are both clinically effective and cost effective, there will be the potential to dramatically reduce the rates of dental decay in our population.

## Caries Prevention in Practice Trial

**Mr Rogers** asked the Minister of Health, Social Services and Public Safety whether the outcome of the Northern Ireland Caries Prevention in Practice trial will determine his plans on continuing with the fluoridation of water.

**(AQW 32869/11-15)**

**Mr Poots:** The Northern Ireland Caries Prevention in Practice trial is a large research trial which involves around 1250 children aged 2-4 over a 3 year period to determine how effective the application of Fluoride varnish in a dental practice setting is at reducing dental decay. Preliminary results are expected in Autumn 2015.

Water fluoridation supplements naturally occurring fluoride levels to improve the dental health of the entire population. None of the water supplies in Northern Ireland currently receives supplementary fluoride.

The outcome of Northern Ireland Caries Prevention in Practice trial will not directly affect my ongoing consideration of water fluoridation but, along with other mechanisms to deliver Fluoride to prevent dental decay, will be considered to inform the strategic direction taken by my Department to improve the oral health of the people of Northern Ireland. If a proposal to fluoridate the water supplies was to be made, the appropriate evidence from reputable scientific and medical sources will be considered, and we are required, under The Water and Sewerage Services (Northern Ireland) Order 2006 to consult, and ascertain, public opinion.

## Domestic Abuse

**Mr Weir** asked the Minister of Health, Social Services and Public Safety what consideration is being given to increasing support for the victims of domestic violence through support workers in Emergency Departments.

**(AQW 32882/11-15)**

**Mr Poots:** The Department is working with the South Eastern and Western Health and Social Care Trusts to put in place a pilot to train doctors, nurses and radiographers in accident and emergency departments to recognise, respond to and report on incidents of domestic violence. Victims will be provided with appropriate care pathways, information and advice.

## Royal Victoria Hospital: Parking

**Mr Beggs** asked the Minister of Health, Social Services and Public Safety what is the estimated cost to (i) the Health Service; and (ii) patients of a patient missing an appointment at the Royal Victoria Hospital where difficulty in finding a parking space was a contributory factor; and what action he is taking to ensure sufficient parking at the hospital.

**(AQW 32900/11-15)**

**Mr Poots:** The cost to the Health Service and patients of missed medical appointments is not readily available and can only be provided at disproportionate cost.

Although not a common problem; on occasion when patients arrive late at a Royal Victoria Hospital (RVH) appointment and cite difficulty in parking as a reason, it is not customary to turn them away from their appointment. Instead, they are fitted in at the end of a clinic.

The Belfast Trust is in the process of developing a business case to provide a long-term, sustainable; affordable and accessible car parking solution for patients, staff and visitors for the Royal Victoria Hospital site. This will be subject to business case approval and availability of funding.

The Trust has also introduced a number of interim measures in order to alleviate the current pressures on car parking spaces on the RVH site; including an additional temporary 300 space car park at Broadway Towers; the release of an additional 60 spaces in the main visitor's car park, and the recovery of spaces from private car park provider Car Park Services (CPS) across the site.

### **Alcohol and Drugs Commissioning Framework**

**Ms P Bradley** asked the Minister of Health, Social Services and Public Safety when the Alcohol and Drugs Commissioning Framework for Northern Ireland 2013-2016 will be published.

**(AQW 32901/11-15)**

**Mr Poots:** Under the cross-Departmental strategy to prevent and address the harm related to substance misuse, known as the New Strategic Direction for Alcohol and Drugs Phase 2, the Public Health Agency (PHA) and the Health and Social Care Board (HSCB) were tasked with developing a regional commissioning framework for alcohol and drug services in Northern Ireland.

This framework was published for consultation in March 2013 (<http://www.publichealth.hscni.net/sites/default/files/Drug%20and%20Alcohol%20Commissioning%20Framework%20Consultation%20Document.pdf>). 52 organisations responded to the consultation which closed in April 2013. Subsequently the PHA and the HSCB published an analysis of, and a response to, the consultation in July 2013 (<http://www.publichealth.hscni.net/sites/default/files/Drug%20and%20Alcohol%20Commissioning%20Framework%20Consultation%20Document.pdf>).

Since this time the PHA and HSCB have focused on the development and implementation of a procurement plan to tender for a range of services to the key priorities outlined in the framework. The PHA and HSCB anticipate that the finalised framework will be published once this procurement plan has been completed.

### **Alcohol: Structured Brief Advice**

**Ms P Bradley** asked the Minister of Health, Social Services and Public Safety whether the delivery of Structured Brief Advice for Alcohol within primary care is a clinical priority for the Health and Social Care Board.

**(AQW 32902/11-15)**

**Mr Poots:** The efficacy of, and evidence base for, screening and brief interventions for alcohol misuse is recognised in our cross-Departmental Strategy to prevent and address the harm related to substance misuse – known as the New Strategic Direction for Alcohol and Drugs Phase 2. Therefore, since 2012/13 my Department has set the delivery of screening and brief interventions in primary care as a clinical priority for Health and Social Care. I anticipate that this will continue in the 2014/15 financial year.

### **Alcohol Screening and Intervention Treatment**

**Ms P Bradley** asked the Minister of Health, Social Services and Public Safety when the Health and Social Care Board and Public Health Agency plan to roll out alcohol screening and brief intervention treatment within primary care, as outlined in their draft Alcohol and Drugs Commissioning Framework 2013-2016.

**(AQW 32903/11-15)**

**Mr Poots:** The delivery of screening and brief interventions in primary care has been a clinical priority for Health and Social Care since 2012/13. This clinical priority has allowed the Health and Social Care Board (HSCB) to enter into arrangements with any primary medical services contractor to provide structured brief advice. The Brief Intervention clinical priority is designed to support standard eight of the Cardiovascular Services Framework and the implementation of the NSD Phase 2.

In 2013/14, 210 GPs in Northern Ireland signed up to the Regionally Enhanced Service (RES) under the clinical priority, and over 40,000 patients were screened for their alcohol use. I anticipate that the clinical priority will continue in 2014/15.

Through the commissioning plan direction, I have also set a priority around the development and commissioning of a substance misuse liaison service in acute hospitals across Northern Ireland. This would help build the capacity to provide screening and brief intervention in these settings.

### **Hospitals: Serious Adverse Incidents**

**Mr Allister** asked the Minister of Health, Social Services and Public Safety, in relation to elderly people attending Emergency Departments, how many Serious Adverse Incidents have been notified at each hospital in each of the last three years.

**(AQW 32917/11-15)**

**Mr Poots:** Information on the number of Serious Adverse Incidents cannot be provided by hospital because in some cases the numbers are so small (i.e. less than five). The Department will not publish numbers less than five in order to protect patient confidentiality.

## Emergency Services: Complaints

**Mr Allister** asked the Minister of Health, Social Services and Public Safety how many complaints have been received in relation to Emergency services at each hospital in the last twelve months.

**(AQW 32918/11-15)**

**Mr Poots:** Information on the number of complaints received in relation to emergency care services at each hospital in the last twelve months is not collected by the Department and could only be provided at disproportionate cost.

## Smoking in Cars

**Mr Wells** asked the Minister of Health, Social Services and Public Safety whether he is aware that a recent opinion poll indicated that 82 per cent of the public support a ban on smoking in cars carrying children.

**(AQW 32925/11-15)**

**Mr Poots:** I am aware of the opinion poll, commissioned by Northern Ireland Chest Heart and Stroke, which indicated considerable support for legislation restricting smoking in cars carrying children. At present, my Department is engaged in a substantial programme of legislative change with regards to tobacco control. This includes consideration of the introduction of standardised packaging, commencing regulations introducing tougher penalties for tobacco retailers who flout age of sale law, and restricting the sale of electronic cigarettes to persons aged 18 and over.

My intention is to focus on these issues at present. In the meantime, I will monitor developments on smoking restrictions in private vehicles in other parts of the UK, as they may have an impact on my plans for similar legislation in Northern Ireland in the future.

## Smoking in Cars

**Mr Wells** asked the Minister of Health, Social Services and Public Safety what progress has been made in drafting legislation to ban smoking in cars carrying children.

**(AQW 32926/11-15)**

**Mr Poots:** My Department has been engaged in a substantial programme of legislative change with regards to tobacco control, including measures around the introduction of standardised packaging, as well as the progression of the Tobacco Retailers Act (Northern Ireland) 2014 through the Assembly. These issues are still current, with work ongoing to commence provisions of the Tobacco Retailers Act, and a further consultation planned on draft regulations for standardised packaging. I also have plans to introduce legislation later this year aimed at restricting the age of sale for electronic cigarettes to persons under the age of 18.

Given the extent of the current legislative programme, my intention is to focus on these issues at present. In the meantime, I will monitor developments on smoking restrictions in private vehicles in other parts of the UK, as they may have an impact on my plans for similar legislation in Northern Ireland in the future.

## Sarcoma

**Mr Beggs** asked the Minister of Health, Social Services and Public Safety how many cases of sarcoma cancer have been diagnosed in each of the five years.

**(AQW 32927/11-15)**

**Mr Poots:** I refer the member to AQW 32841/11-15 on the number of people who have been diagnosed with sarcoma in Northern Ireland in each of the last five years.

## Sarcoma

**Mr Beggs** asked the Minister of Health, Social Services and Public Safety for his assessment of the current rates of awareness of sarcoma cancer; and to detail how he will seek to increase awareness.

**(AQW 32928/11-15)**

**Mr Poots:** Sarcomas are very rare cancers of the bones or soft tissues, with around 100 people per year diagnosed in Northern Ireland.

The Public Health Agency (PHA) is taking forward work to establish a baseline of the levels of knowledge and awareness of cancer amongst the population. The PHA is also hosting a stakeholder workshop on 8 May 2014 to ensure that key individuals and organisations are fully engaged in planning and supporting the cancer awareness programme. This work is essential in order to develop a cancer awareness campaign that is evidence-based and appropriate to the needs of the public in Northern Ireland. It is expected this work will be finalised by September or October with commencement of the campaign shortly thereafter.

The National Institute for Health and Clinical Excellence (NICE) guideline CG27: "Referral for suspected cancer" includes bone and soft tissue sarcomas and forms the basis for red flag referrals by GPs, helping to improve awareness amongst doctors of those symptoms which may be due to sarcoma which need urgent investigation.

## Sarcoma Research

**Mr Beggs** asked the Minister of Health, Social Services and Public Safety what research is (i) currently being conducted; and (ii) planned into the causes and potential treatments of sarcoma cancer.

**(AQW 32929/11-15)**

**Mr Poots:** Health and Social Care (HSC) research is carried out in all Trusts, usually in association with universities. There are a great many sources of funding, including Government, charities and industry. This applies equally to cancer, and sarcoma in particular, as to other aspects of health or care. With the small scale of Northern Ireland, much research is undertaken in collaboration with other centres nationally and internationally.

Locally, our HSC R&D Fund, managed through the Public Health Agency, supports research that focusses on benefits for patients and the population. Funding is provided for the Northern Ireland Cancer Trials Centre (NICTC, in Belfast) and Network (involving all other Trusts). This enables Trusts to employ health care professionals with the skills and experience to deliver high quality clinical research for patients locally who have cancer.

The NICTC has enabled a number of clinical trials for adults and children with sarcoma. Three separate studies involving 21 patients have been completed since 2012, two trials for children with sarcoma are due to commence in Belfast in coming months and a further trial is in development. The results of such trials, undertaken locally or elsewhere, are published and presented at conferences so that findings can inform future practice.

Details on clinical trials in the UK are available on the UK Clinical Trials Gateway [www.ukctg.nihr.ac.uk](http://www.ukctg.nihr.ac.uk)

Details on clinical trials across the globe are available on [www.clinicaltrials.gov](http://www.clinicaltrials.gov)

## Budget and Actual Spending

**Mr Eastwood** asked the Minister of Health, Social Services and Public Safety to detail (i) the budget; and (ii) the actual spending in each Health and Social Care Trust in 2013/14.

**(AQW 32932/11-15)**

**Mr Poots:** The table below shows the budget and expenditure for each Health and Social Care Trust during the 2013/14 financial year. The figures for March 2014 are not yet available - the year to date budget and expenditure as at the end of February 2014 has therefore been presented:

Trust	Budget to February 2014 £'000	Expenditure to February 2014 £'000
Belfast	1,036,837	1,037,856
Northern	522,514	529,796
Southern	464,914	470,613
South Eastern	458,026	463,246
Western	456,358	459,644
NIAS	54,055	54,046

## Domestic Abuse: Victim Support

**Mr McGimpsey** asked the Minister of Health, Social Services and Public Safety to outline the current policy in providing support for victims of domestic abuse; and whether he will consider a similar programme to the Victim Support initiative in England which places support workers for victims of domestic violence in Emergency Department settings.

**(AQW 32933/11-15)**

**Mr Poots:** The Department's 'Tackling Violence at Home' Strategy and associated Action Plans outline the policy in providing support for victims of domestic. Along with the Department of Justice my Department is currently developing a new joint Strategy on Domestic and Sexual Violence and Abuse.

This new Strategy will respond to the needs of all victims/survivors of domestic and sexual violence and abuse, regardless of age, gender, sexual orientation, religion, ethnicity, socioeconomic circumstances or disability of the individual(s). At its core is a vision of zero tolerance to domestic and sexual violence and abuse in our society. Support is one of the strands of the Strategy and this will allow us to build on the current successes achieved in this area.

The Department is working with the South Eastern and Western Health and Social Care Trusts to put in place a pilot to train doctors, nurses and radiographers in accident and emergency departments to recognise, respond to and report on incidents of domestic violence. Victims will be provided with appropriate care pathways, information and advice.

## Ovarian Cancer Awareness

**Mr Weir** asked the Minister of Health, Social Services and Public Safety what strategies are being pursued to raise awareness of ovarian cancer.

**(AQW 32983/11-15)**

**Mr Poots:** The Public Health Agency (PHA) is developing a programme aimed at improving the awareness of cancer in our population. As part of that programme the PHA will include specific messages about ovarian cancer. The PHA is hosting a stakeholder workshop on 8th May 2014 to ensure that key individuals and organisations, including the ovarian cancer charities, are fully engaged in planning and supporting the cancer awareness programme.

In addition and to move things forward to improve awareness of ovarian cancer, the PHA plans to initiate an awareness raising programme over the coming weeks. The programme will comprise of a targeted distribution of leaflets and posters, possibly supplemented by a platform piece to be included in local newspaper publications.

In addition the Public Health Agency has also been working closely with the Health and Social Care Board to provide information for primary care practitioners, including information on the appropriate investigations to be undertaken with women whose signs and symptoms are suggestive of ovarian cancer.

## Ulster Hospital: Serious Adverse Incidents

**Mr Copeland** asked the Minister of Health, Social Services and Public Safety how many Serious Adverse Incidents have occurred in the Ulster Hospital in each of the last ten years, broken down by the nature of the incident; and whether in any case the Health and Social Care Trust's response was below standard and resulted in the death of patients.

**(AQW 32999/11-15)**

**Mr Poots:** Information on the number of SAIs cannot be provided by hospital because in some cases the numbers are so small (i.e. less than five). The Department will not publish numbers less than five in order to protect patient confidentiality.

## Department of Justice

### Coroner's Officers

**Mr Allister** asked the Minister of Justice why there are no Coroner's Officers to support the Coroner in Northern Ireland, as in England and Wales; and for his assessment of the need for this support.

**(AQW 32509/11-15)**

**Mr Ford (The Minister of Justice):** In Northern Ireland the role of Coroner's Officer is discharged by police officers. A police officer called to attend the scene of a death acts as the Coroner's officer for the purpose of gathering evidence to assist the Coroner's investigation. There are no plans to change this arrangement.

### DOJ: Vacancies and Agency Staff

**Mr Dallat** asked the Minister of Justice to detail the (i) vacancies; and (ii) agency staff in his Department, broken down by grade.

**(AQW 32517/11-15)**

**Mr Ford:** As at 1 April 2014 the number of vacancies and agency staff in the Department of Justice is provided in the table below.

Grade	Number Vacancies at 1 April 2014	Number of Agency Workers at 1 April 2014
Non General Service Staff	2	16
Administrative Assistant		4
Administrative Officer		21
Executive Officer II	2	
Executive Officer I	2	
Staff Officer	3	
Deputy Principal		
Grade 7		1
Grade 6		1
SCS (Specialist)		
SCS (General Service)		
<b>Total:</b>	<b>9</b>	<b>43</b>

## On-the-runs Scheme

**Mr Campbell** asked the Minister of Justice when he became aware of the issue of the names identified for on-the-run letters by the Prison Service as recently referred to by the Secretary of State for Northern Ireland.

**(AQW 32544/11-15)**

**Mr Ford:** I became aware of this issue on the evening of Wednesday 26 February 2014 during a meeting with the Secretary of State for Northern Ireland.

## Prison Service: Supplier of Drug Tests

**Lord Morrow** asked the Minister of Justice to detail the contract term with the current supplier of drug tests for the Northern Ireland Prison Service.

**(AQW 32575/11-15)**

**Mr Ford:** The current contract term will expire on 31 August 2014.

## Domestic Abuse

**Mr Craig** asked the Minister of Justice to detail the number of domestic abuse cases recorded in each council area, broken down by gender, in each of the last five years.

**(AQW 32606/11-15)**

**Mr Ford:** Information on the number of domestic abuse cases before the courts is not available. Court records do not contain background information in relation to offences committed and it is therefore not possible to identify cases relating to offences with domestic abuse factors from other types of assault.

A wider range of information on the incidence and impact of domestic violence is however available from the Northern Ireland Crime Survey at

<http://www.dojni.gov.uk/index/statistics-research/stats-research-publications/northern-ireland-crime-survey-s-r.htm>

and from PSNI statistics at

[http://www.psnipolice.uk/index/updates/updates\\_statistics/updates\\_domestic\\_and\\_hate\\_motivation\\_statistics.htm](http://www.psnipolice.uk/index/updates/updates_statistics/updates_domestic_and_hate_motivation_statistics.htm).

## Rural Crime

**Mr Weir** asked the Minister of Justice for his assessment of the increase in rural crime, particularly tractor thefts; and what additional strategies are being pursued to combat this crime.

**(AQW 32635/11-15)**

**Mr Ford:** Police Service for Northern Ireland statistics show that the number of burglary, robbery and theft offences in rural areas has fallen in each financial year since 2010/11, with 957 fewer offences when comparing 2013 with 2012. The figures also indicate that while there had been a similar downward trend in agricultural related incidents, which would include tractor thefts, during 2013 there was a slight increase of 34 offences when comparing 2013 with 2012.

At a strategic level, the Rural Crime Unit – a partnership between the PSNI, NFU Mutual, the Department of Agriculture and Rural Development and my Department – is currently working towards achieving a reduction in agricultural crime.

The Unit provides a dedicated resource to identify trends and patterns in rural crime to assist District Commanders in developing their local strategies for addressing rural and agricultural crime and in targeting their resources and initiatives accordingly.

In December 2013 the Rural Crime Unit announced an initiative to provide a subsidy to farmers in policing districts E and F, where higher levels of crime relating to agricultural-based activity were identified. This subsidy was designed to encourage farmers to fit security equipment to farm machinery to combat thefts.

I understand that NFU Mutual, who jointly funded this initiative, has estimated that over £1.7 million worth of machinery has been protected as a result of this initiative.

Consideration is currently being given to the roll out of further initiatives where appropriate.

At a local level, Policing and Community Safety Partnerships in rural areas have, where appropriate, developed tailored solutions to address rural crime more widely. Actions being delivered include Farm Watch schemes, trailer marking, 4 Tier Security schemes, CCTV schemes and Neighbourhood Watch schemes.

## Dungannon Magistrates' Court: Unpaid fines

**Lord Morrow** asked the Minister of Justice, of the 1,808 unpaid fines totalling £425,106 between 2009 and 2013 at Dungannon Magistrates Court, how many cases benefited from Legal Aid.

**(AQW 32647/11-15)**

**Mr Ford:** The 1,808 fines imposed at Dungannon Magistrates' Court between 2009 and 2013 which remain unpaid were imposed in 1,256 cases, 358 of which had legal aid.

A Divisional Court judgment held that defendants should have a default hearing before the court makes whatever order it considers appropriate to deal with an unpaid fine.

On 17 February 2014, Magistrates' Courts Rules were created to give effect to the new arrangements and the resources required to implement these are currently being considered. In the meantime, the judiciary are reviewing all outstanding fine default warrants. Following default proceedings, a fine default warrant will issue for execution by the PSNI. The execution of warrants is an operational matter for the Chief Constable.

The Northern Ireland Courts and Tribunals Service continues to operate a fine collection service to secure fine payment without further court or enforcement action.

It is my intention to bring forward legislation during the current Assembly mandate to establish a new fine collection and enforcement service which will increase the range of collection and enforcement options.

The number of magistrates' court fines remaining unpaid broken down by County Court Division is set out in Table A.

**Table A**

Division/Year	2009	2010	2011	2012	2013	Total
Antrim	432	433	763	1,591	2,306	5,525
Ards	227	324	666	1,244	2,171	4,632
Armagh and South Down	167	210	476	1,231	1,879	3,963
Belfast	1,216	1,524	2,463	4,832	6,252	16,287
Craigavon	271	343	507	1,212	1,919	4,252
Fermanagh and Tyrone	391	359	508	1,468	2,521	5,247
Londonderry	436	396	505	1,560	2,755	5,652
<b>Grand Total</b>	<b>3,140</b>	<b>3,589</b>	<b>5,888</b>	<b>13,138</b>	<b>19,803</b>	<b>45,558</b>

The total amount of magistrates' court fines remaining unpaid broken down by County Court Division is set out in Table B.

**Table B**

Division/Year	2009	2010	2011	2012	2013	Total
Antrim	104,390.20	110,331.88	175,213.57	297,079.37	443,785.80	1,130,800.82
Ards	38,932.66	41,814.85	113,602.41	201,398.81	393,488.73	789,237.46
Armagh and South Down	30,022.10	66,653.66	90,603.13	255,427.00	355,591.06	798,296.95
Belfast	180,037.41	249,782.49	413,239.20	1,106,273.60	1,197,616.72	3,146,949.42
Craigavon	56,820.29	86,943.30	93,659.13	222,849.54	320,746.28	781,018.54
Fermanagh and Tyrone	82,190.71	102,963.82	113,811.96	295,267.94	508,210.33	1,102,444.76
Londonderry	96,801.10	101,610.25	92,754.55	326,929.46	722,776.22	1,340,871.58
<b>Grand Total</b>	<b>589,194.47</b>	<b>760,100.25</b>	<b>1,092,883.95</b>	<b>2,705,225.72</b>	<b>3,942,215.14</b>	<b>9,089,619.53</b>

### Dungannon Magistrates' Court: Unpaid fines

**Lord Morrow** asked the Minister of Justice what action he will take in relation to the 1,808 unpaid fines totalling £425,106 at Dungannon Magistrates Court.

**(AQW 32649/11-15)**

**Mr Ford:** The 1,808 fines imposed at Dungannon Magistrates' Court between 2009 and 2013 which remain unpaid were imposed in 1,256 cases, 358 of which had legal aid.

A Divisional Court judgment held that defendants should have a default hearing before the court makes whatever order it considers appropriate to deal with an unpaid fine.

On 17 February 2014, Magistrates' Courts Rules were created to give effect to the new arrangements and the resources required to implement these are currently being considered. In the meantime, the judiciary are reviewing all outstanding fine default warrants. Following default proceedings, a fine default warrant will issue for execution by the PSNI. The execution of warrants is an operational matter for the Chief Constable.

The Northern Ireland Courts and Tribunals Service continues to operate a fine collection service to secure fine payment without further court or enforcement action.

It is my intention to bring forward legislation during the current Assembly mandate to establish a new fine collection and enforcement service which will increase the range of collection and enforcement options.

The number of magistrates' court fines remaining unpaid broken down by County Court Division is set out in Table A.

**Table A**

Division/Year	2009	2010	2011	2012	2013	Total
Antrim	432	433	763	1,591	2,306	5,525
Ards	227	324	666	1,244	2,171	4,632
Armagh and South Down	167	210	476	1,231	1,879	3,963
Belfast	1,216	1,524	2,463	4,832	6,252	16,287
Craigavon	271	343	507	1,212	1,919	4,252
Fermanagh and Tyrone	391	359	508	1,468	2,521	5,247
Londonderry	436	396	505	1,560	2,755	5,652
<b>Grand Total</b>	<b>3,140</b>	<b>3,589</b>	<b>5,888</b>	<b>13,138</b>	<b>19,803</b>	<b>45,558</b>

The total amount of magistrates' court fines remaining unpaid broken down by County Court Division is set out in Table B.

**Table B**

Division/Year	2009	2010	2011	2012	2013	Total
Antrim	104,390.20	110,331.88	175,213.57	297,079.37	443,785.80	1,130,800.82
Ards	38,932.66	41,814.85	113,602.41	201,398.81	393,488.73	789,237.46
Armagh and South Down	30,022.10	66,653.66	90,603.13	255,427.00	355,591.06	798,296.95
Belfast	180,037.41	249,782.49	413,239.20	1,106,273.60	1,197,616.72	3,146,949.42
Craigavon	56,820.29	86,943.30	93,659.13	222,849.54	320,746.28	781,018.54
Fermanagh and Tyrone	82,190.71	102,963.82	113,811.96	295,267.94	508,210.33	1,102,444.76
Londonderry	96,801.10	101,610.25	92,754.55	326,929.46	722,776.22	1,340,871.58
<b>Grand Total</b>	<b>589,194.47</b>	<b>760,100.25</b>	<b>1,092,883.95</b>	<b>2,705,225.72</b>	<b>3,942,215.14</b>	<b>9,089,619.53</b>

### Dungannon Magistrates' Court: Unpaid fines

**Lord Morrow** asked the Minister of Justice to detail (i) the number of Magistrates Court fines that remain unpaid; and (ii) the combined total outstanding from 2009 to 2013 broken down by court division.

**(AQW 32650/11-15)**

**Mr Ford:** The 1,808 fines imposed at Dungannon Magistrates' Court between 2009 and 2013 which remain unpaid were imposed in 1,256 cases, 358 of which had legal aid.

A Divisional Court judgment held that defendants should have a default hearing before the court makes whatever order it considers appropriate to deal with an unpaid fine.

On 17 February 2014, Magistrates' Courts Rules were created to give effect to the new arrangements and the resources required to implement these are currently being considered. In the meantime, the judiciary are reviewing all outstanding fine default warrants. Following default proceedings, a fine default warrant will issue for execution by the PSNI. The execution of warrants is an operational matter for the Chief Constable.

The Northern Ireland Courts and Tribunals Service continues to operate a fine collection service to secure fine payment without further court or enforcement action.

It is my intention to bring forward legislation during the current Assembly mandate to establish a new fine collection and enforcement service which will increase the range of collection and enforcement options.

The number of magistrates' court fines remaining unpaid broken down by County Court Division is set out in Table A.

**Table A**

Division/Year	2009	2010	2011	2012	2013	Total
Antrim	432	433	763	1,591	2,306	5,525
Ards	227	324	666	1,244	2,171	4,632
Armagh and South Down	167	210	476	1,231	1,879	3,963
Belfast	1,216	1,524	2,463	4,832	6,252	16,287
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Fermanagh and Tyrone	391	359	508	1,468	2,521	5,247
Londonderry	436	396	505	1,560	2,755	5,652
<b>Grand Total</b>	<b>3,140</b>	<b>3,589</b>	<b>5,888</b>	<b>13,138</b>	<b>19,803</b>	<b>45,558</b>

The total amount of magistrates' court fines remaining unpaid broken down by County Court Division is set out in Table B.

**Table B**

Division/Year	2009	2010	2011	2012	2013	Total
Antrim	104,390.20	110,331.88	175,213.57	297,079.37	443,785.80	1,130,800.82
Ards	38,932.66	41,814.85	113,602.41	201,398.81	393,488.73	789,237.46
Armagh and South Down	30,022.10	66,653.66	90,603.13	255,427.00	355,591.06	798,296.95
Belfast	180,037.41	249,782.49	413,239.20	1,106,273.60	1,197,616.72	3,146,949.42
Craigavon	56,820.29	86,943.30	93,659.13	222,849.54	320,746.28	781,018.54
Fermanagh and Tyrone	82,190.71	102,963.82	113,811.96	295,267.94	508,210.33	1,102,444.76
Londonderry	96,801.10	101,610.25	92,754.55	326,929.46	722,776.22	1,340,871.58
<b>Grand Total</b>	<b>589,194.47</b>	<b>760,100.25</b>	<b>1,092,883.95</b>	<b>2,705,225.72</b>	<b>3,942,215.14</b>	<b>9,089,619.53</b>

## Matrix 2000

**Lord Morrow** asked the Minister of Justice whether Matrix 2000, also known as Structured Anchored Clinical Judgement, continues to be used to carry out risk assessments on sex offenders; and if so, to detail (i) whether the same system was used to monitor Trevor Hamilton or have any adjustments been made; and (ii) to provide a copy.

**(AQW 32673/11-15)**

**Mr Ford:** Matrix 2000 is a risk assessment completed by the Police Service of Northern Ireland and further information about its use should be requested from the Chief Constable. It is an initial static assessment conducted by police in advance of a more detailed risk assessment undertaken by the Designated Risk Manager under the multi-agency public protection arrangements (PPANI). The agencies involved in the assessment and monitoring of sex offenders under the PPANI arrangements utilise different dynamic assessment tools specific to assessing the risks posed by convicted sex offenders.

## Crown Court: Unpaid Fines

**Lord Morrow** asked the Minister of Justice to detail the total (i) number; and (ii) cost of court fines handed down at Crown Court which remain unpaid from 2009 to 2013, broken down by court division.

**(AQW 32674/11-15)**

**Mr Ford:** There are 394 fines imposed at the Crown Court between 2009 and 2013 which remain unpaid totalling £5,143,230.71.

The number of Crown Court fines which remain unpaid broken down by County Court Division are set out in Table A.

**Table A**

Division/Year	2009	2010	2011	2012	2013	Total
Antrim	9	7	7	16	18	57
Ards	1	2	8	8	35	54
Armagh and South Down	3	4	9	14	26	56
Belfast	13	7	16	17	49	102

Division/Year	2009	2010	2011	2012	2013	Total
Craigavon	3	3	2	7	22	37
Fermanagh and Tyrone	3	7	5	18	24	57
Londonderry	1		4	12	14	31
<b>Grand Total</b>	<b>33</b>	<b>30</b>	<b>51</b>	<b>92</b>	<b>188</b>	<b>394</b>

The total amount of Crown Court fines which remain unpaid broken down by County Court Division are set out in Table B.

**Table B**

Division/Year	2009	2010	2011	2012	2013	Total
Antrim	42,585.00	88,915.30	36,501.30	155,129.92	58,440.75	381,572.27
Ards	510.00	100.00	49,684.00	24,737.13	402,815.69	477,846.82
Armagh and South Down	2,674.94	280.00	20,118.65	20,620.00	101,503.93	145,197.52
Belfast	12,930.00	1,331,357.95	782,227.80	161,186.58	753,719.69	3,041,422.02
Craigavon	10,151.82	7,310.00	1,937.00	4,190.00	294,188.30	317,777.12
Fermanagh and Tyrone	22,180.00	171,560.29	88,204.44	299,076.00	78,259.40	659,280.13
Londonderry	49,966.16		10,000.00	55,670.50	4,498.17	120,134.83
<b>Grand Total</b>	<b>140,997.92</b>	<b>1,599,523.54</b>	<b>988,673.19</b>	<b>720,610.13</b>	<b>1,693,425.93</b>	<b>5,143,230.71</b>

### Hydebank Wood Young Offenders Centre: Governor's Expenses

**Lord Morrow** asked the Minister of Justice, pursuant to AQW 32091/11-15, whether these expenses cover accommodation and travel, particularly air travel.

**(AQW 32676/11-15)**

**Mr Ford:** In accordance with the NICS HR Handbook, staff are entitled to receive payment for the extra costs incurred when they are away from home on official duty. These include subsistence for the first 30 days, the provision of accommodation, payment of utility bills, air fares, and transport to and from the airport.

### Assets Recovery Community Scheme

**Mr McMullan** asked the Minister of Justice to detail (i) the total finance currently available within the Assets Recovery Community Scheme; and (ii) the groups that have been supported since 2011, including the total funding provided to each group.

**(AQW 32712/11-15)**

**Mr Ford:** The Assets Recovery Community Scheme (ARCS) runs within financial years. We are at the start of a funding period and no income has been received by the Department this year.

There have been four rounds of ARCS funding – the lists of successful projects and the amounts awarded are available on the Departmental website at: <http://www.dojni.gov.uk/index/publications/publication-categories/pubs-policing-community-safety/community-safety/organised-crime.htm>

### Prosecutions: Public Interest

**Mr Allister** asked the Minister of Justice for his assessment of the large number of prosecutions not proceeding each year based on the public interest; and what enquiries he has made as to how the power to make these decisions is being exercised.

**(AQW 32728/11-15)**

**Mr Ford:** The latest Quarterly Statistical Bulletin published by the Public Prosecution Service (PPS) in February states that in the 9 months from April 2013 to December 2013 5% of “no prosecution” decisions issued by the PPS were on the grounds of public interest.

The decision not to prosecute on the grounds of public interest is entirely a matter for the PPS and it would not be appropriate for me as Justice Minister to comment.

I would however refer the member to the Code for Prosecutors, which is available on the PPS website which sets out the various factors that a prosecutor may consider when applying the public interest test.

## Law Commission

**Mr Allister** asked the Minister of Justice to outline the current position in regard to the composition of the Northern Ireland Law Commission, including (i) when it last had a Chair; and (ii) how many members of the Commission are currently in post. (AQW 32730/11-15)

**Mr Ford:** The Northern Ireland Law Commission consists of a Chairman and four other Commissioners in accordance with section 50(2) of the Justice (Northern Ireland) Act 2002. The post of Chairman has been vacant since 1 October 2012 and one Commissioner is currently in post. The Chair and Commissioners are public appointments, and I determined that the vacancies should not be filled until a review of the Commission had been undertaken and decisions taken in relation to the Commission's future.

## Law Commission: Budget

**Mr Allister** asked the Minister of Justice to detail the current budget of the Northern Ireland Law Commission; and how it is spent. (AQW 32731/11-15)

**Mr Ford:** The budget allocation for of the Northern Ireland Law Commission in 2013/2014 was £952,000 of which staff costs accounted for £705,000 and non-staff costs £247,000. The final year outturn figures are not yet available.

## Law Commission: Hunter Review

**Mr Allister** asked the Minister of Justice when the Hunter Review into the Northern Ireland Law Commission was received; and when he will announce his response. (AQW 32732/11-15)

**Mr Ford:** The Hunter Review into the Northern Ireland Law Commission was received on 20 December 2012. A business case following a full examination of a number of options was signed off recently and I would hope to be in a position to agree the way forward shortly, after which an announcement will be made.

## Sex Offenders: Management in the Community

**Lord Morrow** asked the Minister of Justice what legislative changes or guidance on the management of sex offenders in the community and during prison sentences post conviction, have been introduced as a result of the Serious Case Review into Trevor Hamilton. (AQW 32756/11-15)

**Mr Ford:** The issues the Hamilton case raised informed the ongoing development of provisions in the Criminal Justice Order (Northern Ireland) Order 2008 which introduced new statutory arrangements for the more effective assessment and management of risk posed by offenders who may cause serious harm to the public.

The 2008 Order created a new sentencing framework which introduced extended and indeterminate custodial sentences for those convicted of serious sexual and violent offences, bringing an end to 50% remission for those serving sentences of 12 months or more. It places a statutory duty on designated agencies to cooperate in the interests of better assessment and management of such offenders and provides for guidance to be issued to agencies on the discharge of any of their functions which contribute to risk management. Guidance was first published in October 2008 creating the framework for the public protection arrangements in Northern Ireland (PPANI). The guidance was subsequently updated in September 2011 and is available on the Department's website.

For offenders who have served the requisite custodial period of their extended and indeterminate custodial sentences, the 2008 Order also provides that their suitability for release must be determined by independent Parole Commissioners. It is only where the Parole Commissioners are satisfied that it is no longer necessary for the protection of the public from serious harm, that they can be released on licence. The licence conditions are tailored to their risk management requirements and there is statutory provision for recall to custody if it is assessed there is an increased risk of serious harm to the public which can not be safely managed in the community.

The subsequent introduction of the Criminal Justice Act (Northern Ireland) 2013 has strengthened the sex offender notification requirements and further regulations in relation to these are currently before the Assembly.

## Benefit Appeals

**Lord Morrow** asked the Minister of Justice whether he plans to introduce a code of conduct or protocol to be observed by tribunal panel members in benefit appeals, to ensure that advocates and appellants in particular, are treated in a respectful and dignified manner and in addition, to ensure that an appropriate complaints procedure is drawn up, published, available and accessible, as per the requirements of all government-funded agencies. (AQW 32757/11-15)

**Mr Ford:** Appeal tribunal panel members are judicial office holders and independent of Government. The conduct of judicial officer holders is governed by a Code of Practice issued by the Lord Chief Justice. Complaints regarding the conduct of panel members are dealt with by the President of Appeal Tribunals.

## Hydebank Wood Young Offenders Centre: Governor's Expenses

**Lord Morrow** asked the Minister of Justice, pursuant to AQW 32091/11-15, whether the place of secondment paid or shared any of the expenses.

**(AQW 32758/11-15)**

**Mr Ford:** The Northern Ireland Prison Service is meeting the associated expenses and salary for the duration of the secondment.

## Animal Cruelty Legislation

**Mr Weir** asked the Minister of Justice, following the Motion passed by the Assembly on 31 March 2014 calling for a review of the implementation of animal cruelty legislation, to outline the steps his Department will now take.

**(AQW 32770/11-15)**

**Mr Ford:** The same question has been asked of the Minister of Agriculture and Rural Development. I understand she has given a commitment to review the implementation of the Welfare of Animals Act (Northern Ireland) 2011 along with my Department. My officials will support that review as required.

Offences under the Welfare of Animals Act (Northern Ireland) 2011 will also be considered in the review of the criteria for sentences that can be referred to the Court of Appeal on the grounds of undue leniency.

## Occupational Health Service

**Ms Boyle** asked the Minister of Justice what action his Department is taking to offer comprehensive occupational health services to its employees, including early access to services such as physiotherapy.

**(AQW 32773/11-15)**

**Mr Ford:** The Northern Ireland Civil Service Occupational Health Service (OHS) provides a comprehensive occupational health service to all of the NICS Departments and this is available to all employees.

In general the NICS does not provide early access to physiotherapy services. Further details of OHS services can be found at [www.nicsohs.gov.uk](http://www.nicsohs.gov.uk).

However, two of the Department's Agencies do provide additional occupational health services which would include access to services such as physiotherapy.

## Serious Case Reviews

**Lord Morrow** asked the Minister of Justice to outline the reasons for the disparity in content between the Serious Case Review conducted into Trevor Hamilton, and those conducted by the Public Protection Arrangements in Northern Ireland into Barry Shay Johnston and Thomas Ward; and whether the latter two cases have been afforded lesser status, despite the seriousness of the convictions whilst undergoing community monitoring and management.

**(AQW 32781/11-15)**

**Mr Ford:** A Serious Case Review is initiated where an individual whose risks are being managed under the public protection arrangements is charged with a serious sexual or violent offence or a significant failure occurs in their risk management. In the case of Trevor Hamilton the offence was murder and there was widespread public revulsion at his actions and concern relating to the long standing arrangements for 50% remission of sentence.

The report of that independent review in 2006 was intended to assist the examination of the overall arrangements for the management of sex offenders and inform a wider debate on changes to the sentencing framework. The Criminal Justice (Northern Ireland) Order 2008 subsequently introduced public protection sentences with mandatory post-release supervision and provisions which shaped the current multi-agency Public Protection Arrangements for Northern Ireland (PPANI) in place today.

The Serious Case Reviews on Barry Johnston and Thomas Ward were both initiated following further serious offences and thoroughly examined the issues surrounding their commission. Those reports were used to review and, where necessary, improve current practice under the existing PPANI arrangements.

## Hydebank Wood Young Offenders Centre: Governor's Expenses

**Lord Morrow** asked the Minister of Justice, whilst on secondment, was the salary of the former Governor of Hydebank Wood met by the secondment host or the Northern Ireland Prison Service.

**(AQW 32782/11-15)**

**Mr Ford:** The Northern Ireland Prison Service is meeting the associated expenses and salary for the duration of the secondment.

## Victim Support

**Lord Morrow** asked the Minister of Justice, in light of his Department's support for Victim Support, for his assessment of the importance of having a support worker available for victims of domestic abuse.

**(AQW 32789/11-15)**

**Mr Ford:** The support services provided by Victim Support Northern Ireland, which my Department presently funds, are available to all victims of crime, including victims of domestic violence.

The member will be aware of the consultation, which ended on 11 April 2014, on the new draft domestic and sexual violence and abuse strategy. Feedback from the consultation will help to inform the strategic priorities for addressing these issues. The Regional Strategy Group for domestic and sexual violence will consider the feedback with a view to recommending which priorities should be taken forward. A key element of these considerations and the forthcoming strategy will be how support services can best be provided in the future, in order to meet the needs of domestic violence and abuse victims.

### **RUC George Cross Widows' Association**

**Mr Allister** asked the Minister of Justice why he has not responded to a meeting request from the RUC George Cross Widows' Association in November 2013 to discuss the withdrawal of their funding.

**(AQW 32795/11-15)**

**Mr Ford:** I did not receive a request for a meeting in November 2013 to discuss the withdrawal of funding from the RUC George Cross Widows' Association. My officials held several meetings with the Association between November 2013 and January 2014 to discuss the development of a grant application for funding. To date, my Department has not received a final grant application.

### **RUC George Cross Widows' Association**

**Mr Allister** asked the Minister of Justice, pursuant to AQW 32077/11-15, why funding has not been offered to the RUC George Cross Widows' Association to assist with the hiatus created by the termination of their promised funding of four years.

**(AQW 32796/11-15)**

**Mr Ford:** Following the reclassification of the RUC George Cross Widow's Association as a private sector organisation in February 2013 by the Department of Finance and Personnel's Classification Assessment Committee, the only mechanism available to my Department to provide funding to the Association would be via the grant application process.

My officials have met with representatives of the Association on several occasions to discuss funding options but, to date, no final grant application has been received.

### **Law Commission**

**Mr Allister** asked the Minister of Justice to outline the ongoing arrangements in regard to the administration of the Northern Ireland Law Commission.

**(AQW 32798/11-15)**

**Mr Ford:** Administration of the Northern Ireland Law Commission (NILC) is the responsibility of the Commissioner and the Chief Executive. The Department of Justice has a sponsorship role. The various roles and responsibilities are outlined in the Relationship Document which may be obtained from the NILC website.

### **Television Licence: Prosecutions**

**Mr Campbell** asked the Minister of Justice how many people per 10,000 of the population were prosecuted for non-payment of the television licence fee in each of the last three years.

**(AQW 32799/11-15)**

**Mr Ford:** The table below sets out the number of people per 10,000 of the population prosecuted in court for non-payment of the television licence fee and the number of people who served a period of imprisonment for failure to pay a fine after having been prosecuted for non-payment of the television licence fee for the calendar years 2011 to 2013.

<b>Year</b>	<b>Number of people prosecuted for non-payment of television licence per 10,000 population<sup>1</sup></b>	<b>Number of people imprisoned for failure to pay a fine for non-payment of television licence<sup>2</sup></b>
2011	26	152
2012	32	155
2013	25	14

**Source:** Integrated Court Operations System, NISRA

Mid-Year Population Estimates and Prison Records Management System (PRISM)

1 2012 Mid-Year Estimate has been used for 2013 as estimate is not currently available for 2013

2 Relates to defendants imprisoned for a primary offence of failure to pay a fine for non-payment of a television licence

The Divisional Court ruled on 22 March 2013 that a default hearing must take place before a defendant is imprisoned for not paying a fine. This development reduced the number of people imprisoned in 2013 for failure to pay a fine for non-payment of the television licence.

### Television Licence: Custodial Sentences

**Mr Campbell** asked the Minister of Justice how many people were sentenced to a period of imprisonment for failure to pay a fine after having been prosecuted for non-payment of the television licence fee in each of the last three years.

(AQW 32800/11-15)

**Mr Ford:** The table below sets out the number of people per 10,000 of the population prosecuted in court for non-payment of the television licence fee and the number of people who served a period of imprisonment for failure to pay a fine after having been prosecuted for non-payment of the television licence fee for the calendar years 2011 to 2013.

Year	Number of people prosecuted for non-payment of television licence per 10,000 population <sup>1</sup>	Number of people imprisoned for failure to pay a fine for non-payment of television licence <sup>2</sup>
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Mid-Year Population Estimates and Prison Records Management System (PRISM)

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The Divisional Court ruled on 22 March 2013 that a default hearing must take place before a defendant is imprisoned for not paying a fine. This development reduced the number of people imprisoned in 2013 for failure to pay a fine for non-payment of the television licence.

### Prisoners: Health Status

**Mr Campbell** asked the Minister of Justice whether any follow up assessment has been made on the current health status of Brendan Lillis and Marian Price since their release from custody on medical grounds.

(AQW 32816/11-15)

**Mr Ford:** I am not aware of any follow up assessments being made on the current health status of either Brendan Lillis or Marian McGlinchey (nee Price) since their release from custody. However, I can confirm that neither individual was released from custody under Article 7 of the Life Sentences (NI) Order 2001. This article provides for release on licence on compassionate grounds in exceptional circumstances. Rather, both were re-released on life licences following directions by the independent Parole Commissioners for Northern Ireland (PCNI) under Article 9(5) of the Order. Article 9 provides for the recall to custody of life licensees and the subsequent review of these recall decisions. Directions to release under this article are binding on the Department of Justice. Rule 22(3) of the Parole Commissioners' Rules 2009 makes it unlawful to make public information about PCNI proceedings so I am unable to comment further on either case.

### Matrix 2000

**Lord Morrow** asked the Minister of Justice, given that Matrix 2000 is a developed clinical judgement, why medical staff are not trained or qualified in mental health or psychological assessments, involved in the risk assessment of sex-offenders managed in the community.

(AQW 32847/11-15)

**Mr Ford:** Matrix 2000 is a static risk assessment completed by the Police Service of Northern Ireland in advance of further dynamic risk assessments carried out by the Designated Risk Manager on offenders whose risks are being managed under the public protection arrangements (PPANI).

Representatives of the agencies involved in managing risks under the PPANI arrangements, including the Department of Health, Social Services & Public Safety and the Health and Social Care Trusts, are trained in the use of the dynamic risk assessment tool. Individual agencies will also develop and utilise specific risk assessment tools relevant to their own areas of interest. The training of medical staff more generally is a matter for the Health Minister to consider.

### Prison Service: Drug Test Samples

**Lord Morrow** asked the Minister of Justice, pursuant to AQW 32542/11-15, (i) whether the current service provider is meeting the required tender stipulation at Paragraph 1.6 "The laboratory will provide the relevant Site with written confirmation of the result of confirmatory analysis on a sample in the form of a certificate within 2 working days of their receipt of the sample"; (ii)

given this was as a specific requirement within the tender which was in the public domain, why it would be inappropriate to discuss the exact terms of the drug testing contract due to commercial confidentiality; and (iii) whether he plans to review his original answer.

**(AQW 32848/11-15)**

**Mr Ford:** The contract that NIPS uses for analysis of drug tests is due for re-tender, therefore it would not be appropriate to discuss the performance of the current service provider, except to state that it is deemed to be satisfactory in terms of turnaround times.

## Legal Aid

**Lord Morrow** asked the Minister of Justice, in relation to his comments during Question Time on Monday 7 April 2014 "The purpose of legal aid is to assist people who cannot afford legal representation", to clarify why certain people, such as Karen Walsh, have access to significant funds to pursue representation and are not held liable for any costs.

**(AQW 32849/11-15)**

**Mr Ford:** The granting of criminal legal aid is a matter for the courts. If it appears to a court that the means of any person are insufficient to enable him/her to obtain legal aid and that it is desirable in the interest of justice that he/she should have free legal aid the court may grant a legal aid certificate.

Criminal legal aid is non-contributory, however, where it comes to the attention of the court that a person, in respect of whom a legal aid certificate has been granted, has provided misleading information to the court, the court has the power to revoke the legal aid certificate and the cost of legal aid incurred to the date of revocation may be recovered.

In addition, where a legal aid certificate has been granted, on or after 15 October 2012, in respect of a person for proceedings in the Crown Court, the Northern Ireland Legal Services Commission, under The Criminal Legal Aid (Recovery of Defence Costs Orders) Rules (Northern Ireland) 2012, may apply to the court for an order requiring the person in respect of whom the legal aid certificate has been granted to pay some or all of the cost of legal aid incurred.

Since the introduction of these Rules, the Commission has considered the financial circumstances of a number of convicted defendants. One such application has been made to the Crown Court following conviction of the defendant. The application is still ongoing but the Judge has indicated that he is minded to make an Order against the defendant.

## Prison Service: Secondments

**Lord Morrow** asked the Minister of Justice, pursuant to AQW 32442/11-15, (i) in relation to the three employees on secondment who had their expenses met by the Northern Ireland Prison Service, whether they were seconded to an agency connected to his Department; and if so, to detail (i) the agency in each case; and (ii) whether any of the seven employees were seconded to the Northern Ireland Office.

**(AQW 32850/11-15)**

**Mr Ford:** None of the staff were seconded to a Department of Justice agency or to the Northern Ireland Office. The organisations range from other prison services to non departmental, statutory, charity, and voluntary bodies with connections to the wider criminal justice system and the Northern Ireland Civil Service. Due to the small numbers involved we cannot provide any further breakdown as disclosure would be contrary to the Data Protection Act 1998.

## PSNI Service Medal

**Mr Hussey** asked the Minister of Justice whether Royal approval been sought for the award of the PSNI service medal; and if so, has it been received.

**(AQW 32873/11-15)**

**Mr Ford:** Royal approval has not yet been sought for the award of the proposed PSNI service medal.

## Victim Support

**Mr Weir** asked the Minister of Justice what consideration has been given by Victim Support Northern Ireland to offer greater help to victims of domestic violence through co-operation with the Health Service, particularly Emergency Departments.

**(AQW 32880/11-15)**

**Mr Ford:** Victim Support Northern Ireland is funded by my Department to offer a range of support services to all victims of crime, including victims of domestic violence.

Through membership of the Regional Strategy Group on Domestic and Sexual Violence, jointly chaired by the Department of Health, Social Services and Public Safety and the Department of Justice, Victim Support Northern Ireland works in partnership with a wide range of voluntary and statutory bodies to improve regional services for victims of both domestic and sexual violence, co-operating and making their services available to initiatives taken forward through the current action plan associated to the domestic and sexual violence strategies. This would include health service initiatives in emergency departments.

## Law Commission

**Mr Allister** asked the Minister of Justice to detail the number of law reform projects the Northern Ireland Law Commission is currently considering, including the subject matters.

**(AQW 32916/11-15)**

**Mr Ford:** The Northern Ireland Law Commission is currently formally engaged in law reform projects on:

Electoral Law (jointly with the Law Commission for England and Wales and the Law Commission for Scotland) and Defamation Law.

The Commission is involved in preparatory work on Health Protection law and the Enforceability of Contact Orders in family law pending formal adoption of these two projects. The Third Work Programme of Law Reform is also being prepared.

## Drugs: Zero-tolerance Policy

**Lord Morrow** asked the Minister of Justice, pursuant to AQW 32271/11-15, for a breakdown of the drugs recovered from the 103 seizures.

**(AQW 32921/11-15)**

**Mr Ford:** The Forensic Science Laboratory has analysed 57 of the suspected illicit seizures to date.

The breakdown of illicit substances for the analysis completed to date is set out in table A below:

**Table A**

Substance	Amount
Acupan Tablets	4 tablets
Amitriptyline	3 tablets
Cannabis Resin	116.01g
Zamadol (Tramadol) 400mg	2 tablets
Block of Caffiene	0.5g
Bromo-Chlorophenyl-Dihydro-Benzodiazepinone	2 tablets
Buprenorphine	0.038g
Buprenorphine	6 X WRAPS NO WEIGHT
Buspirone 10mg	5 tablets
Cannabis Resin	6 X NO WEIGHT
Class C capsules	3 capsules
Class C tablets	182 tablets
Codeine	8 tablets
Diazepam	123 tablets
Duloxetine 60mg	7 tablets
Gabapentin	11.5g
Herbal Cannabis	12.29g
Herbal Cannabis	5 X NO WEIGHT
Ibuprofen	3 tablets
Lansoprazole - 30mg	15 tablets
Naproxen - 500mg	16 tablets
Phenazepam	22 tablets
Quetiapine Powder	1 X NO WEIGHT
Pregabalin	1 tablet
Quetiapine	2 tablets
Seroquel XL tablets	3.5 tablets

## Legal Aid: Eligibility Criteria

**Lord Morrow** asked the Minister of Justice whether the Northern Ireland Legal Service Commission's Guide to Legal Aid, particularly on financial eligibility criteria, is fully applied in every application.

**(AQW 32922/11-15)**

**Mr Ford:** The financial eligibility assessments (means tests) for legal aid are undertaken in a variety of ways dependent on the type of service that is applied for, and in accordance with the relevant legislative provisions. The Northern Ireland Legal Services Commission require the necessary verifications to be properly completed across all legal aid schemes.

The means test in respect of Legal Advice and Assistance (Green Form) and the Assistance By Way of Representation (ABWOR) Schemes is undertaken by the solicitor. The statutory means assessment in respect of applications for funding under the Civil Legal Aid Scheme is the responsibility of the Legal Aid Assessment Office, part of the Social Security Agency.

The grant of legal aid in criminal cases is determined by the judiciary who grant legal aid if the applicants' means are insufficient to fund their own defence and it is in the interests of justice that the applicant receives publicly funded assistance. Checks are undertaken by the Legal Aid Assessment Office in relation to applicants for criminal legal aid who are in receipt of benefits.

The Special Exceptional Grant Scheme covers applications for funding under Article 10A of the Legal Aid, Advice and Assistance (NI) Order 1981. This article empowers the Minister of Justice to provide legal aid in connection with excluded proceedings, which are proceedings outside the scope of legal aid.

## Remand Prisoners

**Lord Morrow** asked the Minister of Justice, pursuant to AQW 31709/11-15 and with reference to his comment "Remand prisoners are not excluded from rehabilitative opportunities and can also access Learning and Skills along with other work opportunities whilst in custody", and given exclusion is not an issue, to confirm that remand prisoners are not specifically required or compelled to work, or engage in rehabilitative processes, as sentenced prisoners are; and to clarify how this can equate to the same sentence as would be handed down to a person with the same conviction who was remanded on bail until sentenced.

**(AQW 32923/11-15)**

**Mr Ford:** I refer the member to my response to AQW/31709. The deprivation of an individual's liberty is the reason why a period on remand is given equivalence.

## Prisoner Training Courses

**Mr Wells** asked the Minister of Justice to outline the total annual cost of providing beauty treatment for female prisoners.

**(AQW 32960/11-15)**

**Mr Ford:** The Northern Ireland Prison Service does not provide beauty treatments for women prisoners.

Training courses in hairdressing and beauty therapy were provided during 2013 and similar courses will be provided from May 2014 which will be accredited by City and Guilds as part of enhancing learning, skills and employability.

These training courses are key to a rehabilitative process and providing accredited training such as this will increase employment opportunities for women after release from custody. This will make a contribution to reduced risk of re-offending and help to create a safer community.

## Legal Aid: Eligibility Criteria

**Lord Morrow** asked the Minister of Justice whether the existing eligibility criteria for Legal Aid will change when the Legal Services Agency replaces the NI Legal Services Commission; and if so, to detail these changes.

**(AQW 32973/11-15)**

**Mr Ford:** There will be no change to the eligibility criteria for legal aid as a consequence of the Legal Aid Agency replacing the NI Legal Services Commission. The Department is taking forward a programme of work in response to the Access to Justice Review, elements of which, if implemented, will impact on eligibility.

## Compensation

**Mr P Ramsey** asked the Minister of Justice, pursuant to AQW 31832/11-15, under what circumstances can a case offer a larger amount in compensation than the upper limit outlined in The Damages for Bereavement (Variation of Sum) (Northern Ireland) Order 2007; and what powers he has to increase the level of compensation awarded in such cases.

**(AQW 32979/11-15)**

**Mr Ford:** In the case referred to in AQW/31832/11-15, the qualifying claimant was entitled to £12,000 in accordance with the Tariff level as laid down in the Criminal Injury Compensation Scheme 2002. This is the maximum award and there is no legislative power to increase this level. The Damages for Bereavement (Variation of Sum) (Northern Ireland) Order 2007 does not apply to criminal injuries compensation.

## DOJ: Secondments

**Lord Morrow** asked the Minister of Justice, pursuant to AQW 32782/11-15, whether this is standard procedure in instances of secondment in (i) his Department; (ii) the Prison Service; and (iii) the Civil Service.

**(AQW 32998/11-15)**

**Mr Ford:** Under Northern Ireland Civil Service (NICS) policy and procedures, before a secondment commences the terms of the secondment are agreed by the Employer and the Host Organisation. These terms include the administrative arrangements to cover any salary and/or additional costs that will apply. The Employer continues to pay the Seconded's salary in accordance with their current terms and conditions and the terms of the secondment. Usually, where secondment occurs within the NICS, including the Department of Justice and its Agencies, the salary and other related costs of an outward secondment are recouped from the host organisation. However there are exceptions in this regard.

## Department for Regional Development

### Parking: Off-street Enforcement

**Mr Allister** asked the Minister for Regional Development whether he will consider introducing a reduced penalty for a driver who purchases a car park ticket but overstays, rather than imposing the same level of fine given to a driver who did not purchase a ticket or parked in a space reserved for people with disabilities.

**(AQW 32213/11-15)**

**Mr Kennedy (The Minister for Regional Development):** As off-street parking enforcement is due to transfer to councils in April 2015, I do not intend to amend parking contravention legislation in advance of the transfer.

### Parking: Enforcement

**Lord Morrow** asked the Minister for Regional Development to detail all the towns (i) that have not had traffic attendants on patrol; (ii) where five or less Penalty Charge Notices have been issued, showing the actual number issued or not issued; and (iii) that have no parking enforcement in place, in each of the last three calendar years.

**(AQW 32270/11-15)**

**Mr Kennedy:** Enforcement is possible in all towns which have parking restrictions, however, it would not be the most cost effective use of finite resources to provide regular parking enforcement everywhere in Northern Ireland, especially in small towns and villages. As a result, enforcement is focused in those areas which have more restrictions. My Department is always willing to provide enforcement where it is requested, for example, in response to representations from local politicians, PSNI or traders. Details of all towns where a PCN has been issued are listed in the following table:

Ahoghill	Clogher	Glenavy	Newtownards
Airport (Aldergrove)	Clough	Groomsport	Newtownstewart
Annalong	Coleraine	Hillsborough	Omagh
Antrim	Comber	Hilltown	Pomeroy
Ardglass	Cookstown	Hollywood	Portadown
Armagh	Crossgar	Irvinestown	Portaferry
Aughnacloy	Crumlin	Keady	Portavogie
Ballinamallard	Cullybackey	Kesh	Portballintrae
Ballycastle	Cushendall	Kilkeel	Portglenone
Ballyclare	Doagh	Killyleagh	Portrush
Ballygowan	Donaghadee	Kilrea	Portstewart
Ballykelly	Donaghmore	Larne	Randalstown
Ballymena	Downpatrick	Limavady	Rathfriland
Ballymoney	Draperstown	Lisbellaw	Rich Hill
Ballynahinch	Dromore (Down)	Lisburn	Saintfield
Ballynure	Dromore (Tyrone)	Lisnaskea	Stewartstown
Banbridge	Dundonald	Londonderry	Strabane
Bangor	Dundrum	Lurgan	Tandragee

Belfast	Dungannon	Maghera	Templepatrick
Belfast Sign	Dungiven	Magherafelt	Tempo
Bellaghy	Dunmurry	Maguires Bridge	Toome
Broughshane	Ederny	Markethill	Warrenpoint
Bushmills	Enniskillen	Millisle	Whitehead
Carrickfergus	Fintona	Moirá	
Castledawson	Fivemiletown	Moy	
Castledearg	Garvagh	Newcastle	
Castlerock	Giant's Causeway	Newry	
Castlewellan	Gilford	Newtownabbey	

Details of towns where five or less PCNs have been issued, since the commencement of Decriminalised Parking Enforcement in 30 October 2006 until 31 March 2014, are shown in the table below:

Town	PCNs Issued
Antrim	2
Templepatrick	1
Armagh	1
Cullybackey	1
Ballymoney	5
Banbridge	2
Castlerock	4
Cookstown	4
Portadown	2
Clough	1
Downpatrick	1
Pomeroy	1
Dungannon	1
Ballinamallard	5
Ederny	1
Maguires Bridge	2
Ballykelly	2
Glenavy	5
Bellaghy	2
Castledawson	5
Cushendall	3
Hilltown	1
Newry	2
Ballynure	3
Doagh	1
Ballyclare	2
Newtownabbey	1
Groomsport	1
Omagh	1

## Sewerage Infrastructure: Bangor

**Mr Easton** asked the Minister for Regional Development why there is the need for a pumping station to be situated at Clandeboye Primary School, Bangor.

**(AQW 32369/11-15)**

**Mr Kennedy:** Northern Ireland Water is investing £10 million in Bangor's sewerage infrastructure to improve bathing waters and reduce pollution to inland streams. In order to resolve sewage spills to the Clandeboye Stream, NIW undertook a full examination of all the practical options available which identified the need for a wastewater pumping station in close proximity to the Clandeboye Stream. However, the site options were limited and taking into account technical and economic factors the only viable option was to site it within the grounds of Clandeboye Primary School.

NIW has consulted with representatives of the South Eastern Education and Library Board and management of Clandeboye Primary School prior to seeking formal planning permission and during the normal wider public consultation stage in order to minimise the impact of the proposed work.

## A45: Flagpole

**Lord Morrow** asked the Minister for Regional Development whether permission was sought from Roads Service to erect a flag pole and base at the roundabout at end of the A45 at the Ballygawley Road; and if so, when this was applied for and granted; and if not when it will be removed.

**(AQW 32505/11-15)**

**Mr Kennedy:** Approval was not sought for the erection of the flag pole or base on the roundabout at the junction of Granville Road with Ballygawley Road, in Dungannon. A flag has been erected at this location on 17 March and over the Easter weekend for the past two years. On each occasion, the flag and pole were removed within a matter of days, presumably by those who had erected them in the first instance.

This year a flag was erected at this location around the 17 March but has not been removed. In accordance with the Joint Protocol in Relation to the Display of Flags in Public Places, officials from my Department sought the views of the PSNI regarding its removal. The PSNI advised that removal of the flag would not be advisable as it was considered such action would likely raise community tension and may lead to a proliferation of the problem.

## Portavoe Reservoir

**Mr Weir** asked the Minister for Regional Development to detail the groups his Department consulted before commencing drainage of the Portavoe Reservoir.

**(AQW 32520/11-15)**

**Mr Kennedy:** Northern Ireland Water consulted with the Northern Ireland Environment Agency (NIEA) regarding lowering the level of the reservoir and continues to take advice from it on the environmental approach to this work. Consultation was also carried out with the Department of Culture, Arts and Leisure (DCAL) who currently lease the reservoir for angling and the Department for Agriculture and Rural Development for approval of a flood risk assessment.

DCAL has publicised details of the ongoing work on the relevant section of the NI Direct website which provides advice for anglers. Fishing at Portavoe is by individual permit – there is no sublet to fishing clubs.

## Wind Turbines

**Mr McNarry** asked the Minister for Regional Development, following a presentation to the Committee for Regional Development, where departmental Officials indicated that wind turbines would remain an open option as an energy resource in areas of outstanding beauty under departmental ownership, such as the Kingdom of Mourne, whether he can provide an assurance that wind turbines will not be allowed in areas of outstanding beauty that are within the ownership of his Department.

**(AQW 32568/11-15)**

**Mr Kennedy:** The Executive's Programme for Government (PfG) includes a commitment to work towards a reduction in greenhouse gas emissions of at least 35% on 1990 levels by 2025. Through Social and Environmental Guidance for Water and Sewerage Services (2010-15) a priority has been set for NI Water to plan and deliver a contribution to this target.

NI Water has no plans to lease its land in the Mournes for the construction of wind turbines and recognises the importance of protecting Areas of Outstanding Natural Beauty. This is demonstrated in its award winning design for Fofanny Water Treatment Works in the Mournes. Fofanny's impact is in sympathy with the landscape and incorporates renewable energy generation from hydropower. NI Water is also working with the Mourne Heritage Trust to protect the local environment. The draft Guidance (2015-21) recommends extending this approach across Northern Ireland.

NI Water does not currently have wind turbines at any of its facilities. NI Water has requested funding through its PC15 Business Plan for a wind turbine to be located at its North Coast Wastewater Treatment works and is recording data on wind strength to determine whether this would represent a viable site for such a facility. Once sufficient data has been collected, NI Water will then consider whether to proceed with a formal proposal, which would be subject to proving the economic viability of the scheme as well as normal environmental and planning requirements.

## Residents' Parking Schemes

**Mr Maskey** asked the Minister for Regional Development to detail the consultation process for residents parking schemes, including the required number of consultation responses and the percentage that is required to be in favour for a scheme to progress.

**(AQW 32574/11-15)**

**Mr Kennedy:** The policy governing the introduction of residents' parking schemes was the subject of a formal public consultation exercise before it issued in 2007.

When a residents' parking scheme is being considered, officials undertake an informal consultation process with residents to assist the development of a proposed scheme. The informal consultation includes notification of the proposed scheme through letter drops to residents in the affected area. It also includes advertised public exhibitions in the area affected to give the wider community an opportunity to see and comment on the proposals.

During this informal consultation process, a questionnaire aimed at gathering data to inform scheme development is issued to those directly affected by the proposed scheme. This questionnaire also asks consultees to indicate whether they are supportive of a scheme or not. To allow a scheme to progress to the more formal legislative part of the process, two-thirds of responding properties must be in favour of the proposed scheme, subject to a minimum response rate of one-third of all properties.

Once it has been established that a scheme has the required level of initial support, the Department will consider the informal consultation feedback to determine if any changes are required to the scheme design.

To introduce a scheme, the Department needs to make a statutory rule and the detailed proposals are made available for 'formal' public consultation, as part of the legislative process, for a period of not less than 21 days. The start of the formal public consultation is notified in at least one local newspaper. At the end of the formal consultation period, the Department will consider any objections or other representations made in respect of the draft order, and will then decide whether to make the final order or not.

## Railways: Coleraine to Londonderry

**Mr Eastwood** asked the Minister for Regional Development for an update on the Coleraine to Derry rail link renewal project. **(AQW 32617/11-15)**

**Mr Kennedy:** The Coleraine to Londonderry Renewals Project is being completed over three Phases.

Phase 1 was completed on time and within budget and as a result I re-opened the line on 22 March 2013.

The purpose of Phase 2 is to complete resignalling works and to construct a new passing loop. It is currently at design stage. Design work is expected to be complete by the end of 2014. Construction work is then expected to start late 2014, with overall completion still on target for late 2016.

Work on Phase 3 of the project is scheduled to commence in 2021.

## Railways: Coleraine to Londonderry

**Mr Eastwood** asked the Minister for Regional Development to detail (i) the original estimated completion date for phase two of the Coleraine to Derry rail link renewal project; and (ii) the current estimated completion date for the project. **(AQW 32618/11-15)**

**Mr Kennedy:** The Programme for Government target for this project refers to Phase 2 being substantially completed by the end of the current financial year, subject to no procurement challenges arising. It was originally planned to have Phase 2 complete by the end of 2015.

However, due to procurement issues, the revised estimated completion date for Phase 2 is now late 2016.

I have recorded my disappointment at this delay previously but I can assure the member progress has been made since September 2013 when Translink announced this delay.

## Railways: Coleraine to Londonderry

**Mr Eastwood** asked the Minister for Regional Development to detail the original estimated cost of the Coleraine to Derry renewal project; and whether the original estimate has changed. **(AQW 32619/11-15)**

**Mr Kennedy:** The original estimated costs for the three phases of the Coleraine to Londonderry Track Renewals project was £77m. This estimate has not changed.

Phase 1 has been completed and was delivered within the estimated costs. Phase 2 is ongoing.

Estimated costs for Phase 3 will have to be examined closer to the date when it is scheduled to commence.

## Railways: Coleraine to Londonderry

**Mr Eastwood** asked the Minister for Regional Development to detail (i) any difficulties encountered in the procurement process for phase two of the Coleraine to Derry rail renewal project; and (ii) whether there was any delay to the project as a result of difficulties.

**(AQW 32620/11-15)**

**Mr Kennedy:** Translink has advised that:

- (i) The initial Procurement Strategy for the Coleraine to Londonderry Renewals Project Phase 2 would have seen the Signalling & Telecomms elements of the works designed and delivered by one contractor as a single appointment Design and Build Contract. The pre-qualification questionnaire and process for this approach resulted in suitable responses from three separate contracting teams. However, the tender process produced only one bidder. The Project Team and Translink Board concluded that the single tender did not offer value for money. As a result, it re-considered its Procurement Strategy and revised it so that the design and build elements would be taken forward separately.
- (ii) The difficulties encountered with the first procurement process have resulted in a delay to Phase 2 completion, now expected to be late 2016 as opposed to late 2015. Translink previously reported the delay in September 2013 and I expressed my disappointment to the Assembly at that time.

## Bus Terminus: Derry

**Mr Eastwood** asked the Minister for Regional Development what impact, if any, the planned new Transport Hub at the former Waterside Train Station will have on the existing bus terminus at Foyle Street, Derry.

**(AQW 32621/11-15)**

**Mr Kennedy:** There are no current plans which impact on the location of the bus terminus at Foyle Street.

## Superinjunctions

**Mr Allister** asked the Minister for Regional Development whether at any time his Department has funded or contributed to the costs of legal proceedings brought in the High Court of Justice in Northern Ireland, or elsewhere, involving the prohibition of publicity on the granting of injunctive relief, commonly referred to as super-injunctions.

**(AQW 32626/11-15)**

**Mr Kennedy:** My Department has not at any time funded or contributed to the costs of legal proceedings brought in the High Court of Justice in Northern Ireland, or elsewhere, involving the prohibition of publicity on the granting of injunctive relief, commonly referred to as super-injunctions.

## Car Parking: Revenue

**Mr Weir** asked the Minister for Regional Development to detail (i) the revenue generated at Roads Service car parks in North Down during Christmas 2013 when reduced charges were in place; and (ii) the revenue generated when full tariffs were charged.

**(AQW 32632/11-15)**

**Mr Kennedy:** Details of the revenue generated at my Department's car parks in North Down during the Christmas 2013 period (2 December 2013 to 11 January 2014), are provided in the table below:

Town	Car Park Name	Revenue during Christmas 2013 £
Bangor	Central Avenue	167.75
	Castle Street	5,821.05
	Abbey Street East	8,922.10
	Bingham Lane	7,870.50
	Holborn Avenue	4,454.73
	Mills Road	3,112.82
	The Vennel	4,349.00
	Clifton Road	1,878.23
	Abbey Street West	1,233.05

Town	Car Park Name	Revenue during Christmas 2013 £
Holywood	Church Road	8,709.78
	Hibernia Street North	4,975.88
	Hibernia Street South	3,041.84

All North Down charged car parks had reduced charges during this period.

### Railways: Trespassing

**Mr Eastwood** asked the Minister for Regional Development to detail the number of (i) cases of trespassing that have been recorded on the Coleraine to Derry rail line since it reopened; and (ii) people that have been prosecuted for the offence. **(AQW 32636/11-15)**

**Mr Kennedy:** Translink has advised that:

- (i) 38 instances of trespassing have been recorded on the Coleraine to Londonderry line since it reopened in 2013.
- (ii) All instances are reported to the PSNI, however, no prosecutions have been brought against any individual for trespassing on the Coleraine to Londonderry line since it reopened in 2013.

### Roads: Drumlister Road, Sixmilecross

**Mr McAleer** asked the Minister for Regional Development whether his Department will complete urgent repair work on Drumlister Road, Sixmilecross, County Tyrone. **(AQW 32637/11-15)**

**Mr Kennedy:** My Department surface dressed Drumlister Road in 2012 following completion of substantial patching works.

As a result of last year's dry weather conditions, some settlement over sections of this route has occurred. The road was inspected at the beginning of March 2014 and a number of repairs were completed in April.

### Disabled Parking Spaces: Dungannon

**Lord Morrow** asked the Minister for Regional Development how many parking spaces for people with a disability are in (i) Dungannon; (ii) Fivemiletown; (iii) Aughnacloy; and (iv) Donaghmore. **(AQW 32648/11-15)**

**Mr Kennedy:** Details of the number of disabled parking spaces in Dungannon, Fivemiletown, Aughnacloy and Donaghmore are provided in the table below:

Town	On Street Disabled Parking Spaces (town centre)	Off Street Disabled Parking Spaces
Dungannon	16	12
Fivemiletown	1	0
Aughnacloy	3	0
Donaghmore	1	0

### Penalty Charge Notices

**Mr Campbell** asked the Minister for Regional Development how many Penalty Charge Notices were issued in Pay and Display Car Parks in (i) 2012; and (ii) 2013; and of these, how many were appealed (a) successfully; and (b) unsuccessfully. **(AQW 32667/11-15)**

**Mr Kennedy:** Details of the number of Penalty Charge Notices (PCNs) issued in Pay and Display car parks in 2012 and 2013 are shown in the table below:

Year	PCNs issued in Pay and Display car parks
2012	33,195
2013	38,161

It is not possible to say how many of these PCNs were challenged, either successfully or unsuccessfully, as my Department does not maintain information specifically relating to challenges to PCNs that have been issued in Pay and Display car parks.

However, details of the total number of PCNs issued (on and off-street), total number of appeals and outcomes are set out in the table below:

Year	Total PCNs issued	PCNs appealed	Percentage of Appeals	
			Successful	Unsuccessful
2012	112,609	16,914	53.9%	46.1%
2013	108,523	20187	57.5%	42.5%

Most successful appeals are as a result of the subsequent production of a valid Pay and Display ticket or Blue Badge, where the PCN has been correctly issued.

### Street Lighting

**Mr Campbell** asked the Minister for Regional Development how many requests were made in 2013 for new street lighting adjacent to existing domestic properties where the number of properties met the criteria for street lighting.

**(AQW 32668/11-15)**

**Mr Kennedy:** I can confirm my Department received 14 such requests in 2013.

### Translink: Concessionary Tickets

**Mr Flanagan** asked the Minister for Regional Development to detail the (i) number of; and (ii) total revenue raised by concessionary tickets on Translink services purchased by under-16s, in each of the last three years.

**(AQW 32671/11-15)**

**Mr Kennedy:** The tables below, provided by Translink detail the number of journeys recorded by under-16's and the associated revenue attributed to those journeys, in each of the last three years. These figures do not include information in relation to travel using education passes.

#### Under 16 (Child) Journeys

	2013/14	2012/13	2011/12
Ulsterbus	3,798,183	3,810,162	3,223,301
NIR	638,998	621,851	594,193
Metro	4,223,406	4,288,907	4,169,284

#### Under 16 (Child) Fares Revenue

	2013/14	2012/13	2011/12
Ulsterbus	£ 6,330,331.05	£ 6,370,087.68	£ 5,683,489.52
NIR	£ 1,826,087.05	£ 1,719,458.35	£ 1,606,459.80
Metro	£ 5,373,159.23	£ 5,327,189.33	£ 5,276,838.32

The table below shows the Concessionary fares claims made by Translink. This is a subset of the table showing total fares revenue

#### Under 16 (Child) Concession Fares Recovery Claim

	2013/14	2012/13	2011/12
Ulsterbus	£ 3,783,407.32	£ 3,864,298.28	£ 3,764,446.54
NIR	£ 931,047.67	£ 864,011.49	£ 729,629.70
Metro	£ 2,764,702.37	£ 2,727,192.19	£ 2,699,642.28

### Roads: Speed Limits

**Mr Weir** asked the Minister for Regional Development what plans his Department has to bring forward legislation on speed limits in residential areas, in light of the proposed Private Members' bill.

**(AQW 32681/11-15)**

**Mr Kennedy:** I can confirm my Department currently has the necessary powers under the Road Traffic Regulation (Northern Ireland) Order 1997 to set a speed limit on any road therefore no additional legislation is required.

## Occupational Health Service

**Ms Boyle** asked the Minister for Regional Development what action his Department is taking to offer comprehensive occupational health services to its employees, including early access to services such as physiotherapy.

**(AQW 32684/11-15)**

**Mr Kennedy:** The NI Civil Service Occupational Health Service (OHS) provides a comprehensive occupational health service to all Departments, including DRD. The services of OHS are available to all staff.

More particularly, OHS delivers a Health Surveillance Programme for those industrial staff within Transport NI who use vibrator equipment and/or who are exposed to high noise levels. The testing involves Hand Arm Vibration Syndrome and Audio Surveillance checks and ensures that relevant legislative and health and safety requirements are met.

However, the NI Civil Service does not provide early access to physiotherapy services. Full details of the occupational health services available to staff can be found on the OHS website [www.nicsohg.gov.uk](http://www.nicsohg.gov.uk)

## Roads: Gritting

**Ms Lo** asked the Minister for Regional Development why a detailed review of the road network that is gritted has not taken place since 2003.

**(AQW 32734/11-15)**

**Mr Kennedy:** The criteria used for the inclusion of roads on the salting schedule were reviewed as part of a Winter Service Review which took place in June 2013. This was a very comprehensive review which examined every aspect of the winter service programme.

The review concluded that my Department has developed and implemented a robust, risk-based rationale for determining the extent of the road network that is subject to routine precautionary salting during the winter months.

A copy of the review has been placed in the Assembly Library.

## Parking on Pavements

**Mr P Ramsey** asked the Minister for Regional Development what steps he is taking to stop drivers parking on pavements and causing problems for blind or partially sighted pedestrians.

**(AQW 32741/11-15)**

**Mr Kennedy:** Where a vehicle is found to be causing a genuine obstruction by parking on the footway, the police can issue a fixed penalty notice therefore I would advise anyone encountering persistent difficulties to contact their local police. There is, however, no general prohibition on vehicles parking on footways, with the exception of heavy commercial vehicles.

Traffic Attendants can act where there is some form of parking restriction on the adjacent stretch of road and these restrictions will generally be indicated by signing. Where a vehicle is found to be parked on a footway in contravention of any restriction, a Penalty Charge Notice will be issued.

## Water Booster Station: Ballygawley

**Lord Morrow** asked the Minister for Regional Development at what stage is the planned upgrading of the Glencull Ballygawley Water Booster Station.

**(AQW 32742/11-15)**

**Mr Kennedy:** Agreement has been reached with a private landowner to build a booster pumping station and water main to resolve the pressure issue experienced by local customers at this location. The project is currently in the process of being designed and approved by Northern Ireland Water with construction programmed to commence in early summer with an estimated completion date of September 2014.

## Translink: Bus Shelters

**Mr Dunne** asked the Minister for Regional Development for an update on the establishment of a new contract for the construction of bus shelters for Translink passengers.

**(AQW 32743/11-15)**

**Mr Kennedy:** I can advise the Member the current contract with Adshel has delivered 1,362 bus shelters in Northern Ireland at no cost to my Department. This contract expires in December 2015 and it is likely the procurement process for a new contract will start within the next 6 months.

## Car Parking: North Down

**Mr Dunne** asked the Minister for Regional Development for an update on any planned residents' parking schemes in North Down.

**(AQW 32744/11-15)**

**Mr Kennedy:** My Department has considered areas within North Down for Residents' Parking Schemes. The Belfast Metropolitan Transport Plan (BMTP) identifies the centre of Bangor as an area of parking restraint and it is my intention to progress Residents' Parking Schemes in some residential areas in due course.

In Holywood, officials are also carrying out an assessment of the eligibility of residential streets within the town centre for a Residents' Parking Scheme.

Officials have also received requests for schemes within other areas and these will be given due consideration in the future.

The timing of schemes outside of Belfast will be dependent upon the progress of those currently being developed elsewhere in Northern Ireland and a future prioritisation of other suitable areas.

### Parking: Clogher, County Tyrone

**Lord Morrow** asked the Minister for Regional Development whether there are any plans to provide additional parking facilities in Clogher, County Tyrone.

(AQW 32783/11-15)

**Mr Kennedy:** Officials regularly undertake occupancy surveys of the Department's car parks. Average occupancy recorded during 2013 indicated the car park at Main Street, Clogher was only 66% occupied. A recent survey undertaken one morning earlier this month showed occupancy of the car park to be around 50%, which would not indicate there is a need to provide any additional off-street parking in the village.

### Car Parking Charges

**Mr Campbell** asked the Minister for Regional Development, following the announcement of reduced car parking charges in a number of towns, to detail the charges for those parking for up to two hours, compared to the present charging structure.

(AQW 32815/11-15)

**Mr Kennedy:** The new five hours parking for £1 pilot tariff was introduced on 12 April 2014 and will apply to car parks in 25 towns and cities, excluding Belfast, which have a tariff of 30p or more per hour. Drivers will still be able pay for normal tariffs under £1 in each car park and normal tariffs over five hours still apply.

Details of the tariffs for my Department's car parks prior to and from 12 April 2014 are detailed in the tables below:

#### Car Park Tariffs prior to 12 April 2014

Hour	TL7	TL6	TL5	TL4	TL3
0 to 1	70p	60p	50p	40p	30p
1 to 2	£1.40	£1.20	£1.00	80p	60p
2 to 3	£2.10	£1.80	£1.50	£1.20	90p
3 to 4	£2.80	£2.40	£2.00	£1.60	£1.20
4 to 5	£3.50	£3.00	£2.50	£2.00	£1.50
5 to 6	£4.20	£3.60	£3.00	£2.40	£1.80
6 to 7	£4.90	£4.20	£3.50	£2.80	£2.10
7 to 8	£5.60	£4.80	£4.00	£3.20	£2.40
Over 8	£6.30	£5.40	£4.50	£3.60	£2.70

#### Pilot Project 5 Hours Parking for £1 Tariff From 12 April 2014 (excludes all Belfast car parks)

Hour	TL7	TL6	TL5	TL4	TL3
0 to 1	70p	60p	50p	40p	30p
1 to 2	£1.00	£1.00	£1.00	80p	60p
2 to 3	£1.00	£1.00	£1.00	£1.00	90p
3 to 4	£1.00	£1.00	£1.00	£1.00	£1.00
4 to 5	£1.00	£1.00	£1.00	£1.00	£1.00
5 to 6	£4.20	£3.60	£3.00	£2.40	£1.80
6 to 7	£4.90	£4.20	£3.50	£2.80	£2.10
7 to 8	£5.60	£4.80	£4.00	£3.20	£2.40
Over 8	£6.30	£5.40	£4.50	£3.60	£2.70

## Portavoe Reservoir

**Mr Agnew** asked the Minister for Regional Development what consideration he gave to sectioning the off of the Portavoe Reservoir to undertake the necessary repair to the Reservoir's valves.

**(AQW 32867/11-15)**

**Mr Kennedy:** The repairs currently being carried out by NI Water at Portavoe Reservoir include essential health and safety work to refurbish valves and other maintenance work required to protect the structural integrity of the reservoir. The scour valve is an essential element for releasing water from the impounding reservoir to ensure the protection of properties from flooding downstream in the event of a large rainfall event.

During the planning of this work NI Water did consider the viability of sectioning off part of the reservoir by using a cofferdam structure. This approach was rejected due to the significant detrimental impact on the environment that would have been caused by creating the necessary access for the heavy machinery required, noise pollution and the potential impact of pollution of the environment downstream through disturbance of the sediment caused by the construction work required. In addition, the time to complete the overall work would have been greatly increased, extending the period of disruption to local wildlife.

Working within a cofferdam is also a high risk environment requiring operatives to work behind a temporary structure retaining up to six metres of water, creating a health and safety risk which should be avoided where there is a safer alternative. With a cofferdam solution there would also be the risk that construction works on the dam embankment could significantly impact on the stability and integrity of the upstream slopes.

## Portavoe Reservoir

**Mr Agnew** asked the Minister for Regional Development what consideration he gave to the timing of the repair works to Portavoe Reservoir, including the impact of draining on (i) fresh water mussel; (ii) small fish; and that it is currently nesting season and waterfowl have been displaced.

**(AQW 32868/11-15)**

**Mr Kennedy:** The lowering of the water level in Portavoe Reservoir began in October 2013. However commencement of the essential work to refurbish valves was delayed due to the persistent rainfall during the winter which prevented the low water level, required to complete the work, being achieved. It is now expected that the water will be lowered to the required level by the end of April 2014 and the maintenance work will be completed by the end of July 2014.

NI Water has been liaising with the Northern Ireland Environment Agency (NIEA) and the Department of Culture, Arts and Leisure (DCAL) on the planned works that have to be undertaken on a number of reservoirs, including Portavoe. This consultation has ensured that the agreed method of draining the reservoir will minimise the impact on the environment.

A Habitat Regulatory Assessment has been carried out for the release of water from Portavoe, as required under the Habitats Directive to assess the impact on the Outer Ards Special Protection Area (SPA) and Ramsar Site which covers the protection of wetlands. It has also been agreed with NIEA's wildlife officer that a proportion of the live mussels will be collected and held within tanks for re-seeding on completion of the works. This approach has been successfully completed at another reservoir.

To prepare for the works DCAL has not stocked fish into the Reservoir since August 2013. Consequently, the lowering of the water level should have minimal impact on those fish remaining in the reservoir. DCAL's Inland Fisheries staff will be undertaking regular inspections of the reservoir and where there are any signs of fish in distress they will remove the fish to other Public Angling Estate waters in the vicinity. DCAL has also publicised details of the ongoing work on the relevant section of the NI Direct Website for the advice of anglers.

NI Water is fully cognisant of its obligations under the Wildlife (Northern Ireland) Order 1985 (as amended) and the Wildlife and Natural Environment Act (Northern Ireland) 2011. Locally, within the reservoir site, lowering the water level will expose a large area of the reservoir bed and reduce the amount of available water for water birds. However, no destructive site clearance works are being undertaken during the bird breeding season. Fringe vegetation will still exist for birds to nest.

NIEA officials have confirmed they are content that there has been no breach of the wildlife legislation in relation to these works.

## Portavoe Reservoir

**Mr Agnew** asked the Minister for Regional Development what consideration he gave to a more permanent solution to the issues effecting Portavoe Reservoir.

**(AQW 32870/11-15)**

**Mr Kennedy:** NI Water manages the reservoirs under its control in line with standards set out in the Reservoirs Act 1975 (England and Wales).

The lowering of the water level in Portavoe Reservoir is required to facilitate essential health and safety work to refurbish valves and other maintenance work required to protect the structural integrity of the reservoir. It is expected the water in the reservoir will be lowered to the required level by the end of April 2014 and the maintenance work will be completed by the end of July 2014. These dates are however subject to favourable weather conditions as the low water level must be maintained to enable the maintenance work to progress.

On completion of this work the reservoir will be refilled and this essential maintenance should ensure the reservoir scour valve and draw-off tower remain operational for, at least, the next 25 years. This will reduce the likelihood of future maintenance requiring the water level to be lowered.

### **DRD: Cycling Unit**

**Mr Weir** asked the Minister for Regional Development whether the departmental cycling unit will publish a cycling masterplan for North Down and Ards.

**(AQW 32881/11-15)**

**Mr Kennedy:** My Department is currently working on a cycling strategy for Northern Ireland. I expect a draft strategy to be prepared by June of this year.

In parallel with this, consideration will be given to the drafting of cycling masterplans for areas within Northern Ireland starting with Belfast. While my ambition is to improve cycling infrastructure throughout Northern Ireland, I think that it is important to adopt a step-by-step approach so that the benefits of investment are more effective.

### **Portavoe Reservoir**

**Mr Cree** asked the Minister for Regional Development to outline the actions taken by NI Water to protect the wildlife and habitat at Portavoe Reservoir prior to the current maintenance works.

**(AQW 32913/11-15)**

**Mr Kennedy:** Northern Ireland Water (NIW) has consulted with the Northern Ireland Environment Agency (NIEA) and the Department of Culture, Arts and Leisure (DCAL) to ensure that the agreed method of draining Portavoe Reservoir to complete essential safety work will minimise the impact on the environment. Actions include the following:

- A Habitat Regulatory Assessment has been carried out for the release of water from Portavoe, as required under the Habitats Directive to assess the impact on the Outer Ards Special Protection Area (SPA) and Ramsar Site which covers the protection of wetlands;
- It has been agreed with NIEA's wildlife officer that a proportion of the live mussels will be collected and held within tanks for re-seeding on completion of the works. This approach has been successfully completed at another reservoir.
- To prepare for the works DCAL has not stocked fish into the Reservoir since August 2013. Consequently, the lowering of the water level should have minimal impact on those fish remaining in the reservoir.
- DCAL's Inland Fisheries staff will be undertaking regular inspections of the reservoir and where there are any signs of fish in distress they will remove the fish to other Public Angling Estate waters in the vicinity.
- DCAL has also publicised details of the ongoing work on the relevant section of the NI Direct Website for the advice of anglers.

The impact of the lowering of the water level on nesting birds is not deemed to be significant as the water level in the reservoir naturally fluctuates during periods of wet weather or drought. NIEA officials have confirmed they are content that there has been no breach of the wildlife legislation in relation to these works.

### **Reservoirs: Overflow Valves**

**Mr Cree** asked the Minister for Regional Development what consideration has been given to isolating the overflow valves at reservoirs so that maintenance would not require the reservoir to be completely drained.

**(AQW 32914/11-15)**

**Mr Kennedy:** The repairs currently being carried out by NI Water at a number of reservoirs include essential health and safety work to refurbish valves and other maintenance work required to protect the structural integrity of the reservoir. The scour valve is an essential element for releasing water from impounding reservoirs to ensure the protection of properties from flooding downstream in the event of a large rainfall event.

During the planning of these works NI Water did consider the viability of isolating the valves by using a cofferdam structure. This approach was rejected due to the significant detrimental impact on the environment that this would cause by creating the necessary access for the heavy machinery required, noise pollution and the potential impact of pollution of the environment downstream through disturbance of the sediment due to the construction work required. In addition, the time to complete the overall work would be greatly increased, extending the period of disruption to local wildlife.

Working within a cofferdam is also a high risk environment requiring operatives to work behind a temporary structure retaining up to six metres of water, creating a health and safety risk which should be avoided where there is a safer alternative. With a cofferdam solution there would also be the risk that construction works on the dam embankment could significantly impact on the stability and integrity of the upstream slopes.

## Translink: Proposed New Routes

**Mrs Dobson** asked the Minister for Regional Development for an update on the proposed new Translink route to include Portadown, Lurgan, Banbridge and Newcastle to operate between July and August, including the availability of Rural Transport Funding to facilitate this route.

**(AQW 32958/11-15)**

**Mr Kennedy:** I am aware that Translink have put forward proposals to introduce a number of services including a direct service from Portadown to Newcastle via Lurgan and Banbridge during the months of July and August.

My officials have been working with the Department of Agriculture and Rural Development (DARD). I hope it will be in a position to provide funding via the Rural Transport Fund under its Tackling Rural Poverty and Social Isolation Programme.

Currently DARD are considering a draft economic appraisal which looks to secure funding which will allow the introduction of a number of rural routes, including the Portadown to Newcastle service during the 2014-15. I understand that discussions have taken place between DARD and Translink facilitated by my officials and that progress is at an advanced stage. However no final decision has been made by DARD.

## Portavoe Reservoir

**Mr Agnew** asked the Minister for Regional Development to detail (i) what mitigating measures are in place to protect the waterfowl and fish population at Portavoe Reservoir in North Down, particularly in light of the current breeding season; (ii) why North Down Borough Council was not informed of this work being carried out; and (iii) why work at the reservoir is being carried out now, given that it is the height of breeding season.

**(AQW 32959/11-15)**

**Mr Kennedy:**

- (i) NI Water has been liaising with the Northern Ireland Environment Agency (NIEA) and the Department of Culture, Arts and Leisure (DCAL) on the planned works that have to be undertaken on a number of reservoirs, including Portavoe. This consultation has ensured that the agreed method of draining the reservoir will minimise the impact on the environment.

A Habitat Regulatory Assessment has been carried out for the release of water from Portavoe, as required under the Habitats Directive to assess the impact on the Outer Ards Special Protection Area (SPA) and Ramsar Site which covers the protection of wetlands. It has also been agreed with NIEA's wildlife officer that a proportion of the live mussels will be collected and held within tanks for re-seeding on completion of the works. This approach has been successfully completed at another reservoir.

To prepare for the works DCAL has not stocked fish into the Reservoir since August 2013. Consequently, the lowering of the water level should have minimal impact on those fish remaining in the reservoir. DCAL's Inland Fisheries staff will be undertaking regular inspections of the reservoir and where there are any signs of fish in distress they will remove the fish to other Public Angling Estate waters in the vicinity. DCAL has also publicised details of the ongoing work on the relevant section of the NI Direct Website for the advice of anglers.

NI Water is fully cognisant of its obligations under the Wildlife (Northern Ireland) Order 1985 (as amended) and the Wildlife and Natural Environment Act (Northern Ireland) 2011. Locally, within the reservoir site, lowering the water level will expose a large area of the reservoir bed and reduce the amount of available water for water birds. However, no destructive site clearance works are being undertaken during the bird breeding season. Fringe vegetation will still exist for birds to nest.

NIEA officials have confirmed they are content that there has been no breach of the wildlife legislation in relation to these works.

- (ii) Portavoe Reservoir is no longer used for the public water supply and the work will have no impact on NI Water customers in the North Down Borough Council area. Prior to commencement NI Water consulted with NIEA, DCAL and the Department of Agriculture and Rural Development.

However, I do consider that there are lessons that should be learned in relation to wider publication of such works to adequately inform users of such facilities and I have asked NI Water to consider its approach in this area going forward. I have also asked NI Water to brief local councillors on the specifics of the work being undertaken and to set up an information day for the benefit of interested members of the public. I have asked that a date and time for this be arranged with North Down and Ards Councils as soon as possible.

- (iii) The lowering of the water level in Portavoe Reservoir began in October 2013. However commencement of the essential work to refurbish valves was delayed due to the persistent rainfall during the winter which prevented the low water level, required to complete the work, being achieved. It is now expected that the water will be lowered to the required level by the end of April 2014 and the maintenance work will be completed by the end of July 2014.

## Department for Social Development

### Trinity Housing Association

**Mr Wells** asked the Minister for Social Development, pursuant to AQW 31628/11-15, to confirm whether Trinity Housing Association have purchased land at 19 Downpatrick Road, Crossgar in order to build one social house; and how much it will cost.

**(AQW 32471/11-15)**

**Mr McCausland (The Minister for Social Development):** The Housing Executive has advised that Trinity Housing Association acquired land at 19 Downpatrick Road, Crossgar in August 2007 with the intention of providing a social housing scheme at this location.

However, there is no scheme currently programmed in the Social Housing Development programme 2014/15 – 2016/17 at this location. Therefore, the Housing Executive does not hold any information about the potential cost of providing one social housing unit there.

### Housing Executive: House Sales

**Mr McKay** asked the Minister for Social Development to detail (i) the number of Housing Executive houses that were sold to their tenants; (ii) the number sold in each district; and (iii) the total value of stock sold, in each of the last ten years.

**(AQW 32494/11-15)**

**Mr McCausland:** The Housing Executive has provided the following tables, which detail the total number of Housing Executive house sales in each of the last ten years. This includes the market value of the stock sold and the capital receipts, broken down by NIHE District office area.

The Information provided in this response is governed by the Principles and Protocols of the Code of Practice for Official Statistics. This is enforced by UK Statistics Authority.

**Table 1: Number of house sales in each of last 10 years & value of stock sold (Year Ending 31 March)**

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Total Number of House Sales	3053	2522	2201	808	54	272	249	236	290	549
Market Value (£)	134,167,350	127,784,188	132,618,297	64,909,730	4,531,000	17,039,230	15,913,954	12,315,000	12,820,250	24,983,011
Capital Receipt (£)	74,377,086	78,781,836	91,182,059	49,715,811	3,544,850	12,606,517	11,437,455	8,377,959	8,423,899	16,009,316

**Table 2: House sales by NIHE District office area (Year Ending 31 March)**

District Office Area	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Belfast 1	77	75	48	35	2	6	4	4	7	5
Belfast 2	72	76	66	23	0	9	5	4	2	14
Belfast 3	117	114	69	30	2	4	7	3	6	14
Belfast 7	92	60	82	36	3	10	10	5	12	32
Belfast 4	42	40	73	24	0	5	9	8	8	12
Belfast 5	72	72	78	32	0	12	15	15	17	18
Belfast 6	67	45	64	28	2	7	4	6	6	9
Bangor	66	77	36	25	0	5	4	6	8	16
Newtownards	130	77	85	28	1	6	8	10	8	11
Castlereagh	125	78	81	20	1	8	3	8	5	15
Lisburn 1/2	120	113	107	42	2	8	10	12	8	31
Lisburn 3	110	82	76	25	1	9	5	1	3	9
Downpatrick	104	59	49	19	3	9	6	3	3	11

District Office Area	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Banbridge	75	45	23	21	0	5	6	2	7	13
Newry	131	115	77	29	3	10	8	6	12	26
Armagh	58	59	50	15	3	16	13	13	12	15
Lurgan/Brownlow	91	74	55	20	0	11	12	8	7	21
Portadown	40	35	47	19	1	7	6	7	7	9
Dungannon	59	50	45	15	1	8	9	5	5	12
Fermanagh	88	86	69	43	8	15	8	10	8	18
Ballymena	141	105	66	14	3	6	8	6	7	14
Antrim	121	113	93	23	1	9	5	8	9	21
Newtownabbey 1	65	53	70	27	0	3	9	10	13	17
Newtownabbey 2	94	60	57	19	4	4	8	7	5	16
Carrickfergus	74	47	64	22	0	8	5	6	11	9
Larne	36	30	39	18	1	4	5	0	4	6
Ballycastle	34	36	23	11	1	3	4	2	5	2
Ballymoney	54	41	37	8	2	6	5	7	6	13
Coleraine	85	80	53	18	1	7	11	5	9	10
Londonderry 1	103	57	52	17	2	6	4	5	11	10
Londonderry 2	80	82	73	22	4	10	8	7	12	21
Londonderry 3	126	95	76	20	1	7	4	7	6	24
Limavady	56	57	26	10	0	5	3	2	7	11
Magherafelt	51	57	43	5	0	5	2	3	3	12
Strabane	82	68	70	18	0	10	8	7	15	20
Omagh	60	57	47	14	1	9	6	11	10	19
Cookstown	55	52	32	13	0	0	2	7	6	13
<b>Total</b>	<b>3053</b>	<b>2522</b>	<b>2201</b>	<b>808</b>	<b>54</b>	<b>272</b>	<b>249</b>	<b>236</b>	<b>290</b>	<b>549</b>

## Newbuilds

**Mr McKay** asked the Minister for Social Development how many houses are being built in each (i) Ballymena; (ii) Ballymoney; and (iii) Moyle common landlord area, in each of the next three years, broken down by common landlord area in order of housing need.

**(AQW 32500/11-15)**

**Mr McCausland:** The Housing Executive undertakes housing needs assessment annually across all 26 district council areas and reports this at Council level using identified Housing Need Assessment geographies. The purpose of housing need assessment is to examine supply and demand, identify where gaps exist, and to project what is required over a five year period within the Housing Need Assessment area.

The Social Housing Development Programme is a three year planned programme which aims to address housing need in a fair and equitable manner across Northern Ireland. The difference between the Housing Needs Assessment and the Social Housing Development Programme is captured by the unmet housing need prospectus which helps direct housing associations in their search for sites to address unmet need.

The tables attached set out the information for the areas in question and highlight the relevant Housing Need Assessment areas and the corresponding five year projected need for each area. The tables also assign the Common Landlord Areas that are located within each area as well as the New Build schemes that are either on site or in the Social Housing Development Programme.

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**Ballymena District Council**  
**Ballymena Town**

Housing Need Assessment Area	Housing Need Projection 2013-2018	Common Landlord Area (Estates with HNA)	Scheme Name	Units	Programme Year
Central Ballymena	198	Adair / Demesne	St Patricks MOD	47	Currently being built
			St Patricks MOD Ph2	2	Currently being built
		Clonavon Terrace	18 Waveney Road	14	2014/15
		Duke Street			
Balmoral Avenue/ Princess Street					
Harryville	115	Harryville	Larne Street	11	Currently being built
			St Marys PS Ph1	42	2014/15
			St Marys PS Ph2	32	2015/16
			125-127 Larne Road	32	2015/16
			Phoenix Fields	22	2016/17
North West Ballymena	104	Rectory	No schemes currently programmed for these areas.		
		Millfield			
		Dunvale			
Ballykeel 1	44	Ballykeel 1			
Galgorm/ Gracehill	22	Galgorm			
		Gracehill			
Tullygarley	4	Tullygarley			
Ballee	0	Ballee			
Ballykeel 2	0	Ballykeel 2			
Carniny	0	Carniny			
North East Ballymena	0	Doury Road			
		Dunclug			
		Fisherwick Crescent			
		Herbison Park	Cushendall Road	60	2015/16
<b>Total – Ballymena Town*</b>	<b>487</b>			<b>262</b>	

**Outside Ballymena Town**

Housing Need Assessment Area	Housing Need Projection 2013-2018	Common Landlord Area (Estates with HNA)	Scheme Name	Units	Programme Year
Broughshane**	40	Broughshane	No schemes currently programmed for these areas.		
Cullybackey***	37	Cullybackey			
Ahoghill	30	Ahoghill			
Kells	10	Kells	PSNI Kells	6	Currently being built
		Kells	Templemoyle	6	2014/15
Glenravel	6	Glenravel	No schemes currently programmed for these areas.		
Portglenone	6	Portglenone			
Clough	0	Clough			
Moorlands/Taylorstown	0	Moorlands/Taylorstown			
Slatt	0	Slatt			
Straid	0	Straid			
Glarryford	0	Glarryford			
Craigyarren	0	Craigyarren			
Procklis	0	Procklis			
Ballymarlow	0	Ballymarlow			
Moorfields/Glenwherry	0	Moorfields/Glenwherry			
Outside Ballymena Town	129				12
<b>Ballymena District Total</b>	<b>616</b>			<b>274</b>	

\* The Housing Executive has previously been involved in a concept plan for the former St. Patrick's Barracks site Ballymena. This site is to be re-trawled via Land and Property services in the coming months and the Housing Executive will re-register their interest in this site at that stage. It is considered that the site has the potential to meet housing need across Ballymena town.

\*\* The Housing Executive has registered an interest in the recently trawled PSNI site at Broughshane and Triangle Housing Association have been nominated to examine its potential for housing.

\*\*\* A number of sites have been identified by Housing Associations in Cullybackey in the last quarter and the Housing Executive has encouraged housing associations to examine their potential for housing.

**Moyle District Council**

Housing Need Assessment Area	Housing Need Projection 2013-2018	Common Landlord Area (Estates with HNA)	Scheme Name	Units	Programme Year
Ballycastle Town	68	Ballycastle Town	Ramoan Road Fairhill Street	7 6	Currently being built 2014/15

Housing Need Assessment Area	Housing Need Projection 2013-2018	Common Landlord Area (Estates with HNA)	Scheme Name	Units	Programme Year
Cushendall*	20	Cushendall	No schemes currently programmed for these areas.		
Cushendun	8	Cushendun			
Waterfoot	6	Waterfoot	NIHE Transfer	6	2014/15
Bushmills	0	Bushmills	No schemes currently programmed for these areas.		
Armoy	0	Armoy			
Ballintoy	0	Ballintoy			
Ballyvoy	0	Ballyvoy			
Mosside	0	Mosside			
Liscolman	0	Liscolman			
Rathlin	0	Rathlin			
<b>Total</b>	<b>102</b>				<b>19</b>

A further scheme (programmed over two phases) were programmed for Leyland Road which would have delivered 28 units however this application was refused following a recent PAC hearing and the scheme has now been abandoned.

\* There had been a site programmed at Kilnadore Road Cushendall which would have delivered 20 units. The Housing Association encountered difficulties in acquiring the site and the scheme had to be abandoned.

#### Ballymoney District Council

Housing Need Assessment Area	Housing Need Projection 2013-2018	Common Landlord Area (Estates with HNA)	Scheme Name	Units	Programme Year
Ballymoney Town	15	Carnany	No schemes currently programmed for these areas.		
		North West Ballymoney			
		North East Ballymoney			
		South West Ballymoney			
		South East Ballymoney			
Balnamore	4	Balnamore	Balnamore (Transfer)	3	2014/15

Housing Need Assessment Area	Housing Need Projection 2013-2018	Common Landlord Area (Estates with HNA)	Scheme Name	Units	Programme Year
Bendooragh	2	Bendooragh	No schemes currently programmed for these areas.		
Ballybogy	0	Ballybogy			
Cloughmills	0	Cloughmills			
Dervock	0	Dervock			
Dunloy	0	Dunloy			
Loughguile	0	Loughguile			
Rasharkin	0	Rasharkin			
Stranocum	0	Stranocum			
Clintyfinnan	0	Clintyfinnan			
Corkey	0	Corkey			
Druckendult	0	Druckendult			
Dunaghy	0	Dunaghy			
Killyrammer	0	Killyrammer			
Macfin	0	Macfin			
Seacon	0	Seacon			
<b>Total</b>	<b>21</b>			<b>3</b>	

## Housing Stress

**Mr McKay** asked the Minister for Social Development how many (i) Protestants; and (ii) Catholics are (a) on the housing list; and (b) in housing stress.

(AQW 32501/11-15)

**Mr McCausland:** The Housing Executive has advised that applicants applying for social housing are asked to indicate a response to a religion question on behalf of his/her household. Based on that, the Housing Executive has provided the information for Northern Ireland in the table attached. This reflects the position as at 31 December 2013, which is the latest information available.

	Catholics	Protestants	Mixed/None/Other	Refused / Undisclosed
Total number of applicants	17,420	14,524	4,121	4,022
Number of applicants in housing stress (30 points or more)	10,071	7,367	1,947	1,969

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## Housing Stress

**Mr Weir** asked the Minister for Social Development how many housing applicants in each council area are deemed to be in housing stress.

(AQW 32582/11-15)

**Mr McCausland:** The table below details the number of applicants in housing stress, with 30 points or more at 1 April 2014 in each Council area:

Council Area	Housing Stress (30 points or more)
Antrim Borough Council	498

Council Area	Housing Stress (30 points or more)
Ards Borough Council	938
Armagh City & District Council	308
Ballymena Borough Council	880
Ballymoney Borough Council	192
Banbridge District Council	276
Belfast City Council	5,976
Carrickfergus Borough Council	500
Castlereagh Borough Council	587
Coleraine Borough Council	661
Cookstown District Council	166
Craigavon Borough Council	646
Londonderry City Council	2,250
Down District Council	821
Dungannon & South Tyrone Borough Council	638
Fermanagh District Council	292
Larne Borough Council	168
Limavady Borough Council	190
Lisburn City Council	1,514
Magherafelt District Council	194
Moyle District Council	181
Newry & Mourne District Council	1,213
Newtownabbey Borough Council	1,019
North Down Borough Council	1,047
Omagh District Council	142
Strabane District Council	289

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### Social Housing: New Units

**Mr McMullan** asked the Minister for Social Development, pursuant to AQW 31961/11-15, where in Moyle the three schemes for 40 social housing units are to be built.

**(AQW 32592/11-15)**

**Mr McCausland:** The Housing Executive has advised that the three schemes in the Social Housing Development Programme in the Moyle District Council area are as follows:

Rathmoyle, Ballycastle	28 Housing with Care units
Fairhill Street, Ballycastle	6 General needs units
Waterfoot	6 General needs units

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### Housing Executive: Boiler Repairs

**Mr Frew** asked the Minister for Social Development, pursuant to AQW 31337/11-15, what checks and balances the Housing Executive has to ensure that qualified inspectors inspect the external and internal components of boilers for repairs,

replacements and services that are in line with manufactures recommendations and that boiler combustion settings are adjusted for optimum use; and to detail how this information is recorded, including whether pictures are required.

**(AQW 32643/11-15)**

**Mr McCausland:** The Housing Executive has advised that, under the terms of the current heating contract where work to gas, oil or solid fuel installations is carried out, the contractor must employ operatives to carry out this work who are approved by equivalent bodies and are "competent persons," as defined by the relevant Building Regulations. Certification received from contractors following completion of a service or new installation, contains information regarding the name and registration number of the engineer who carried out the works, together with flue gas analysis results.

A sample of this certification is selected for inspection, during which engineers' details are checked against details retained by the Housing Executive and with the relevant accrediting body. Staff are in the final stages of preparing a database of registered engineers employed by Housing Executive contractors. This will be validated on a monthly basis and will be available for any necessary checks on engineers' qualifications. Flue gas analysis results are checked against manufacturer's recommendations on boiler combustion settings. The Housing Executive's inspectors also take photographs of items they wish to record as failures or items of concern they may find on site.

### Housing Executive: Oil Leaks

**Mr Weir** asked the Minister for Social Development how many Housing Executive properties in North Down have had oil leaks in the last three years; and to detail the cost of repairing the leaks.

**(AQW 32679/11-15)**

**Mr McCausland:** The Housing Executive has advised that within the last three years only one of their properties has had an oil leak. This occurred in 2011 at a cost £21,692.00.

The main reason for the high cost was due to: -

- the loss of a significant amount of oil from the tank at a damaged filter;
- the requirement to provide immediate containment works at the time of the incident to prevent widespread migration of the oil both off site and into the property;
- the impact the leak had on groundwater which resulted in significant remedial works for the removal and treatment of contaminated groundwater;
- the high volume of localised soil excavation;
- the cost of disposal due to high concentrations of oil within the soils;
- The cost of investigation and monitoring of the volume of oil/water being uplifted and routine checks on the pumps and oil water separators.

### Neighbourhood Renewal Schemes: Academic Underachievement

**Mrs Dobson** asked the Minister for Social Development how Neighbourhood Renewal Schemes are tackling academic underachievement amongst Protestant working class communities in Upper Bann.

**(AQW 32692/11-15)**

**Mr McCausland:** The Department, in partnership with the Southern Education and Library Board, is supporting a range of programmes focusing on numeracy and literacy, parental involvement, mentoring and youth engagement including the development of employability skills, to help address academic underachievement across the entire community within the three designated Neighbourhood Renewal Areas of - north west Portadown, Brownlow and Lurgan in the Upper Bann constituency.

### Jobseeker's Allowance

**Mr Eastwood** asked the Minister for Social Development, pursuant to AQW 32274/11-15, to detail the welfare assistance available to claimants who are denied Jobseeker's Allowance based on not satisfying the habitual residency test and due to having no access to benefit for three months are denied a crisis loan on the basis of having no income.

**(AQW 32703/11-15)**

**Mr McCausland:** When a returning UK national claims income based Jobseeker's Allowance, a Decision Maker will have to consider whether they have been living in the Common Travel Area (which comprises the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland) for the past three months. If, during the three month period, the claimant has spent some time outside the Common Travel Area, the Decision Maker will have to make a judgement as to whether they ceased to be "living in" the Common Travel Area during that absence. If the claimant is determined to have been resident in the Common Travel Area during the previous 3 months, they will be entitled to income based Jobseekers Allowance, subject to normal conditions of benefit entitlement.

Where the Decision Maker determines that the claimant does not satisfy this requirement, they will be considered to have failed the Habitual Residence Test; they will be deemed to be a "person from abroad" and will therefore not be entitled to Jobseekers Allowance. Although they may subsequently apply for a Crisis Loan as a person from abroad, the claimant will only be entitled to a Crisis Loan in the event of a disaster. If the claimant is disallowed the Crisis Loan, there is no other financial assistance available from social security benefits

A claimant who is refused a Crisis Loan may, however, seek assistance from their local Health and Social Care Trust. Article 15(2) of the Health and Personal Social Services (NI) Order 1972 enables a Trust to provide a social care service under Article 15(1) to a "person in need" requiring assistance, this includes the provision of cash in exceptional circumstances that constitute an emergency. A person in need is defined within the legislation as a person who is over age 18 and:

- is in need of care and attention arising out of an infirmity or age
- suffers from illness or disability
- meets the eligibility criteria for the service

Services under the 1972 Order are only available to persons who are ordinarily resident in Northern Ireland and a person who does not satisfy the habitual residency test for social security benefits may not meet this criteria. However, The Children (NI) Order 1995, Article 18 specifies the general duty of the authority to provide personal social services for children in need, their families and others. It directs that it is the general duty of every authority to safeguard and promote the welfare of children within its area who are in need. As such any family with children presenting themselves to children's services will be supported according to their assessed need, irrespective of whether or not they satisfy the habitual residency test. Where this need is best provided by other government agencies (e.g. housing) then they will be sign-posted to the appropriate agency. The support offered by social services can be in kind, or in exceptional circumstances be in the form of cash.

### Crumlin Road Courthouse

**Mr Dunne** asked the Minister for Social Development for an update on the progress of the restoration of the old Crumlin Road Courthouse building.

**(AQW 32748/11-15)**

**Mr McCausland:** My Department has been working in co-operation with the Office of the First Minister and deputy First Minister (OFMdFM), the Strategic Investment Board (SIB), Belfast City Council (BCC) and the Northern Ireland Environment Agency (NIEA) to identify a sustainable end use for the Crumlin Road Courthouse. Consultants, appointed to complete a feasibility study and explore its development potential, have engaged with a wide range of stakeholders, carried out a comprehensive condition report on the building and conducted considerable research into potential end uses. A high profile consultation launch in November last year, received considerable media interest and positive feedback from the public. The consultants have now submitted a draft economic appraisal, which considers a number of options for the development of the Courthouse. The report is currently being considered by my Department's economists. The feasibility study is due to conclude in advance of the summer.

### Clanmill Housing

**Mr Agnew** asked the Minister for Social Development how many of the 1,600 houses that Clanmill Housing intend to develop will be on sites (i) which currently have planning permission; (ii) where planning permission has been applied for; and (iii) on which planning permission has not yet been sought.

**(AQW 32785/11-15)**

**Mr McCausland:** The figure of 1,600 houses is Clanmill's projected delivery of new social housing starts over the four years 2014/15 – 2017/18.

The 3-year Social Housing Development Programme (SHDP) is formulated on an annual basis and housing associations are given the opportunity each year to highlight development opportunities to be included in the programme. The current SHDP for 2014/15 – 2016/17 includes 48 schemes of 1,060 units to be delivered by Clanmill.

Therefore, it should be noted that the full detail of Clanmill's proposed 1,600 new social housing units over four years is not confirmed at this stage.

The table below details the numbers of schemes/units in Clanmill's gross programme for which:

- (i) Planning permission has been attained ("With Planning Permission");
- (ii) Planning permission has been applied for but not yet attained ("With Planning Application"); and
- (iii) A Planning Application has yet to be submitted ("No Planning Application").

The table reflects the fact that many Planning Applications for social housing schemes are made in-year, i.e. in the same programme year that the scheme is expected to achieve an on-site.

#### Clanmill gross Social Housing Development Programme 2014/15 – 2016/17 at 10th April 2014, broken down by planning details

Programme Year	With Planning Permission		With Planning Application		No Planning Application		Total	
	Schemes	Units	Schemes	Units	Schemes	Units	Schemes	Units
2014/15	5	106	2	106	21	417	28	629
2015/16	0	0	0	0	16	327	16	327

Programme Year	With Planning Permission		With Planning Application		No Planning Application		Total	
	Schemes	Units	Schemes	Units	Schemes	Units	Schemes	Units
2016/17	0	0	0	0	4	104	4	104
<b>Total</b>	<b>5</b>	<b>106</b>	<b>2</b>	<b>106</b>	<b>41</b>	<b>848</b>	<b>48</b>	<b>1060</b>

### Permitted Employment Scheme

**Mr Swann** asked the Minister for Social Development, pursuant to AQW 32364/11-15, to outline the reasons for the decrease from 3,933 in 2011 to 3,510 in 2012 and 3,299 in 2013.

**(AQW 32792/11-15)**

**Mr McCausland:** There is no particular reason for the decrease in the number of Incapacity Benefit and Employment and Support Allowance claimants participating in the Permitted Work Scheme over the last 4 years. However, the number of claimants engaged in the Permitted Work Scheme at any given time does fluctuate. The main reasons for this include:

- The number of claimants applying to participate in the Scheme
- The period of Permitted Work ends.
- The claimant's entitlement to Incapacity Benefit / Employment and Support Allowance ceases.

### Medical Examination Centres: Travel

**Mr Copeland** asked the Minister for Social Development (i) whether ATOS pays for travelling expenses incurred when an Employment and Support Allowance (ESA) claimant cannot attend an assessment centre due to the unsuitability of the premises; (ii) how many ESA claimants had to be assessed at an alternative centre in 2013; (iii) the total cost of providing transport to alternative centres during 2013; (iv) the name of each taxi company that has carried out this work during 2013.

**(AQW 32793/11-15)**

**Mr McCausland:**

- (i) All claimants travelling to any Medical Examination Centre in Northern Ireland for assessment regardless of their suitability may claim travelling expenses this includes both public transport and taxis when public transport cannot be used by the claimant. Atos Healthcare makes the payment to the claimant for their expenses, and is reimbursed by the Department.
- (ii) The medical support services provider has processes in place which establish if the nearest medical examination centre is suitable. Where there are difficulties in accommodating a claimant, the examination will be rescheduled to a Centre which can meet the claimant's needs. From January 2013 to December 2013 1898 claimants, had their assessments scheduled at an alternative centre. This includes both Employment and Support Allowance and Incapacity Benefit Reassessment claimants as the Department's records do distinguish between the two sets of benefit claimants.
- (iii) The total cost of providing all taxi transport to medical examination centres during this time was £43,412. This cost is for all claimants travelling to a medical assessment centre and includes not only the costs when a taxi is required because a centre is deemed as not suitable but also were a taxi is used because public transport is either not available or is deemed not suitable for travelling to a medical assessment centre. The specific information you have requested is not readily available.
- (iv) Atos Healthcare used a number of taxi firms in 2013 to transport claimants to assessment centres depending on the claimant's address and locality of the medical centre to be attended. The companies used in 2013 were:
  - Fonacab, Belfast;
  - TC Taxis, Ballymena;
  - Kare Kabs, Bangor;
  - S B Taxis, Portadown; and
  - A&B Taxis, Enniskillen.

## Northern Ireland Assembly Commission

### Statutory Committee Meeting Papers

**Mr Flanagan** asked the Assembly Commission to detail (i) why papers presented at statutory committee meetings are not made available for public consideration at the time of the meeting; and (ii) what consideration has been given to changing this policy in the interests of increasing interest in the Assembly operation, as well as openness and transparency.

**(AQW 32532/11-15)**

**Mr Cree (The Representative of the Assembly Commission):** The purpose of providing papers for statutory committee meetings is to enable committee members to fulfil their legislative, scrutiny and policy development role. There has been an increasing move to publish papers after committee meetings, including research papers, minutes and written submissions relating to bills and inquiries. Additionally, committees aim to conduct proceedings in public as far as possible.

The Chairpersons' Liaison Group (CLG) gave initial consideration to this issue some time ago. However, over the last year the focus has been on the implementation of electronic meeting packs for committees. The matter will now be included in CLG's forward work programme for further consideration.

### Assembly Visits: West Belfast Schools

**Mr Sheehan** asked the Assembly Commission to list all the schools from West Belfast that have visited the Assembly in the last 12 months.

**(AQW 32534/11-15)**

**Mr Weir (The Representative of the Assembly Commission):** The following details the up-take of visits to Parliament Buildings from schools in the West Belfast constituency during the period in question:

#### Schools in Belfast West constituency who visited the NIA between 15/04/13 and 14/04/14

School name	Number of visits
St. Joseph's Primary School (Slate Street)	1
Holy Child Primary School	1
St. Oliver Plunkett Primary School	1
Springhill Primary School	1
St. Louise's College	7
De La Salle College	1
Coláiste Feirste	2
Christian Brothers' School	1
Corpus Christi College	1

### Assembly Chamber: Formal Addresses

**Mr Flanagan** asked the Assembly Commission to list the individuals that have formally addressed MLAs in the Assembly Chamber since 2007.

**(AQW 32854/11-15)**

**Mr Weir (The Representative of the Assembly Commission):** Three individuals have formally addressed MLAs in the Assembly Chamber. They are: The Rt Honourable Gordon Brown, MP on 18 September 2008, Mrs Hillary Clinton on 12th October 2009 and The Rt Honourable, David Cameron, MP on 9th June 2011



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# Northern Ireland Assembly

Friday 25 April 2014

## Written Answers to Questions

### Department of Agriculture and Rural Development

#### Single Farm Payment

**Mr McAleer** asked the Minister of Agriculture and Rural Development, in relation to Single Farm Payments, to detail (i) the regional mean, median and modal single entitlement value; and (ii) the mean, median, and modal single entitlement value in (a) Severely Disadvantaged Areas (b) Dissemination Areas; and (c) Lowland Areas.

**(AQW 32819/11-15)**

**Mrs O'Neill (The Minister of Agriculture and Rural Development):** The mean, median and modal entitlement values per hectare shown in the following table have been calculated from the analytical database constructed to assess the impact of the CAP reform proposals. These values reflect deductions to respect the 2015 budget ceiling and to provide for the Young Farmers' Scheme. The analysis is based on the current SFP claimant population and pattern of claims. Both of these factors will change markedly under CAP reform and these important caveats must be born in mind when considering the data presented.

#### Euro per hectare

	Mean	Median	Modal
SDA	263	222	70
DA	374	264	70
Lowland	383	219	70
Regional	329	232	70

### Department for Employment and Learning

#### Youth Employment Scheme

**Mr Campbell** asked the Minister for Employment and Learning, since the inception of the Youth Employment Scheme, to detail the total number of young people that have participated in the scheme; and how this compares with any target set at the outset.  
**(AQW 32669/11-15)**

**Dr Farry (The Minister for Employment and Learning):** When the Youth Employment Scheme launched in July 2012 the Department set a target to secure 12,600 opportunities by 30 March 2015. These would be offered across a range of work experience, skills development placements and subsidised employment.

To ensure the overall target is met by March 2015 and that sufficient placements are made available, the Department's Employment Service has undertaken a number of actions as follows:

- increased the capacity of its Employer Engagement Team to engage with employers province wide to promote the Scheme;
- allocated placement targets for each Jobs and Benefits office/JobCentre;
- following a Post Implementation Review engaged Contracted Providers to work alongside frontline staff to deliver Skills Development and Work Experience placements from October 2013;
- the Youth Employment Scheme formed part of the recent Skills to Succeed media campaign, to encourage both young people and employers to participate. Advertisements ran on TV and Radio in February. The campaign also included extensive web advertising, as well as outdoor advertisements in most major towns.

The latest information available shows that at 28 February 2014 the Department had secured 7143 placements representing 115% of the scheme target at that point and 57% of the overall target.

## Academic Underachievement: North Down

**Mr Weir** asked the Minister for Employment and Learning for (i) his assessment of; and (ii) statistics relating to the academic underachievement amongst Protestant working class communities in North Down.

**(AQW 32846/11-15)**

**Dr Farry:** Population data from the Census indicate that Protestants and Catholics (aged over 16) in deprived areas in the North Down assembly area are less likely to have level 2 qualifications and above than those in affluent areas.

Deprivation has been measured on the official multiple measure which categorises areas into 'quintiles'. In deprived areas (quintiles 1 and 2), Protestants are less likely to have this level of qualification than Catholics – 52% of Protestants compared to 59% of Catholics in respect of quintile 1, and 53% of Protestants compared to 65% of Catholics in respect of quintile 2 (Annex A, Tables 1 and 2).

### Further Education (FE) statistical analysis

In North Down, the total number of further education enrolments for Protestants is much higher in a given year than for Catholics. In 2011/12 there were 2,203 Protestant enrolments compared to 291 Catholic. For 2012/13 there were 3,288 Protestant enrolments and 432 Catholic (Table 4).

During 2011/12, the proportion of Protestants enrolling in further education from deprived areas is higher at 18% of all Protestant enrolments, compared to 14% of all Catholic enrolments, although the number of Catholics is much lower. During 2012/13, however, the rates are similar to each other - 19% of Protestants and 19% of Catholics (Table 3).

In terms of attainment, 18% of all Protestants gaining qualifications in further education come from deprived areas – a similar proportion to those enrolling (Table 3).

### Higher Education statistical analysis

The total number of enrolments for Protestants is higher in a given year than for Catholics. In 2011/12 there were 1,040 Protestant enrolments compared to 236 Catholic enrolments. Figures are similar for 2012/13 (Table 6).

The proportion of Protestants enrolling in higher education from deprived areas is slightly higher at 9% of all Protestant enrolments, compared to 7-8% of all Catholic enrolments (albeit the number of Catholics is lower) (Table 5).

There is no evidence of underachievement by working class Protestants given that 9% of all Protestants gaining qualifications in higher education come from deprived areas – a similar proportion to those enrolling (8-10%) (Table 5).

### Training for Success (TfS)

The total number of Protestants and Catholics in North Down participating in TfS is very different (5 and 54 respectively at the end of October 2012, and 7 and 95 respectively at the end of October 2013) (Table 7)

The proportion of Catholics participating from deprived areas is higher at 40% of all Catholics participating, compared to 33% of all Protestants participating (at the end of October 2012)

Proportions at the end of October 2013 are 43% and 27% respectively.

The percentages quoted should be interpreted with caution due to the small numbers involved.

### Role of FE

As the main providers of adult education in Northern Ireland, further education colleges encourage access to course provision by delivering a wide and varied curriculum through their main campuses and network of community outreach centres. South Eastern Regional College offers a range of full-time and part-time courses, from Entry level to level 5, which are open to people of all abilities across the North Down constituency. FE colleges continue to have a strong record of engaging participants from the most deprived areas in Northern Ireland. During the 2012/13 academic year, colleges across Northern Ireland had over 67,483 accredited enrolments from the 40% most deprived areas of Northern Ireland. This represented 44% of all such enrolments.

In addition, my Department has developed and implemented the Learner Access and Engagement Programme (LAE). This programme, which has been mainstreamed with effect from September 2013, allows FE colleges to contract with third party organisations for the provision of learner support. This support is directed at 'hard to reach' learners who are economically inactive, disengaged from the labour market and hold few or no qualifications, to encourage them to enrol on, and to complete, FE courses.

### Higher Education.

Access to Success, is my Department's regional strategy to widen participation in higher education among those groups which are currently under-represented. The strategy recognises an under-representation among young males from areas of high deprivation, which is particularly acute among young Protestant males.

The strategy has a strong focus on the creation of a more accessible sector in which the people who are most able but least likely to participate are given every encouragement and support to apply to, and to benefit from, higher education. The strategy sets out a programme which includes:

- a co-ordinated higher education awareness and aspiration raising campaign which was launched in March 2014 to better communicate the benefits of higher education to under-represented sections of the community;
- an expansion in the range of aspiration and educational attainment raising programmes at school, college, community and the workplace;
- the development of agreed regional programmes for a standardised route of exceptional application to higher education for the most disadvantaged applicants; and
- the development of additional support measures by higher education providers for students from disadvantaged backgrounds to sustain their participation.

Tables 1 and 2 show educational attainment (level 2 and above) by deprivation quintile for the North Down Parliamentary Constituency for those aged 16 and over. Tables 3, 4, 5 and 6 detail enrolments/qualifications (at level 2 and above) in HE and FE respectively from North Down students, again by deprivation quintile for the 11/12 and 12/13 academic years.

I have attached the statistical information requested and referred to at Annex A in the Assembly Library and on the DEL website

### **Academic Underachievement: Protestant Working-class Boys**

**Mr Swann** asked the Minister for Employment and Learning what steps his Department is taking to tackle under achievement among Protestant working class boys.

**(AQW 32861/11-15)**

**Dr Farry:** The key to addressing educational underachievement is to engage fully with young people while at school in order to raise their academic attainment levels. Although this is primarily a matter for the Department of Education and the school sector, my Department works in close partnership with others to try to address underachievement with an extensive range of initiatives. All provision is open to all irrespective of religion.

Addressing underachievement starts with the Careers Service. Advisers work with young people age 16 and 17 who do not move into employment or continue education or training or who drop out to assess their specific needs and signpost them to appropriate provision.

This can include provision funded through Pathways to Success for those who are not in education, employment or training. Programmes to test new approaches to address the general and employability barriers faced by such young people are funded through the Collaboration and Innovation fund. In addition the Community Family Support Programme supports families with a high level of need to develop their capacity to reach their full potential by addressing the health, social, economic, educational, employment and training issues that impact on their daily lives.

For those young people aged 16-17 school leavers who are unemployed and who aspire to work, my department offers a guarantee of training place through its Training for Success programme. The majority of young people on this programme have no or poor qualifications on leaving school. The programme is designed to enable participants to develop occupational and employability skills as well as address weaknesses in the essential skills of literacy and numeracy and, information and communication technology (ICT). Since the start of the Strategy, over 70% of the participants are between 16 and 25 years of age and 30% are from the most deprived quartile of 5 super output areas and 43% are Protestant.

In addition, further education colleges offer a wide and varied range of courses through their main campuses and network of community outreach centres. The Learner Access and Engagement programme enables colleges to contract with third party organisations, including community organisations, to provide personal support to learners who hold few or no qualifications or who are economically inactive and disengaged from the labour market to encourage them to enrol and to complete further education courses. A key plank to address underachievement is the Essential Skills Strategy for literacy, numeracy and, information and ICT.

I am very keen that the provision offered across all programmes enables all young people to achieve to their maximum potential, to make informed choices and provides clear progression pathways into apprenticeships, further education or into sustained employment. Consequently, I have commissioned a fundamental review of youth training to ensure that these objectives are met.

The work, so far, has drawn from evidence of best practice across the developed world, and taken the views of experts in vocational education and training, both through an Expert Panel and through engagement with the Organisation for Economic Co-operation and Development. The emerging findings are that any offer at this level should include broad-based and robust vocational qualifications that enable progression to learning at a higher level, qualifications to help develop the essential skills of numeracy and literacy, the development of enterprise and employability skills and a well structured work placement that is linked to the young person's career aspirations.

Ensuring a high quality vocational training offer for young people at level 2, is a key step to ensure the future skill levels of the workforce in Northern Ireland. It is also of particular importance for groups of young people, such as Protestant working class boys, where high numbers leave school without the qualifications necessary to engage with the labour market. In addition to the emerging key elements of the offer, these young people will also need independent advice and guidance before they begin training to ensure they are signposted to provision that is appropriate to their needs and aspirations. A review of the

provision for careers in conjunction with the Department of Education is also ongoing. Young people will also need to receive high quality mentoring and have opportunities to undertake work tasters in order to help them to further realise their ambitions for a future career. The review presents an opportunity to ensure that the future youth training offer is relevant to the needs of young people, employers and the wider economy, and can help young people at risk of disengagement to realise their potential and make a successful start to their future career.

Recently, the Executive launched the strategy "Together Building a United Community" (TBUC). Significant emphasis is given to young people on the basis that early intervention can help prevent poor educational achievement; economic inactivity and social exclusion. My department agreed to assume the lead role in developing the United Youth programme. The vision is to provide well integrated, flexible, high quality, young person centred opportunities, so that they can learn new skills and take on new challenges. The design process focuses on young people as the main end beneficiaries of the United Youth Programme and results in a programme which is relevant to young people's lives, is attractive to them and makes a difference to their lives. To inform the future development of the programme it is envisaged that a series of pilot initiatives will have commenced for up to 300 disengaged young people aged 16-24 by September 2014 with a view to a United Youth framework of provision in place by June 2015.

### Training for Success: Absences

**Ms S Ramsey** asked the Minister for Employment and Learning whether trainees on the Training for Success programme should be subject to disciplinary procedures and the deduction of 8 weeks wages and training entitlement, as a result of absence due to genuine illness, as certified by a doctor or hospital (as per section 12.4 of the TFS 2013 Operational Guidelines).

**(AQW 32875/11-15)**

**Dr Farry:** Training for Success participants are unemployed and therefore unwaged. They receive a non-means tested Educational Maintenance Allowance (EMA), which can only be paid for a total of 15 working days of sickness absence in any year of training.

In relation to suspension from the programme for eight weeks without payment of EMA, this action is only taken in cases where a participant misses 15 or more (non consecutive) days due to illness (over a three month period).

Where a participant has missed between 10 and 14 days (over a three month period) they are issued with a written warning and advised of the consequences of further absence.

Any sickness absence related to pregnancy or a participant's disability and evidenced by the participant's GP must be disregarded when aggregating a participant's sick record.

### Skills Strategy

**Mr Lyttle** asked the Minister for Employment and Learning for an update on the Skills Strategy key aims of raising skill levels, raising productivity, increasing social inclusion by enhancing the employability of those currently excluded from the labour market and securing Northern Ireland in a global market place.

**(AQW 32893/11-15)**

**Dr Farry:** The Skills Strategy for Northern Ireland, known as 'Success through Skills – Transforming Futures', was published in May 2011 and articulates the overarching vision for the development of skills in Northern Ireland. Its aim is to enable people to access and progress up the skills ladder, in order to:

- raise the skills levels of the whole workforce;
- raise productivity;
- increase levels of social inclusion by enhancing the employability of those currently excluded from the labour market; and
- secure Northern Ireland's future in a global marketplace.

Since publication of our Skills Strategy the Department has made progress against its key strategic goals and its Programme for Government commitment to deliver over 200,000 qualifications, with the evidence showing that 151,000 qualifications (at level 2 and above) have been delivered over the period 2011/12 to 2012/13. Over the period 2010/11 to 2012/13 the Department has delivered over 217,000 qualifications.

My Department's Employment Service offers a range of services and programmes to help clients find and retain employment and to enhance the employability of those currently excluded from the labour market. One example is our 'Youth Employment Scheme', which I launched in July 2012. The programme has been responsible for assisting over 1,500 young people participate in work experience, 1,425 individuals have availed of skills development opportunities and 1,065 young people have moved into subsidised employment.

Our 'Pathways to Success Strategy', which was endorsed by the Northern Ireland Executive in May 2012, has been instrumental in addressing the needs of young people who are not in education, employment or training (NEET). The biggest single intervention is the Collaboration and Innovation Fund, which is a £9.2 million fund that has been made available to 24 organisations from the community, voluntary and educational sectors to address employability barriers facing over 6,000 NEET young people from December 2012 to March 2015. To date over 2,500 young people have engaged in innovative projects and 31% of those that completed their activity have progressed into training, 18% into education and 14% into employment.

The DETI Minister and I have recently launched 'Enabling to Success', a new joint Executive draft strategic framework to tackle economic inactivity in Northern Ireland. The strategy is currently subject to a 12 week public consultation and is seeking to reduce economic inactivity through skills, incentives and job creation. Subject to agreement by the Northern Ireland Executive, a final strategy will be published in 2014/15.

The Department, through the Disability Employment Service, delivers programmes and services aimed at helping and supporting people with health conditions and disabilities to consider their options for returning to work. Over the last year, over 2,000 disabled people have been offered assistance and been able to move into or remain in work through this provision.

My Department is also currently developing a 'United Youth Programme' which will provide opportunities for our young people to learn new skills and to participate in work placements and training opportunities. The Programme will also assist young people develop their personal skills so they can play their part in developing community relations. I anticipate launching a series of pilot initiatives in the latter half of 2014.

Another key element of our Skills Strategy is the need to increase our leadership and management skills as these are deemed essential to improving business performance and the competitiveness of the Northern Ireland economy. Since publication of our Skills Strategy, over 2,100 individual managers have been trained through our Management and Leadership Development programme; 260 graduates have participated in our INTRO programme; and more than 2,100 managers have participated in our Management Analysis and Planning programme.

## Skills Strategy

**Mr Lyttle** asked the Minister for Employment and Learning to outline the key outcomes to be delivered by the Skills Strategy. (AQW 32894/11-15)

**Dr Farry:** The Skills Strategy for Northern Ireland, known as 'Success through Skills – Transforming Futures', was published in May 2011 and articulates the overarching vision for the development of skills in Northern Ireland. Its aim is to enable people to access and progress up the skills ladder, in order to:

- raise the skills levels of the whole workforce;
- raise productivity;
- increase levels of social inclusion by enhancing the employability of those currently excluded from the labour market; and
- secure Northern Ireland's future in a global marketplace.

The work of the Department is varied and diverse and is connected by one common theme, equipping people with the qualifications or skills that they need to achieve their full potential and support businesses to grow our economy.

The Skills Strategy has four key goals which set the strategic direction for the Department and the overall skills profile for Northern Ireland. The Strategy provides, in detail, what needs to be done by 2020, if Northern Ireland is to compete successfully in a global market place. It advocates the need for higher level skills; the need to upskill; the need to address subject imbalances; the need to increase management and leadership skills; and the need to attract skilled labour.

Since publication of the strategy in 2011, and the associated Employer Engagement Plan in March 2012, significant progress has been made in terms of delivering against these objectives.

Key achievements include:

- upskilling of 7,500 people through our Customised Training programme;
- 6,400 individuals have received WorldHost customer service training;
- Our Bridge to Employment programme has assisted over 1,000 individuals to develop the skills they needed to secure jobs;
- the Assured Skills programme has assisted in securing an additional potential 2,186 Foreign Direct Investment jobs;
- almost 41,000 higher education qualifications have been delivered;
- 77,000 qualifications have been delivered through further education (level 2 and above);
- 22,000 qualifications have been achieved through training programmes (level 2 and above);
- 43,000 essential skills qualifications have been attained (level 2 and above); and
- almost 2,130 individual managers have been trained through our Management and Leadership Development programme, more than 2,100 managers have participated in our Management Analysis and Planning programme and 260 graduates have participated in our INTRO programme.

It is evident that much progress has been made in delivering the aims and objectives of our Skill Strategy, however we recognise that much more remains to be achieved if we are to attain our strategic goals.

## Further Education Colleges: GAA Shirts

**Mr Wells** asked the Minister for Employment and Learning for an update on the wearing of GAA shirts by students at Further Education Colleges in South Down. (AQW 32962/11-15)

**Dr Farry:** South Down is covered by two further education colleges, South Eastern Regional College (SERC) and Southern Regional College (SRC). Each college has its own policies regarding the wearing of GAA shirts within their campuses.

SRC has a dress code within its student code of practice which states that students are not permitted to wear any clothing or emblems which show allegiance to football, rugby or GAA teams. SERC does not ban sports regalia of any kind from its campuses.

## Department of Enterprise, Trade and Investment

### Employment Strategy: North-west

**Mr Eastwood** asked the Minister of Enterprise, Trade and Investment, pursuant to AQW 32134/11-15, why there is no specific strategy for unemployment in the North West, when Derry City Council has the highest percentage of Jobseeker's Allowance claimants across all 406 councils and local authorities in the United Kingdom.

**(AQW 32747/11-15)**

**Mrs Foster (The Minister of Enterprise, Trade and Investment):** I am committed to delivering all the actions set out in the Northern Ireland Executive's Economic Strategy and the more recent Economy and Jobs initiative in conjunction with my ministerial colleagues. The agreed actions set out in the Strategy are designed to deliver growth, prosperity, and jobs and to rebalance the economy across Northern Ireland.

I am also working with the Minister for Employment and Learning to develop a new Strategy to Tackle Economic Inactivity, a Strategy which we hope will reduce the proportion of the working age population classified as economically inactive, and create new employment and self employment opportunities. This Strategy will complement the work the Executive is already undertaking to deliver growth, prosperity, and jobs both in the North West and across Northern Ireland. Although the twin issues of unemployment and economic inactivity are particularly acute in the North West, it must be recognised that we need to continue to tackle these issues across all council areas and constituencies in Northern Ireland.

## Department of the Environment

### Air Pollution

**Mr Weir** asked the Minister of the Environment what measures are being taken to combat air pollution.

**(AQW 32738/11-15)**

**Mr Durkan (The Minister of the Environment):** The protection of both human health and ecosystems/vegetation from air pollution in Northern Ireland is addressed by EU legislation, which itself ensures compliance with international UNECE Protocols.

EU legislation includes: Directive 2008/50/EC on ambient air quality; the Fourth Daughter Directive on Ambient Air Quality 2004/107/EC; and the National Emissions Ceiling Directive 2001/81/EC.

This EU legislation is implemented by a range of domestic legislation. NI regulations on air quality standards place a duty on NI government departments to ensure that relevant air quality objectives are adhered to, within relevant timeframes. Where problems are anticipated in complying with EU objectives, Member States submit Action Plans to the Commission, which set out the necessary measures to achieve compliance as soon as possible.

Delivery of EU obligations is further supported by the UK Air Quality Strategy, the latest version of which was published in 2007. The Strategy sets out analysis of air pollutant emissions and levels, and it contains a range of measures in relation to the following:

- International and transboundary aspects of air pollution;
- Road transport and associated emissions;
- Emissions from larger industrial sources;
- Emissions from domestic sources;
- Role of local authorities in relation to air quality;
- Local Air Quality Management;
- Planning and air quality.

In Northern Ireland, Local Air Quality Management is a statutory obligation under the Environment Order (NI) 2002, which places a duty on district councils to periodically review and assess air quality within their areas.

The Department provides financial support to councils for local air quality monitoring. For 2013/14, this is expected to be in the region of £446,000 across all district councils in Northern Ireland.

Under the provisions of the Order, where air quality is poor, councils must declare an Air Quality Management Area and develop an associated Action Plan. The Department appraises district councils' reports and Action Plans, and provides technical assistance, where required.

My Department also works with other Government Departments to raise awareness of air quality problems and explore ways in which they can tackle air pollution and contribute to good air quality. For example, my officials are engaging with DRD Roads Service to address air pollution from road vehicles, while they are also engaging with DARD to tackle air pollution from agricultural activities.

At the North-South Ministerial Council, I have discussed the issue of air pollution – in particular, that from domestic solid fuel burning – with Minister Hogan of the Department for the Environment, Community and Local Government. Our departments are now engaged in a joint exercise to examine policy options for tackling air pollution from the domestic heating sector, on an island-wide basis.

The Department also has in place a number of awareness raising measures - such as an annual report: 'Air Pollution in Northern Ireland' and a dedicated air quality website: [www.airqualityni.co.uk](http://www.airqualityni.co.uk) - which present air quality data that has been recorded in Northern Ireland, as well as information and advice in relation to air quality.

### Interpretation Scheme: Quoile, Downpatrick

**Mr Hazzard** asked the Minister of the Environment what future plans he has for a wider interpretation scheme at the Quoile, Downpatrick to highlight the areas natural beauty and the links to the Game of Thrones television series.

**(AQW 32750/11-15)**

**Mr Durkan:** The Quoile Pondage has its own visitor centre which provides detailed interpretation of the Nature Reserve. There is ongoing work to develop this even further.

With regard to the links with Game of Thrones, a panel has recently been erected at the Quoile Jetty to highlight how this site was used for the television series. The Northern Ireland Environment Agency is working with HBO to explore how we can further enhance the linkage with Game of Thrones.

### Driver and Vehicle Agency: Downpatrick

**Mr Wells** asked the Minister of the Environment what progress has been made in finding alternative positions for Driver and Vehicle Agency staff based in Downpatrick.

**(AQW 32821/11-15)**

**Mr Durkan:** My officials are currently working with all other NICS Departments to identify suitable posts into which staff affected by the Department for Transport decision, to end vehicle registration and licensing services in DVA, can be redeployed at the earliest opportunity. Every effort is being made to absorb the affected staff either within DOE or in another Department in line with staff mobility obligations.

Vacancy control measures have been introduced across the NICS requiring Departments to offer vacancies to DVA affected staff before recruitment, promotion or the transfer of other staff. DVA affected staff will be given the opportunity to express an interest in vacancies across the NICS which arise within their grade.

To inform redeployment decisions, my officials are also conducting a Staff Assessment & Preference Exercise amongst the affected staff to establish if they have any special circumstances, for example disability or welfare reasons, which might restrict their mobility. The exercise will also identify locations where staff would prefer to be redeployed should job opportunities arise. This information will be taken into account when considering redeployment opportunities for staff and every effort will be made to find suitable posts which meet the individual circumstances of staff although it may not always be possible to accommodate them. DVA staff in the Downpatrick Local Vehicle Licensing Office are included in this exercise.

### Environment Agency and Townscape Heritage Initiative

**Mr McCarthy** asked the Minister of the Environment how many listed buildings have been restored with the aid of funding from the Northern Ireland Environment Agency and the Townscape Heritage Initiative in each of the last five years; and to detail the funding provided in each case.

**(AQW 32834/11-15)**

**Mr Durkan:** The following table provides the detail of the number of listed buildings restored with the aid of funding from the Northern Ireland Environment Agency over the last five years. To provide a breakdown of funding for each case would generate in the region of 1,000 records, and it would not be practicable to include this information.

**Table A: Number of Listed Buildings grant funded by NIEA**

Financial Year	No of Bldgs	£
2009/10	c198	3,327k
2010/11	c200	3,781k
2011/12	c222	4,150k
2012/13	c197	3,201k

Financial Year	No of Bldgs	£
2013/14	c202	4,120k

The aim of the Townscape Heritage Initiative (THI) is to secure the long-term future of Northern Ireland's built heritage by contributing towards expenditure for the promotion, preservation or enhancement of the character or appearance of a designated Conservation Area.

The listed status of a building is not a specific requirement for the eligibility of works. Applications for THI funding are considered on a case by case basis and include proposals relating to both listed and non listed buildings within a designated Conservation Area. Some projects may involve listed buildings, however, information relating to the number and amount of funding allocated to those projects would require a manual sift of all THI files over the last five years which would not be feasible within the timescale for this Assembly Question.

In 2013/14 my Department allocated £160k of budget for THI Grants. Work undertaken has however been significantly less than estimated, with completed work only allowing payment of approximated £30k for the year.

## Department of Finance and Personnel

### Driver and Vehicle Agency: Staff

**Mr Dallat** asked the Minister of Finance and Personnel what steps he will take to co-ordinate and maximise endeavours of other Executive Departments and agencies to fill vacancies with Driver and Vehicle Agency staff who were based at Coleraine. (AQW 32343/11-15)

**Mr Hamilton (The Minister of Finance and Personnel):** On 7 April 2014 the NI Executive agreed the joint paper presented by the Minister of the Environment and I, which outlined the workforce and financial implications of the centralisation of vehicle licensing services in Swansea and priority actions required by other departments to mitigate the adverse impacts of that decision here.

My Department is working closely with the Department of the Environment (DOE) to establish the details of staff affected by the Department for Transport decision. Corporate HR has already facilitated early engagement with DOE and other departmental HR colleagues across the NICS to ensure there is collaborative and effective operation of

NICS policy and procedures to manage staff surpluses, to redeploy staff to other duties and to avoid the need for compulsory redundancies.

### Law Commission: Report on Apartments

**Ms Lo** asked the Minister of Finance and Personnel for an update on the implementation of the recommendations from the Northern Ireland Law Commission's consultation on apartment management. (AQW 32704/11-15)

**Mr Hamilton:** The Northern Ireland Law Commission's Apartments Report contains a wide range of recommendations, some of which may require action at an administrative level and some of which may require legislative action. The recommendations are cross-cutting and the Executive has, therefore, established an Apartments Report Implementation Group, which is comprised of senior officials from the Department of Enterprise, Trade and Investment; the Department of Finance and Personnel; the Department of the Environment; the Department of Justice and the Department of Social Development. The Group is currently focusing on the recommendations with regard to the regulation/licensing of managing agents and the provision of advisory services, as it is considered that those recommendations are likely to be of most interest to apartment owners. However, there are other recommendations which are being followed up with interested parties, including the recommendation in relation to the Law Society's Home Charter Scheme.

If a regulation/licensing scheme for managing agents is introduced it will have to stipulate which body will handle any resulting disputes. The Department of Justice is exploring the options for dispute resolution. It is also considering whether there are any services that could be put in place to assist apartment owners involved in a dispute.

It is envisaged that the outcomes from that additional work will be fed through to the Apartments Report Implementation Group to allow for the preparation of the final policy proposals with regard to the regulation/licensing scheme and advisory services. Thereafter, attention will turn to the broader recommendations in the report. However, at this stage, I should point out that an initial assessment has suggested that some of those broader recommendations could be more difficult to implement, particularly where they envisage the revision of existing property rights.

### Law Commission: Report on Apartments

**Mr Weir** asked the Minister of Finance and Personnel to detail any consultation that has taken place with the Law Society regarding proposed changes to the law on apartment management. (AQW 32845/11-15)

**Mr Hamilton:** On 9 January 2013 the Law Society of Northern Ireland's Working Group on Multi-Unit Developments and the Northern Ireland Law Commission jointly hosted a discussion seminar for all conveyancing practitioners as part of the apartments review project, and the Society itself responded to the proposals in the Commission's consultation paper.

The recommendations in the Commission's final Report are wide-ranging and some of those recommendations are of particular relevance to the Society. For example, the Commission has said the Society should stipulate the nature and extent of the information which is to be provided by solicitors on the purchase of an apartment or other property with elements of shared ownership. Those recommendations have been highlighted and they are the subject of ongoing liaison with the Society.

## Department of Health, Social Services and Public Safety

### Hospital Appointments

**Mr McKay** asked the Minister of Health, Social Services and Public Safety whether any complaints have been logged in the past two years from hospital patients concerning a patient having a Did Not Attend registered on their file when they did not receive any notification of an appointment; and to list these complaints broken down by hospital.

**(AQW 32780/11-15)**

**Mr Poots (The Minister of Health, Social Services and Public Safety):** This information is not collected by my Department.

Although I have been advised that the coding structure in DATIX (Risk Management information system) is not set up in such a way as to identify complaints or incidents specifically of this nature, two Trusts were able to identify relevant complaints as follows:

Trust	Number	Hospital
NH SCT	1	Causeway
SH SCT	1	St Luke's Hospital
SH SCT	1	Bluestone Unit

### Domestic Abuse

**Mr Campbell** asked the Minister of Health, Social Services and Public Safety whether he will examine the possibility of locating support workers for victims of violence in Emergency Departments, similar to a pilot project currently under way in England.

**(AQW 32802/11-15)**

**Mr Poots:** It is assumed this refers to the pilot scheme in Greater Manchester where Victim Support workers are working with emergency staff in accident and emergency units and urgent care centres to train them in identifying and referring victims of domestic violence and abuse.

My Department is working with the South Eastern and Western Health and Social Care Trusts to put in place a pilot to train doctors, nurses and radiographers in accident and emergency departments to recognise, respond to and report on incidents of domestic violence. Victims will be provided with appropriate care pathways, information and advice. My Department will consider any lessons to be learnt from the Greater Manchester pilot when this is finalised.

Where victims of violence of any kind attend emergency departments, they may be encouraged to contact the police service and be provided with information about Victim Support Northern Ireland or other support agencies. If the victim is a child, a referral can be made to hospital social services.

### Pregnancy Miscarriages

**Mr McCarthy** asked the Minister of Health, Social Services and Public Safety what financial support is provided to community and voluntary sector organisations who provide support to women or parents who have lost a child through miscarriage by (i) each Health and Social Care Trust; and (ii) his Department.

**(AQW 32807/11-15)**

**Mr Poots:** I have been advised by all HSC Trusts, with the exception of the Southern HSC Trust that financial support is not provided to community and voluntary sector organisations that provide support to women or parents who have lost a child through miscarriage.

The Southern HSC Trust has advised that its financial systems do not allow them to access the requested information without disproportionate cost.

While my Department does not provide financial support to community and voluntary organisations for this purpose we do, through the HSC in Northern Ireland, provide support and advice to women or parents who have lost a child through miscarriage. This includes the Care plan for women who experience a miscarriage, stillbirth or neonatal death, which is currently being revised. All Health and Social Care Trusts in Northern Ireland have bereavement coordinators who work within

Trusts to develop bereavement care, standards and training for all types of bereavement, including miscarriage, stillbirth and neonatal death.

## Department for Regional Development

### C665 Water and Wastewater Networks Services Project

**Mr McAleer** asked the Minister for Regional Development for an update on the progress of the C665 water and wastewater networks services project.

**(AQW 32477/11-15)**

**Mr Kennedy (The Minister for Regional Development):** The C665 water and wastewater network services contract is undergoing final approval within Northern Ireland Water and will be awarded at the end of April 2014. The purpose of the contract is to supplement existing in-house resources in repair and maintenance activities on the water and sewer networks and the provision of new water and sewerage network services across all of Northern Ireland. The contract will start on 1st August 2014 and run for a period of 3 years.

### Roads Service Policy

**Ms Lo** asked the Minister for Regional Development for his assessment of the implementation of Roads Service Policy across the Eastern Division.

**(AQW 32733/11-15)**

**Mr Kennedy:** The most recent review of Winter Service policy was undertaken in June 2013, as part of a Winter Service Review. This was a very comprehensive review which examined every aspect of the winter service programme.

The review concluded that my Department has developed and implemented a robust, risk-based rationale for determining the extent of the road network that is subject to routine precautionary salting during the winter months.

The policy takes into account vehicular traffic numbers and topography with Roads Service salting the main through routes that carry more than 1,500 vehicles per day and, in exceptional circumstances, roads with difficult topography, carrying between 1,000 and 1,500 vehicles per day. While bus routes are not automatically included in the gritting schedule, buses in service, including school buses, receive special consideration when determining whether a road should be included in the salting schedule. For example, a 40 seat bus is now counted as 40 vehicles for the purpose of identifying qualifying routes.

The application of this policy ensures that 28% of the total road network, which carries around 80% of traffic, is salted, at an annual cost of approximately £5 million. An extension of the salting schedule to cover 90% or 100% of traffic volumes would increase the cost to approximately £10 million or £20 million per annum, respectively.

After all significant weather events, Roads Service examines the operational effectiveness of its response and takes on board any lessons learnt from here and other Road Authorities, to ensure our preparedness for winter weather. Following these exercises, Roads Service continuously updates and improves its winter service policy.

### A55 Knock Road

**Mr Lyttle** asked the Minister for Regional Development for an update on the status of the proposed A55 Knock Road widening scheme.

**(AQW 32817/11-15)**

**Mr Kennedy:** In September 2012, my Department published a Departmental Statement in response to the findings of the Public Inquiry into the proposed A55 Knock Road widening.

Currently, no funding is available to progress this scheme. Development work is continuing on a range of other major projects including the A6 Londonderry to Dungiven, the York Street Interchange, A1 Junction improvements and the A24 Ballynahinch Bypass. Timescales for the delivery all of these projects and the A55 Knock Road will be determined by future budget settlements.

### Penalty Charge Notices

**Mr Moutray** asked the Minister for Regional Development to detail the number of Penalty Charge Notices issued in (i) Lurgan; (ii) Portadown; and (iii) Banbridge, in each of the last two years.

**(AQW 32827/11-15)**

**Mr Kennedy:** Details of the number of Penalty Charge Notices (PCNs) issued in Lurgan, Portadown and Banbridge, in each of the last two years, are provided in the table below:

Town	Lurgan	Portadown	Banbridge
2012	1,774	4,549	2,930

Town	Lurgan	Portadown	Banbridge
2013	2,012	4,248	1,746

### Street/Road Lighting: Spend

**Ms Lo** asked the Minister for Regional Development how much his Department spent on lighting for (i) general street/road lighting; and (ii) environmental improvements/urban renewal schemes, in the last five years.

**(AQW 32946/11-15)**

**Mr Kennedy:** My Department's expenditure on general street lighting in the last five years has been approximately £126 million, covering both capital and maintenance activities.

Environmental improvements or urban renewal schemes and enhanced elements of standard road lighting schemes have to date been funded through other parties, normally the Department for Social Development and/or the local Council.

### Lighting Contracts: Tendering Process

**Ms Lo** asked the Minister for Regional Development (i) how many companies have been contracted in the last five years to deliver lighting as part of a departmental environmental improvement/urban renewal scheme; and (ii) to detail the tender process by which these companies are awarded the contracts.

**(AQW 32947/11-15)**

**Mr Kennedy:** My Department does not directly employ any contractors to specifically deliver lighting works for environmental improvements or urban renewal schemes. It is common practice for the street lighting element of these schemes to be carried out by the current Transport NI Term Contractor for Street Lighting Works.

However, on one occasion, my Department procured and managed the contract for the Carrickfergus Public Realm scheme on behalf of the Department for Social Development. This contract included street lighting works which were completed by a specialist sub-contractor on behalf of the main contractor.

All such main contracts, as let by my Department, are publicly advertised and procured through the Transport NI Centre of Procurement Expertise in accordance with the UK Public Contracts Regulations.

### Lighting Contractors

**Ms Lo** asked the Minister for Regional Development for his assessment of the competitiveness of lighting contractors who have delivered lighting for departmental environmental improvement/urban renewal schemes in the last five years; and whether any assessment has been made on whether the preferred contractors represent value for money.

**(AQW 32948/11-15)**

**Mr Kennedy:** All Term Contracts for Street Lighting Works, as let by my Department, are publicly advertised and procured through the Roads Service Centre of Procurement Expertise, in accordance with the UK Public Contracts Regulations.

The procurement process utilised incorporated competitive tendering, based on a predetermined schedule of rates and prices, to ensure the most economically advantageous tender was selected. On this basis, delivery of the works by the Term Contractor represents value for money.

### Lighting Contracts: Procurement Process

**Ms Lo** asked the Minister for Regional Development to outline the procurement process for lighting contracts as part of environmental improvement/urban renewal schemes.

**(AQW 32949/11-15)**

**Mr Kennedy:** I would refer the Member to my response to AQW 32947/11-15.

### Portavoe Reservoir

**Mr Dunne** asked the Minister for Regional Development for his assessment of the draining of Portavoe reservoir by NI Water. **(AQW 32980/11-15)**

**Mr Kennedy:** NI Water manages the reservoirs under its control in line with standards set out in the Reservoirs Act 1975 (England and Wales).

The lowering of the water level in Portavoe Reservoir is required to facilitate essential health and safety work to refurbish valves and other maintenance work required to protect the structural integrity of the reservoir. It is expected the water in the reservoir will be lowered to the required level by the end of April 2014 and the maintenance work will be completed by the end of July 2014. These dates are however subject to favourable weather conditions as the low water level must be maintained to enable the maintenance work to progress.

NI Water has been liaising with the Northern Ireland Environment Agency (NIEA) and the Department of Culture, Arts and Leisure (DCAL) on the planned works that have to be undertaken on a number of reservoirs, including Portavoe. This consultation has ensured that the agreed method of draining the reservoir will minimise the impact on the environment.

NIEA officials have confirmed they are content that there has been no breach of the wildlife legislation in relation to these works.

I accept that greater advance communication about the repair work at Portavoe would have been helpful. I have advised NI Water to review its approach in this area going forward. I have also asked NI Water to brief local councillors on the specifics of the work being undertaken and to set up an information day for the benefit of interested members of the public. I have asked that a date and time for this be arranged with North Down and Ards Councils as soon as possible.

# Revised Written Answers

This section contains the revised written answers to questions tabled by Members.

The content of the responses is as received at the time from the relevant Minister or representative of the Assembly Commission, and it has not been subject to the official reporting (Hansard) process or changed.



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# Northern Ireland Assembly

## Revised Written Answers

### Department for Social Development

*In this Bound Volume, page WA 173 please replace AQW 32421/11-15 with:*

#### **Assembly: Motions Debated**

**Mr McNarry** asked the Minister for Social Development to detail (i) the number of Motions debated in the Assembly that he has responded to in the last two years; and (ii) the action that he has taken following any Motion that was passed.  
**(AQW 32421/11-15)**

**Mr McCausland (The Minister for Social Development):**

- (i) 11
- (ii) Any actions taken or not taken, following motions responded to by me, have been dependant on my Departments ability to deliver the outcomes sought in each individual motion.

*In this Bound Volume, page WA 244 please replace AQW 32583/11-15 with:*

#### **New Councils: Chief Executive Positions**

**Mr Weir** asked the Minister of the Environment to list the Chief Executives appointed to each of the eleven new councils.  
**(AQW 32583/11-15)**

**Mr Durkan:** Please find list below as requested.

- Mrs Jacquie Dixon Antrim and Newtownabbey District
- Mr Roger Wilson Armagh, Banbridge and Craigavon District
- Mrs Suzanne Wylie Belfast District
- Mr David Jackson Causeway Coast and Glens District
- Mr John Kelpie Derry and Strabane District
- Mr Brendan Hegarty Fermanagh and Omagh District
- Dr Theresa Donaldson Lisburn and Castlereagh District
- Mrs Anne Donaghy Mid and East Antrim District
- Mr Anthony Tohill Mid Ulster District
- Mr Liam Hannaway Newry, Mourne and Down District
- Mr Stephen Reid North Down and Ards District



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# Northern Ireland Assembly

**Monday 31 March 2014**

*The Assembly met at noon, Speaker in the Chair.*

## 1. Personal Prayer or Meditation

Members observed two minutes' silence.

## 2. Speaker's Business

### 2.1 Royal Assent

The Speaker informed Members that Royal Assent had been signified on 25 March 2014 to the Tobacco Retailers Act (Northern Ireland) 2014.

## 3. Matter of the Day

### 3.1 Public Disorder in Larne

Mr Stewart Dickson made a statement, under Standing Order 24, in relation to public disorder in Larne. Other Members were also called to speak on the matter.

## 4. Executive Committee Business

### 4.1 Statement – Review of Careers in Northern Ireland

The Minister for Employment and Learning, Dr Stephen Farry, made a statement regarding the review of careers in Northern Ireland, following which he replied to questions.

*The Deputy Speaker (Mr Dallat) took the Chair.*

### 4.2 First Stage: Legal Aid and Coroners' Courts Bill (NIA 33/11-15)

The Minister for Employment and Learning, Dr Stephen Farry, introduced a Bill to dissolve the Northern Ireland Legal Services Commission and provide for the exercise of functions of the Commission by the Department of Justice or the Director of Legal Aid Casework; to amend the law on legal aid in criminal proceedings, civil legal services and criminal defence services; to provide for the Lord Chief Justice to be president of the coroners' courts and for the appointment of a Presiding coroner; and for connected purposes.

The Legal Aid and Coroners' Courts Bill (NIA 33/11-15) passed First Stage and ordered to be printed.

### 4.3 Motion – The Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2014

#### **Proposed:**

That the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2014 be affirmed.

*Minister for Social Development*

*Debate ensued.*

The Question being put, the Motion was **carried** without division.

#### 4.4 **Motion – The Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations (Northern Ireland) 2014**

**Proposed:**

That the Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations (Northern Ireland) 2014 be approved.

*Minister for Social Development*

*Debate ensued.*

The Question being put, the Motion was **carried** without division.

### 5. Private Members' Business

#### 5.1 **Motion – Animal Cruelty**

**Proposed:**

That this Assembly notes with concern the number of cases of extreme animal cruelty that have occurred recently, the low number of convictions and the failure to impose the maximum sentence available; and calls on the Minister of Agriculture and Rural Development, in conjunction with the Minister of Justice, to initiate a review of the implementation of animal cruelty legislation, particularly sentencing guidelines and practices, to ensure that the maximum effectiveness is being brought to bear to combat these crimes.

*Mr P Weir  
Mr R Newton  
Mr J Wells*

*Debate ensued.*

*The debate was suspended for Question Time.*

### 6. Question Time

#### 6.1 **Employment and Learning**

Questions were put to, and answered by, the Minister for Employment and Learning, Dr Stephen Farry.

#### 6.2 **Social Development**

Questions were put to, and answered by, the Minister for Social Development, Mr Nelson McCausland.

### 7. Question for Urgent Oral Answer

#### 7.1 **Deaths in Northern Health and Social Care Trust**

The Minister of Health, Social Services and Public Safety, Mr Edwin Poots, responded to a Question for Urgent Oral Answer tabled by Mr Roy Beggs.

### 8. Private Members' Business (Cont'd)

#### 8.1 **Motion – Animal Cruelty**

*The Deputy Speaker (Mr Beggs) took the Chair.*

*Debate resumed.*

The Question being put, the Motion was **carried** without division.

**8.2 Motion – Tackling the Gender Imbalance in the Senior Civil Service****Proposed:**

That this Assembly notes the current gender imbalance across senior posts in the Northern Ireland Civil Service; accepts that, in the interests of equality and the utilisation of the skills, knowledge and talent of all civil servants, gender should not be an impediment to the recruitment, promotion and retention of personnel at senior grades; and calls on the Minister of Finance and Personnel to identify the reasons for the current imbalance, and to devise and implement a plan that will deliver a more balanced gender makeup of Grade 3, Grade 5 and Permanent Secretary posts within five years.

*Mr M McGimpsey*

*Mrs S Overend*

**8.3 Amendment****Proposed:****Proposed: Leave out all after ‘grades;’ and insert:**

‘recognises the plan contained in the Department of Finance and Personnel’s 2010 “Review of Gender” to deliver a more balanced gender makeup of Grade 3, Grade 5 and Permanent Secretary posts; and calls on the Minister of Finance and Personnel to identify the reasons for the current imbalance and to outline the progress to date against the plan.’

*Mr P Girvan*

*Mr P Weir*

*Mr A McQuillan*

*Mr I McCreagh*

*Debate ensued.*

*The Speaker took the Chair.*

The Question being put, the Amendment was **made** without division.

The Question being put, the Motion as amended, was **carried** without division.

**9. Adjournment****Proposed:**

That the Assembly do now adjourn.

*The Speaker*

*The Assembly adjourned at 6.04pm.*

**Mr William Hay**

**The Speaker**

31 March 2014

# Northern Ireland Assembly

## **Papers Presented to the Assembly on 26 - 31 March 2014**

### 1. Acts of the Northern Ireland Assembly

### 2. Bills of the Northern Ireland Assembly

### 3. Orders in Council

### 4. Publications Laid in the Northern Ireland Assembly

Principal Civil Service Pension Scheme (Amendment No.2) Scheme (Northern Ireland) 2014 (DFP)

### 5. Assembly Reports

### 6. Statutory Rules

2014/77 The Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2014 (DOE)

2014/97 The Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 (Amendment) Regulations (Northern Ireland) 2014 (DEL)

2014/98 The Housing Benefit (Habitual Residence) (Amendment) Regulations (Northern Ireland) 2014 (DSD)

2014/102 The Social Security (Maternity Allowance) (Participating Wife or Civil Partner of Self-employed Earner) Regulations (Northern Ireland) 2014 (DSD)

#### **For Information Only:**

2014/95 The Road Races (Circuit of Ireland Rally) Order (Northern Ireland) 2014 (DRD)

### 7. Written Ministerial Statements

Publication of "Making it better through pharmacy in the community" DHSSPS

Northern Health and Social Care Trust: Implementation of Improvement Programme - Update

### 8. Consultation Documents

Consultation on Proposed Exemption for Police Use of In-Car Screens (DOE)

Employment Law Review Pilot: Review of the Conduct of Employment Agencies and Employment Businesses Regulations (Northern Ireland) 2005 (DEL)

### 9. Departmental Publications

Progress and Priorities: Addendum to the Sexual Health Promotion Strategy and Action Plan (2008 - 2013) to December 2015 (DHSSPS)

Statistical Review of Northern Ireland Agriculture 2013 (DARD)

### 10. Agency Publications

### 11. Westminster Publications

### 12. Miscellaneous Publications

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# Northern Ireland Assembly

**Tuesday 1 April 2014**

*The Assembly met at 10.30am, Speaker in the Chair.*

## 1. Personal Prayer or Meditation

Members observed two minutes' silence.

## 2. Executive Committee Business

### 2.1 Further Consideration Stage - Local Government Bill (NIA 28/11-15)

*A valid Petition of Concern was presented in relation to Amendment 19 under Standing Order 28, on Monday 31 March 2014 (Appendix 1).*

The Minister of the Environment, Mr Mark H Durkan, moved the Further Consideration Stage of the Local Government Bill (NIA 28/11-15).

Thirty-four amendments were tabled to the Bill.

*Debate ensued.*

*The Principal Deputy Speaker (Mr McLaughlin) took the Chair.*

*The sitting was suspended at 12.31pm.*

*The sitting resumed at 2.00pm, with the Principal Deputy Speaker (Mr McLaughlin) in the Chair.*

## 3. Question Time

### 3.1 Environment

Questions were put to, and answered by, the Minister of the Environment, Mr Mark H Durkan.

### 3.2 Finance and Personnel

Questions were put to, and answered by, the Minister of Finance and Personnel, Mr Simon Hamilton.

## 4. Executive Committee Business (cont'd)

### 4.1 Further Consideration Stage - Local Government Bill (NIA 28/11-15)

*The Speaker took the Chair.*

*Debate resumed on the Bill.*

#### **Clauses**

After debate, Amendment 1 to Clause 3 was **made** (Division 1).

After debate, Amendment 2 to Clause 3 was **made** without division.

After debate, Amendment 3, inserting new Clause 3A after Clause 3, was **made** without division and it was agreed that the new clause stand part of the Bill.

After debate, Amendment 4 to Clause 4 was **made** without division.

*The Deputy Speaker (Mr Beggs) took the Chair.*

After debate, Amendment 5 to Clause 14 was **made** without division.

*The Deputy Speaker (Mr Dallat) took the Chair.*

After debate, Amendment 6 to Clause 18 was **made** without division.

After debate, Amendment 7 to Clause 26 was **made** without division.

After debate, Amendment 8 to Clause 27 was **made** (Division 2).

After debate, Amendment 9 to Clause 27 was **made** without division.

After debate, Amendment 10 to Clause 31 was **made** without division.

After debate, Amendment 11 inserting new Clause 38A after Clause 38 was **negatived** without division.

After debate, Amendment 12 to Clause 40 was **negatived** (Division 3).

After debate, Amendment 13 to Clause 40 was not moved.

*The Speaker took the Chair.*

After debate, Amendment 15 (as an amendment to Amendment 14) was **made** without division.

After debate, Amendment 14, as amended, to Clause 41 was **made** without division.

After debate, Amendment 16 to Clause 45 was **made** without division.

After debate, Amendment 17 to Clause 46 was **negatived** (Division 4).

After debate, Amendment 18 to Clause 59 was **made** without division.

After debate, Amendment 19 to Clause 65 was **negatived** on a cross-community vote (Division 5).

After debate, Amendment 20 to Clause 65 was **made** without division.

After debate, Amendment 21 to Clause 65 was **negatived** (Division 6).

After debate, Amendment 22 to Clause 111 was **made** (Division 7).

After debate, Amendment 23, inserting new Clause 117A after Clause 117, was **negatived** without division.

After debate, Amendment 24 to Clause 125 was **made** without division.

### **Schedules**

After debate, Amendment 25 to Schedule 1 was **made** without division.

After debate, Amendment 26 to Schedule 1 was **made** without division.

After debate, Amendment 27 to Schedule 2 was **made** without division.

After debate, Amendment 28 to Schedule 2 was **made** (Division 8).

After debate, Amendment 29 to Schedule 5 was not called.

After debate, Amendment 30 to Schedule 9 was **made** without division.

After debate, Amendment 31 to Schedule 10 was **made** without division.

After debate, Amendment 32 to Schedule 10 was **made** without division.

After debate, Amendment 33 to Schedule 10 was **made** without division.

After debate, Amendment 34 to Schedule 10 was **made** without division.

The Local Government Bill (NIA 28/11-15) stood referred to the Speaker for consideration in accordance with section 10 of the Northern Ireland Act 1998.

**4.2 Motion – Suspension of Standing Order 42(1) in respect of the passage of the Local Government Bill**

**Proposed:**

That Standing Order 42(1) be suspended in respect of the passage of the Local Government Bill.

*Minister of the Environment*

*Debate ensued.*

The Question being put, the Motion was **carried** with cross-community support *nemine contradicente*.

## 5. Adjournment

Mr Mervyn Storey spoke to his topic regarding the future of Northern Regional College provision in Ballymoney.

**Proposed:**

That the Assembly do now adjourn.

*The Speaker*

*The Assembly adjourned at 11.23pm.*

**Mr William Hay**

**The Speaker**

1 April 2014

# Appendix 1

## Northern Ireland Assembly

**The undersigned Members of the Northern Ireland Assembly presented a Petition of Concern, in accordance with Standing Order 28, on Monday 31 March 2014 in relation to Amendment 19 proposed to the Local Government Bill (NIA 28/11-15).**

- Ms Megan Fearon
- Mr Chris Hazzard
- Mr Cathal Boylan
- Mr Daithí Mckay
- Mr Cathal Ó Hoisín
- Ms Carál Ní Chuilín
- Ms Michaela Boyle
- Mr Mickey Brady
- Mr Maeve McLaughlin
- Mr Ian Milne
- Mr Raymond McCartney
- Mr Pat Sheehan
- Mr Sean Lynch
- Ms Caitríona Ruane
- Mr Bronwym McGahan
- Mr Alex Maskey
- Mr Barry McElduff
- Mr Rosaleen McCorley
- Mr Gerry Kelly
- Mr Declan McAleer
- Mr Oliver McMullan
- Mr John O'Dowd
- Ms Jennifer McCann
- Mr Fra McCann
- Mr Phil Flanagan
- Mrs Michelle O'Neill
- Dr Alastair McDonnell
- Mr Pat Ramsey
- Mr Patsy McGlone
- Mrs Dolores Kelly
- Mr Séan Rogers
- Mr Mark Durkan
- Mr Colum Eastwood
- Mr Alex Attwood
- Mr Joe Byrne
- Mr Dominic Bradley
- Mr Alban Maginness
- Mr Fearghal McKinney
- Mrs Karen McKeivitt

# Northern Ireland Assembly

01 April 2014  
Division 1

**Further Consideration Stage – Local Government Bill (NIA 28/11-15) – Amendment 1**

**Proposed:**

Clause 3, Page 2, Line 8

At end insert -

‘(d) the House of Lords;’

Mr J Allister

The Question was put and the Assembly divided.

**Ayes:** 59

**Noes:** 31

**AYES**

*Mr Agnew, Mr Allister, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mrs Cochrane, Mr Copeland, Mr Cree, Mr Dickson, Mrs Dobson, Mr Durkan, Mr Eastwood, Mr Elliott, Dr Farry, Ms Fearon, Mr Flanagan, Mr Gardiner, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lunn, Mr Lynch, Mr Lyttle, Mr McAleer, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Ms McCorley, Mr B McCrea, Dr McDonnell, Ms McGahan, Mr McGimpsey, Mr McGlone, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Nesbitt, Ms Ní Chuilín, Mr Ó hOisín, Mr O’Dowd, Mrs O’Neill, Mrs Overend, Mr P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan, Mr Swann.*

*Tellers for the Ayes: Mr Allister and Mr McCallister.*

**NOES**

*Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mr Frew, Mr Givan, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mr Poots, Mr G Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wilson.*

*Tellers for the Noes: Mr McQuillan and Mr G Robinson.*

The Amendment was **made**.

# Northern Ireland Assembly

01 April 2014  
Division 2

**Further Consideration Stage – Local Government Bill (NIA 28/11-15) – Amendment 8**

**Proposed:**

Clause 27, Page 13, Line 40

After 'may' insert 'not'

Mr J McCallister  
Mr B McCrea

The Question was put and the Assembly divided.

**Ayes:** 50

**Noes:** 38

**AYES**

*Mr Agnew, Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Mr Frew, Mr Gardiner, Mr Givan, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lunn, Mr McCallister, Mr McCarthy, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wilson.*

*Tellers for the Ayes: Mr McCallister and Mr B McCrea.*

**NOES**

*Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Dr McDonnell, Ms McGahan, Mr McGlone, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.*

*Tellers for the Noes: Mr Flanagan and Mr Rogers.*

The Amendment was **made**.

# Northern Ireland Assembly

01 April 2014  
Division 3

**Further Consideration Stage – Local Government Bill (NIA 28/11-15) – Amendment 12**

**Proposed:**

Clause 40, Page 21, Line 39

Leave out from the beginning to the first 'council'

Mr T Elliott  
Mr D Kinahan

The Question was put and the Assembly divided.

**Ayes:** 44

**Noes:** 44

**AYES**

*Mr Agnew, Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mr Frew, Mr Gardiner, Mr Givan, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCallister, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wilson.*

*Tellers for the Ayes: Mr Elliott and Mr Kinahan.*

**NOES**

*Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mrs Cochrane, Mr Dickson, Mr Durkan, Mr Eastwood, Dr Farry, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Ms Lo, Mr Lunn, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Ms McCorley, Dr McDonnell, Ms McGahan, Mr McGlone, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.*

*Tellers for the Noes: Mr Rogers and Ms Ruane.*

The Amendment **fell**.

# Northern Ireland Assembly

01 April 2014  
Division 4

**Further Consideration Stage – Local Government Bill (NIA 28/11-15) – Amendment 17**

**Proposed:**

Clause 46, Page 26, Line 20

Leave out subsection (2)

Ms A Lo  
Mr S Dickson  
Mr C Lyttle  
Mr K McCarthy

The Question was put and the Assembly divided.

**Ayes:** 34

**Noes:** 52

**AYES**

*Mr Agnew, Mr Allister, Mr Attwood, Mr D Bradley, Mr Byrne, Mrs Cochrane, Mr Copeland, Mr Cree, Mr Dickson, Mrs Dobson, Mr Durkan, Mr Eastwood, Mr Elliott, Dr Farry, Mr Ford, Mr Gardiner, Mrs D Kelly, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lunn, Mr McCallister, Mr McCarthy, Mr B McCrea, Dr McDonnell, Mr McGlone, Mrs McKeivitt, Mr McKinney, Mr A Maginness, Mr Nesbitt, Mrs Overend, Mr P Ramsey, Mr Rogers, Mr Swann.*

*Tellers for the Ayes: Ms Lo and Mr McCarthy.*

**NOES**

*Mr Anderson, Mr Bell, Mr Boylan, Ms Boyle, Ms P Bradley, Mr Brady, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Ms Fearon, Mr Flanagan, Mr Frew, Mr Givan, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr I McCrea, Ms McGahan, Mr D McIlveen, Miss M McIlveen, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr McQuillan, Mr Maskey, Mr Milne, Lord Morrow, Mr Moutray, Mr Newton, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr Poots, Mr G Robinson, Ms Ruane, Mr Sheehan, Mr Storey, Mr Weir.*

*Tellers for the Noes: Mr Milne and Mr G Robinson.*

The Amendment **fell**.

# Northern Ireland Assembly

1 April 2014  
Division 5

## Consideration Stage – Local Government Bill (NIA 28/11-15) – Amendment 19

### Proposed:

Clause 65, Page 39, Line 5

Leave out 'in accordance with' and insert 'and good relations between the categories of persons listed in'

*Ms A Lo*  
*Mr S Dickson*  
*Mr C Lyttle*  
*Mr K McCarthy*

The Question was put and the Assembly divided.

**Ayes:** 37

**Noes:** 50

### AYES

#### Unionist

*Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mr Frew, Mr Givan, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr McCausland, Mr I McCreagh, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mr Poots, Mr G Robinson, Mr Spratt, Mr Storey, Mr Weir, Mr Wilson.*

#### Other

*Mr Agnew, Mrs Cochrane, Mr Dickson, Dr Farry, Mr Ford, Ms Lo, Mr Lunn, Mr McCarthy.*

*Tellers for the Ayes: Ms Lo and Mr McCarthy.*

### NOES

#### Nationalist

*Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Dr McDonnell, Ms McGahan, Mr McGlone, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.*

#### Unionist

*Mr Allister, Mr Cree, Mrs Dobson, Mr Elliott, Mr Gardiner, Mr Kennedy, Mr Kinahan, Mr McCallister, Mr B McCreagh, Mr Nesbitt, Mrs Overend, Mr Swann.*

*Tellers for the Noes: Mr Byrne and Mr Milne.*

Total votes	87	Total Ayes	37	[42.5%]
Nationalist Vote	38	Nationalist Ayes	0	[0.00%]
Unionist Votes	41	Unionist Ayes	29	[70.7%]
Other Votes	8	Other Ayes	8	[100.0%]

The Amendment **fell** on a cross-community vote.

# Northern Ireland Assembly

01 April 2014  
Division 6

**Further Consideration Stage – Local Government Bill (NIA 28/11-15) – Amendment 21**

**Proposed:**

Clause 65, Page 39, Line 22

At end insert -

‘(7) For the purposes of this section the reference to good relations shall involve, in particular, having regard to the need to a) tackle prejudice and b) promote understanding between the categories of persons listed in section 75(1) of the Northern Ireland Act 1998.’

Minister of the Environment

The Question was put and the Assembly divided.

**Ayes:** 38

**Noes:** 49

**AYES**

*Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Dr McDonnell, Ms McGahan, Mr McGlone, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O’Dowd, Mrs O’Neill, Mr P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.*

*Tellers for the Ayes: Mr Byrne and Mr Milne.*

**NOES**

*Mr Agnew, Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Mr Ford, Mr Frew, Mr Gardiner, Mr Givan, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lunn, Mr McCallister, Mr McCarthy, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wilson.*

*Tellers for the Noes: Mr McQuillan and Mr G Robinson.*

The Amendment **fell**.

# Northern Ireland Assembly

01 April 2014  
Division 7

**Further Consideration Stage – Local Government Bill (NIA 28/11-15) – Amendment 22**

**Proposed:**

Clause 111, Page 63, Line 17

At end insert -

‘(2C) The Department must within two years of the making of an order under paragraph (2A) lay before the Assembly a report on the operation of any transitional rate relief scheme under that paragraph including—

(a) the Department’s assessment of the likely or actual percentage increase in district rates payable by ratepayers in each affected district as a consequence of the termination of the scheme; and

(b) consideration of possible further mitigating measures.’

Mr T Elliott  
Mr D Kinahan

The Question was put and the Assembly divided.

**Ayes:** 43

**Noes:** 42

**AYES**

*Mr Agnew, Mr Allister, Mr Boylan, Ms Boyle, Mr Brady, Mrs Cochrane, Mr Cree, Mr Dickson, Mrs Dobson, Mr Elliott, Dr Farry, Ms Fearon, Mr Flanagan, Mr Gardiner, Mr Hazzard, Mr G Kelly, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lunn, Mr Lynch, Mr McAleer, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr B McCrea, Ms McGahan, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Mr Nesbitt, Ms Ní Chuilín, Mr Ó hOisín, Mr O’Dowd, Mrs O’Neill, Mrs Overend, Ms Ruane, Mr Sheehan, Mr Swann.*

*Tellers for the Ayes: Mr Elliott and Mr Milne.*

**NOES**

*Mr Anderson, Mr Attwood, Mr Bell, Mr D Bradley, Ms P Bradley, Mr Buchanan, Mr Byrne, Mrs Cameron, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mr Frew, Mr Givan, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr McCausland, Mr I McCrea, Dr McDonnell, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McKinney, Mr McQuillan, Mr A Maginness, Lord Morrow, Mr Moutray, Mr Newton, Mr Poots, Mr P Ramsey, Mr G Robinson, Mr Rogers, Mr Spratt, Mr Storey, Mr Weir, Mr Wilson.*

*Tellers for the Noes: Mr McQuillan and Mr G Robinson.*

The Amendment was **made**.

# Northern Ireland Assembly

01 April 2014  
Division 8

**Further Consideration Stage – Local Government Bill (NIA 28/11-15) – Amendment 28**

**Proposed:**

Schedule 2, Page 80, Line 5

Leave out 'Regulations' and insert 'Standing orders'

Minister of the Environment

The Question was put and the Assembly divided.

**Ayes:** 50

**Noes:** 35

**AYES**

*Mr Allister, Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Cree, Mrs Dobson, Mr Durkan, Mr Eastwood, Mr Elliott, Ms Fearon, Mr Flanagan, Mr Gardiner, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Kennedy, Mr Kinahan, Mr Lynch, Mr McAleer, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr B McCrea, Dr McDonnell, Ms McGahan, Mr McGlone, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Nesbitt, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan, Mr Swann.*

*Tellers for the Ayes: Mr Byrne and Mr Milne.*

**NOES**

*Mr Agnew, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Craig, Mr Dickson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Frew, Mr Givan, Mr Hilditch, Mr Humphrey, Mr Irwin, Ms Lo, Mr Lunn, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mr Poots, Mr G Robinson, Mr Spratt, Mr Storey, Mr Weir, Mr Wilson.*

*Tellers for the Noes: Mr McQuillan and Mr G Robinson.*

The Amendment was **made**.

# Local Government Bill

## Annotated Marshalled List of Amendments

### Further Consideration Stage

#### Tuesday 1 April 2014

Amendments tabled up to 9.30am Thursday, 27 March 2014 and selected for debate

**Amendment 1** [Made on division]

**Clause 3**, Page 2, Line 8

At end insert -

‘(d) the House of Lords;’

*Mr Jim Allister*

**Amendment 2** [Made without division]

**Clause 3**, Page 2, Line 8

At end insert -

‘(e) the legislature of any other country;’

*Mr Jim Allister*

**Amendment 3** [Made without division]

**New Clause**

After clause 3 insert -

**‘Disqualification of councillors for being independent members of policing and community safety partnerships**

**3A.—**(1) The Justice Act (Northern Ireland) 2011 is amended as follows.

(2) In Schedule 1, in paragraph 9 (disqualifications) after sub-paragraph (2) insert—

“(2A) A person is disqualified for being an independent member of a PCSP if that person is a councillor.”

(3) In Schedule 2, in paragraph 9 (disqualifications), after sub-paragraph (2) insert—

“(2A) A person is disqualified for being an independent member of a DPCSP if that person is a councillor.”’

*Mr Tom Elliott  
Mr Danny Kinahan*

**Amendment 4** [Made without division]

**Clause 4**, Page 2, Line 14

At end insert -

‘(2) In section 4 of that Act, after subsection (1) insert—

“(1A) The Department must by 30 September 2014 make an order under subsection (1)(a).”’

*Mr Basil McCrea  
Mr John McCallister*

**Amendment 5** [Made without division]

**Clause 14**, Page 6, Line 11

After ‘Section’ insert ‘6 of the Local Government Act (Northern Ireland) 1972’

*Minister of the Environment*

**Amendment 6** [Made without division]

**Clause 18**, Page 7, Line 19

At end insert -

‘(1A) A decision to operate executive arrangements or prescribed arrangements must be taken by a qualified majority.’

*Ms Anna Lo  
Mr Stewart Dickson  
Mr Christopher Lyttle  
Mr Kieran McCarthy*

**Amendment 7** [Made without division]

**Clause 26**, Page 13, Line 23

At end insert -

‘(2A) For the purpose of dealing with a matter of concern to more than one overview and scrutiny committee of the council, Standing Orders may provide for the council to appoint an ad hoc overview and scrutiny committee or for the relevant committees to sit concurrently.’

*Mr John McCallister  
Mr Basil McCrea*

**Amendment 8** [Made on division]

**Clause 27**, Page 13, Line 40

After ‘may’ insert ‘not’

*Mr John McCallister  
Mr Basil McCrea*

**Amendment 9** [*Made without division*]**Clause 27**, Page 13, Line 40

Leave out from 'only' to the end of line 3 on page 14

*Mr John McCallister  
Mr Basil McCrea***Amendment 10** [*Made without division*]**Clause 31**, Page 16, Line 19

At end insert -

'unless, in accordance with Standing Orders, the overview and scrutiny committee deems the notice to require a prompt response in which case the notice must require the council or the executive to comply within one month'

*Mr John McCallister  
Mr Basil McCrea***Amendment 11** [*Negated without division*]**New Clause**

After clause 38 insert -

**'Multi-option referendum**

**38A.** If more than two options have been proposed for a decision of the council, the council may take that decision by multi-option referendum in accordance with paragraph 9A of Schedule 5.'

*Mr Steven Agnew***Amendment 12** [*Negated on division*]**Clause 40**, Page 21, Line 39

Leave out from the beginning to the first 'council'

*Mr Tom Elliott  
Mr Danny Kinahan***Amendment 13** [*Not moved*]**Clause 40**, Page 22, Line 1

Leave out paragraph (b)

*Mr Tom Elliott  
Mr Danny Kinahan***Amendment 14** [*Made without division*]**Clause 41**, Page 23, Line 15

At end insert -

'(7A) But a council shall permit during proceedings the use of social media by councillors, members of the public or journalists, to the extent that its use does not disrupt proceedings.'

*Ms Anna Lo  
Mr Stewart Dickson  
Mr Christopher Lyttle  
Mr Kieran McCarthy***Amendment 15** [*Made without division*]*As an amendment to Amendment 14*

After the first 'proceedings' insert 'which are open to the public'

*Mr Peter Weir  
Ms Pam Cameron  
Mr Ian McCrea  
Lord Morrow of Clogher Valley***Amendment 16** [*Made without division*]**Clause 45**, Page 26, Line 8

At end insert -

'and

(d) for the purposes of sections 43(3) and 44(6) the council's website is treated as the website of the committee or sub-committee'

*Minister of the Environment***Amendment 17** [*Negated on division*]**Clause 46**, Page 26, Line 20

Leave out subsection (2)

*Ms Anna Lo  
Mr Stewart Dickson  
Mr Christopher Lyttle  
Mr Kieran McCarthy***Amendment 18** [*Made without division*]**Clause 59**, Page 35, Line 39

At end insert -

'(10) An appeal under subsection (9) may be made—

(a) against the suspension (or partial suspension);

(b) against the length of the suspension (or partial suspension).'

*Minister of the Environment*

**Amendment 19** [*Negated on division*]**Clause 65**, Page 39, Line 5

Leave out 'in accordance with' and insert 'and good relations between the categories of persons listed in'

*Ms Anna Lo  
Mr Stewart Dickson  
Mr Christopher Lyttle  
Mr Kieran McCarthy*

**Amendment 20** [*Made without division*]**Clause 65**, Page 39, Line 6

At end insert -

'without prejudice to this, having regard to the desirability of promoting good relations; and'

*Minister of the Environment***Amendment 21** [*Negated on division*]**Clause 65**, Page 39, Line 22

At end insert -

'(7) For the purposes of this section the reference to good relations shall involve, in particular, having regard to the need to a) tackle prejudice and b) promote understanding between the categories of persons listed in section 75(1) of the Northern Ireland Act 1998.'

*Minister of the Environment***Amendment 22** [*Made on division*]**Clause 111**, Page 63, Line 17

At end insert -

'(2C) The Department must within two years of the making of an order under paragraph (2A) lay before the Assembly a report on the operation of any transitional rate relief scheme under that paragraph including—

- (a) the Department's assessment of the likely or actual percentage increase in district rates payable by ratepayers in each affected district as a consequence of the termination of the scheme; and
- (b) consideration of possible further mitigating measures.'

*Mr Tom Elliott  
Mr Danny Kinahan*

**Amendment 23** [*Negated without division*]**New Clause**

After clause 117 insert -

*'Public bodies to support employees seeking election to council***Public bodies to support employees seeking election to council****117A.** A public body, other than a council, must to the extent that it is reasonably practicable, support and facilitate any employee, other than its chief executive or directors, in seeking election as a councillor including—

- (a) offering unpaid leave for the three-week period prior to local government elections;
- (b) actively seeking to overcome perceived conflicts of interest.'

*Mr Basil McCrea  
Mr John McCallister*

**Amendment 24** [*Made without division*]**Clause 125**, Page 70, Line 17

Leave out 'and 123' and insert ', 123 and 126'

*Minister of the Environment***Amendment 25** [*Made without division*]**Schedule 1**, Page 78, Line 22

Leave out 'nomination is made' and insert 'member is nominated or elected, as the case may be,'

*Minister of the Environment***Amendment 26** [*Made without division*]**Schedule 1**, Page 78, Line 26

After 'nominated' insert 'or elected'

*Minister of the Environment***Amendment 27** [*Made without division*]**Schedule 2**, Page 79, Line 21

At end insert -

'(6) If the figures given by sub-paragraph (5) in relation to two or more parties are equal, the nominating officer of whichever of those parties is the party for which the greatest number of first preference votes was cast at the last local general election is to be treated as the nominating officer of the party with the greatest remainder for the purposes of sub-paragraph (4), then the nominating officer of whichever of those parties is the party for which the next greatest number of first preference votes was cast at the last local general election and so on.'

*Minister of the Environment***Amendment 28** [*Made on division*]**Schedule 2**, Page 80, Line 5

Leave out 'Regulations' and insert 'Standing orders'

*Minister of the Environment*

**Amendment 29** [Not called]**Schedule 5**, Page 83, Line 39

At end insert -

*'Decision by multi-option referendum*

9A.—(1) If a council decides to use a multi-option referendum to take a decision, the clerk will provide all members with a ballot paper setting out the options proposed.

(2) The chair will ask members to mark the ballot paper to rank the options in order of preference.

(3) In circumstances where there are  $n$  options and a councillor has ranked all options, preferences on a ballot papers are scored as follows—

(a) a first preference gets  $n$  points;

(b) a second preference gets  $n-1$  points;

(c) a third preference gets  $n-2$  points,

and so on.

(4) Where a councillor does not rank all options, preferences on a ballot paper are scored as follows—

(a) if a first preference only is indicated, this scores 1 point;

(b) if first and second preference are indicated, these score 2 points and 1 point respectively,

and so on.

(5) The chair will announce the scores for each option and the option which has scored the highest number of points shall be the decision of the council.

(6) In the event that two or more options score the same number of points the decision may be made between those options by simple majority.

(7) The Department may by order amend the procedures in this paragraph.'

*Mr Steven Agnew***Amendment 30** [Made without division]**Schedule 9**, Page 93, Line 8

After '6' insert 'of the Local Government Act (Northern Ireland) 2014'

*Minister of the Environment***Amendment 31** [Made without division]**Schedule 10**, Page 93, Line 27

Leave out 'Schedules 1 and' and insert 'Schedule'

*Minister of the Environment***Amendment 32** [Made without division]**Schedule 10**, Page 93, Line 29

Leave out '6,'

*Minister of the Environment***Amendment 33** [Made without division]**Schedule 10**, Page 94, Line 6

Leave out 'and (3)'

*Minister of the Environment***Amendment 34** [Made without division]**Schedule 10**, Page 94

Leave out line 29

*Minister of the Environment*

# Northern Ireland Assembly

## Papers Presented to the Assembly on 1 April 2014

1. Acts of the Northern Ireland Assembly
  2. Bills of the Northern Ireland Assembly
  3. Orders in Council
  4. Publications Laid in the Northern Ireland Assembly
  5. Assembly Reports
  6. Statutory Rules
- For Information Only:**
7. Written Ministerial Statements
  8. Consultation Documents
  9. Departmental Publications
  10. Agency Publications
  11. Westminster Publications
  12. Miscellaneous Publications

# Northern Ireland Assembly Legislation:

## Stages in Consideration of Public Bills

**First Stage:** Introduction of Bill.

**Second Stage:** General debate of the Bill with an opportunity for Members to vote on its general principles.

**Committee Stage (Comm. Stage):** Detailed investigation by a Committee which concludes with the publication of a report for consideration by the Assembly.

**Consideration Stage (CS):** Consideration by the Assembly of, and an opportunity for Members to vote on, the details of the Bill including amendments proposed to the Bill.

**Further Consideration Stage (FCS):** Consideration by the Assembly of, and an opportunity for Members to vote on, further amendments to the Bill.

**Final Stage:** Passing or rejecting of Bill by the Assembly, without further amendment.

**Royal Assent.**

## Proceedings as at 2 April 2014

### 2011-2015 Mandate

#### Non-Executive Bills

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Marine Bill 5/11-15	21.02.12	05.03.12	06.07.12	05.07.12	30.04.13	13.05.13	21.05.13	17.09.13
Welfare Reform Bill 13/11-15	01.10.12	09.10.12	19.02.13	14.02.13				
Education Bill 14/11-15	02.10.12	15.10.12	08.04.13	08.04.13				
Planning Bill 17/11-15	14.01.13	22.01.13	07.06.13	06.06.13	24.06.13 & 25.06.13			
Tobacco Retailers Bill 19/11-15	15.04.13	23.04.13	18.10.13	09.10.13	3.12.13	10.02.14	18.02.14	25.03.14
Carrier Bags Bill 20/11-15	03.06.13	11.06.13	30.11.13	26.11.13	28.01.14	25.02.14	10.03.14	
Financial Provisions Bill 22/11-15	17.06.13	01.07.13	13.12.13	11.12.13	11.02.14	24.02.14	04.03.14	
Public Service Pensions Bill 23/11-15	17.06.13	25.06.13	29.11.13	27.11.13	14.01.14	27.01.14	04.02.14	11.03.14
Licensing of Pavement Cafés Bill 24/11-15	17.06.13	25.06.13	13.12.13	05.12.13	04.03.14	25.03.14		

<b>Title &amp; NIA Bill Number</b>	<b>First Stage</b>	<b>Second Stage</b>	<b>Comm. Stage to Conclude</b>	<b>Report Ordered to be Printed</b>	<b>CS</b>	<b>FCS</b>	<b>Final Stage</b>	<b>Royal Assent</b>
Health and Social Care (Amendment) Bill 27/11-15	16.09.13	24.09.13	11.12.13	04.12.13	20.01.14	28.01.14	11.02.14	
Local Government Bill 28/11-15	23.09.13	01.10.13	20.02.14	20.02.14	18.03.14 & 19.03.14	01.04.14		
Road Races (Amendment) Bill 29/11-15	18.11.13	26.11.13	/	/	2.12.13	9.12.13	10.12.13	17.01.14
Reservoirs Bill 31/11-15	20.01.14	04.02.14	04.07.14					
Budget Bill 32/11-15	10.02.14	11.02.14	/	/	17.02.14	18.02.14	24.02.14	19.03.14
Legal Aid and Coroners' Courts Bill 33/11-15	31.03.14							



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# Northern Ireland Assembly

**Monday 7 April 2014**

*The Assembly met at noon, the Speaker in the Chair.*

## 1. Personal Prayer or Meditation

Members observed two minutes' silence.

## 2. Matter of the Day

### 2.1 Lough Ree fishing boat tragedy

Mr Sydney Anderson made a statement, under Standing Order 24, in relation to the Lough Ree fishing boat tragedy. Other Members were also called to speak on the matter.

## 3. Executive Committee Business

### 3.1 Statement – Rating issues associated with the Review of Public Administration

The Minister of Finance and Personnel, Mr Simon Hamilton, made a statement regarding the rating issues associated with the Review of Public Administration, following which he replied to questions.

*The Principal Deputy Speaker (Mr McLaughlin) took the Chair.*

### 3.2 Final Stage – Licensing of Pavement Cafés Bill (NIA 24/11-15)

The Minister for Social Development, Mr Nelson McCausland, moved that the Final Stage of the Licensing of Pavement Cafés Bill (NIA 24/11-15) do now pass.

*Debate ensued.*

The Licensing of Pavement Cafés Bill (NIA 24/11-15) passed Final Stage.

## 4. Assembly Business

### 4.1 Motion - Extension of sitting on Monday 7 April 2014 under Standing Order 10(3A)

#### **Proposed:**

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

*Mr P Ramsey*

The Question being put, the Motion was **carried** without division.

## 5. Committee Business

### 5.1 Motion – Assembly Committees European Priorities 2014 Report

**Proposed:**

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

*Chairperson, Committee for the Office of the First Minister and deputy First Minister*

*Debate ensued.*

*The debate was suspended for Question Time.*

*The Speaker took the Chair.*

## 6. Question Time

### 6.1 Health, Social Services and Public Safety

Questions were put to, and answered by, the Minister of Health, Social Services and Public Safety, Mr Edwin Poots.

### 6.2 Justice

Questions were put to, and answered by, the Minister of Justice, Mr David Ford.

*The Deputy Speaker (Mr Beggs) took the Chair.*

## 7. Committee Business (Cont'd)

### 7.1 Motion – Assembly Committees European Priorities 2014 Report

*Debate resumed.*

*The Principal Deputy Speaker (Mr McLaughlin) took the Chair.*

The Question being put, the Motion was **carried** without division.

### 7.2 Motion – Report on the Review of Petitions of Concern

**Proposed:**

That this Assembly notes the Report of the Assembly and Executive Review Committee on its Review of Petitions of Concern (NIA 166/11-15).

*Chairperson, Assembly and Executive Review Committee*

*Debate ensued.*

The Question being put, the Motion was **carried** without division.

### 7.3 Motion – Salary of the Comptroller and Auditor General

**Proposed:**

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

*Chairperson, Audit Committee*

*Debate ensued.*

The Question being put, the Motion was **carried** without division.

## 8. Private Members' Business

### 8.1 Motion – Prayer of Annulment Civil Service Compensation Scheme (Amendment) Scheme (Northern Ireland) 2014

*A valid Petition of Concern was presented under Standing Order 28, on Friday 4 April 2014 in relation to the Motion (Appendix 1).*

**Proposed:**

That the Civil Service Compensation Scheme (Amendment) Scheme (Northern Ireland) 2014 be annulled.

*Mr D Bradley*

*Mr J Dallat*

*Mr A Maginness*

*Debate ensued.*

*The Speaker took the Chair.*

The Question being put, the Motion was **negatived** on a cross-community vote (Division).

## 9. Adjournment

**Proposed:**

That the Assembly do now adjourn.

*The Speaker*

*The Assembly adjourned at 7.26pm.*

**Mr William Hay**

**The Speaker**

7 April 2014

# Appendix 1

## Northern Ireland Assembly

**The undersigned Members of the Northern Ireland Assembly presented a Petition of Concern, in accordance with Standing Order 28, on Friday 4 April 2014 in relation to the following motion:**

### **Report on the Review of Petitions of Concern**

That this Assembly notes the Report of the Assembly and Executive Review Committee on its Review of Petitions of Concern (NIA 166/11-15).

- Mr Sydney Anderson
- Mr Jonathan Bell
- Ms Paula Bradley
- Mr Thomas Buchanan
- Mrs Pam Cameron
- Mr Gregory Campbell
- Mr Trevor Clarke
- Mr Jonathan Craig
- Mr Sammy Douglas
- Mr Gordon Dunne
- Mr Alex Easton
- Mrs Arlene Foster
- Mr Paul Frew
- Mr Paul Girvan
- Mr Paul Givan
- Mrs Brenda Hale
- Mr Simon Hamilton
- Mr David Hilditch
- Mr William Humphrey
- Mr William Irwin
- Mr Nelson McCausland
- Mr Ian McCrea
- Mr David McIlveen
- Miss Michelle McIlveen
- Mr Adrian McQuillan
- The Lord Morrow
- Mr Stephen Moutray
- Mr Robin Newton
- Mr Edwin Poots
- Mr George Robinson
- Mr Peter Robinson
- Mr Alastair Ross
- Mr Jimmy Spratt
- Mr Mervyn Storey
- Mr Peter Weir
- Mr Jim Wells
- Mr Sammy Wilson

# Northern Ireland Assembly

7 April 2014  
Division

**Motion – Prayer of Annulment Civil Service Compensation Scheme (Amendment) Scheme (Northern Ireland) 2014**

**Proposed:**

That the Civil Service Compensation Scheme (Amendment) Scheme (Northern Ireland) 2014 be annulled.

*Mr D Bradley  
Mr J Dallat  
Mr A Maginness*

The Question was put and the Assembly divided.

**Ayes:** 20  
**Noes:** 46

**AYES**

**Nationalist**

*Mr Attwood, Ms Boyle, Mr D Bradley, Mr Byrne, Mr Eastwood, Ms Fearon, Mr G Kelly, Mr F McCann, Ms McCorley, Dr McDonnell, Mr McKay, Mrs McKeivitt, Mr McKinney, Mr A Maginness, Mr Maskey, Ms Ní Chuilín, Mr P Ramsey, Mr Rogers, Mr Sheehan.*

**Other**

*Mr Agnew.*

*Tellers for the Ayes: Mr Byrne and Mr Rogers.*

**NOES**

**Unionist**

*Mr Allister, Mr Anderson, Mr Beggs, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Nesbitt, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Storey, Mr Swann, Mr Weir, Mr Wells, Mr Wilson.*

**Other**

*Mrs Cochrane, Ms Lo.*

*Tellers for the Noes: Mr I McCrea and Mr D McIlveen.*

Total votes	66	Total Ayes	20	[30.3%]
Nationalist Vote	19	Nationalist Ayes	19	[100.0%]
Unionist Votes	44	Unionist Ayes	0	[0.0%]
Other Votes	3	Other Ayes	1	[33.3%]

The following Member voted in both Lobbies and is therefore not counted in the result:  
Mr McCallister.

The Motion was **negatived** on a cross-community vote.

# Northern Ireland Assembly

## **Papers Presented to the Assembly on 2 - 7 April 2014**

1. Acts of the Northern Ireland Assembly
2. Bills of the Northern Ireland Assembly
3. Orders in Council
4. Publications Laid in the Northern Ireland Assembly
  - Northern Ireland Police Fund Annual Report and Accounts 2012-13 (DOJ)
  - Victims and Survivors Service Annual Report and Accounts for the year ended 31 March 2013 (OFMDFM)
  - Police Rehabilitation and Training Trust Annual Report for the year ended 31 March 2013 (DOJ)
  - Futures (NI) Ltd Annual Report for the year ended 31 March 2013 (DOJ)
  - The Pollution Prevention and Control (Industrial Emissions – NIEA) Charging Scheme (Northern Ireland) 2014 (DOE)
  - The Radioactive Substances (Fees and Charges) Scheme (Northern Ireland) 2014 (DOE)
5. Assembly Reports
6. Statutory Rules
  - S. R. 2014/101 The Registered Rents (Increase) Order (Northern Ireland) 2014 (DSD)
  - S. R. 2014/103 The Secure Tenancies (Notice) Regulations (Northern Ireland) 2014 (DSD)
  - S. R. 2014/105 The Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2014 (DSD)
  - For Information Only:**
    - S. R. 2014/99 The Pensions Increase (Review) Northern Ireland 2014 (DFP)
7. Written Ministerial Statements
8. Consultation Documents
9. Departmental Publications
  - The Greenhouse Gas Emissions Charging Scheme (Northern Ireland) 2014 (DOE)
10. Agency Publications
11. Westminster Publications
12. Miscellaneous Publications

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# Northern Ireland Assembly

**Tuesday 8 April 2014**

*The Assembly met at 10.30am, the Speaker in the Chair.*

## 1. Personal Prayer or Meditation

Members observed two minutes' silence.

## 2. Executive Committee Business

### 2.1 Statement – Mills report into the illegal dump in Campsie and waste management in Northern Ireland

The Minister of the Environment, Mr Mark H Durkan, made a statement regarding the Mills report into the illegal dump in Campsie and waste management in Northern Ireland, following which he replied to questions.

### 2.2 Statement – Promoting Quality and Good Governance across the HSC

The Minister of Health, Social Services and Public Safety, Mr Edwin Poots, made a statement regarding promoting quality and good governance across the HSC, following which he replied to questions.

### 2.3 Legislative Consent Motion – Consumer Rights Bill

#### **Proposed:**

That this Assembly endorses the principle of the extension to Northern Ireland of the Consumer Rights Bill.

*Minister of Enterprise, Trade and Investment*

*Debate ensued.*

The Question being put, the Motion was **carried** without division.

*The sitting was suspended at 12.26pm.*

*The sitting resumed at 2.00pm, with the Principal Deputy Speaker (Mr McLaughlin) in the Chair.*

## 3. Question Time

### 3.1 Regional Development

Questions were put to, and answered by, the Minister for Regional Development, Mr Danny Kennedy.

### 3.2 Enterprise, Trade and Investment

Questions were put to, and answered by, the Minister of Enterprise, Trade and Investment, Mrs Arlene Foster.

*The Deputy Speaker (Mr Dallat) took the Chair.*

## 4. Executive Committee Business (cont'd)

### 4.1 Second Stage – Legal Aid and Coroners' Courts Bill (NIA 33/11-15)

The Minister of Justice, Mr David Ford, moved the Second Stage of the Legal Aid and Coroners' Courts Bill (NIA 33/11-15).

*Debate ensued.*

*The Deputy Speaker (Mr Beggs) took the Chair.*

The Legal Aid and Coroners' Courts Bill (NIA 33/11-15) passed Second Stage without division.

### 4.2 Final Stage – Local Government Bill (NIA 28/11-15)

The Minister of the Environment, Mr Mark H Durkan, moved that the Final Stage of the Local Government Bill (NIA 28/11-15) do now pass.

*Debate ensued.*

*The Speaker took the Chair.*

The Local Government Bill (NIA 28/11-15) passed Final Stage (Division).

## 5. Adjournment

### **Proposed:**

That the Assembly do now adjourn.

*The Speaker*

*The Assembly adjourned at 7.11pm*

**Mr William Hay**

**The Speaker**

8 April 2014

# Northern Ireland Assembly

8 April 2014  
Division

**Final Stage – Local Government Bill (NIA 28/11-15)**

The Question was put and the Assembly divided.

**Ayes:** 55

**Noes:** 14

**AYES**

*Mr Anderson, Mr Boylan, Mr D Bradley, Ms P Bradley, Mr Brady, Mr Buchanan, Mr Byrne, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Craig, Mr Douglas, Mr Durkan, Mr Easton, Mr Eastwood, Ms Fearon, Mr Ford, Mrs Foster, Mr Girvan, Mr Givan, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr G Kelly, Mr McAleer, Ms J McCann, Mr McCartney, Ms McCorley, Mr I McCrea, Mr McElduff, Ms McGahan, Mr D McIlveen, Miss M McIlveen, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McQuillan, Mr A Maginness, Mr Milne, Mr Moutray, Mr Newton, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr Poots, Mr P Ramsey, Mr G Robinson, Mr Rogers, Mr Ross, Mr Storey, Mr Weir, Mr Wells.*

*Tellers for the Ayes: Mr Eastwood and Mr A Maginness.*

**NOES**

*Mr Agnew, Mr Allister, Mr Copeland, Mr Cree, Mrs Dobson, Mr Elliott, Mr Hussey, Mr Kennedy, Mr Kinahan, Mr McCallister, Mr B McCrea, Mr Nesbitt, Mrs Overend, Mr Swann.*

*Tellers for the Noes: Mr Elliott and Mrs Overend.*

*Resolved:*

That the Local Government Bill (NIA 28/11-15) do now pass.

# Northern Ireland Assembly

## **Papers Presented to the Assembly on 8 April 2014**

1. Acts of the Northern Ireland Assembly
2. Bills of the Northern Ireland Assembly
3. Orders in Council
4. Publications Laid in the Northern Ireland Assembly
5. Assembly Reports
6. Statutory Rules

S. R. 2014/00 The Draft Renewables Obligation (Amendment) Order (Northern Ireland) 2014 (DETI)

### **For Information Only:**

S. R. 2014/104 The Road Races (Cookstown 100) Order (Northern Ireland) 2014 (DRD)

7. Written Ministerial Statements
8. Consultation Documents
9. Departmental Publications
10. Agency Publications
11. Westminster Publications
12. Miscellaneous Publications

# Northern Ireland Assembly Legislation:

## Stages in Consideration of Public Bills

**First Stage:** Introduction of Bill.

**Second Stage:** General debate of the Bill with an opportunity for Members to vote on its general principles.

**Committee Stage (Comm. Stage):** Detailed investigation by a Committee which concludes with the publication of a report for consideration by the Assembly.

**Consideration Stage (CS):** Consideration by the Assembly of, and an opportunity for Members to vote on, the details of the Bill including amendments proposed to the Bill.

**Further Consideration Stage (FCS):** Consideration by the Assembly of, and an opportunity for Members to vote on, further amendments to the Bill.

**Final Stage:** Passing or rejecting of Bill by the Assembly, without further amendment.

**Royal Assent.**

## Proceedings as at 9 April 2014

### 2011-2015 Mandate

#### Executive Bills

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Marine Bill 5/11-15	21.02.12	05.03.12	06.07.12	05.07.12	30.04.13	13.05.13	21.05.13	17.09.13
Welfare Reform Bill 13/11-15	01.10.12	09.10.12	19.02.13	14.02.13				
Education Bill 14/11-15	02.10.12	15.10.12	08.04.13	08.04.13				
Planning Bill 17/11-15	14.01.13	22.01.13	07.06.13	06.06.13	24.06.13 & 25.06.13			
Tobacco Retailers Bill 19/11-15	15.04.13	23.04.13	18.10.13	09.10.13	3.12.13	10.02.14	18.02.14	25.03.14
Carrier Bags Bill 20/11-15	03.06.13	11.06.13	30.11.13	26.11.13	28.01.14	25.02.14	10.03.14	
Financial Provisions Bill 22/11-15	17.06.13	01.07.13	13.12.13	11.12.13	11.02.14	24.02.14	04.03.14	
Public Service Pensions Bill 23/11-15	17.06.13	25.06.13	29.11.13	27.11.13	14.01.14	27.01.14	04.02.14	11.03.14
Licensing of Pavement Cafés Bill 24/11-15	17.06.13	25.06.13	13.12.13	05.12.13	04.03.14	25.03.14	07.04.14	

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Health and Social Care (Amendment) Bill 27/11-15	16.09.13	24.09.13	11.12.13	04.12.13	20.01.14	28.01.14	11.02.14	
Local Government Bill 28/11-15	23.09.13	01.10.13	20.02.14	20.02.14	18.03.14 & 19.03.14	01.04.14		
Road Races (Amendment) Bill 29/11-15	18.11.13	26.11.13	/	/	2.12.13	9.12.13	10.12.13	17.01.14
Reservoirs Bill 31/11-15	20.01.14	04.02.14	04.07.14					
Budget Bill 32/11-15	10.02.14	11.02.14	/	/	17.02.14	18.02.14	24.02.14	19.03.14
Legal Aid and Coroners' Courts Bill 33/11-15	31.03.14	08.04.14						

**2011-2015 Mandate  
Non-Executive Bills**

Title & Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Road Traffic (Speed Limits) Bill 25/11-15	17.06.13 Bill fell. Re-introduced as Bill 30/11-15 (see below)							
Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill 26/11-15	24.06.13	23.09.13 & 24.09.13	11.04.14					
Road Traffic (Speed Limits) Bill 30/11-15		09.12.13						

/ Bill progressing by accelerated passage

\*\* Please note that any bills that received Royal Assent in the previous session have been removed from the table.

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# Northern Ireland Assembly

**Monday 28 April 2014**

*The Assembly met at noon, the Speaker in the Chair.*

## 1. Personal Prayer or Meditation

Members observed two minutes' silence.

## 2. Speaker's Business

The Speaker announced the death of Mr David McClarty, a Member for the East Londonderry constituency.  
*Members paid tribute to Mr McClarty on behalf of their parties.*

*The sitting was, by leave, suspended at 12.48pm as a mark of respect to the late Mr McClarty.*

*The sitting resumed at 1.20pm, with the Deputy Speaker (Mr Beggs) in the Chair.*

### 2.1 Royal Assent

The Speaker informed Members that Royal Assent had been signified on 11 April 2014 to the Health and Social Care (Amendment) Act (Northern Ireland) 2014.

## 3. Executive Committee Business

### 3.1 First Stage: Work and Families Bill (NIA 34/11-15)

The Minister for Employment and Learning, Dr Stephen Farry, introduced a Bill to make provision about shared rights to leave from work and statutory pay in connection with caring for children; time off work to accompany to ante-natal appointments or to attend adoption appointments; to make provision about the right to request flexible working; and for connected purposes.

The Work and Families Bill (NIA 34/11-15) passed First Stage and ordered to be printed.

## 4. Private Members' Business

### 4.1 Motion – Praxis Care

#### **Proposed:**

That this Assembly acknowledges and commends the work carried out by Praxis Care; asserts that the transfer of the publicly-owned assets at Hillsborough Castle should be conditional on securing the future of Praxis at this location; and calls on the Secretary of State to explore all possible avenues to ensure that the employment provided and the work carried out by Praxis at Hillsborough Castle remain on site.

*Ms J McCann*

*Mr M Brady*

*Debate ensued.*

*The debate was suspended for Question Time.*

*The Speaker took the Chair.*

## 5. Question Time

### 5.1 Office of the First Minister and deputy First Minister

Questions were put to, and answered by, the First Minister, the Rt Hon Peter Robinson. The junior Minister, Mr Jonathan Bell, also answered a number of questions.

### 5.2 Agriculture and Rural Development

Questions were put to, and answered by, the Minister of Agriculture and Rural Development, Mrs Michelle O'Neill.

## 6. Private Members' Business (Cont'd)

### 6.1 Motion – Praxis Care

*Debate resumed.*

*The Principal Deputy Speaker (Mr McLaughlin) took the Chair.*

The Question being put, the Motion was **carried** without division.

### 6.2 Motion – Mental Health

#### **Proposed:**

That this Assembly believes that mental health should be taken as seriously as physical health; urges the Executive to take action to end stigma against mental health; further believes that psychological therapies should be at the heart of the mental health services agenda; and calls for the current underfunding of child and adolescent mental health services to be addressed.

*Mr K McCarthy*

*Mr C Lyttle*

*Mr T Lunn*

*Debate ensued.*

The Question being put, the Motion was **carried** without division.

## 7. Adjournment

#### **Proposed:**

That the Assembly do now adjourn.

*The Speaker*

*The Assembly adjourned at 5.01pm.*

**Mr William Hay**

**The Speaker**

28 April 2014

# Northern Ireland Assembly

## **Papers Presented to the Assembly on 9 - 28 April 2014**

1. Acts of the Northern Ireland Assembly
2. Bills of the Northern Ireland Assembly
3. Orders in Council
4. Publications Laid in the Northern Ireland Assembly

Legislative Consent Memorandum Finance (No.2) Bill (DFP)

Human Rights Guidance for the Northern Ireland Prison Service Prison Order and Discipline by the Attorney General for Northern Ireland (Attorney General for Northern Ireland)

The Report of the Deputy Keeper of the Records 2012/13 (PRONI/DCAL)

Investigation under Paragraph 11, Schedule 9, Northern Ireland Act 1998. Newry and Mourne District Council Final Investigation Report March 2014 (Equality Commission)

Report of Proceedings of the Agricultural Wages Board for Northern Ireland under the Agricultural Wages (Regulation) (Northern Ireland) Order 1977 (DARD)

Records and Information Retention and Disposal Schedules Department of Justice (DCAL/PRONI)

Commission Investigation under Paragraph 10 of Schedule 9 of the Northern Ireland Act 1998; Acceptable Enterprises (Larne) Ltd & Larne Borough Council (Equality Commission)

Northern Ireland Audit Office - Safer Births: Using Information to Improve Quality (NIAO)

## 5. Assembly Reports

## 6. Statutory Rules

S. R. 2014/107 The Welfare of Animals at the Time of Killing Regulations (Northern Ireland) 2014 (DARD)

S. R. 2014/108 The Recovery of Health Service Charges (Amounts) (Amendments) Regulations (Northern Ireland) 2014 (DHSSPS)

S. R. 2014/110 The Whole of Government Accounts (Designation of Bodies) Order (Northern Ireland) 2014 (DFP)

S. R. 2014/111 The Safeguarding Board for Northern Ireland (Membership, Procedure, Functions and Committee) (Amendment) Regulations (Northern Ireland) 2014 (DHSSPS)

S. R. 2014/112 The North Circular Road and Tarry Lane, Lurgan (Abandonment) Order (Northern Ireland) 2014 (DRD)

S. R. 2014/117 The Controlled Waste and Duty of Care (Amendment) Regulations (Northern Ireland) 2014 (DOE)

S. R. 2014/118 The Planning (Control of Advertisements) (Amendment) Regulations (Northern Ireland) 2014 (DOE)

S. R. 2014/121 The Social Security (Invalid Care Allowance) (Amendment) Regulations (Northern Ireland) 2014 (DSD)

### **For Information Only:**

S. R. 2014/106 The Parking Places (Disabled Persons' Vehicles) (Amendment No.2) Order (Northern Ireland) 2014 (DRD)

S. R. 2014/109 The Road Races (Tandragee 100) Order (Northern Ireland) 2014 (DRD)

S. R. 2014/113 The Parking and Waiting Restrictions (Charlemont Gardens, Armagh) Order (Northern Ireland) 2014 (DRD)

S. R. 2014/119 The Road Races (Tour of the Sperrins Rally) Order (Northern Ireland) 2014 (DRD)

S. R. 2014/120 The Road Races (North West 200) Order (Northern Ireland) 2014 (DRD)

## 7. Written Ministerial Statements

PPS 23 – Enabling Development for the Conservation of Significant Places (DOE)

## 8. Consultation Documents

CAP Reform Cross-Compliance Consultation Paper April 2014 (DARD)

Consultation on Proposed Relaxation of Brucellosis Pre-Movement Testing Controls (DARD)

Proposed Secondary Legislation Relating to EU Regulations 181/2011 - The Bus and Coach Passenger Rights and Obligations (Designation and Enforcement) Regulations (Northern Ireland) 2014 (DRD)

The Draft Local Government (Executive Arrangements) Regulations (Northern Ireland) 2014 - Consultation Document (DOE)

## 9. Departmental Publications

Industrial Injuries Advisory Council Report: Terminal Cancers and Industrial Injuries Disablement Benefit (DSD)

Department for Social Development's Response to Dr Paul Litchfield's Report (DSD)

The Water (Northern Ireland) Order 1999 (DOE)

The Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006 (DOE)

Department of Finance and Personnel Memorandum on the Eighteenth Report from the Public Accounts Committee Mandate 2011-2015 (DFP)

## 10. Agency Publications

## 11. Westminster Publications

## 12. Miscellaneous Publications

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# Northern Ireland Assembly

Tuesday 29 April 2014

*The Assembly met at 10.30am, the Speaker in the Chair.*

## 1. Personal Prayer or Meditation

Members observed two minutes' silence.

## 2. Speaker's Business

### 2.1 Royal Assent

The Speaker informed Members that Royal Assent had been signified on 28 April 2014 to the Financial Provisions Act (Northern Ireland) 2014.

### 2.2 Royal Assent

The Speaker informed Members that Royal Assent had been signified on 28 April 2014 to the Carrier Bags Act (Northern Ireland) 2014.

## 3. Private Members' Business

### 3.1 Motion – Giro d'Italia 2014

#### **Proposed:**

That this Assembly recognises that the Giro d'Italia is one of the biggest events in the international sporting calendar; warmly welcomes it to Northern Ireland; acknowledges the significance and magnitude of being chosen to host the Grande Partenza; understands the benefits to be obtained in terms of the economy, tourism, cultural exchange and education, promotion of a healthy lifestyle, and worldwide publicity for Northern Ireland; and calls on the Executive to take all necessary steps to maximise the potential to be gained through such a prestigious event.

*Mr S Douglas*

*Mr P Weir*

### 3.2 Amendment

#### **Proposed:**

At end insert:

'and to allocate adequate resources for the delivery of a suitable Giro legacy plan to include improved provision and infrastructure for schools, commuting, leisure, tourist and sporting cycling in Northern Ireland.'

*Mr C Lyttle*

*Ms A Lo*

*Debate ensued.*

The Question being put, the Amendment was **made** without division.

The Question being put, the Motion, as amended, was **carried** without division.

### 3.3 Motion – Marriage Equality

A valid Petition of Concern was presented under Standing Order 28, on Monday 28 April 2014 in relation to the Motion (Appendix 1).

**Proposed:**

That this Assembly notes that other jurisdictions on these islands have moved forward with equal marriage rights for same-sex couples; believes that all couples, regardless of gender or sexual orientation, should have the same legal entitlement to marry and to the protections, rights, obligations and benefits afforded by the legal institution of marriage; supports freedom of religion by allowing religious institutions to define, observe and practise marriage according to their beliefs, granting them the freedom whether or not to conduct same-sex marriages; calls on the Minister of Finance and Personnel to introduce legislation to guarantee that couples of any sex or gender identity receive equal benefit; and further calls on the First Minister and deputy First Minister to ensure that all legislation adheres to the Executive's commitments to protect equality for all.

*Ms C Ruane*

*Ms B McGahan*

*Ms M Fearon*

*Debate ensued.*

The sitting was suspended at 12.31pm.

The sitting resumed at 2.00pm, with the Principal Deputy Speaker (Mr McLaughlin) in the Chair.

## 4. Question Time

### 4.1 Culture, Arts and Leisure

Questions were put to, and answered by, the Minister of Culture, Arts and Leisure, Ms Carál Ní Chuilín.

### 4.2 Education

Questions were put to, and answered by, the Minister of Education, Mr John O'Dowd.

*The Deputy Speaker (Mr Dallat) took the Chair.*

## 5. Private Members' Business (Cont'd)

### 5.1 Motion – Marriage Equality

*Debate resumed.*

The Question being put, the Motion was negatived on a cross-community vote (Division).

## 6. Adjournment

Mr Chris Hazzard spoke to his topic regarding the establishment of a minor injuries unit at Downe Hospital

**Proposed:**

That the Assembly do now adjourn.

*The Speaker*

*The Assembly adjourned at 5.35pm*

**Mr William Hay**

**The Speaker**

29 April 2014

# Appendix 1

## Northern Ireland Assembly

**The undersigned Members of the Northern Ireland Assembly presented a Petition of Concern, in accordance with Standing Order 28, on Monday 28 April 2014 in relation to the following motion:**

### **Marriage Equality**

That this Assembly notes that other jurisdictions on these islands have moved forward with equal marriage rights for same-sex couples; believes that all couples, regardless of gender or sexual orientation, should have the same legal entitlement to marry and to the protections, rights, obligations and benefits afforded by the legal institution of marriage; supports freedom of religion by allowing religious institutions to define, observe and practise marriage according to their beliefs, granting them the freedom whether or not to conduct same-sex marriages; calls on the Minister of Finance and Personnel to introduce legislation to guarantee that couples of any sex or gender identity receive equal benefit; and further calls on the First Minister and deputy First Minister to ensure that all legislation adheres to the Executive's commitments to protect equality for all.

- Mr Sydney Anderson
- Ms Paula Bradley
- Mr Thomas Buchanan
- Mrs Pam Cameron
- Mr Gregory Campbell
- Mr Trevor Clarke
- Mr Jonathan Craig
- Mr Sammy Douglas
- Mr Gordon Dunne
- Mr Alex Easton
- Mr Paul Frew
- Mr Paul Girvan
- Mr Paul Givan
- Mrs Brenda Hale
- Mr David Hilditch
- Mr William Humphrey
- Mr William Irwin
- Mr Ian McCrea
- Mr David McIlveen
- Miss Michelle McIlveen
- Mr Adrian McQuillan
- The Lord Morrow
- Mr Stephen Moutray
- Mr Robin Newton
- Mr George Robinson
- Mr Alastair Ross
- Mr Jimmy Spratt
- Mr Mervyn Storey
- Mr Peter Weir
- Mr Jim Wells
- Mr Sammy Wilson

# Northern Ireland Assembly

28 April 2014  
Division

## Motion – Marriage Equality

### Proposed:

That this Assembly notes that other jurisdictions on these islands have moved forward with equal marriage rights for same-sex couples; believes that all couples, regardless of gender or sexual orientation, should have the same legal entitlement to marry and to the protections, rights, obligations and benefits afforded by the legal institution of marriage; supports freedom of religion by allowing religious institutions to define, observe and practise marriage according to their beliefs, granting them the freedom whether or not to conduct same-sex marriages; calls on the Minister of Finance and Personnel to introduce legislation to guarantee that couples of any sex or gender identity receive equal benefit; and further calls on the First Minister and deputy First Minister to ensure that all legislation adheres to the Executive's commitments to protect equality for all.

*Ms C Ruane  
Ms B McGahan  
Ms M Fearon*

The Question was put and the Assembly divided.

**Ayes:** 43

**Noes:** 51

## AYES

### Nationalist

*Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Ms J McCann, Mr McCartney, Ms McCorley, Dr McDonnell, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mr McKinney, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Ms Ruane, Mr Sheehan.*

### Unionist

*Mr Copeland, Mr Kinahan, Mr McCallister, Mr B McCrea.*

### Other

*Mr Agnew, Dr Farry, Mr Ford, Ms Lo, Mr Lyttle.*

*Tellers for the Ayes: Ms Fearon and Ms Ruane.*

## NOES

### Unionist

*Mr Allister, Mr Anderson, Mr Beggs, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McNarry, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells, Mr Wilson.*

### Other

*Mrs Cochrane, Mr Lunn.*

*Tellers for the Noes: Mr McQuillan and Mr G Robinson.*

Total votes	94	Total Ayes	43	[45.7%]
Nationalist Vote	34	Nationalist Ayes	34	[100.0%]
Unionist Votes	53	Unionist Ayes	4	[7.5%]
Other Votes	7	Other Ayes	5	[71.4%]

The Motion was **negatived** on a cross-community vote.

# Northern Ireland Assembly

**Papers Presented to the Assembly on  
29 April 2014**

1. Acts of the Northern Ireland Assembly
2. Bills of the Northern Ireland Assembly
3. Orders in Council
4. Publications Laid in the Northern Ireland Assembly
5. Assembly Reports
6. Statutory Rules

S. R. 2014/116 The Student Fees (Amounts) (Amendment) Regulations (Northern Ireland) 2014 (DEL)

**For Information Only:**

S. R. 2014/122 The Road Races (Drumhorc Hill Climb) Order (Northern Ireland) 2014 (DRD)

7. Written Ministerial Statements
8. Consultation Documents
9. Departmental Publications
10. Agency Publications
11. Westminster Publications
12. Miscellaneous Publications

# Northern Ireland Assembly Legislation:

## Stages in Consideration of Public Bills

**First Stage:** Introduction of Bill.

**Second Stage:** General debate of the Bill with an opportunity for Members to vote on its general principles.

**Committee Stage (Comm. Stage):** Detailed investigation by a Committee which concludes with the publication of a report for consideration by the Assembly.

**Consideration Stage (CS):** Consideration by the Assembly of, and an opportunity for Members to vote on, the details of the Bill including amendments proposed to the Bill.

**Further Consideration Stage (FCS):** Consideration by the Assembly of, and an opportunity for Members to vote on, further amendments to the Bill.

**Final Stage:** Passing or rejecting of Bill by the Assembly, without further amendment.

**Royal Assent.**

## Proceedings as at 30 April 2014

### 2011-2015 Mandate

#### Executive Bills

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Marine Bill 5/11-15	21.02.12	05.03.12	06.07.12	05.07.12	30.04.13	13.05.13	21.05.13	17.09.13
Welfare Reform Bill 13/11-15	01.10.12	09.10.12	19.02.13	14.02.13				
Education Bill 14/11-15	02.10.12	15.10.12	08.04.13	08.04.13				
Planning Bill 17/11-15	14.01.13	22.01.13	07.06.13	06.06.13	24.06.13 & 25.06.13			
Tobacco Retailers Bill 19/11-15	15.04.13	23.04.13	18.10.13	09.10.13	3.12.13	10.02.14	18.02.14	25.03.14
Carrier Bags Bill 20/11-15	03.06.13	11.06.13	30.11.13	26.11.13	28.01.14	25.02.14	10.03.14	28.04.14
Financial Provisions Bill 22/11-15	17.06.13	01.07.13	13.12.13	11.12.13	11.02.14	24.02.14	04.03.14	28.04.14
Public Service Pensions Bill 23/11-15	17.06.13	25.06.13	29.11.13	27.11.13	14.01.14	27.01.14	04.02.14	11.03.14
Licensing of Pavement Cafés Bill 24/11-15	17.06.13	25.06.13	13.12.13	05.12.13	04.03.14	25.03.14	07.04.14	

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Health and Social Care (Amendment) Bill 27/11-15	16.09.13	24.09.13	11.12.13	04.12.13	20.01.14	28.01.14	11.02.14	11.04.14
Local Government Bill 28/11-15	23.09.13	01.10.13	20.02.14	20.02.14	18.03.14 & 19.03.14	01.04.14	08.04.14	
Road Races (Amendment) Bill 29/11-15	18.11.13	26.11.13	/	/	2.12.13	9.12.13	10.12.13	17.01.14
Reservoirs Bill 31/11-15	20.01.14	04.02.14	04.07.14					
Budget Bill 32/11-15	10.02.14	11.02.14	/	/	17.02.14	18.02.14	24.02.14	19.03.14
Legal Aid and Coroners' Courts Bill 33/11-15	31.03.14	08.04.14	05.06.14					
Work and Families Bill 34/11-15	28.04.14							

**2011-2015 Mandate  
Non-Executive Bills**

Title & Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Road Traffic (Speed Limits) Bill 25/11-15	17.06.13 Bill fell. Re-introduced as Bill 30/11-15 (see below)							
Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill 26/11-15	24.06.13	23.09.13 & 24.09.13	11.04.14	11.04.14				
Road Traffic (Speed Limits) Bill 30/11-15		09.12.13						

/ Bill progressing by accelerated passage

\*\* Please note that any bills that received Royal Assent in the previous session have been removed from the table.