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# NORTHERN IRELAND ASSEMBLY

Tuesday 19 January 2010

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

*Members observed two minutes' silence.*

## ASSEMBLY BUSINESS

**Mr B McCrea:** On a point of order, Mr Speaker. Yesterday afternoon in the Chamber, the House discussed an Alliance Party motion for an hour and a half. At the end of the debate, Mrs Long decided not to put the motion to the House. There was quite a bit of discussion on what was the appropriate decision and whether the Deputy Speaker made the correct decision. Will you clarify whether he made the correct decision?

**Mr Speaker:** Thank you for that point of order. Although I was not in the Chair, I watched the proceedings closely, and the Deputy Speaker acted in the appropriate manner — totally and absolutely.

**Mr B McCrea:** Further to that point of order: during the deliberations, Mr Ford and others appeared to challenge the ruling of the Deputy Speaker on two occasions. Now that the position has been clarified, what is the appropriate response, and has Mr Ford apologised to the Deputy Speaker?

**Mr Speaker:** I ask Members not to try to debate that particular issue further. I understand what the Member said, and my information is that, if Mr Ford has not yet approached the Deputy Speaker, he intends to do so. As I look around the House, I recall that quite a number of Members, on occasion, come close to challenging the authority of the Chair. It is not only one Member or one party that does so.

**Mrs D Kelly:** On a point of order, Mr Speaker. I would be grateful if you would indicate to the House the role of the Assembly, given that the Minister was making statements on the high hedges legislation through the media this morning and not, at first, coming to the House.

**Mr Speaker:** The convention has always been very clear: as far as possible, I prefer Ministers to come to the House before going to the media. That has always been the convention in this House. I always encourage Ministers, irrespective of who they are, that it is

important for the House to have its rightful place in ministerial business.

**Mrs D Kelly:** Further to that point of order, Mr Speaker, will you write to all Ministers to remind them of the function of the Assembly and its primacy over the media?

**Mr Speaker:** Once again, I remind the whole House of the convention because it is not only Ministers who sometimes go to the press about issues that they may want to raise in the Chamber. Members also go to the press continually, even concerning private Members' motions. This is a reminder to the whole House that, as far as possible, all Members — especially Ministers — should give the House its place.

**Mr Weir:** On a point of order, Mr Speaker. In the light of the rulings yesterday and today on the vote on the motion on compulsory voting, I ask that you clarify a matter to the House for future reference. In what circumstances can a Member withdraw a motion once it has been moved? Are any opportunities available to withdraw it?

**Mr Speaker:** The convention here, at Westminster and elsewhere is absolutely clear: once a motion is moved and debated, it can be withdrawn only by leave of the whole House. If even one Member objects, the motion cannot be withdrawn. It is not a majority of the House that determines whether a motion can be withdrawn: if one Member opposes the motion's being withdrawn, the motion must be voted on.

Before we move to today's business, I wish to deal with a point of order that Mr Wells raised during last Tuesday's sitting. It has been a long-standing convention in the House that a Member should not walk directly in front of another Member who has the Floor. Last week and yesterday, I watched quite a number of Members, especially those who came into the Chamber late, walk in front of the Member or even the Minister who had the Floor at the time.

Some Members seem to have forgotten the convention, but let this be a reminder to the whole House: I consider it highly discourteous to the Chair and to the Member who is speaking. I ask all Members to look about them before they move around the Chamber. That is particularly important for Members who come into the Chamber late. If they are likely to walk directly between a Member who has the Floor and the Chair, I ask that they please take a different route. If necessary, Members should use one of the Lobby doors.

I am grateful to Mr Wells for raising that point of order, because it is a matter that other Members have raised privately with me. I hope that that serves as a direct reminder to all Members. It is totally and absolutely wrong to walk in front of a Member who has the Floor.

**Mr Wells:** On a point of order, Mr Speaker. I thank the Deputy Speaker for bringing the matter to your attention so quickly, and I thank you for dealing with it at the first available opportunity. The Member who suffers most is the honourable Member for North Down Mr Brian Wilson, because he happens to be seated immediately beside the entrance to the Chamber. As he tried to speak during the Second Stage of the Wildlife and Natural Environment Bill, two Members who were engaged in conversation walked past him. That is even more discourteous. I ask you to enforce the ruling strictly, because such behaviour would not be tolerated in any other democratic Chamber. I ask you to urge your Deputy Speakers to ensure that, if anybody falls foul of your ruling, they be called to book immediately. If the behaviour is repeated, I ask that disciplinary action be taken against that Member.

**Mr Speaker:** I thank the Member for the points that he made. I intend to raise the issue today at the Business Committee in order to remind all Whips. I assure the Member that the Deputy Speakers and I, as Speaker, will very much keep a watching brief on the matter. We will deal with any Member who walks in front of a Member who has the Floor, because it is totally discourteous to do so. From now on, I will keep a watching brief on that issue.

**Mr Shannon:** Further to that point of order, Mr Speaker, there are many protocols on conduct in the Chamber about which we may all need to be reminded. One such protocol is that a Member who sits down after making a contribution should not leave the Chamber until the next Member to speak finishes his or her contribution. We often find that a Member makes a beeline for the door immediately after finishing his or her contribution. Perhaps, Mr Speaker, you will also consider that matter.

**Mr Speaker:** I am certainly prepared to look at that and to consider what can be done about it. Some of these issues are difficult, because one expects Members to at least have total respect for Standing Orders and conventions. Occasionally, Members may not respect one another, but let them respect conventions and Standing Orders.

## MINISTERIAL STATEMENT

### Draft High Hedges Bill

**Mr Speaker:** I have received notice from the Minister of the Environment that he wishes to make a statement.

**The Minister of the Environment (Mr Poots):** With your permission, Mr Speaker, I wish to make a statement about the draft high hedges Bill, which I issued for public consultation on 21 December 2009.

On taking office, I made clear my intention to introduce legislation to help those with the misfortune to have a neighbour who refuses to keep a hedge at a reasonable height. The Bill proposes to give councils the power to investigate complaints and, where appropriate, issue remedial notices requiring that such hedges be reduced to a specified height.

Problems between neighbours about high hedges have given rise to a steady stream of correspondence to public representatives. Often, the bone of contention is that very little can be done at present to resolve such situations. The availability of low-cost and often very fast-growing hedges, which are sometimes not well maintained, has increasingly led to disputes. A lot of ill feeling can arise if those issues are allowed to fester. If the problem continues, a person's quality of life can be greatly affected. In extreme cases, that can result in unnecessary stress and even ill health.

My Department has dealt with numerous requests for information since I came into office. Many Members have also received correspondence from constituents on this matter. In 2005, my Department's scoping exercise to assess the scale and spread of high hedge problems indicated that the issue caused widespread concern, which I cannot ignore. Loss of light due to a neighbouring high hedge has a significant impact on a person's reasonable enjoyment of their property, and that must be dealt with urgently.

I will illustrate how a high hedge issue can develop into a most unpleasant scenario. A retired couple, Mr and Mrs Black who live at 5 Primrose Lane, have a habit of relaxing in the mid-morning in their sitting room, dealing with the morning post and perhaps reading their newspapers, while sipping a cup of tea or coffee. Over the years, their routine has become one of life's little pleasures. As the summer sun streams through the bay windows that they are so proud of, having spent quite a considerable sum in having them double-glazed and repaired to save heating costs and to help the environment, they feel relaxed and at peace with the world.

They are interested to know who the new neighbours will be, as the house next door has recently been sold and the new occupants are due to arrive shortly. Mr

and Mrs Green, the new neighbours, move in. After getting the house sorted out, they decide to plant a fast-growing hedge on their side of the boundary with the Blacks. Within a few years, the hedge has grown to a height of 25 ft. Mr and Mrs Black can no longer enjoy the sunlight through their bay windows, because it is blocked by the high hedge.

Mrs Black approaches Mrs Green about the high hedge, but she is rebuffed. The same thing happens when Mr Black mentions it to Mr Green. In the meantime, the hedge grows even higher. What little sunlight there was has now been completely obliterated, and, despite repeated requests, Mr and Mrs Green refuse to do anything about it.

Mr and Mrs Black approach their solicitor for advice, but they are informed that there is little that can be done. There is no available legal avenue by which they can have the height of the hedge reduced. Of course, by this stage, the relationship between the Blacks and the Greens has soured to the extent that, in the normal course of events, they no longer greet each other, and stress levels give rise to the need for Mr and Mrs Black to go to their GP to receive medication.

10.45 am

Members can see the point that I am making. What appears to be a minor problem about the height of a hedge can be the source of a complete breakdown in good neighbourly relationships and give rise to all sorts of problems. Hence, I am pleased to be consulting on the draft Bill, because it is the first key stage in addressing the issue.

I intend to introduce a Bill to the Assembly by June this year. The draft Bill proposes a system that will allow those who feel that they have been badly affected by a neighbour's high hedge to complain to their local council. I emphasise that anyone who feels that they have a problem of that type must first try to resolve the situation with their neighbour through discussion.

I shall outline further what will be included in the scope of the draft legislation. The legislation will apply to evergreen or semi-evergreen hedges that consist of a line of two or more trees or shrubs. Complaints to councils will be able to be made only about hedges that are more than 2 m high and that affect residential property and access to light. The scope of the draft Bill does not extend to complaints about the impact of hedge roots or single trees. There are other ways to tackle such problems, for example, through the civil courts.

Complaints will be able to be brought to councils by the owner or occupier of an affected property. Where there is both an owner and an occupier, each will be entitled to complain. Indeed, the hedge in question may not necessarily be growing next door. In theory, the problem hedge could be several gardens down the

road, or it may extend over several properties. The important point is that councils will consider and evaluate the merits of each complaint and, before a complaint can be made, there will have to be evidence of an attempt to resolve the problem through discussion or mediation with the relevant neighbour. Only then will a council accept and investigate the complaint and decide what course of action is appropriate.

Councils will act as independent and impartial third parties, and they will not negotiate or mediate between individuals. Having established that there have been attempts to resolve the problem — without success — a council officer will visit and assess the extent of the problem. The impact on neighbouring properties' light and access will be considered, and the council officer will then decide what, if any, action should be taken. The council may then decide to issue a remedial notice requiring the hedge owner to reduce the height of the hedge to a reasonable height. Other courses of action, such as crown lifting or thinning or retaining selected trees in an otherwise reduced hedge, may be considered as alternative ways to alleviate the problem.

A remedial notice will specify the time frame in which work must be carried out. Before issuing a remedial notice, other important environmental factors, such as bird nesting seasons and tree preservation orders, will also be taken into consideration. I must emphasise that a remedial notice will not specify any action that will result in the height of a hedge being reduced to below 2 m or in the removal of a hedge. The draft Bill will not unnecessarily restrict the growth of hedges. Rather, it will ensure that a balance is achieved between the right to enjoy one's property and the benefits and amenity value that a well-maintained hedge can provide.

A remedial notice will remain in force even if a property changes ownership, and it will be registered as a statutory charge on the property. Therefore, new owners will bear the responsibility for compliance. A remedial notice will also include maintenance requirements to make sure that the problem does not occur again.

Of course, the parties that are involved in a complaint, the hedge owner and the complainant, may agree to carry out one-off works or long-term maintenance that is different from that specified in the remedial notice. In such cases, councils will have the power to relax the requirements of a remedial notice or to withdraw it altogether. However, if the work specified in a remedial notice is not carried out, the council may take legal action, and continued failure to carry out the required remedial work may result in fines being imposed by a Magistrate's Court.

If the owner or occupier of the land has failed to comply with the remedial notice, councils will be



given the power to enter the land where the hedge is situated and carry out the work specified. Councils will be able to recover the cost of that work from the hedge owner, and any unpaid expenses will be registered as a statutory charge on the property. The complainant and hedge owner will have the right to appeal against the issue or non-issue of a remedial notice and against the relaxation of its requirements. In order to help them to make a decision on an appeal, officials will consider the case files and will have the same powers of entry to affected properties as council officials.

Following an appeal, a remedial notice may be issued, withdrawn, or some of its requirements may be relaxed. Under the draft Bill, councils will have discretionary powers to levy fees for complaints, which will allow them to recover their costs and help prevent malicious complaints. However, it is right that councils should have discretion not to levy a fee and to take account of individual circumstances, such as when complainants are disadvantaged financially. The option to consider individual circumstances when setting fees and the limit to the level of any such fees may be put in place through secondary legislation.

The draft Bill on which I am seeking views closely mirrors provisions that have been in place in England and Wales for some years and should be equally effective in Northern Ireland. My hope is that, through the introduction of the legislation, neighbours will be encouraged to reach an amicable solution rather than resorting to formal complaints.

I am very pleased to have issued the draft Bill for consultation. I am encouraged by the fact that my Department has already received responses from members of the public who welcome the proposals and are supportive of the draft Bill. The consultation period will run until 1 March. The consultation may be viewed and downloaded from the DOE website.

I urge everyone with an interest to write to my Department with their views. All responses will be considered very carefully before the Bill is finalised.

**The Chairperson of the Committee for the Environment (Mrs D Kelly):** The Committee welcomes the Minister's proposals, but legislation on high hedges has been in demand for a long time. The consultation is a case of *déjà vu*, because there was a consultation in 2007, when Arlene Foster was Minister of the Environment. Unfortunately, the legislation was not progressed at that stage. Therefore, I welcome Minister Poots's commitment to seeing the legislation through, and the Committee will want to expedite it as quickly as possible.

Will the Minister tell us why it has taken so long to reach this stage, especially considering the fact that there has already been consultation on the issue and there is comparable legislation in other regions to draw

on? In fact, it has been four or five years since his Department first identified it as an issue of widespread concern. Furthermore, will the Minister and his Department be issuing guidance to local authorities in relation to the levy charges? We would like all councils to adopt a uniform approach.

**The Minister of the Environment:** I cannot speak for previous Ministers' priorities, but, when I came into office, a number of people identified the issue to me, and there was quite a caseload of correspondence. So, I decided to do something about it. Therefore, it is something that I want to deal with, and I want it dealt with before the new councils are in place in 2011.

We will look at the uniformity of prices and the charges that councils may impose, and we will encourage keeping costs to an absolute minimum, so that people will not be put off making a complaint due to cost. However, we should warn the public that the legislation will not be a means of bringing grievances against neighbours, and, if a council identifies that people are complaining purely out of a grievance, they will not benefit in any way, shape or kind. The complaint must be genuine, in that a household is being affected by loss of light, and it must be made for people's benefit and not be due to people's maliciousness.

**Mr Weir:** I thank the Minister for the excellent statement. It is the opportunity to solve a problem that has been an irritant for many people.

First, given the fact that legislation has been in place in England and Wales, has the Department taken advantage of its implementation there to ensure that what is put in place in Northern Ireland is fit for purpose? Secondly, as regards fees, I note from the Minister's statement that there is the opportunity — rightly so — to take a complainant's financial circumstances into account in a case. Will any consideration be given to the opportunity to vary the level of fees and charges for persistent malicious complaints to act as a deterrent to people who, as the Minister has described, seek simply to use the legislation to operate a grievance against their neighbour without just cause?

**The Minister of the Environment:** A council is certainly duty-bound to investigate an initial complaint. If it were found to be a grievance, rather than a genuine complaint, and persistent complaints were made by an individual, the council would be within its liberty to ignore subsequent complaints, having properly investigated the matter in the first instance. Therefore, I do not envisage that that should necessarily give rise to problems.

As regards the ability to waive fees for complainants, each council can adopt its own policy on the matter. However, it would focus largely on people

who are caused hardship as a consequence of having to pay those fees.

**Mr Boylan:** Go raibh maith agat, a Cheann Comhairle. In some cases, indigenous species of trees cause problems, especially when they back onto social housing developments. Is there any scope in the draft Bill to address that issue? The Minister mentioned fast-growing species. Does the draft Bill include indigenous species?

**The Minister of the Environment:** I blame all of it on south Down because the Castlewella Gold, which is a species of the Leyland cypress, originated from a tree in the Castlewella estate arboretum in Northern Ireland. It is certainly one of the major causes of problems in urban settings.

Seriously, the draft legislation does not look at individual trees nor, indeed, native species of trees as such. Certain semi-evergreen trees are indigenous species. The draft Bill looks at instances when those trees are planted as hedges and cause problems. Therefore, individual trees are not the issue, and the draft legislation does not cover them. The issue is when someone plants a bank of trees that grows for a period of time and causes problems for neighbours in their home. Therefore, the matter is not about individual trees but about trees that are planted as hedging, as opposed to hedges being planted.

**Mr K Robinson:** I certainly welcome the Minister's statement. The draft legislation is long overdue. As someone who has raised the issue with, I believe, five previous Environment Ministers, I am delighted that, at last, there is movement on the issue. I cannot understand the reason for delay, given the fact that legislation is in place across the water.

I am somewhat disappointed that the draft Bill will not include the impact of roots. High hedges cause visible damage above ground. However, damage that is caused below ground, which can be equally devastating for owners of adjacent homes, cannot be seen.

The Sinn Féin Member raised a point about indigenous trees.

**Mr Speaker:** The Member must ask a question.

**Mr K Robinson:** I am coming to my question, Mr Speaker, which is about indigenous trees. Will the Minister also look at beech hedges, which are not evergreen or semi-evergreen but are quite widespread and tend to hold on to their leaves? Will he also look at the eucalyptus species, which is a more exotic visitor to our shores? It is another species that might cause problems in the future.

**The Minister of the Environment:** I thank the Member for his question. He has the grey hair to prove that he has sought the legislation from five previous Ministers. The draft Bill does not look at any particular

species of tree or hedge; it looks at evergreen and semi-evergreen varieties. Beech is slightly brown as opposed to green. Nonetheless, beech trees are always covered. The matter is not about leaves blowing into people's gardens; it is about the light to their homes being blocked.

We are not dealing with roots or leaves; we are dealing with light. Let me be clear about that. If the roots of an individual's trees are growing and damaging the sewerage system or lifting the driveway of his or her neighbour, there is a mechanism in place through which action can be taken through the civil courts. The aim of the draft Bill is to deal with the loss of light caused by trees, an issue for which there is no recourse.

11.00 am

**Mr Lunn:** I welcome the Minister's statement, as have other Members who have spoken. The issue must be one of the most contentious that we are faced with on a day-to-day basis. I am afraid that I also want to mention roots. If a hedge is cut down, it is probable that the root growth will be stimulated. That root growth can have a serious effect on the garden adjacent, without damaging the sewerage system, water pipes or foundations. It can restrict the ability of people to grow vegetation on their side of the hedge. Does the Minister intend to look at the situation in respect of roots when he is dealing with this necessary legislation?

**The Minister of the Environment:** We do not intend to consider that issue. However, we await the consultation process, and should the subject be raised regularly, we will look at whether it can be addressed. At this time, it is not our intention to deal with roots.

**Mr Ross:** I also welcome the statement, and I join those in the Chamber and those across the country who have been blighted with hedge-related problems for many years. In his statement, the Minister said that, in the first instance, individuals should try to resolve the situation with neighbours through discussions. First, many people, particularly elderly individuals, might feel anxious about approaching neighbours. What advice will the Minister give to those individuals? Secondly, what evidence is required to show that an individual has tried to resolve the situation through discussion with his or her neighbour? Thirdly, will members of the public be able to contact and seek advice and guidance from their local councils before going down the route of making a complaint?

**The Minister of the Environment:** The Member's latter point is important. In the first instance, individuals should be able to contact the councils for advice, as that will be of great benefit to them. If individuals feel that they cannot verbally contact someone, because it causes them anxiety, they can do so in writing. In most instances, individuals will

approach their neighbours on a one-to-one basis and have a conversation. They can take a note of that conversation and record the time and date at which it took place. If the neighbour refuses to co-operate, the complainant can go to his or her council and state that the neighbour will not co-operate on the issue and that it is causing considerable hardship as a consequence, and the council will step in and deal with the matter.

**Mr McKay:** Go raibh maith agat, a Cheann Comhairle. To what extent will the draft Bill be retrospective? If a hedge or tree line, for instance, at a person's house has been well established for many years and a new home is built next door to his or her property, can the person who moves in next door make a complaint retrospectively?

**The Minister of the Environment:** I believe that that would be the case. The pertinent issue is whether the hedges are affecting people's light, particularly the light to the rear of a dwelling. If that is the case, people have the power to act. The draft Bill states that an individual has the right to have a hedge within an urban setting and that it can be considerably higher than 2 m if it is not affecting someone's light. If the hedge is affecting someone's light, the councils will have the power to request the owner to reduce the height of the hedge to 2 m. If people refuse to abide by such a request, the Magistrate's Court will have the power to deal with the issue.

**Mr I McCrea:** I welcome the Minister's statement. The draft Bill is, no doubt, a move in the right direction. I welcome the Minister's desire to bring legislation forward as quickly as possible. The Minister's statement referred to the power that is being given to councils. What discussions has the Minister held with the local government sector, be that with the Northern Ireland Local Government Association (NILGA) or directly with local councils? Will the Minister give more detail on the role that the councils will have, because, as he rightly said, councils cannot be mediators in situations that arise from what are often neighbour disputes.

**The Minister of the Environment:** A scoping exercise carried out in 2005 received 641 responses. I have received requests from a number of councils to take action on the issue. I raised the matter at the Strategic Leadership Board, on which NILGA is represented, when I said that it was my intention to do so. It was widely welcomed by the Strategic Leadership Board, including its NILGA members. I have no doubt that councils will welcome the new power when it is introduced, because councillors, as public representatives, are aware that high hedges cause a problem for many in their constituencies and that the problem cannot currently be dealt with. Therefore, the introduction of enabling powers to deal

with the matter effectively is widely welcomed by local authorities.

**Mr Dallat:** I welcome the Minister's statement. Whatever happened in the past, the present Minister has brought the issue to the Floor. Although it may not excite the palates of those who live in their haciendas with their ha-has at the bottom of their lawns to guarantee them views of the countryside, it affects a lot of people in more urban areas. It is a particular problem for people living in housing estates. Has the Minister given any thought to looking at reserved matters and planning so that the problem does not arise in the first place and so that we do not have to clip it?

**The Minister of the Environment:** I am not aware of the ha-ha tree, and I am not sure that the legislation will cover that species. We have no intention to change the planning legislation. There are no planning laws that could be implemented whereby individuals could be banned from planting a particular species. In essence, the difficulty is not with the species: it is with the management of the species. If someone plants a fast-growing species, then he or she must be prepared to get the hedge clippers out annually and work on that species, otherwise it will quickly get out of control. We are not in the business of dictating what people can or cannot plant in their gardens. When it has an impact on their neighbours, however, we are in the business of ensuring that they will not inhibit the quality of life of others.

**Mr Shannon:** I thank the Minister for his statement. I do not, for one second, diminish the legislation. It is a bread-and-butter issue, and people in the street say that it makes a difference to them. I am pleased that we are able to look at the issue, and I thank the Minister for that.

I am intrigued by the Minister's statement. He referred to Mr and Mrs Black. I know a lot of people who go by the name of Mr and Mrs Black. Did the same Mr and Mrs Black who contacted me contact him? Dozens of people in my constituency want to see this legislative change.

**Mr Speaker:** Your question, please.

**Mr Shannon:** My question relates to local councils. Has finance been set aside for local councils to administer the proposals in the high hedges legislation? The Minister referred to the appeals process in his statement, and I am intrigued to see whether it will be independent and whether councils or other people will look after it. The Minister did not mention the height of hedges in his statement. Is it 6 ft, and if it is 6 ft —

**A Member:** It is 2 m.

**Mr Shannon:** Sorry, I must have missed that. I wanted to make sure about the height, as it is similar to the planning legislation.

**Mr Speaker:** Will you come to your question?

**Mr Shannon:** I have asked a myriad of questions. I welcome the legislative change before us.

**The Minister of the Environment:** The hedge should be no more than 2 m high, which is 6 ft 6 in. Most of us are not much taller than 6 ft, and our eye line would be slightly below that. Two metres is a reasonable height for maintaining privacy, unless a giant lives next door.

The appeals process would be dealt with at officer level in councils. Individuals who wish to appeal would go through their local council and deal with a council officer of considerable rank to ensure that the process is carried out properly and fully.

**Mr Craig:** I also warmly welcome both the proposed introduction of the legislation and the Minister's input to it. Unfortunately, I have dealt with several constituency problems in which not only the height of hedges are inappropriate and causing difficulties, but where they have been planted on blind corners in housing estates and have grown well in excess of the 2 m that the Minister suggested. Therefore, not only are the hedges blocking light but they are causing sight line problems. Will the Minister assure the House that he will consider that issue? A maximum height of 2 m may be inappropriate in such cases, and no legislation covers a reduction of hedge height to improve sight line around corners.

**The Minister of the Environment:** I am interested in what the Member said, and I will seek to clarify that matter. I would have thought that Roads Service would be able to act against individuals who have planted anything that would block a sight line. However, the Department will seek clarity from Roads Service on the existing legislation, and if the issue that the Member highlighted is not covered, Roads Service will consider whether it can be addressed through the proposed Bill.

**Mr B Wilson:** I also welcome the proposed legislation. I particularly welcome the Minister's enthusiasm for it, because previous Ministers have not shown the same determination in the past.

Under the English system, someone who wants a high hedge to be investigated must pay a fee of around £500 or more, and there is some indication that people have been deterred from complaining as a result of that fee. The Minister also discussed the appeals mechanism and stated that the appropriate council will consider appeals. In the UK legislation, provision is made to allow an appeal to the relevant Secretary of State. Will that mechanism be in the proposed Bill?

**The Minister of the Environment:** I have enough problems without considering appeals on whether a hedge should be allowed to remain at 3 m or 4 m or

reduced to 2 m. The Department will consider all that, and the Magistrate's Court can always deal with cases in which people do not wish to co-operate with councils.

The Department will work closely with local authorities to set a non-prohibitive cost for those who wish to have a high hedge investigated. The figure that the Member quoted is higher than anyone should pay, and the Department will seek to introduce a considerably lower fee in Northern Ireland.



## EXECUTIVE COMMITTEE BUSINESS

### Pensions Regulator Tribunal (Transfer of Functions) Bill

#### Final Stage

#### **The Minister for Social Development (Ms Ritchie):** I beg to move

That the Pensions Regulator Tribunal (Transfer of Functions) Bill [NIA 4/09] do now pass.

As I said in earlier debates, the Bill is a strict parity measure to effect the transfer of the Pensions Regulator Tribunal's functions in respect of Northern Ireland to the new Tribunals Service simultaneously with Britain. The Bill makes provisions that correspond to those in the transfer Order that relates to England, Scotland and Wales and that was approved at Westminster on 5 January 2010. The Bill also includes amendments to primary legislation, consequential on the transfer of function, and re-enacts existing provisions that relate to offences where, for example, a person fails to produce documents to the new tribunals. It also includes the provision to allow the Department to make consequential or incidental amendments to subordinate legislation by way of an Order, subject to the confirmatory procedure. The Bill makes transitional provision to ensure a smooth transfer of any cases that are under way at the date of transfer, for example, allowing them to continue under the new structure.

The provisions of the Bill ensure that, in transferring the functions of the Pensions Regulator Tribunal to the new Tribunals Service structure, the right to a fair and independent appeal is maintained for people in Northern Ireland. We all agree that it is important that people here continue to have a right of appeal to an independent appeal tribunal in relation to determinations of the Pensions Regulator, not least to ensure compatibility with article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

11.15 am

I thank the Chairman and Committee for Social Development, and Members in general, for their support in progressing the Bill.

**The Chairperson of the Committee for Social Development (Mr Hamilton):** I apologise for being a little late for the start of the debate. I am sure that the Minister has accurately summarised the key points of the Pensions Regulator Tribunal (Transfer of Functions) Bill, and I do not propose to repeat the points that she made. In brief, as the House is aware, the Pensions Regulator Tribunal is an independent appeal tribunal that was established under the Pensions Act 2004, and

which hears appeals against determinations of the Pensions Regulator.

The Pensions Regulator Tribunal provides enhanced transparency and accountability in respect of the functions of the Pensions Regulator. It also, crucially, provides some opportunity for redress when the determinations of the Pensions Regulator are challenged.

Although the UK has many work-based pension schemes, the services of the Pensions Regulator Tribunal have not been used excessively since its inception. Indeed, it is understood that, of the eight appeals to the Pensions Regulator Tribunal made throughout the UK since 2004, only one has proceeded to consideration by the tribunal itself. It is understood that none of those eight appeals were related to work-based pension schemes here in Northern Ireland. Despite that, the presence of the tribunal, and its remit in respect of the whole of the UK, is an essential part of the regulatory regime, which maintains confidence in the occupational pensions system.

The Department has brought forward the Bill to effect the desired transfer of functions in Northern Ireland from the Pensions Regulator Tribunal to the First-tier Tribunal and the Upper Tribunal of the Tribunals Service. The Committee is satisfied that the Bill will have a minimal impact on the services that are provided by the Pensions Regulator Tribunal in Northern Ireland, and that the Bill will continue the long-standing principle of parity between Northern Ireland and the rest of the UK on pensions matters.

In conclusion, I am happy to advise that, as the Bill will lead to no detriment for the people of Northern Ireland, the Committee for Social Development commends the Pensions Regulator Tribunal (Transfer of Functions) Bill to the House, and recommends that the Bill do now pass.

**Mr Brady:** Go raibh maith agat, a Cheann Comhairle. As has been stated by the Minister and Mr Hamilton, the provisions of the Bill merely give effect to the transfer of functions of the Pensions Regulator Tribunal to the new Tribunals Service structure, which is in line with England, Scotland and Wales. The provisions are purely technical in nature, and will effect the transfer of functions so that people here continue to have rights of appeal to an independent tribunal. That is important. As has been stated, to date no appeals from the North have gone to the Pensions Regulator Tribunal, so I support the Bill.

**Ms Lo:** I support the Bill. Even though it has rarely happened here, it is important that people in Northern Ireland keep parity with the rest of the UK in continuing to have the right of appeal to an independent tribunal.

**The Minister for Social Development:** I thank the Chairperson of the Committee for Social Development,



Mr Brady and Ms Lo for their contributions to the debate. We all agree that it is important that a right of appeal against decisions of the Pensions Regulator is safeguarded for people in Northern Ireland, and that is precisely what the Bill does. Although the Bill is somewhat technical, it is nonetheless an important piece of legislation.

I hope that I have responded satisfactorily to all the points that have been raised by the three Members who spoke. I am grateful to the Committee for Social Development and to Members for their positive contribution to the progress of the Bill and for the level of consensus that the Bill has enjoyed right across the Floor. I am pleased to commend the Bill to the Assembly.

*Question put and agreed to.*

*Resolved:*

That the Pensions Regulator Tribunal (Transfer of Functions) Bill [NIA 4/09] do now pass.

## PRIVATE MEMBERS' BUSINESS

### Warm Homes Scheme

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

**Mr Hamilton:** I beg to move

That this Assembly recognises the valuable contribution of the warm homes scheme, since its inception, in improving the energy and fuel efficiency of thousands of homes, and in tackling fuel poverty in Northern Ireland; welcomes the allocation of over £20 million to the scheme in this financial year; notes with concern the low levels of heating installations this year to date; and calls on the Minister for Social Development to examine the progress of the scheme and to review the eligibility criteria with a view to making them more flexible in respect of heating replacements while still focusing on people most in need.

Members are well aware of the particular problems that fuel poverty poses for people in Northern Ireland, and the matter has been debated umpteen times in the House. Historically at least, the warm homes scheme has been an effective and successful scheme in tackling fuel poverty. I think that I am contractually obliged to say that the warm homes scheme was introduced in the early part of the previous decade by DUP Ministers for Social Development, and, after making that obvious party political plug, I will move to the seriousness of the problem.

The warm homes scheme has been the number one weapon of the Department for Social Development against fuel poverty, and it has been very effective. Since the inception of the scheme in 2001, some 70,000 insulation and heating interventions have been made, so it has been a significant contributor in the war against fuel poverty and the fight for better fuel and energy efficiency in many homes. Such has been the importance of the scheme that, this year, the Minister has ring-fenced £20.5 million of her budget for the warm homes scheme. That highlights the importance of the scheme, and other areas have had to suffer because that money has been ring-fenced. I will return to the point about the budget later, which underscores the scheme's importance to the Department, and all Members will support that point.

In my own limited way, I have tried to support and help scheme operators to highlight the scheme. I have every confidence in their ability to deliver the scheme, and I give full support to them. However, my doubts are that the criteria in the scheme do not allow them to do the job as effectively as they could. It gives me no pleasure to say that, particularly in the area of heating, the warm homes scheme is not working as effectively as it could.

There is ample evidence to support that claim. Answers to Assembly questions that were put by me and other Members show that, in the first eight months of the current financial year, only £2.3 million of the £20 million budget has been spent on all types of interventions. Therefore, it is difficult to see how the whole budget could be expended or how the Department's stated target of 10,000 interventions will be achieved. Indeed, in response to me and other Members, the Department has said that there is some divergence over that target of 10,000 interventions. Only last week, the scheme operators told the Committee for Social Development that their target is 9,000 interventions.

The Committee has received regular correspondence from an energy company that shows that it believes that the scheme is not working in respect of heating. One operator has had 60 gas meters requested out of a total of over 100 referrals, and 19 gas meters have been requested from another operator from a total of 63 referrals. National Energy Action, which is a key group on the issue of fuel poverty, came to the Committee at a stakeholder event that we held last year and told members of its concerns, particularly on how the heating element of the scheme was operating or not operating.

It is clear from the paper that the scheme operators presented to the Committee for Social Development last week that only 6% of their work to date has involved any type of heating intervention. They have had 162 heating interventions so far, against a contractual target for the current financial year of 750. According to the figures that H&A Mechanical Services and the Northern Ireland Energy Agency, which jointly operate the scheme, presented to the Committee for Social Development, they have installed only 162 heating interventions since they took on the scheme in July 2009.

It is clear from all that evidence that the scheme is falling far short of what is expected and what is acceptable. Given that only £2.3 million has been spent out of a £20 million budget, it appears that there is no chance of getting all that money spent in the limited time that is left in the financial year.

Underspends can sometimes be understandable; however, that underspend is not acceptable because it means that not as many people as envisaged will get the help that they desperately need. It also begs the question that if that expenditure was ring-fenced, what about the areas from which it was taken? Lots of other voices, not necessarily in the Chamber, will be screaming at the end of the financial year if money is handed back that could have been spent on other heating and energy efficiency interventions; across Housing Executive stock, for example.

I consider the heating element of the scheme as being most important, because it had accounted for about one third of interventions. Although insulation is essential and important, people are literally burning money if they have a broken, busted or totally inefficient heating system. Money is just being wasted. The importance of a sound heating system cannot be overstated.

We also have to ask whether, in the new contract, the heating aspect of the scheme was always set up to fail. The target for the operators has been to increase energy efficiency in homes by 15%. Although that is a significant improvement, it can be achieved in most instances by improving insulation. Therefore, there is no incentive to deliver better heating systems too.

As we face the coldest winter for 30 years, it would be criminal if a significant chunk of money was underspent this year when there are so many opportunities to intervene and to have better heating systems in houses in all parts of the community across Northern Ireland. The question then has to be: what can be done? It is no good coming to the House and complaining that something is wrong and, like that age-old cry on radio phone-in shows, that something must be done. We need to offer a viable way forward.

First and foremost, the Department should look at changing the eligibility criteria. Flexibility needs to be shown. One can be critical, but it is not a case of the old contract versus the new one, because they are different contracts. However, there is a flaw in the current contract, and the criteria need to be amended so that assistance can get to those who need it. At present, heating-intervention prioritisation is for only coal, LPG or Economy 7 properties. There is no provision for the replacement, or repair, of broken, or inefficient, oil or gas systems. Only coal, LPG or Economy 7 systems meet the criteria, and they will be replaced. That narrows the field too tightly for the scheme to be as effective as we would like it to be.

We have to ask whether it is right that people in homes with broken or wasteful heating systems cannot apply for assistance. Such people sometimes qualify under the benefits criteria, but do not get the intervention that they need because they do not have the right heating system. It is not right that operators have to walk out of properties in which people have broken heating systems and not do anything: I know that that is the case. They can pump a whole house with white beads and insulate lofts to the nth degree, but they cannot fix a heating system because the criteria do not allow them to do so. That is not right.

Flexibility needs to be shown with the criteria. I understand that there is scope within the contract for that flexibility. However, if that scope is not there, and nothing can be done, we have to seriously question the

validity of the original contract, and how good and tight it was in the first place. If the criteria are not altered, the problem will persist, because those who fit the criteria have always been small in number. During the eight-year lifetime of the old contract, only 1,376 conversions were made from coal, LPG or Economy 7. That is a very small, tight number of people. First and foremost, therefore, the eligibility criteria need to be examined, reviewed and, hopefully, amended to allow more people to get the interventions that they require.

Clearly, there is a need for marketing by the scheme operators. I know that they have been trying hard, and it was understandably slow for them to start because the contract is new. They had a lot of infrastructure to put in place to get going. There is also an onus on us and other community representatives to get on board with the operators to promote the scheme in our areas. I know that many Members have already been doing that.

I hope that the Minister and the Department do not see this as some sort of attack on them, individually or collectively. What the Committee and other Members have identified is a problem, and we want to see it resolved.

11.30 am

There has been criticism, which led to changes in the contract and in the overall scheme, resulting from a PAC report and an Audit Office report. We all fear that type of report, but we must be mindful that the PAC and the Audit Office do not run this country; the Assembly does. If we want to see changes, we should make them. There is a real requirement for changes to be made. If there is a fear of change because of the possibility of a PAC report, we have to say that the level of failure that we see in respect of heating interventions will only elicit a further PAC report.

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

**Mr Hamilton:** I urge the Assembly to support this reasonable call for change in the eligibility criteria, so that people in Northern Ireland who suffer from fuel poverty can get the help that they require.

**Mr Brady:** Go raibh maith agat, a Cheann Comhairle. I support the motion. For many in our community, the warm homes scheme has been a lifeline that ensures that the home is heated to a standard that protects them and their families from the cold. It offers help to those who live in poorly insulated homes and gives a degree of hope to those most in need, as they know that there is someone who will assist them to get over cold periods that would otherwise have a serious impact on their health.

I was concerned to learn that the scheme was to be given to two separate contractors, and I thought that that would have a detrimental effect on the smooth

delivery of the scheme. The jury is still out on that. I also have serious concerns about the way the Department handled the changeover from the old contract to the new. The delay had major impacts on those waiting for applications to be processed, and any review of how the new scheme is progressing must also include the way the Department managed that changeover. We are also concerned about changes in the criteria, which, we fear, will deny help to people who were previously eligible for the scheme, and we find that our concerns are well founded because of the changes in criteria. They have left some people, literally, out in the cold.

I contacted representatives from one of the community enterprises that now have the contract to deliver warm homes. They said that they were concerned that a high percentage of those who had applied would not now be eligible because of the changes in criteria. We were told at the time that there would be no impact on those who had already applied to the scheme for assistance, but that has not been the case. I am concerned that many of those who would previously have qualified for the scheme live in conditions that impact adversely on their health. They have been refused assistance because they are no longer eligible. That must be addressed by the Minister.

At last week's meeting of the Committee for Social Development, we had a presentation from the two groups that won the tender to deliver the warm homes scheme. I am familiar with the work of Bryson Charitable Group, which has an excellent record in community endeavours. Both contractors delivered excellent presentations, during which they supplied figures that caused the Committee great concern. I wish both contractors well in their delivery of the scheme.

The contractors stated that, of the 22,537 people who have applied to join the scheme, only 6,885 were successful. Some 5,062 applicants were referred from the old scheme to the new. They were contacted by the new contractors, and 2,618 of them were registered for the new scheme. Only 1,757 applicants were eligible, and, to date, only 375 dwellings have been helped. That raises serious questions about the way the Department delayed the scheme and casts no reflection on the enterprises that have to deliver the scheme. The Minister must tell us why that has taken place and whether the £20 million available to run the scheme will be spent. If it is not spent, will it be lost to the scheme for next year? She must also explain to those who no longer qualify for the scheme why the criteria have been changed and why they cannot have their cold homes treated.

I appeal to the Minister, at this late stage, to review the changes and reverse her decision. That would ensure that people now living in cold homes will have the required work completed. I ask her to initiate a review of how this has been handled by the Department.

Furthermore, any review should consider the introduction of a boiler scrappage scheme, such as that introduced in England from 18 January. Some research must be done into how effective that would be in the North: that would have to be carried out quickly. I ask the Minister to ensure that that is done. This scheme has the potential to help vulnerable households in fuel poverty.

**Mr Elliott:** I thank the Members who tabled this important motion. The warm homes scheme is important to every constituency but particularly my constituency of Fermanagh and South Tyrone, which is one of the areas that have benefited most from it. I place on record my appreciation of the scheme, because it has done significant good and has been of great value to many homes throughout the Province. It is and has been a valuable scheme. However, I am concerned that some people are not reaping all its benefits at the moment.

Mr Hamilton and Mr Brady gave us quite a lot of statistics, so I will not go over those. However, it is evident that the scheme has the potential to do a lot more good work in society. For Members who are not overly aware of the scheme, I will highlight some of the good work that it has done. I know senior citizens and vulnerable people who did not have the opportunity to enjoy a warm home — that is the reality — until the scheme was implemented.

The scheme has been littered with problems, such as the fitting and maintenance of heating systems, but those were the fault of the contractors who fitted the systems, rather than the scheme. Therefore, some work remains to be done there.

I am particularly concerned about the change to the scheme's criteria that was introduced last summer, because certain households cannot now avail themselves of a heating upgrade. Heating upgrades are one of the scheme's big benefits, and I am assuming that there was a big uptake of that. Heating upgrades are vital if we are to reduce energy usage and ensure that we keep emissions as low as possible. Many old boilers and heating systems are inefficient. Given the money that is available, I would have thought that it would have been possible to continue the upgrades that were applied for before the old scheme was closed last summer. Will the Minister elaborate on why that is not possible and whether it will be possible to look again at that issue at some stage? That is important.

Mr Brady mentioned the boiler scrappage scheme. I received a letter from the Minister on that issue this morning, and she calls the scheme the "boiler replacement scheme", which is a much better term for it. I am keen for that scheme to be progressed in Northern Ireland as quickly as possible. The Minister has indicated that that will not be possible unless it is based on the model that the UK Government use, but

she does not feel that that is totally appropriate because she wants the scheme to be directed at the most vulnerable people, and I agree with that. However, surely there is a mechanism whereby we can transpose the legislation and make some minor amendments to it, thereby allowing the scheme to be put in place quickly in Northern Ireland. That would alleviate some of the problems and difficulties that we face in trying not only to meet targets but to ensure that people get the best benefits from the entire scheme.

**Mr Burns:** I welcome the opportunity to speak on the topic. If I had to give 100% support to one Government initiative, it would be the warm homes scheme. That has been a great success and has made a big difference to the quality of many people's lives. It is good that the DUP motion recognises the value and contribution of the scheme in tackling fuel poverty. I welcome Simon Hamilton's recognition of the great benefits of the warm homes scheme.

I am greatly saddened by the fact that, during the recent cold weather, families and pensioners were freezing in their homes because they were too frightened to switch on the heating for fear of getting big bills in a few weeks' time. We have done our best to help pensioners. They have their winter fuel payment, which is between £250 and £400, and some people have been able to benefit from three additional cold weather payments of £25. Although that money helps people get through the winter, week by week, it neither lowers their bills in the long run nor improves the quality of their housing. The warm homes scheme, however, makes a real difference in that regard. To date, around £120 million has been spent on improving more than 70,000 homes. I am sure that everyone in the House will agree that it is a very good scheme, and we offer our congratulations and highest praise to everyone involved in it.

Since it started in 2001, the warm homes scheme has been a great success. I commend the Minister for allocating a further £20 million to the scheme in the current financial year. That money will go a long way to eliminating fuel poverty. If the Minister's Department were not so badly underfunded, I am sure that she would want to contribute more money to the programme. Every Member is aware of the lack of money available to DSD and of the reason for that funding shortfall. Therefore, I will not dwell on the issue.

**Mr Hamilton:** The Member highlighted the budgetary problems that the Minister faces, and I think that we would all acknowledge that the Minister, in common with most Executive Ministers, could spend much more money than she has. However, does he accept that £20 million has been ring-fenced in the Budget for the warm homes scheme and that, according to figures presented to the Committee for Social Development, the scheme will not expend all that money this year?



Therefore, the argument around the warm homes scheme is not one of resources.

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

**Mr Burns:** That £20 million has been ring-fenced to protect the vulnerable through the warm homes scheme.

I share Members' concerns about the number of new heating systems that have been installed this year. However, I am sure that we are still on course to meet the long-term targets that have been set. As I said, we all know that money is limited, and, therefore, most Members will agree that we should target what resources we have at people on low incomes, people with no central heating and people who have only coal fires. Although we recognise the importance of conducting repairs and upgrades, people without central heating are very cold, and identifying inefficient heating systems should be a priority.

It is worth noting that the insulation of new heating systems is one aspect only of the warm homes scheme. Insulation is very important; however, there is no point in insulating the roof space and walls of a house if the heating system is very inefficient. Neither is there any point in having a state-of-the-art heating system but no insulation, because the heat will go out through the roof. In an ideal world, we would like to see good insulation and heating systems in all houses. If that could be done, we would make giant strides towards eliminating fuel poverty. That is the SDLP's aim, one that I am sure all Members share.

**Ms Lo:** I thank the Members who tabled what is a very timely motion, given that concerns have arisen over the new eligibility criteria for the warm homes scheme and the possibility of there being a big underspend.

The warm homes scheme is a very worthwhile Government initiative, and, since its introduction in 2001, more than £180 million has been spent on improvements to more than 71,000 homes. In Northern Ireland, people are more likely than those in Great Britain to live in fuel poverty because of the lower average income and the higher cost of energy. The most recent figure on fuel poverty in Northern Ireland dates from 2006 and shows that 34% of households live in fuel poverty. Estimates for early 2009 suggest that that figure may have increased to 44% because of the economic downturn.

*11.45 am*

Following a recent review, the scheme now targets dwellings with no central heating, solid fuel central heating or Economy 7 central heating. The Social Development Committee recently met the two new scheme operators, who took over last July. The operators have been given a £20.5 million budget for 2009-2010 to achieve a target of 9,000 energy efficiency interventions. Of the 22,000 applicants for

the new scheme, only 7,000 were successful. Work on around one third of the homes of successful applicants is complete, but work on the rest is still in progress. It appears that the potential for underspend is great. If so, the criteria could be revised to include people who have oil or gas systems that are old and inefficient. The cost of replacing an old oil or gas system can be up to £5,000, which is surely too much for many people. However, people with any type of oil or gas system are automatically disqualified from receiving a new heating system, regardless of how inefficient or old their current system may be.

If there is money about, the scheme could be widened to aid people with boiler repairs. During the recent spell of cold weather, many people suffered from boiler breakdowns. Unless people have insurance or savings, repairing their boiler can be very expensive. The call-out charge alone can be as high as £40 or £50. The boiler scrappage scheme in England, which was mentioned by others, could be extended to Northern Ireland. Under that scheme, people receive £400 towards the cost of replacing their current old and inefficient boilers with high-efficiency A-rated or renewable technology boilers. That assists with reducing the cost of heating. In England, many energy companies have pledged to match the £400 from the scheme, which will be of much benefit.

In December, constituents made enquiries at my office because their boiler had broken down during the spell of cold weather. Those people did not have insurance and, therefore, could not afford the necessary repairs. Under the current scheme, they did not qualify for any assistance. If there is money in the pot, is it not a pity that those people cannot be helped?

I fully support the motion and call on the Minister to monitor the progress of the scheme and to be more flexible with the eligibility criteria so that we can help to lift as many people as possible out of fuel poverty.

**Mr Easton:** If I were to characterise my contribution, I would say to the Minister for Social Development that the warm homes scheme has done much but there is much more to do. None of us would diminish the role of the warm homes scheme in making the daily lives of our people much better. Sadly, cases in which some of our most needy and vulnerable people were literally forced to make a choice between food and fuel are within recent memory. There have been cases in which people have burned necessary household furniture, such is their distress. In the most difficult case that I am aware of, a family in abject poverty burned a household door to heat their home. Therefore, let nobody doubt the critical nature of the warm homes scheme. The warm homes scheme should play the cardinal role in seeking to champion the needs of people in poverty. I propose that we maintain the warm

homes scheme, because it is the greatest tool that we have to address fuel poverty.

It is always vital to target limited resources, and our resources are finite. Although many people unfairly deride the achievements of our devolved democracy, they should recognise the substantial fact that some £20 million has been directed to the warm homes scheme in this financial year against a backdrop of the most strained economic circumstances that many of us have experienced in our lifetime.

As a critical friend of the warm homes scheme, I believe that we must constantly monitor and evaluate what is working and what we can do better. Where are the gaps in the service that we can target for positive change, while being mindful to protect the existing service? The Minister should address herself to the eligibility criteria. There is space to look towards heating replacements while affording protection to those who are most in need.

The reason for Northern Ireland's special circumstances can be set out with an adequate evidence base of support. We live in a typically colder climate than our counterparts in England and Wales, and our mean average temperature, as confirmed by the Met Office, is between 8.5°C and 9.5°C. In England, that figure is 8.5°C to 11°C, and it is 9.5°C to 10.5°C in Wales. Moreover, our population is widely dispersed and, therefore, is not enclosed in "heat islands" that allow for lower heating requirements.

Given Northern Ireland's reliance on home heating oil, we are at the mercy of fluctuating oil prices. Moreover, the gas industry is still at a stage of relative infancy; that compounds our vulnerability. We must not forget that, in any reasonable compare-and-contrast analysis, Northern Ireland has a generally lower income than other parts of the United Kingdom. If the Minister gets it right, health will improve. I do not need to explain the link between fuel poverty or cold homes and influenza, heart disease and stroke. Before anyone leaves with the false belief that the problem affects only the elderly, I point them to the Public Health Policy Centre's 2009 research, which shows that those health impacts occur across the lifespan and are not confined to senior citizens.

Credit is due on the issue of insulation. Between 1 April and 30 November 2009, 1,808 home insulations and 303 heating interventions were installed, at a cost of £2.3 million. Those developments will manifest themselves in warmer homes, real cost savings in hard-pressed times and environmental benefits. Can we work smarter and deliver more without hindering those who are most in need?

We note the Minister's answer in relation to the commitment to the Programme for Government, when she said that she hoped to address energy efficiencies

in all the homes in question as a result of the revised warm homes scheme. We need the action proposed in the motion because fuel poverty is occurring. People are living in cold, damp, thermally inefficient houses. We need to advance from a position in which people spend in excess of 10% of their household income on energy just to get adequate heat into their home.

We must protect the vulnerable. Although I said that the issue does not affect elderly people exclusively, three million pensioners in the United Kingdom are fuel-poor, and fuel poverty is the main cause of excess winter deaths. Given that this is the twenty-first century, we should collectively hang our heads in shame about that fact. The specific challenge that the Minister faces is to address the eligibility criteria for heating replacements with a view to increasing their flexibility. I support the motion.

**Mrs McGill:** Go raibh maith agat, a Cheann Comhairle. I support the motion.

The first part of the motion refers to the valuable contribution that the warm homes scheme has made and, according to other Members' contributions, is continuing to make. I commend the Minister and the Department for their work on the issue. However, as other Members said, the second part of the motion highlights the fact that the recently introduced criteria have created some problems. If that is the case — I may have heard somewhere that a review on those matters is under way — it is important to take the opportunity to make a case for what might be looked at in any forthcoming review and consultation. I repeat: the warm homes scheme is extremely valuable.

Alex Easton mentioned the connection between having a warm home and health. Professor Liddell of the University of Ulster has done a considerable amount of work on the issue and gave a briefing on it in Strabane some time ago. Evidence has been gathered in the past two years concerning the connection between having somewhere warm to live and health. Professor Liddell said:

"a lack of affordable warmth is a primary contributor to health inequalities."

The evidence supports Professor Liddell's view that the lack of somewhere warm to stay in which to rear a family will result in health inequalities. Professor Liddell outlined in some detail the situation in the Strabane District Council area. She said, "Baseline health is relatively poor". Further analysis of the situation revealed that there were a number of contributing factors. One, perhaps, is that two thirds of the Strabane District Council area is rural. In case I run out of time, I must acknowledge that DARD has made a substantial contribution towards alleviating fuel poverty in rural areas. I hope that I am right in saying that it has allowed for a top-up of funding from DSD.

That is an indication that when Departments work together there can be a positive outcome.

Health inequalities merit attention, especially if there is to be a review of the warm homes scheme. The motion asks the Minister for Social Development to make the scheme's eligibility criteria more flexible. I agree: if there is flexibility, we may be able to deliver the scheme in a better and more positive way.

A budget of £20 million has been ring-fenced for the warm homes scheme, but it would be unforgivable if some of that money went back to the Treasury and was not focused, as the motion asks, on those who are most in need. If a householder's heating system is not working and the person who has been sent to sort it out has to go away and leave it —

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

**Mrs McGill:** I hope that any review carried out by the Department for Social Development will consider all those matters.

**Mr G Robinson:** First and foremost, I thank the Minister for Social Development for her input on the warm homes scheme and Mr Morrow, from my party, who introduced the scheme in the previous Assembly. Many points have already been covered in the debate, but I want to stress to the Minister the number of complaints that I received in my office and at the events that were jointly organised by me and my East Londonderry colleagues, Mr Campbell and Mr McQuillan. The new scheme may allow for a wider range of applicants, but the problem lies in what is now available.

One of the main bones of contention is boiler replacement. When the news was announced that a boiler scrappage scheme was being implemented in England, my office phone was red-hot with questions about whether it applied here.

When we informed the callers that the scheme did not extend to Northern Ireland, we received an understandably angry reaction.

*12.00 noon*

I ask the Minister to examine the qualifying criteria and what is available under the scheme to ensure that those who need help most will receive maximum benefit, particularly after the very cold winter that we have had so far. The scheme must also include boiler replacement, as that is one area in which major improvement is required.

I appreciate that there are many demands on the Minister's budget, but I urge her to look at those two specific areas. I want to see the people whose needs are greatest becoming the greatest beneficiaries. I would like to think that the Minister will spend the £20

million available to her to rectify the situation, because it is essential that she does so.

**Mr Armstrong:** I thank the Member for proposing the motion. Although the primary focus of the motion is the warm homes scheme, it broadly seeks to address the problem of fuel poverty in Northern Ireland. The Northern Ireland fuel poverty strategy has set an ambitious target for the eradication of fuel poverty in vulnerable households by 2010 and in non-vulnerable households by 2016. Unfortunately, the reality is that the Department for Social Development and its partners in the Executive will fail to meet the first target and, at the current rate, are likely to miss the 2016 target also.

Northern Ireland has a much higher rate of fuel poverty than the rest of the United Kingdom; therefore, tackling fuel poverty must be one of the top priorities of the Executive. Although the debate is primarily about energy efficiency, in recent times the dominant factors contributing to the rise in fuel poverty have been ever-increasing fuel costs and the recession. Therefore, it is obvious that, although improving energy efficiency will help mitigate the effects of fuel poverty, it will not solve the problem.

It is crucial that all Departments are committed to tackling the problem of fuel poverty. We need to further develop a holistic approach to doing so. Northern Ireland relies too heavily on imported and expensive fossil fuels. The strategic energy review and the development of meaningful competition and consumer choice are crucial. The economy has taken a prolonged hit, and any support that we can offer businesses and employers to survive and thrive in the future will be critical to the overall prosperity of Northern Ireland. We must ensure that vulnerable groups take up the benefits to which they are entitled and that energy efficiency tools are utilised to the maximum.

I congratulate the Minister for Social Development on the fact that over 70,000 households have been assisted by the warm homes scheme over the past nine years. It has proven hugely popular and successful. However, the figures that I have for this financial year show that only 379 homes have been assisted, which suggests that something has gone wrong since the change in qualifying criteria. The Minister has a public service agreement (PSA) target to implement energy efficiency measures in 100,000 homes, and I am keen to hear an update from her on the reasons for such low figures. I ask that she provides a progress report.

It appears that the work completed to date accounts for just over £3.2 million of the £20 million budget. Qualifying properties are those that use coal, gas and Economy 7 heating systems only, which results in some eligible households not being in a position to



have their heating system repaired or upgraded, even if it is highly inefficient or broken. That is a problem.

An ongoing review of the new system is necessary and would be welcomed. Fuel poverty is a serious problem in Northern Ireland and affects many groups, including the working poor. The warm homes scheme is the policy tool over which we have the most control, and it is the one that can have the most immediate effect. It is crucial that we get it right. I support the motion.

**Mrs M Bradley:** I thank the Member for bringing the motion to the Floor of the House, because it concerns a topic that people constantly come to my constituency office to talk about. I understand Mr Hamilton's concerns about the new criteria for the warm homes scheme. I also acknowledge that the new criteria were implemented following recommendations that were made by the Audit Office and accepted by the Public Accounts Committee. The original scheme, which allowed old and non-efficient boilers to be replaced, represented best value for money and maximised the alleviation of fuel poverty.

Fuel poverty is a big problem in my constituency. I am grateful that the Minister for Social Development has built an exceptional circumstances clause into the warm homes scheme. Boilers can now be replaced if there is a health and safety issue. Although that is at the discretion of the Northern Ireland Housing Executive, something is better than nothing in these financially restricted times. I am also glad that there will be a review of the scheme's delivery and operative criteria at the end of its first year.

In recent years, the Northern Ireland Housing Executive has withdrawn many Economy 7 heaters from its housing stock and replaced them with oil central heating. Many customers now find that they cannot heat their homes because of excessive and ever-increasing fuel prices. A substantial number of households that were already facing difficulties are now also suffering the impact of one or even two parents having been made redundant, due to the economic downturn. Such incidents were reflected in the Institute of Public Health's December 2009 update on fuel poverty and health. Fuel poverty increased from 34% in 2006 to 44% in early 2009.

Almost 1,000 people die in Northern Ireland each year because of winter conditions. Faced with such statistics, it is difficult to disagree that the warm homes scheme should be refocused to prioritise homes that have no form of central heating. I will continue to lobby for the expansion of the warm homes scheme. However, given that recent figures indicate an annual 3% increase in fuel poverty and that Departments are required to make annual 3% efficiency savings, it is difficult to see a way out of the dire situation.

As a member of the Committee for Social Development, I look forward to the departmental officials' briefing on fuel poverty. I ask my colleague the Minister for Social Development to give direction, where possible, within the confines of the principles identified in the recommendations of the Audit Office and the Public Accounts Committee towards expanding the scheme and reducing its limitations. I admire the Minister's dedication to the delivery of an effective scheme and the Trojan work that she has done to date. I support the motion and hope that the required changes will be made.

**Mr Shannon:** I support the motion and thank the Members who tabled it. As Members have indicated, many people in the Province are ice cold in their homes this winter, despite having their heating on at full power. Indeed, I have been in homes that were colder than it was outside. That is the reality facing people, and I know people who fit into that category. This is the hardest winter that we have had for years. Older Members — looking around the Chamber, I suspect that one or two are older than me — could probably cast their minds back to harsher winters than I can remember.

The fuel poverty bracket has decreased, so we must be fair and put things in perspective. We acknowledge that there have been improvements, but there has not been a big enough uptake of the scheme. The fact that 153,000 people in Northern Ireland have to choose between heat and other essentials this winter represents a critical situation. The decrease in the fuel poverty bracket must not make us complacent. It is scary that 153,000 people in Northern Ireland fall into that category. This is not a Third World nation. We allegedly have one of the top 10 economies; therefore, we have a position to maintain.

Last week, I read in one of the papers about two average pensioners who, having paid for food, heating and the other bare essentials, were left with only £2 and 47p respectively to do them for the rest of the week. Those are the facts, and we need to do something better about them. It is not satisfactory to say that those people should take it on the chin. They cannot take it on the chin or in the pocket — they cannot take it at all.

Es Help the Aged hae pointed oot, when we tak' the rhetoric awa' aa thegither, the auld an' the seek an thaim at cannae waark ir maide tae chuse atween either no aitin ir pittin oan anither gansey an pair o' tichts an settin i the cauld. Hit's es simple es thon an thon bes scairesum! The thocht o' simboadie i Norlin Airlan deein oan account o' no havin eneuch heat can niver bae pit ap wi'.

As Help the Aged noted, when all the rhetoric is stripped away, elderly people and those who are ill or



unable to work are left with the choice of not eating a meal or putting on another jumper and pair of tights and sitting in the cold. It is that simple and that frightening. The thought of someone in Northern Ireland dying due to a lack of heating can never be tolerable.

I am aware of government schemes to help those receiving pensions or benefits with their heating bills. The Minister for Social Development must be congratulated on those efforts. However, it must also be considered that, since implementation six years ago, the amount of money available has stayed the same. That is despite the fact that, in only one year, the gas price alone has risen by 60%. Although I am no mathematician, I can see that the sums do not add up. The additional payments are helpful in extreme times, but more assistance is available, although people are not aware of it.

I pay tribute to my colleague Maurice Morrow for the work that he did when not out shooting or fishing. In establishing the warm homes scheme, he caught the biggest fish and shot the highest bird, and I thank him for that.

The warm homes scheme is aimed at people on a wide range of benefits, including income-based benefits. People who are in receipt of qualifying benefits are eligible for assistance in insulating their homes, with a grant of up to £850 available. In addition, some applicants may be eligible for the warm homes plus grant towards the conversion of a heating system. That grant may amount to some £4,300. The system does, therefore, provide various measures to help.

I must give due credit to the Bryson Charitable Group. The group became involved in the scheme in July 2009 and informed me that, between then and the end of December 2009, some 1,276 interventions had been made. The scheme aims for an efficiency gain of 15%, and the current average is 24.65%.

The scheme has produced clear benefits, but many more people need help, and such help must be encouraged. I ask the Minister to get the money and give it to the people who need it as soon as possible.

As I see a 1960s icon sitting on the Benches on the far side of the Chamber, I am reminded of a pop song from the 1960s, in which someone is knocking at the door but cannot get in. That applies to many people who are knocking on the door of the scheme but cannot get in. I ask the Minister to ensure that the thousands of pounds in the system are filtered out to those people.

A young couple in my constituency bought a home two years ago at the height of the market. As a result of the market prices at that time, their mortgage is more than £1,000 a month, but they do not qualify for the scheme.

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

**Mr Shannon:** We must help those who are under financial pressure. I ask the Minister to address that, as I am sure she will in her response to the debate.

**Mr Irwin:** I welcome the opportunity to contribute to the debate and thank my colleagues for tabling today's motion. Of all the recent schemes designed to assist those in most need in Northern Ireland, the warm homes scheme is one of the most popular to be introduced by the Assembly. Over the past few years, I have made countless referrals to the scheme on behalf of constituents. Many were delighted by the response and professionalism of the staff, as was the case when the scheme was run by Eaga plc. Ultimately, many of my constituents have a warmer home as a result.

The demand for the scheme is high and has remained so throughout its existence. One of the main concerns for me as a representative of a largely rural constituency is that the current scheme does not allow for the replacement of old and inefficient oil-fired burners. I have come across many constituents in the Newry and Armagh area who are having trouble with old boilers. However, when they enquire about a replacement, they are informed that new boilers are no longer being offered, despite the fact that many meet the criteria of the scheme.

The recent period of extremely cold weather was a source of concern to me. I knew that people who had raised concerns about the eligibility criteria and the lack of support for new oil-fired burners would be finding it difficult to heat their home. That is unfortunate, and I am interested in the reasoning behind the decision to axe new boilers from the current scheme.

*12.15 pm*

I share the concerns of my colleagues: the warm homes scheme is perhaps too narrow in its potential to reach those who experience real difficulty in heating their homes. I support any measure to widen the eligibility criteria.

I have another concern that is not related directly to the scheme but, nonetheless, is an important issue. I have come across situations in areas such as Tandragee in which Housing Executive tenants have Economy 7 as their only form of heating. In the opinion of those who are lumbered with it and in mine, Economy 7 is one of the most useless forms of heating imaginable. Given the Department's agenda on tackling fuel poverty, how does the continued use of Economy 7 sit with the Department's energy efficiency policies? Most of the constituents to whom I have spoken regarding that heating system are in receipt of benefits and simply cannot afford to pay the huge electricity tariffs to run the Economy 7 heaters.

The fact that the warm homes scheme is not open to Housing Executive tenants begs the question of why the Housing Executive is not directed by the

Department to refit homes with oil-fired or gas central heating. The warm homes scheme acknowledges that Economy 7 is insufficient. Why should Housing Executive tenants have to suffer that antique heating system winter after winter? I would be grateful if the Minister could respond to this important issue.

**Mr A Maginness:** I welcome this motion because it is helpful to discuss the warm homes scheme in its generality and to focus on some of the potential areas of difficulty. I congratulate the Minister on not resiling from the priorities that she set in relation to the expenditure of her Department. She said that she would prioritise newbuild in housing, which is important for the most vulnerable in our community. She also said that she would stick to a target and budget for supporting the most vulnerable people in our community. She saw the warm homes scheme and fuel poverty as priorities. She ring-fenced money in that regard: £27 million to address fuel poverty and £20 million to be spent on the warm homes scheme. That is an important contribution to helping people who are vulnerable. I congratulate her on not resiling from those priorities, which were important for the people who most need help from government.

I have listened carefully to the debate. Although Members are very supportive of the scheme and are very congratulatory towards the Minister, some concerns have been raised in about the replacement or repair of boilers. The Northern Ireland Audit Office conducted an investigation into the warm homes scheme. Its report, entitled 'Warm Homes: Tackling Fuel Poverty', made recommendations about the value-for-money aspects of the warm homes scheme. In particular, it focused on the replacement of boilers and said that the impact of the measures in relation to improving energy efficiency and alleviating fuel poverty was uncertain. It also said that, in 2006-07, more than £10 million was spent replacing and repairing 2,600 existing boilers. However, the Audit Office questioned that.

The Public Accounts Committee then endorsed that report. Acting on that, after public consultation, the Department reviewed its criteria. Indeed, I believe that the Social Development Committee endorsed the change in the criteria in January 2009. It may well be that some Members are now rethinking that position. If they are, that is fair enough in light of their experience.

I am certain that the Department's review of that aspect of the criteria will be earnest and conscientious and that it will change the criteria if there is a need to do so. However, the Public Accounts Committee and the Audit Office said that that did not represent good value for money. Therefore, the Department was right to change the criteria.

I hope that the Department continues its good work in assisting people and creating warm homes for as many citizens as possible. I hope that the target of 9,000 can be reached and that the £20 million will be fully used in so doing. The residual aspect to the criteria is that replacements can be made where there is no heating system, Economy 7 or solid fuel. That is fair enough, because those are the most inefficient methods to warm homes, and, because they cost more, they impact most adversely on people. In the circumstances, what the Department has done and the Minister has authorised is reasonable.

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

**Mr A Maginness:** That is, of course, subject to a review at the end of this financial year.

**Mr Craig:** I support the motion. All Members agree that the warm homes scheme is one of the most beneficial schemes to have been introduced in Northern Ireland. It has been the main tool with which to tackle fuel poverty in Northern Ireland. For that reason, I congratulate Lord Morrow on his foresight in introducing the scheme during his tenure as Minister for Social Development.

Lord Morrow was not the scheme's only supporter. On 29 July 2009, the current Minister said:

"Since its introduction in 2001, over 70,000 homes across Northern Ireland have benefited from a range of measures which have significantly improved their energy efficiency."

The Minister continued:

"I want to do everything in my power to champion the rights of the vulnerable and those in poverty. I want to target resources in a way which has maximum impact within our communities."

I wholeheartedly agree with that statement and have no issue with it whatsoever.

The warm homes scheme was meant to target the most vulnerable people in our society. The recent cold snap was, allegedly, the worst in 30 years. Since I cannot remember 30 years ago, I do not honestly know; others have informed me that that is probably correct. *[Laughter.]*

In the north-west, the Society of St Vincent de Paul has spent £20,000 paying fuel bills for people who cannot afford them. The number of those helped through the warm homes scheme so far this year — some 2,000 — raises serious issues and concerns. It worries me because, in previous years, that figure was much higher. It sat at 11,000 for the past couple of years.

I believe that the drop is the result of a change in criteria that was agreed by the Committee for Social Development, as has been rightly pointed out. The change was agreed by the Committee because of concerns raised in a PAC report about abuse of the warm homes scheme. I recall that, at the time, I raised

my concerns about the interpretation of the PAC report. I felt that we were heading towards a system that was probably too restrictive. However, that said, I also made a point of speaking to the Comptroller and Auditor General about the matter, and his impression was that we were misinterpreting his report.

Although there will always be people who abuse a system and there will always be a need to tackle them, it is important that we do not throw the whole system out in an attempt to do so. In this instance, we have probably gone too far in restricting the ability of some people in Northern Ireland to apply to the warm homes scheme when they are in fuel poverty but not necessarily on benefits. Thousands of people here have very low incomes but, for whatever reason, fall outside the benefit mark. Nevertheless, they are still in fuel poverty, especially now, when fuel prices seem to be at an all-time high. That causes a lot of people to fall into the fuel poverty trap. All I want is fairness and equality built into the scheme. Therefore, it is important that we review its restrictions and perhaps open them up.

The UK press highlighted another issue, and the Prime Minister subsequently introduced a boiler scrappage scheme, which has proved beneficial. Let us look at such innovative ideas.

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

**Mr Craig:** The Minister should look at such ideas, no matter where they come from. Let us not fall into the trap of having a massive underspend in the Department for Social Development. Given the present financial climate, that money will disappear from the Department's budget.

**Mr Speaker:** The Business Committee has arranged to meet immediately on the lunchtime suspension. I therefore propose, by leave of the Assembly, to suspend the sitting until 2.00 pm, when the debate will resume with the Minister for Social Development's response.

*The sitting was suspended at 12.27 pm.*

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

*2.00 pm*

**The Minister for Social Development (Ms Ritchie):**

I thank the Chairperson of the Committee for Social Development for bringing the motion to the Assembly, and I thank the Members who contributed to the debate. The recent spell of extremely cold weather makes it an appropriate time to discuss how we can help to keep homes warmer now and in the future. The debate gives me the opportunity to clarify some of the issues that were raised, and I will try to deal with all Members' concerns. I assure Members that I will read the Hansard report, and, if I have left any question unanswered, I will write directly to the Member concerned.

The motion recognises the value of the warm homes scheme and its valuable contribution to tackling fuel poverty and improving energy efficiency in homes. The motion questions the eligibility criteria specifically in relation to heating replacements. I will give Members a brief background to the context of the warm homes scheme and the rationale behind the changes that were introduced to the scheme in July 2009.

In 2004, the Department for Social Development published its 'Ending Fuel Poverty: A Strategy for Northern Ireland', which set out the Government's fuel poverty targets and how they intended to meet them. In the 2004 strategy, the Department set out its vision for the future as:

"one of homes that are free from cold and damp, of homes in which people enjoy living, that are healthy and enhance the quality of their occupants' lives. Our vision is of a society in which people live in a warm, comfortable home and need not worry about the effect of the cold on their health."

As Minister for Social Development, I fully support that vision and have made the alleviation of fuel poverty one of my priorities. Reminding ourselves of that vision has probably never been timelier, following the coldest spell in 30 years.

The warm homes scheme has been my Department's flagship scheme for the alleviation of fuel poverty since its inception in 2001. By March 2010, the scheme will have made almost 80,000 privately owned and privately rented homes in Northern Ireland warmer, with an investment of almost £130 million. In June 2008, the Northern Ireland Audit Office report, 'Warm Homes: Tackling fuel poverty', made recommendations about the value for money aspects of the warm homes scheme. The Audit Office reported that, in 2006-07, the Department spent more than £10 million replacing and repairing 2,637 central heating boilers that were old and no longer efficient. The Audit Office said that the impact of those measures in improving energy efficiency and alleviating fuel poverty was uncertain. At an average cost of £3,809, the value for money of



those measures was questioned. My Department agreed with the recommendation, and, following public consultation on proposed changes to the warm homes scheme, repairs and upgrades to heating systems were removed from the scheme. The Public Accounts Committee also endorsed the Audit Office recommendation on repairs and upgrades of heating systems. The Committee for Social Development endorsed the Public Accounts Committee's recommendations at its meeting on 15 January 2009, and the new criteria were also subject to public consultation.

Following a procurement exercise, two new warm homes scheme managers, H&A Mechanical Services Limited and Bryson Charitable Group, were appointed, and the new scheme came into operation on 1 July 2009. I set the scheme managers a challenging target to improve the energy efficiency of 9,000 homes by 31 March 2010, and I am delighted to say that, despite only starting to operate on 1 July 2009, the scheme managers remain on track to meet that target. The removal of repairs and upgrades has enabled my Department to open up the heating element of the scheme to families on working tax credit for the first time.

Research has shown that there are long-term health benefits for children who live in warm homes. My Department is now focusing the scheme on households that have the lowest incomes and the most energy-inefficient homes. Those are some of the very issues that Members raised. Households that have the lowest incomes are those that are in receipt of income-related benefits and working tax credits.

I believe that the limited available resources must be targeted to the most energy-inefficient homes; that is, those that have no central heating, solid fuel heating, Economy 7 or liquefied petroleum gas. The house condition survey 2006 indicated that, given that there are thousands of such properties in Northern Ireland, the Department must concentrate on providing them with heating systems. I must point out that a boiler can be replaced under the warm homes scheme in exceptional circumstances in which there is significant danger to the health and safety of the house's occupants. That decision is at the discretion of the Northern Ireland Housing Executive, as contract administrator,

I hope that that provides some assurance on concerns that have been expressed about that issue. However, other concerns have been expressed about the removal, repair and upgrade of heating systems under the warm homes scheme. Heating systems are one element of improving homes' energy efficiency.

I will take this opportunity to highlight the importance of improving the insulation of the housing stock. Insulation plays a key role in improving homes' energy efficiency. According to the Energy Saving Trust, a

typical home loses around half of its heat through the walls and loft.

The warm homes scheme offers insulation to people who receive disability benefits and to those who receive income-related benefits. There is no better time than during the current cold weather to make homes more energy-efficient by installing or improving insulation. We must not underestimate the value of insulation. It is estimated that such action can save householders an average of £300 each year. I ask Members to encourage their constituents to apply for assistance with insulation from the warm homes scheme. They will certainly feel the benefits in the warmth in their home.

The resources that I have allocated to fuel poverty interventions will ensure that the matter continues to be tackled and that many thousands of households have improved insulation and warmth, creating a more comfortable living environment. I assure Members that my Department will review the warm homes scheme after it has been operational for a year to ensure that it meets objectives.

I want to touch on other issues that were mentioned. Anna Lo and Mickey Brady, among others, mentioned the boiler scrappage scheme. Simon Hamilton, Anna Lo and Billy Armstrong mentioned the narrowing of the warm homes scheme's criteria. Mickey Brady also referred to the time that is taken by the procurement process. I must point out that the Department has made significant improvements in value for money as a result of that new procurement process. Tom Elliott raised issues about what the new scheme covers.

The boiler scrappage scheme was introduced in England, not as a fuel poverty scheme but as a scheme to assist with the carbon reduction target. It operates on a first-come, first-served basis. The scheme was not extended to Northern Ireland, and, naturally, I am disappointed by that. However, I intend to consider the introduction of such a scheme as part of my new fuel poverty strategy, which will be targeted at vulnerable people. I will consult on that in early spring 2010.

William Irwin raised the issue of the warm homes scheme and fuel poverty interventions in the social housing sector. They aim to assist vulnerable households by making homes less inefficient and by ensuring that less costly heating systems are installed. To date, almost 3,000 households in both the private and social sectors have made changes to their heating systems to improve efficiency and effectiveness and to ensure a reduction in household energy costs.

Much reference has been made to the budget. Some speakers are, patently, getting it wrong when they refer to possible underspend. Out of my £27 million budget for fuel poverty, I allocated £20 million to the warm homes scheme to help 9,000 households under the new criteria, and it looks as if we will be able to achieve the



target of 9,000 that was set out in the Programme for Government for less than £20 million. Simon Hamilton should be congratulating the Department. We will have more money to spend on other fuel poverty headings. Nobody should be in any doubt: we will spend our full fuel poverty budget.

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

**The Minister for Social Development:** I am on a roll; let me finish. If people are trying to suggest that we will hand back unspent money from our fuel poverty budget line, they could not be more wrong. If people are suggesting that the budget has not been well managed, they could not be more wrong. Where did they get those details from? If the proposers of the motion are trying to say that we should not have changed the criteria for the warm homes scheme, as supported by the Audit Office and the Public Accounts Committee, they should have said so at the time. Did they say so? No; not a word was uttered. If they want to distance themselves from the revised scheme, they are distancing themselves from the Committee for Social Development, which supported the changes.

The proposers of the motion, particularly Simon Hamilton, will know that, from the outset, the positions of Chairperson and Deputy Chairperson of the Committee for Social Development have been held by Members from his party. However, over the lunch break he had the brass neck to issue a press statement saying that the warm homes scheme is a mess. How is meeting one's target a mess? It is disappointing that Mr Hamilton proposes a motion merely to create for himself a platform from which to make a few cheap shots in the media. However, of course, he is a Strangford DUP representative.

**Mr Hamilton:** What does that mean? You are a disgrace.

**The Minister for Social Development:** However and for all that, we should, when changing any scheme, evaluate the impact of those changes, and that is what we will do in the case of the warm homes scheme, and I have given that assurance to the House.

**Mr Hamilton:** That was unbelievable. That was a disgrace, Margaret. You should be ashamed of yourself.

**Mr Deputy Speaker:** I call Mr David Hilditch to conclude and make a winding-up speech.

**Mr Hilditch:** I think that the Minister is wound-up enough. I welcome today's motion, and I thank the Minister, her predecessors and the Department for the work that has been done on the warm homes scheme. The fact that the Department has made 71,000 households warmer since 2001 is a commendable achievement. I also thank the Minister for her response and for providing for the newer Members background

to some of the schemes and outlining the situation regarding the working tax credits.

Although I welcome the upcoming 12-month review, it is imperative that we look at the wording of the motion and consider that we are looking at a potential underspend in this financial year, particularly in the heating system arena.

Today's debate has been good; in fact, it has been one of the better debates in recent times. Sixteen Members contributed to the debate. However, there is no doubt that success has slowed down in the eyes of many of those who contributed. The application process could be improved, as many people who are claiming benefits no longer meet the criteria to qualify for the scheme. Many people have lost out in the scheme in the changeover process, and some people who might be considered as borderline cases are missing out as the criteria have changed.

I want to look at the basic application process. We are aware that many elderly people, in particular, are not eligible to apply to the scheme, as they are living with family members and are not homeowners. However, what happens if an elderly person can no longer live on his or her own and moves in with a family member who is willing to look after them? I have been dealing with one scenario in east Antrim, in which it has come to light that one low-income family is caring for the 90-year-old mother of one of its members. That family has been refused the scheme. The lady moved in with her son, because she could no longer cope with living on her own. She moved out of her Housing Executive bungalow just over a year ago. She is on all the qualifying benefits, but the property is not eligible for the scheme, because the woman does not own the house in which she resides. The house is cold and in a bad state of repair, and the family cannot afford to do the necessary work. The fact that she is no longer able to look after herself and has moved in with family highlights that there are low-income families in our communities who fall just outside the eligibility criteria that would allow them to avail themselves of the scheme.

Countless low-income families have elderly relatives living with them, and those relatives are saving the Government money. In those situations, it appears that low-income families are being penalised for caring for their elderly relatives. They are willing to look after them and let them move into their home, yet those families are not able to avail themselves of the warm homes scheme. If that pensioner had rented a property elsewhere, she would have been eligible to apply for the scheme. The Department is not tackling the fuel poverty issue in that case; it is overlooking the vulnerable, and the Government are taking advantage of relatives who are willing to look after their loved ones.

2.15 pm

The Minister has told us that she wants to target resources so that they will have the maximum impact on communities. We should then consider all the private landlords who are eligible to qualify for the scheme. Many of their tenants are on benefits, and some may have never wanted to work, yet they are availing themselves of the scheme. On the other hand, people on low incomes who have worked all their life and have never claimed benefits are not entitled to any heating upgrades. Surely there should be some form of means-testing landlords who are entitled to use the scheme — a scheme that increases the value of their properties.

If fuel poverty is a function of three distinct features — household income, energy prices and energy efficiency — why are we not assessing the income of private landlords? If only the tenant's income is assessed, what happens when a tenant moves to another rented property owned by another landlord? Landlords keep gaining from the scheme.

Sadly, the elimination of fuel poverty in vulnerable households by 2010 now appears impossible, although the Department has estimated that, without the warm homes scheme, 53% of households would be in fuel poverty. To date, only 303 heating installations have occurred out of a total of 2,111. It is doubtful whether the scheme will achieve its target of 10,000 interventions. It would be humiliating for the Department to have one in three households in poverty when it has a budget of between £17 million and £18 million to spend. The Department must look at ways in which it can extend the criteria to include people who have oil and gas boilers.

I have heard nothing but good reports about the work of the new contractors who took on the scheme in July. I have heard that they are able to install a new heating system in a day with no mess, no fuss and no complications for the customer. With that in mind, we must allow them to continue to reduce fuel poverty. People do not want to spend another winter with inadequate heating. Why should they, if we still have money to spend?

We have had one of the coldest winters in 30 years. In addition to the winter fuel allowance, we have paid over £4 million to 166,000 qualifying households as a cold weather payment to help pensioners and those on low incomes to pay for their heating during the cold spell. The warm homes scheme should be supplemented by those allowances. There must be households that are claiming those allowances that could benefit from the warm homes scheme.

Last week, the Social Development Committee met the contractors responsible for the scheme to discuss various aspects of the current programme. As elected

representatives, we found the meeting helpful in gaining an understanding of the situation. We want to encourage as many people as possible to apply, as the warm homes scheme can improve their quality of life. However, it is frustrating when applicants with oil central heating do not meet the basic criteria and can no longer apply. Vulnerable people in our constituencies are being penalised.

**Mr Craig:** Does the Member agree that there are concerns among those who benefit from the scheme that there was an implication that, because of a PAC report, the scheme had been changed in such a way as to block some individuals from applying? As a fellow member of the Public Accounts Committee, he may remember that I raised that matter in the Committee and that a debate took place on the issue. The Committee was concerned that it was being blamed for the lack of delivery on the warm homes scheme.

**Mr Hilditch:** I concur with the Member's comments. I know that the Minister has lent heavily on those issues today, but there appears to be some misinterpretation of what was meant at that time.

Despite the frustration of elected representatives, we continue to play an important role in trying to promote the warm homes scheme. I am aware that a number of MLAs have been responsible for holding meetings throughout the Province. In my constituency, we have set up three such meetings in February — in Newtownabbey, Larne and Carrickfergus — to promote the uptake of the scheme in a traditionally low-uptake area, which highlights the enthusiasm that Members have for this very beneficial scheme.

Therefore, I urge the Minister and her Department to consider widening the application criteria to include those on low incomes and those with oil heating. I also urge her to use the remaining money in her budget that has been allocated to this worthwhile cause, as it presents an opportunity to change vulnerable lives.

I will now move on to some of the comments made by Members during the debate. In proposing the motion, Simon Hamilton gave a very good description of the situation on the ground. He was also quite complimentary towards the scheme, which he described as the number one scheme in the fight against fuel poverty. He gave us quite a few figures on where the scheme stands as we approach the end of the financial year and said that it would be criminal to have an underspend in that sector during one of the worst winters that we have had for some time. Finally, he called for a review of the criteria of the scheme and for changes to be made.

Mickey Brady said that the jury was still out on the contracting situation and the Department's decision to create two areas. He commented that many had been left out in the cold as a result of the new criteria,

highlighted a series of figures and asked the Minister to consider introducing a boiler scrappage scheme.

Tom Elliott felt that we were reaping the full benefits of the scheme and highlighted its benefit to the rural community in particular. He also highlighted the lack of availability of a heating upgrade.

Thomas Burns enthusiastically welcomed the warm homes scheme and acknowledged the wording of the motion. He praised everyone involved but avoided the issue of a potential underspend when pushed on it by Mr Hamilton.

Anna Lo also expressed concern at the underspend. She highlighted the higher cost of heating homes in Northern Ireland compared to mainland UK and the low number of people who have qualified for the new scheme.

Alex Easton said that much had been done but more needed to be done. He called for constant monitoring of the scheme and spoke about its health benefits.

Following the trend of most Members, Claire McGill supported the motion and spoke about its value. She also fought the corner of the rural community and some supplementary work that has been carried out by DARD.

George Robinson congratulated our former Minister Lord Morrow, who implemented the scheme in the first instance. He also highlighted the need for a boiler scrappage scheme to be introduced in Northern Ireland.

**Mr Deputy Speaker:** Bring your remarks to a close, please.

**Mr Hilditch:** Mr Armstrong questioned the targets that could be achieved, and a series of Members highlighted the issues that I have touched on in the last few minutes.

I have no problem in pressing the motion at this stage.

**Mrs M Bradley:** On a point of information, Mr Deputy Speaker. Was it unparliamentary for a Member to have pointed his finger at the Minister and told her that she was a disgrace?

**Mr Deputy Speaker:** I must put the Question first.

*Question put and agreed to.*

*Resolved:*

That this Assembly recognises the valuable contribution of the warm homes scheme, since its inception, in improving the energy and fuel efficiency of thousands of homes, and in tackling fuel poverty in Northern Ireland; welcomes the allocation of over £20 million to the scheme in this financial year; notes with concern the low levels of heating installations this year to date; and calls on the Minister for Social Development to examine the progress of the scheme and to review the eligibility criteria with a view to making them more flexible in respect of heating replacements while still focusing on people most in need.

**Mrs M Bradley:** On a point of information, Mr Deputy Speaker. Was it unparliamentary for the Member for Strangford to have pointed his finger at the Minister and told her that she was a disgrace?

**Mr Deputy Speaker:** I will refer the matter to the Speaker, who will have an opportunity to check the recording. I must move on.

**Mr Hamilton:** On a point of order, Mr Deputy Speaker. In reviewing the Minister's contribution, will the Deputy Speaker also draw the Speaker's attention to the remarks that the Minister for Social Development made about me?

**Mr Deputy Speaker:** The Speaker has continually asked Members to show courtesy to other Members. Mrs Bradley's remarks have been noted.

**Mr Hamilton:** What about my remarks?

**Mr Deputy Speaker:** Your remarks have been noted as well.

**Mr Spratt:** Further to that point of order, Mr Deputy Speaker, you said that the remarks have been "noted". Are you reporting those remarks to the Speaker and asking him to have a look at them? I do not quite understand what "noted" means in relation to the instruction that you have given to the House.

**Mr Deputy Speaker:** I am glad of the opportunity to clarify that. The Speaker will review what has happened in the Chamber this afternoon and will report back to the Assembly. Is that clear?

## PRIVATE MEMBERS' BUSINESS

### Landlord Registration

**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 A Maskey:** I beg to move

That this Assembly notes the efforts currently being made by the Minister for Employment and Learning to address the ongoing issues related to the Holylands area of south Belfast; and calls on the Minister for Social Development to introduce mandatory landlord registration, as landlord registration has been identified by stakeholders as a necessary step in addressing these issues.

The motion is self-explanatory, in that it calls for the introduction of a mandatory landlord registration process. I have been very disappointed over a number of years — I know that other Members feel likewise — that, until now, no Minister has been prepared to take the decision to introduce such a registration scheme, despite all the evidence that has been accrued over recent years and the fact that most, if not all, stakeholders who have replied to various surveys and consultations also adopt the position that such a mandatory scheme would be very helpful. For example, a number of local councils have been very supportive of the idea of a compulsory landlord registration scheme because they believe that it would automatically help with the enforcement of policies and practices.

I know that Members must always comply with the code of conduct relating to the Register of Members' Interests, but, in order to dispel any notion otherwise, I would like Members who speak in the debate to indicate whether they are landlords or have an interest in any property that has been rented to someone else to live in.

Over the past number of years, I have worked as an elected representative in South Belfast on this difficult issue, as have many others. People assume that the problem affects the Holylands alone, but, unfortunately, it has extended well beyond that area. As part of my duties, I have worked with a number of landlords. Quite a few of those landlords — in particular, some of the larger portfolio holders — have been extremely professional. I therefore fail to see why some of those individuals would have anything to fear from a mandatory registration scheme. It is my understanding that they are fully transparent, open and above board, as is all the work that they do. They are big business-people in the community and attend almost every meeting that I know of that is convened to discuss the matter. For the most part, their work is extremely professional and well done. I do not see why those

who fall into that category would argue that they have anything to worry about from a compulsory registration process, because they are complying more than well with all the rules and regulations. The mandatory registration scheme would not be directed at those individuals.

At the other end of the spectrum are many people — individual families, for example — who may have bought a property as an investment. I know of families who decided to invest and buy property because the son or daughter was travelling into Belfast to attend university, and siblings may have planned to do the same later. Some of those people, whom I would call single-family landlords, carry out their duties and responsibilities as landlords in the utmost professional manner. Again, I argue that none of those individuals has anything to fear from a compulsory registration scheme. Their record as landlords in dealing with any complaints about their property demonstrates their 100% integrity.

*2.30 pm*

Unfortunately, however, a number of landlords are not as professional and may be quite unscrupulous. Although people often characterise the issue as centring on the Holylands and students, the problem extends way beyond that area and way beyond the tenure of students. In calling for a compulsory registration scheme, I do so not only for the Holylands, and I am not looking at how the issue impacts on students only. A compulsory registration scheme is eminently sensible, and evidence will prove that it is needed and that it would bring a clear benefit for all. It would enhance the rights of tenants, and it should also enhance the obligations of tenants, and, equally, of landlords.

The issue is about the rights and responsibilities of both sides. As some of my colleagues will mention later, in areas such as the Holylands, which characterises the debate, people often have complaints against people who have been staying in rented accommodation. The people who wish to make a complaint and the councils, which have enforcement obligations, sometimes find it difficult to track down and establish who the owners of the property are, because the properties are let through agents or, sometimes, almost unofficially.

That has led to substantial difficulties with ensuring not only that people who rent accommodation behave in a way that reflects their responsibility to their neighbours, but that those people have their rights and entitlements protected and enshrined. We know that many complaints have been made over the years by people who rent accommodation and who say that it is almost guaranteed that they will not get their deposit back because an excuse to withhold it will be proffered. Sometimes, landlords have a legitimate



reason for doing that, but people often say that they view a deposit as a lost amount of money.

The difficulties in the Holylands have sparked greater interest in this issue and have been an example of how an unregulated mix of tenure and an unregulated system with, for example, the flaw of having no registration process for landlords, can result in an area going downhill to such an extent that the area is deemed to be, or is in danger of being, in crisis.

As an elected representative for South Belfast, I have met all the relevant stakeholders in the past few years. I have met a number of Ministers, including those responsible for the Department for Social Development (DSD), planning and the Department for Employment and Learning (DEL), particularly in recent times, when interest in the matter has increased. I appreciate the fact that Minister Reg Empey has taken the interest to convene a stakeholders' forum. The stakeholders' forum has sought to put some attention on the matter, but, as the Minister acknowledges in his latest report and has said publicly and privately, that approach has fundamental difficulties. He understands that the difficulties faced in that area are not being fully addressed by the relevant authorities.

I do not suggest for one second that a compulsory registration scheme for landlords would in itself resolve the issues in an area such as the Holylands, but it would be an essential element in resolving those issues. In Scotland, for example, such a scheme has operated in recent years. That scheme has brought a number of additional landlords on to the public registration scheme. As I said, that allows for much greater enforcement of the management of such properties, which is in the long-term public interest.

The difficulties and costs that would be associated with such a scheme have been mentioned, such as difficulties with the IT system. However, those are systemic problems, they are not fundamental to the scheme, and no one in Scotland argues that the scheme there should be abolished because of those problems.

It is very important that a mandatory registration scheme be introduced. I am disappointed that, year after year and Minister after Minister, reasons keep being given for the matter being considered further or for the scheme not being introduced.

There is no reason why landlords who are transparent in their work, professional in their conduct, and whose integrity is beyond question should have any cause for concern about a compulsory registration scheme. However, there are other less scrupulous landlords, and they prove the point that there is a need for such a scheme that would form part of an overall solution for areas such as the Holylands, as well as other areas such as Ballynafeigh, Stranmillis, the lower Ormeau Road

and the Lisburn Road. I could provide a list of areas that have been similarly affected.

**Mr Deputy Speaker:** I ask the Member to bring his remarks to a close, please.

**Mr A Maskey:** I commend the motion to the House, and I look forward to hearing from my colleagues.

**The Chairperson of the Committee for Social Development (Mr Hamilton):** I will initially speak as Chairperson of the Committee. Fortunately, or maybe unfortunately, I cannot declare an interest as a landlord. The Committee has not considered the specific issue of the Holylands in south Belfast, but we have, on a number of occasions, considered a range of issues around mandatory or voluntary registration of landlords in the private rented sector. I wish to advise the House of some of the context of those deliberations to inform the wider views that may relate to the debate.

The House knows that many people with limited experience of private rented tenancy now find themselves as unwilling tenants or new landlords. Recent evidence provided to the Committee shows that many of those new landlords may have just one or two properties, which are being offered for rent in the short to medium term. Owing to the depression in the housing market, they are often unable to liquidate what would have been considered a speculative property purchase. They must, therefore, try to meet mortgage payments by offering their property for rent.

It is also the case that the decline in the availability of mortgage credit has forced many would-be homeowners to defer purchases and remain in the private rented sector. According to the Department's figures, the private rented sector in Northern Ireland in 2007-08 amounted to something like 14% of all tenures. That figure is probably growing, and would, of course, be much higher in places such as the Holylands.

The Committee received evidence of confusion among private rented sector tenants and landlords about their roles. Consequently, most stakeholders would welcome the provision of better information for tenants and landlords about their rights and responsibilities, and even a landlord accreditation system, which would promote best practice in that important housing sector.

The Committee, as part of its pre-legislative review of the Housing (Amendment) Bill, also received evidence from stakeholders about alleged serious overcrowding in parts of south Belfast, and certain other excesses in the private rented sector. The Committee believes that the private rented sector has a vital role to play in meeting housing need, and that unacceptable practices such as serious overcrowding or unfitness should be rooted out.

The Private Tenancies (Northern Ireland) Order 2006 was designed:

“To target unfit and disrepair through repair enforcement and rent control; to reduce inequities between tenure types; to simplify, clarify and raise awareness of landlord and tenant obligations.”

Evidence presented to the Committee suggests that basic requirements such as the need for a statement of tenancy terms and a rent book are not being enforced, and that other measures, such as certificates of fitness, can be hard to impose.

The Committee agrees that the Private Tenancies (Northern Ireland) Order 2006 has not worked as planned, and that something new is required. Consequently, the Committee waits expectantly for the Minister's next housing Bill. It has been suggested, however, that a first step in improving the situation could be the gathering of information to profile the private rented sector accurately, and to answer basic questions on who the landlords are, how many there are, and what are the needs of their tenants.

Although all members of the Committee favour some form of registration for landlords as a means of gathering information and as a platform for providing training and help for landlords, a number of members have signalled their opposition to a mandatory registration system. It has been argued that, as in Scotland, a mandatory system could be expensive, may capture information on only co-operative, law-abiding landlords, and, therefore, may not lead to an enhancement of the private rented sector and the elimination of undesirable practices. The issue of landlord registration is complex, and will undoubtedly be subject to further Committee deliberation. I wait with particular interest the Minister's comments on the form of landlord registration to be provided for in the next housing Bill.

I shall make some comments not as Chairperson of the Committee for Social Development, but as a Strangford DUP Assembly Member. We all recognise the importance of the private rented sector, and would wish to place on record that, rather than seeming to tarnish every private landlord, there are a great many very good landlords in the private rented sector. Like anything, however, it is the few bad apples that ruin the barrel.

It is an important sector, and it is growing in importance with respect to tackling homelessness. The sector is important for many who are on the social housing waiting list, and it has many tenants who are in receipt of housing benefit. It provides an essential service that we could not do without.

In principle, I support mandatory registration, with some caveats and qualifications. We need to see the cost and nature of any registration scheme, and to know what information will be required of landlords and on whom the onus will be to register.

Consider examples from elsewhere. In Scotland, it was very costly; it cost £5.2 million and there were IT problems. There was a focus on registration, but not on improving tenancy management, and no comprehensive evaluation has been carried out. Similarly, in the Republic of Ireland, a similar scheme has had a huge annual budget, massive legal costs and enormous IT costs, and it has concentrated on enforcement, rather than on improving overall standards. In Northern Ireland, the registration of houses in multiple occupation (HMOs) has had problems: so, even here, we have not had a good experience.

Allowing for those caveats and qualifications, we must have an effective scheme. We should all support the idea of getting at least some form of accreditation and registration system for private landlords.

**Mr Armstrong:** I support the motion. The Ulster Unionist Party is not a supporter of big government and the red tape that, all too often, comes with it. We believe that a light touch in regulation is best, but we are prepared for government to step in when there is a problem.

As all Members are aware, there is a shortage of social housing in Northern Ireland and that, as a result, the private rented sector plays a crucial role in meeting demand. Amid the ongoing recession, it is unrealistic to expect the Social Development Minister to produce a house-building programme of the scale required to supply public sector housing to everyone who requests it. It is no surprise, therefore, that recent data shows that some 11% of Northern Ireland housing stock is privately rented.

The statistics also show that a significant number of those who live in the private rented sector could be described as living in vulnerable households, with many in fuel poverty and in houses that are poorly maintained. However, in 2006, 27% of private rented dwellings failed to meet the decent homes standard, and, in the past five years, the number of households presenting as homeless to the Northern Ireland Housing Executive due to the loss of rented accommodation increased by 50%. It is crucial that such people are protected by legislation from the minority of rogue and complacent landlords. It is unfortunate that a minority of tenants may be described as “bad tenants”. There is also a minority of landlords who do not live up to their responsibilities, and regulation is therefore required to hold them to account.

Clearly, the concentration of so many private landlords who own HMOs in such a compact area has created difficulties for local communities and long-standing residents. The requirement that HMOs be registered is a part of the jigsaw which forms the solution to the problem. Input is also required from the

universities, the Police Service of Northern Ireland and the Department for Employment and Learning.

The Ulster Unionist Party wants to see everyone, landlords and tenants, living up to their respective responsibilities. If landlords abide by sensible regulations, then the quality of life for tenants and nearby residents will be improved. The key word is "sensible". The last thing we want to do is to stifle business, but, equally, we cannot stand idly by and watch unscrupulous landlords take advantage of tenants or local residents and gain unfair economic advantages over the vast majority of landlords.

**Mr Burns:** I support the motion. I must declare an interest: I am a landlord. I have one house that was left to me by my father and which was our family's home. That is the only house that I rent out.

I wish to say a few words on the landlord registration scheme. I will not dwell on the specifics of the antisocial behaviour that has been occurring in the Holylands; other Members have already mentioned it. However, I commend the Minister for Employment and Learning and the Minister for Social Development for their efforts to resolve those issues, particularly by engagement with the residents, the universities, Belfast City Council and the PSNI. The problem needs to be brought under control, and the Minister for Social Development and her Department are making every effort to do that.

2.45 pm

The Holylands area has, undoubtedly, been given a bad name in recent years. It appears to have been totally taken over by students. Indeed, there are some streets on which all the houses appear to be student houses. The increase in the number of people going to university has probably played a part in that growing trend. However, it is not only students who live there but immigrant families and workers, young professionals, benefit claimants, and long-term residents. To say that there is friction among those groups in the local community is an understatement.

Most Members agree that houses in multiple occupation are the main source of the problem. I am in favour of a mandatory register of landlords who own that type of house. I recognise that a tough registration scheme will have a positive impact on the Holylands area, but we have heard in previous debates that a full scheme would be expensive to roll out and would take a lot of time. If we cannot get the full system in place quickly, some sort of university-led approach to student housing will be needed. An approved landlord scheme operates in other cities, such as Leeds, Liverpool and Nottingham. In order to be approved, landlords must follow a code of practice that encourages them to live up to high standards, and that is better for them, for their tenants and for the wider neighbourhood.

However, any scheme for the registration of landlords in student areas should be about more than just registration. Landlords must be held responsible, to a certain degree, for the behaviour of their tenants. They must select tenants in a better way and deal with problem tenants. It is not simply about evicting bad tenants, because that will not solve the problem, as they will just move elsewhere or to another house in the same street. Landlords need to play a greater role in managing disputes and reporting issues to the authorities. Landlords must be educated, helped and encouraged to engage with the police and community wardens, and they must help to build a better neighbourhood.

Ultimately, the Assembly and Belfast City Council must take the lead in creating better neighbourhoods. We have a responsibility to meet the housing needs of all members of society, and we cannot ignore the wider issue of demand for student housing. The increasing number of students in higher education requires an increase in purpose-built student accommodation, and we must promote other areas in Belfast as good areas in which students can live.

In conclusion, I restate my support for the introduction of a landlord registration scheme, and I urge the Minister for Social Development to do her utmost to take that forward. However, that scheme alone will not sort out the problems in the Holylands area; it is only one part of the answer.

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

**Mr Burns:** A complex set of problems exists that will not be resolved by one simple initiative.

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

**Mr Burns:** However, better and more professional landlords will make a significant contribution to sorting out the problem.

**Ms Lo:** Although it is commendable that the Minister for Employment and Learning has provided political leadership in co-ordinating efforts to address the problem of antisocial behaviour in the Holylands area as a direct response to the St Patrick's Day riot last year, it is important to recognise that a number of agencies, such as Belfast City Council, the PSNI, the two universities, the student union and local residents' groups, have been active in tackling the issue over the years. Indeed, for some time, many stakeholders have been calling for a landlord registration scheme to improve landlord management practice.

The private rented sector has expanded and, given the long social housing waiting list of over 40,000 applicants, it will continue to do so. Moreover, because of the difficulties in getting mortgages, many young people are renting flats instead of buying their own



homes, and the transient population of migrant workers and students will always seek rented accommodation. One only has to look at the streets in south Belfast to see that some are mostly made up of letting properties.

There are, of course, many good landlords, but, as an MLA, I frequently hear complaints from my constituents about unscrupulous landlords who do not maintain their properties or who have disputes with tenants over tenancy agreements or the return of deposits.

In the public housing sector, the Housing Executive is responsible for the provision of decent homes and their maintenance, and it is governed by rules and regulations. The private rented sector receives £1.4 million a year from housing benefits. Therefore, why is it not accountable for good management practices and fitness standards?

It is disappointing that DSD's recent consultation paper on a strategy for the private rented sector did not favour a mandatory registration scheme, because of its concerns around cost. The paper only suggests a voluntary accreditation scheme, which, in my view, would be a half-hearted attempt to tackle the issue. As the Rugg review in England found, the reality is that:

"landlords do not take up voluntary training and support in any great numbers, vulnerable tenants continue to be exploited by unscrupulous landlords and 'amateur' landlords continue to do business in ignorance of their obligations."

The Department of Communities and Local Government is going to consult on proposals to introduce a light-touch national register for private landlords in England and Wales, stating that it regards such a register as:

"vital to the professionalisation of the sector."

The mandatory schemes in Scotland and the Republic of Ireland may have deficiencies and inadequacies, such as being costly to set up or having IT problems. However, by and large, those schemes have shown that, in the end, the system will work in regulating the sector. Are we content to be the only region in the UK and on the island of Ireland without a register to weed out bad letting practices? The Housing Rights Service highly recommends mandatory registration, and it maintains that a register would make it much easier for councils and tenants to make contact with landlords when problems arise.

I very much support the motion, and I believe that a light-touch register, without the burden of too much bureaucracy, would be good for the private rented sector and for Northern Ireland. Such a register would protect landlords and tenants.

It is essential that we have a foundation framework so that we know who owns what. From that, data can be used to create a system that provides training where necessary, provides support —

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

**Ms Lo:** If landlords do not keep up with the code of standards —

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

**Ms Lo:** If landlords do not keep up with the code of standards, they can be deregistered, and they cannot let their premises without being registered again.

**Mr Hilditch:** I welcome this topical debate.

Registering landlords will go some way to protecting them and their properties. Given what has happened in the Holylands area of Belfast in the past, there is no doubt that landlords and tenants need protecting. In particular, we are told that landlord registration has been identified by stakeholders as a necessary step in addressing those issues.

We are unable to get an exact figure of how many landlords there are, but we know that they provide homes for many people. The role of landlords in providing social housing is not to be underestimated. If the private rental sector did not exist, our social housing stock would collapse, and many of the vulnerable in our communities would be homeless.

Students need to take responsibility for their actions. They need to know that some of their behaviour has been totally unacceptable. Causing damage to property is a criminal offence. If students were vandalising public property on the street, they would be charged, so it is nonsensical that there is limited legislation to prevent them from damaging private property. Students should have obligations as tenants.

I congratulate the Minister for Employment and Learning for the work that he has done on the action plan for the Holylands. That plan will help to protect all those who live in the area. Policing the area will make it safer, and monitoring the students' behaviour will give them awareness of their responsibilities. Designing a code of practice for bars on alcohol promotion and sensible drinking will help to reduce binge drinking. The existence of a Holylands management committee that is made up of local representatives, members of Belfast City Council, landlords and students will mean that local issues can be discussed and resolved by those who have the necessary local knowledge and experience.

If the Minister brings forward her proposals on the registration of landlords, some of the weaknesses in the private rented sector will be addressed. It will also mean the alleviation of the problems that were experienced previously in the Holylands and other areas that have houses in multiple occupancy that are rented by students and migrant workers in particular. HMOs have many negative impacts on our communities. If they are allowed to go unregulated or fall foul of

legislation that does not work, there can be detrimental effects on an area socially, environmentally, physically and economically.

Previously, we supported mandatory registration for landlords. If the examples in Scotland and the Republic of Ireland that Mr Hamilton and Ms Lo outlined are anything to go by, the implementation of the measure will, in practice, be costly and imperfect. Therefore, much work needs to be done and explored to get it right. Although I support the motion, I am mindful of the costs, resources and time that it will take to implement mandatory registration.

**Mr Deputy Speaker:** As Question Time commences at 3.00 pm, I suggest that the House takes its ease until that time. The debate will continue after Question Time, when the next Member to speak will be Ms Martina Anderson.

*The debate stood suspended.*

3.00 pm

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

## Oral Answers to Questions

### CULTURE, ARTS AND LEISURE

#### Irish Football Association

1. **Mr Lunn** asked the Minister of Culture, Arts and Leisure to provide an update on the review of the Irish Football Association's structures and finances.

(AQO 604/10)

**The Minister of Culture, Arts and Leisure (Mr McCausland):** As part of the implementation of the governance and administration component of the soccer strategy, Sport Northern Ireland commissioned a number of reviews of the structures and finances of the Irish Football Association (IFA). In response to those reviews, the IFA carried out a range of reforms to its structures and finances, including a merger of the IFA and the Irish Football League; the establishment of a new 11-member executive board; the appointment through open competition of independent members to the board; the recruitment by open competition of a chief executive with relevant business acumen; and an overhaul of financial systems and controls to provide greater levels of accountability and transparency.

As a result of those and other reforms that have been carried out under the soccer strategy, the IFA has moved football from a position in 2005 where, because of a range of management deficiencies, it was not possible to invest any public money in the game to a position where money can be made available on a limited assurance basis. Those reforms have enabled the IFA to implement a number of other soccer strategy-related initiatives, including the development of youth football and improvements to playing facilities.

I have already publicly stated that I believe that the improvements to the governance of football, which began under the soccer strategy, need to continue and to be accelerated. Those improvements are founded on the principles of leadership, accountability, transparency and openness to scrutiny and were enunciated under the soccer strategy. The principles apply equally to all publicly funded sports governing bodies, not only to football.

**Mr Lunn:** I welcome the various improvements that the Minister outlined. Is any money being withheld from the IFA pending further improvements?

Moreover, will the Minister confirm that no public money has been used to subsidise the payment to Howard Wells?

**The Minister of Culture, Arts and Leisure:** I will deal with those questions in reverse order. My Department provides grant-in-aid to Sport NI to help it support the development of sport in Northern Ireland. No grant-in-aid is provided to Sport NI to enable it to finance sporting organisations' legal costs or the dismissal settlements of such organisations' staff. Moreover, Sport NI has several controls in place to ensure that public moneys that are provided to sports organisations are used for the intended purposes only. That applies to all sports organisations, including the IFA.

Mr Lunn asked whether money is being withheld. My understanding is that not all the money that was set aside under the soccer strategy has been drawn down yet. However, it would be wrong to describe it as being withheld.

**Mr Kennedy:** The Minister and all Members will join me in condemning the disgraceful scenes that led to the abandonment of the Irish Cup tie between Newry City and Larne last weekend. Given that one of the overriding factors in that incident seems to be the lack of —

**Mr Deputy Speaker:** Order. That has nothing whatsoever to do with the question in hand.

**Mrs M Bradley:** What measures does the IFA intend to put in place in all grounds to deal with situations such as the serious trouble that took place at Seaview and Newry over the past two weeks?

**Mr Deputy Speaker:** Order. That has no relevance to the main question.

**Mr Leonard:** Go raibh maith agat, a LeasCheann Comhairle. Given the Minister's worries about finances and so on, is he concerned about the nature of the contract, which is apparently worth several hundred thousand pounds, that is being negotiated for Nigel Worthington to manage a team that does not even cover all of Ulster?

**The Minister of Culture, Arts and Leisure:** First, the contract between the IFA and Nigel Worthington is a matter for the IFA. Secondly, I am sure that many Members on this side of the Chamber are enthusiastic supporters of the national team of Northern Ireland.

**Lord Browne:** Is the Minister satisfied with the IFA's speed and commitment in progressing the reform of governance and administration under the soccer strategy, considering that the report was published in 2001?

**The Minister of Culture, Arts and Leisure:** I recognise that the IFA has made progress over the past few years in reforming the governance of the game. However, more still needs to be done, and, as I have

indicated, the process of change needs to be accelerated. I have already made my views on those matters known directly to the association's chief executive, Patrick Nelson. I believe that he is committed to addressing those problems and continuing the process of much needed improvement to the governance of the game. He has my full support in that regard.

## Marching Bands

2. **Mr T Clarke** asked the Minister of Culture, Arts and Leisure for his assessment of the role of marching bands in the culture and artistic tapestry of Northern Ireland. (AQO 605/10)

**The Minister of Culture, Arts and Leisure:** There are hundreds of marching bands in Ulster, including flute, accordion, pipe and silver bands. It has been estimated that as many as 20,000 people make music in those bands. The bands provide access to musical instruction and music making for many thousands of people, particularly young people, and as they improve their standards they also provide a pathway to musical excellence.

More than £815,000 has been provided by the Ulster-Scots Agency in the past five years for musical tuition. The Arts Council has also allocated almost £880,000 for bands in the past five years. The marching bands represent what is probably the largest community arts sector in Northern Ireland, and it is important to ensure that the tradition is conserved, promoted and developed. To that end, I am engaging with representatives of the sector to seek their views on ways to support future development and inform growth, education and excellence for marching bands across Northern Ireland.

**Mr T Clarke:** I thank the Minister for his detailed answer. I am pleased about the amount of funding that the bands have received in the past five years. Given that the marching bands play such a large part in our Protestant and unionist culture, will the Minister give a commitment that that funding will continue while he is Minister of Culture, Arts and Leisure?

**The Minister of Culture, Arts and Leisure:** The funding for the marching bands was provided by the Ulster-Scots Agency and the Arts Council. I am most hopeful that both organisations will continue those funding streams. They may be refined or amended in some way, but it is important that there is support to enable the many young people who gain musical experience through the bands to continue to have access to music and the pathway to excellence that I mentioned.

We should also look at ways of supporting the bands, not merely through funding but in other ways. I think that there are opportunities and possibilities to



enhance the sector that need to be realised. There are tremendous benefits for young people not only in developing musical ability and experience but in acquiring social skills and in contributing to the cultural and social life of their community.

**Mr McElduff:** Go raibh maith agat, a LeasCheann Comhairle. The Minister appears to place a disproportionate emphasis on the importance of loyalist marching bands, which seems to take up 20% of his speaking time. Nonetheless, will he take a look at some of the websites of some of the loyalist marching bands in question, and will he share with us the work that he is carrying out to nudge loyalist marching bands in the direction of a shared and better future? After all, working towards a shared and better future is one of the Minister's stated objectives.

**The Minister of Culture, Arts and Leisure:** The Member is right to state that I am committed to the principle of a shared and better future. That is applied not just to bands but to sporting organisations, sports grounds and a range of elements under the Department's remit.

I confess that I do not normally spend my spare time reviewing the websites of bands or of other cultural organisations. However, those who are engaged in funding streams do take account of such websites. The Member will be aware that seven recent applications have not been processed by the Ulster-Scots Agency because of inappropriate website content, as I previously mentioned. That is a matter that funding bodies take on board, and rightly so. It needs to be taken on board across the sector. It is important that we achieve a shared future for the different aspects that are under the remit of my Department.

**Mr Kinahan:** Does the funding that the Minister mentioned go towards band uniforms and other costs?

**The Minister of Culture, Arts and Leisure:** No, it does not. Funding is available for musical instruments through the Arts Council. Furthermore, funding is also available for tuition costs. For example, more than £815,000 has been provided by the Ulster-Scots Agency in the past five years for musical tuition. The Arts Council has allocated almost £880,000 of funding to bands in the past five years.

**Mr O'Loan:** The code of conduct of the Parades Commission sets clear rules for bands on their general conduct and particular rules on passing places of worship and through areas where the majority of the population are of a different tradition. Does the Minister ensure that there is no history of a breach of those rules when applications for funding are made to his Department?

**The Minister of Culture, Arts and Leisure:** The responsibility of the Parades Commission, which is an extremely controversial organisation, has given rise to a

lot of controversy in Northern Ireland. That organisation is not within the remit of the Assembly and therefore is not something into which I have any input.

We asked that the Arts Council and the Ulster-Scots Agency do what they can in assessing whether not just bands but other organisations commit themselves to the concept of a shared future. The outworking of that is solely a responsibility of the Arts Council and other funding bodies. The indications that I have given are that they are doing a reasonable job in that regard.

## 2012 Olympics

3. **Mrs D Kelly** asked the Minister of Culture, Arts and Leisure what plans he has to meet with his counterpart in the Republic of Ireland to discuss joint initiatives in the lead-up to the 2012 Olympics.

(AQO 606/10)

**The Minister of Culture, Arts and Leisure:** The focus of the 2012 Olympic and Paralympic activities outside London is on the nations and regions of the United Kingdom, which includes the devolved Administrations in Northern Ireland, Scotland and Wales. Although there have been meetings between my Department and the Department of Arts, Sport and Tourism, I have no plans for any future meetings with my counterpart in the Republic of Ireland.

**Mrs D Kelly:** I take it that the Minister means he has no plans to meet his counterpart in the South of Ireland on this particular issue. Given the reduction in funding to the Minister's Department in recent weeks, will he assure the House that he has sufficient money to invest in elite facilities here in the North?

3.15 pm

**The Minister of Culture, Arts and Leisure:** Applications to stage two of the elite facilities programme are being considered. That competition proposes facilities for a wide range of sports including cycling, rowing, canoeing, tennis, equestrian sport, yachting, athletics, basketball and volleyball. The process of a judicial review during 2009 caused several months' delay. However, Sport NI is moving forward with the programme and hopes to be in a position to provide interested parties with an update on the programme timetable in due course.

In light of the potential for restricted capital budgets to emerge from the next comprehensive spending review, the Department is engaging with Sport NI concerning the justification for moving successful applicants to full business case stage. The matter is a work in progress, but we recognise that there are budgetary constraints. If the Department for Social Development or another Department wants to make

additional money available to DCAL, we will be only too happy to receive it.

**Mr Weir:** Will the Minister provide an update on the proposed 2012 Olympic project at Ballyholme Yacht Club?

**The Minister of Culture, Arts and Leisure:** Ballyholme Yacht Club is one of the 26 venues that were selected for inclusion in the pre-games training camp guide for the 2012 Olympic Games. Sport NI is the lead organisation in seeking to secure teams or countries to train in Northern Ireland in the lead-up to the 2012 games, and it has made funding of £3,000 per sports governing body available to assist in securing camps in Northern Ireland. I dealt with the issue of funding for those facilities earlier, and I have now set out the situation regarding the opportunities for attracting a training camp to Ballyholme.

**Mr K Robinson:** Will the Minister update the Assembly on Northern Ireland's participation in the 2012 Olympics? Has he been able to secure any further involvement for the Province?

**The Minister of Culture, Arts and Leisure:** We need to keep it in mind that there are still almost three years to go until the 2012 games. To date, Northern Ireland businesses have been awarded nine contracts, valued in excess of £60 million, in connection with the development of the Olympic park. Between now and the games in 2012, 91,000 primary school children will participate in Activ8, a programme aimed at increasing physical activity in that age group. Some 94,000 visitors to the Ulster American Folk Park have had an opportunity to see the boxing exhibition, which was awarded a London 2012 Inspire mark for excellence and innovative programming. Some 9,000 members of the public have participated in two London 2012 open weekends.

Disabled artists from Northern Ireland will have the opportunity to be awarded commissions and showcase their work internationally through Unlimited, a unique programme for arts and disability. Legacy Trust UK has awarded £1.31 million to arts projects that incorporate sport. As I have outlined, opportunities exist for businesses, for volunteering and to raise the profile of sport among young people. In that regard, the emphasis is very much on the relationship between sport and tackling obesity and improving health standards.

### Community Arts

4. **Mrs O'Neill** asked the Minister of Culture, Arts and Leisure if the Arts Council will increase the level of funding for community arts organisations.

(AQO 607/10)

**The Minister of Culture, Arts and Leisure:** The Arts Council estimates that 20% of its funding, through the Annual Support for Organisations Programme, its main funding programme, is allocated to community arts. That equates to £2 million per annum. The figure rises to 56%, or £7.9 million, when all the Arts Council's principal Exchequer and lottery-funded programmes are taken into consideration.

Community arts is quite a broad sector, and it is not covered exclusively by what might be regarded as community arts organisations. Many arts organisations that are represented in the Arts Council's funding programmes work within a youth and community context, and there is also a cohort of community arts organisations. The Arts Council considers all applications for funding in the context of DCAL and Arts Council strategies and in light of budgetary allocations.

My Department and its arm's-length bodies will continue to support organisations and individuals in finding appropriate funding and maximising value for money. However, people must be realistic about the level of funding that will be available. The current economic climate means that public expenditure is tight, and funding for the arts will be under increasing pressure, as will all areas of Government expenditure.

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. Following a recent Committee for Culture, Arts and Leisure inquiry, I understand that one of its recommendations was on funding for community arts projects. I support that recommendation and refer Members to one such project in my constituency, Craic Theatre. It is an excellent example of a community-based theatre that not only helps young people to develop theatrical skills but to build their confidence. How will the Minister respond to all the Committee's recommendations and to that one in particular?

**The Minister of Culture, Arts and Leisure:** Sometimes, there is no clear line of demarcation between community arts and voluntary arts. However, in the course of several conversations with the Arts Council, I made it clear that I regard community and voluntary arts as extremely important, and the council expressed the same view. Community arts have not been forgotten. I have had meetings with people from the community arts sector. I will continue with those meetings and with my conversations with the Arts Council.

**Ms Lo:** In comparison with the other parts of the UK, we have the lowest rate of public funding for the arts and receive little corporate sponsorship. Does the Minister agree that that is detrimental to the growth not only of the arts sector but of the overall economy?

**The Minister of Culture, Arts and Leisure:** It would be easy for me to say that more resources would be better and fewer resources are detrimental. However, what is important is how the funding situation is addressed.

We must consider how to bring more funding into the arts. I flag up two issues about which I spoke with the Arts Council. First, greater emphasis must be placed on private sector sponsorship. The fact that we are some distance from London, where the large corporations are based, causes some difficulties. Nevertheless, I commend the work that Arts and Business already does. I met members of that organisation here and their counterparts in Scotland. We had preliminary discussions on what my Department can do to support their work and encourage greater investment from the private sector. The potential exists to increase the amount of money that the private sector invests. Secondly, the number of people going through the doors of arts venues must increase. As more people buy tickets and attend events, that becomes the source of more revenue. Therefore, we must look not only to central government public sector funding but to private sector funding and other opportunities. Local government can be another area that provides support to the arts. A huge variation exists between the amounts of money that councils invest in the arts. I will not name individual councils. The figure invested does not depend on the size of the area or its population but is calculated per person. The amount varies from almost £29 per person to 37p per person. As I look around the Chamber, I see a Member who represents the Ards Peninsula.

Local government, central government and the private sector all have a role to play. They can all help to get more people through the doors, which is the issue on which we should now concentrate.

**Mr D Bradley:** Tá ceist agam don Aire faoi ealaíona pobail ar bhonn trasphobail. Are there any funding incentives available to encourage the promotion of community arts on a cross-community basis?

**The Minister of Culture, Arts and Leisure:** I do not think that the Arts Council, which is the organisation that disperses the money, has a particular funding stream for cross-community projects. However, it has funding to encourage and support cultural diversity. That is not quite the same as cross-community funding, but I think that it has a remit to support cultural diversity. In fact, it is disappointing that the money that the Arts Council received previously in that regard, which came from the Department of Education, was stopped because the community relations policy in the Department of Education was reviewed.

I am keen to get more money into the arts. People talk sometimes about doing that in a cross-departmental way, but that has to involve people bringing money to the table. If money is available in the Department for

Social Development or the Department of Education, I would be only too happy to take that and contribute to more investment in cross-community, cross-cultural and intercultural arts.

## Lough Neagh

5. **Mr Molloy** asked the Minister of Culture, Arts and Leisure to outline his Department's vision for developing the leisure and recreation potential of Lough Neagh. (AQO 608/10)

**The Minister of Culture, Arts and Leisure:** Leisure and recreation around Lough Neagh includes leisure and recreation on the shore, on the water and in the water. Therefore, we are talking about a range of activities. I am aware that some groups have organised musical programmes and festivals around the River Bann, an obvious example of which takes place in Portglenone. Some leisure activities, such as water skiing and sailing, occur on the water, and others, such as fishing, take place on the water or from the shore. I am keen to see the maximum potential developed so that the maximum use is made of Lough Neagh, which is an excellent and important resource.

In addition to the recreational value, leisure and recreation are an integral part of tourism. As such, essentially, they come under the remit of the Department of Enterprise, Trade and Investment and of the Tourist Board. My Department's functions in relation to Lough Neagh are limited to a statutory requirement to dredge the channels and maintain navigation posts at the entrance to the Six Mile Water as well as maintaining, as a public service, 47 hazard markers around the Lough Neagh shoreline. Within our limited remit, however, we continue to explore the scope for developing Province-wide the recreational and navigational potential of all inland waterways, including Lough Neagh.

**Mr Molloy:** I thank the Minister for his answer. Lough Neagh is important as it is the central hub that links the Ulster canal with the north coast. It will also eventually link Coleraine with Limerick. In what work is the Minister involved with the Dublin Administration to try to bring that about? In relation to festivals and events around the lough, what funding can the Minister put into those through the likes of the Lough Neagh Partnership?

**The Minister of Culture, Arts and Leisure:** I recognise the importance of Lough Neagh. It is the largest lake not only in the United Kingdom but in the British Isles. Obviously, it is of tremendous importance. I am sure that Mr Molloy will recognise its unique position in the context that I outlined.

There are a number of complexities in relation to Lough Neagh. The fishing rights in the lough belong to the Lough Neagh Fishermen's Co-operative Society,



with minor rights being held by the Shane's Castle estate and The Honourable The Irish Society. We would like to promote angling development on Lough Neagh, but it is a private fishery. Currently, no resource is allocated to assist with private fishery development. There are programmes to develop leisure and recreation, but the onus is very much on those who are committed to Lough Neagh to see how they can match their vision to the available funding streams.

**Mr I McCrea:** Will the Minister detail his Department's involvement with the Lough Neagh Partnership on water sports, and so on?

**The Minister of Culture, Arts and Leisure:** Lough Neagh Partnership's administration has been fully funded by the Department of Agriculture and Rural Development and is fully supported by the seven benefiting local authorities, without the need for DCAL funding. DCAL has an observer role on the Lough Neagh Partnership board. The Department has supported its highly valued delivery programme, and I wish the partnership every future success.

3.30 pm

## PRIVATE MEMBERS' BUSINESS

### Landlord Registration

*Debate resumed on motion:*

That this Assembly notes the efforts currently being made by the Minister for Employment and Learning to address the ongoing issues related to the Holylands area of south Belfast; and calls on the Minister for Social Development to introduce mandatory landlord registration, as landlord registration has been identified by stakeholders as a necessary step in addressing these issues. — [*Mr A Maskey.*]

**Ms Anderson:** Go raibh maith agat, a LeasCheann Comhairle. Éirím chun tacaíocht a thabhairt don rún.

I begin my support for the motion by commending the ongoing efforts to resolve the issue in the Holylands area, particularly by those who are working with the residents' association. Alex Maskey is doing a great job — he told me to say that — as is Jimmy Spratt. I had better watch that I do not leave anyone out.

All Members are well aware of the difficulties endured by the area. I have no doubt that mandatory landlord registration would help to eradicate some bad practices that have compounded that situation. In the past, there have been similar problems in residential areas surrounding the Magee campus in my Derry constituency — since I am commending everybody, I have to say “stand up for Derry” — albeit on a lesser scale than the Holylands. However, in the context of the expansion of Magee, towards which we are all working, I am conscious that those issues could arise again. It is vital to plan ahead to avoid the creation of another Holylands scenario in Derry.

All Members will concur that mandatory landlord registration is relevant not only to student areas. We all know that we face a serious housing crisis and that the need for social housing is being failed by the private rented sector. Although the vast majority of landlords are responsible, there is a small minority of unscrupulous landlords who charge extortionate rents, provide substandard or even dangerous accommodation and prey on vulnerable people.

I have seen, as have other Members in their constituencies, some absolutely disgraceful properties that are unfit for human habitation being rented to young families, particularly single mothers. The landlords who rent them out are paid handsomely from public funds for exploiting what some may call vulnerable people.

For too long, the housing sector has been largely unregulated. Despite the fact that the Assembly passed

a Sinn Féin motion some two years ago calling for mandatory regulation, we are still awaiting it. Therefore, I am disappointed that the Department for Social Development (DSD) consultation paper appears to rule out mandatory regulation. Perhaps the Minister will clarify that.

**Mr Leonard:** As well as broadening out the debate from the Holylands to Derry, does the Member accept that the area around Coleraine, including Portstewart and Portrush, would also be involved? Does she further accept that the point that she has made about the lack of social and affordable housing is impacting on more than students? It has an impact on many young families who cannot afford to get on the first rung of the property ladder and is affecting people for whom social housing is not provided. This is a broad geographical issue, as well as being about types of housing and the reasons why legislation is required to tighten up the landlord system.

**Ms Anderson:** I definitely agree with the Member. Based on objective need, there are many areas across the North that would favour having mandatory registration legislation in place. People working in some of those areas are disappointed that the DSD consultation paper on the strategy for the private rented sector appears to rule out mandatory registration.

The Department focuses on the problems that are associated with the mandatory schemes that were introduced in Scotland and in the South, such as the high cost and the bureaucracy involved. The only approach that DSD seems to advocate for promoting good landlord management is voluntary accreditation, an approach that is criticised by organisations such as the Housing Rights Service.

In fact, only the good landlords will voluntarily register. Although there are many good landlords, as we would all agree, they are not the problem. Maybe the Minister will clarify this point, but in the Department for Social Development's document, 'Building Sound Foundations: A Strategy for the Private Rented Sector', it appears to have ruled out a mandatory registration scheme on the basis:

"It would not provide the most effective means of targeting those landlords who are not complying with current law".

It continues:

"Such landlords are likely to continue to evade registration".

Neither would a voluntary scheme provide such a means, because those who evade their responsibilities to tenants are not likely to sign up to a scheme that will penalise them for doing so. Therefore, rather than focusing on the difficulties that are associated with other schemes, DSD should learn from those examples and develop its own best practice.

Elsewhere, new proposals have been developed for a light-touch registration scheme, and it is envisaged that such a register would be run by an independent organisation. I think that that would be welcomed by all. In addition, landlords would be required to register for a nominal fee to cover administration costs. It is also anticipated that such a register would be web-based and would require minimal information, such as landlords' names and addresses and the addresses of the properties being let. In return, a web-based system would offer landlords services, such as property advertising and free documents, including tenancy agreements. The Minister would do well to take cognisance of those proposals before finalising her approach, and perhaps that is something that she intends to do. I support the motion, and I call on Members to do the same.

**Mr Craig:** I support the motion, which calls on the Minister for Social Development to look at introducing a mandatory landlord registration scheme. I support the introduction of such a scheme because the rental sector needs to be regulated. In some respects and in some areas, the rental sector is out of control. In particular, the sector grew as a result of the property boom that we experienced in the past two or three years. Although the economic downturn has to some extent squashed that growth, there are still a huge number of people who purchased investment properties in order to rent them out.

The university area in south Belfast — the Holylands — has been mentioned again and again, and we have all seen headlines about antisocial behaviour by students whose numbers are concentrated in that very small area. The buy-to-rent market and the growth in the private rental sector have been detrimental to the Holylands community, and a significant problem arose during that period of growth. For a long time, the problem went unnoticed and unchallenged. The rental sector there needs to be regulated urgently.

However, I offer a word of caution. If one looks at jurisdictions in which mandatory registration has been introduced, such as Scotland, where a scheme has been in place since 2006, one finds that there have been ongoing issues. Not everything has gone smoothly. The scheme in Scotland was introduced on the basis that it would be self-sufficient, but, although the best ideas were put in place to ensure that it would not cost the Government any money, almost four years later, the Government have had to step in, time and time again, to subsidise the running of it. As we are part of a legislature that needs to learn lessons from other areas, we must be very cautious and careful about the complexity of the system that we set up here.

The Scottish Government tried to base the scheme in councils. It is clear, however, that it has run into huge difficulties. Given that some landlords own

properties throughout many council areas in Scotland, the scheme has proved very difficult to administrate and follow up. When we are looking at a registration scheme, we should learn the lessons of the Scottish experience and consider having a centrally based scheme. This is only a suggestion, but a light-touch registration scheme could be run by an organisation that already exists, such as the Housing Executive.

Policing the scheme is another problem that comes to mind. The Housing Executive and others have had difficulties policing the whole area of HMOs. Given that, we must ask how we will enforce registration. In some respects, I do not believe that it can be fully enforced, because there will always be those who will want to operate outside the box. For financial reasons, those people will not want to meet the regulations, making any scheme difficult to police. When the Minister is considering a scheme, it is important that she looks closely at how it can be enforced and, more importantly, at how it can be administered, so that it does not cost the taxpayer an absolute fortune to run. However, despite all that, I still think that, overall, it is positive to have a scheme. I commend the motion to the House.

**Mr McCallister:** I declare an interest, as my wife owns a second home, and I benefit indirectly from the rental income, although not as much as I would like.

In the past, my party supported calls in the House to regulate the private rented sector. We want to see that happen and hope that the Minister is working towards that end. In 2007, Sir John Semple's final report on the review into affordable housing in Northern Ireland stated:

"A registration system offering an independent mediation and arbitration service should give tenants more confidence in the sector and will provide landlords with a mechanism for managing difficulties that commonly arise during a tenancy such as disputes regarding rent increases, return of deposits and contractual issues."

We agree with Sir John's analysis. We believe that light regulation that is constructed in a way that will not add a significant burden to either the public purse or the industry is the best way to reform our private rented sector. During the previous debate on the issue, the Minister commented that she did not believe that mandatory registration would be a panacea to the problems in the private rented sector; she could be right about that. However, given that element of doubt, I will be interested to hear what benefits the Minister's Department has recorded from the mandatory registration of HMOs, which has already been enforced in Northern Ireland.

3.45 pm

Analysis of that policy, together with the results of the consultation that was conducted last year on the matter, should provide the Minister with enough

information to move forward quickly if she has not already made up her mind. I ask the Minister to use the debate as an opportunity to lay her cards on the table. The issue has been discussed in the House previously, and we want to know whether she is going to legislate on it. I ask that, because when the issue was debated in October 2008, the Minister rightly chastised Sinn Féin for holding up Executive business at that time, and she told us that she had a housing Bill that would regulate the private rented sector. However, it is now January 2010, and that housing Bill is still not in front of us, but more importantly, there is no indication of the Minister's decision on the matter. I hope that she will come down on the side of light registration. The House has come down on that side on more than one occasion, as has the Minister's party. It is now time for us to move forward on the issue.

The amount of legislative time that the Assembly has left in the current session is running out fast, so the Minister must move quickly if she wants to make progress during the current term. I am concerned about several pieces of legislation that are coming forward from the Executive; the proposed housing Bill being a prime example. At present, the Assembly is little more than a year away from an election. It is quickly coming to the point when there will be no time left in the legislative timetable to achieve what all Members want. Even if the Minister were able to tell the Assembly what policy decisions she has taken on the regulation of the private rented sector, is she not concerned that she may run out of time to get the necessary legislation through the House?

I want to turn to the issue of the Holylands. I join with the Members who moved the motion in congratulating the Minister for Employment and Learning on his efforts on that issue. Other Members have noted the leadership that he has shown in tackling antisocial behaviour and in bringing together a forum of key stakeholders, which has made several proposals to improve the situation, including the use of CCTV.

**Mr A Maskey:** I thank the Member for giving way, given that the time that he has left to speak is brief. I want to reiterate his comments about the Minister for Employment and Learning. Does the Member agree with the Minister's assertion that he needs substantive support from other Ministers and Departments that have power to legislate on those matters?

**Mr McCallister:** I thank the Member for his useful intervention and agree with him. To deal with the Holylands, many cross-departmental issues, such as alcohol licensing, occupancy of houses and the problems that are faced by residents, must be tackled. CCTV alone, although it will be a useful tool, will not be the panacea to all the problems; other Departments must embrace their responsibilities.



As regards the subject of the debate, the registration of landlords, my party supports the light-touch regulation that other parties mentioned. I agree with Mr Craig that it should not mean an excessive cost to the public purse. My party supports the motion.

**Mrs M Bradley:** At the outset, I want to say that I hope that we will never again see events in the Holylands such as those that have disgraced our television screens. I commend the Minister for Employment and Learning and, indeed, the Minister for Social Development for their determined involvement in the multi-agency approach to prevent another such incident and to ensure improvements for people who reside in and around the Holylands, and, indeed, in other areas.

Most houses in the area are in multiple occupancy and are already subject to a registration process. The issue of mandatory registration for the private rented sector has already been debated in the Chamber on two occasions: Monday 1 October 2007 and Monday 13 October 2008. I am sure that there are good landlords in all Members' constituencies, as well as some who are unfit and are oblivious to everything except their cheques or Department of Health, Social Services and Public Safety back payments.

In May 2009, the Minister for Social Development published a consultation paper entitled 'Building Sound Foundations — a Strategy for the Private Rented Sector'. The consultation finished in August. Its conclusions were based on other regions' experiences to date; the Republic of Ireland and Scotland, where mandatory registration is in place, were mentioned. The cost of implementing a similar scheme in Northern Ireland would be substantial to say the least, and there is no guarantee that it would make a considerable difference.

A briefing paper entitled 'An Overview of Landlord and Tenancy Registration Schemes in the Private Rented Sector' states that the Department's conclusion at that time is that the cost would far outweigh the benefits. Documents and papers from the Department for Social Development, such as the draft strategy for the private rented sector, should deliver more robust requirements for landlords and occupants alike. I am aware of pressures on DSD's budget and that the Minister needs to spend wisely, but I believe that the Minister will do precisely that while doing her level best to deliver.

I commend my colleague Margaret Ritchie and Sir Reg Empey for their work to date. I have no doubt that they will continue to participate proactively with the other agencies in seeking a resolution to the problem and in finding a deterrent to a repeat of the situation such as that which arose in the Holylands. However, I remind the proposers of the motion that the situation in the Holylands was an antisocial behaviour problem,

and that is a complex problem that defies all solutions. It was not the landlords who were out on the street pelting the police on St Patrick's Day; it was the people who were drunk. I support the motion.

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

**Mrs M Bradley:** Sorry; I have finished.

**Mr Spratt:** I am delighted to be able to take part in the debate. I support the motion. I am not a landlord. I might have been one in the past, but, thankfully, I no longer am. I had a property wrecked on two occasions, but somebody else has that headache now, and I was delighted to hand it over.

**Lord Morrow:** It was not profitable.

**Mr Spratt:** It became less profitable; that is correct. This has been a good debate. Housing and housing problems are among the main issues that we all have to grapple with daily in our constituency offices. I am always concerned about the number of folks who live in private rental accommodation, particularly in south Belfast, who do not know the contact details of their landlords. In some cases, they do not even know who their landlords are, because they have leased the property from a rental company, for instance. Heating systems, among other things, often break down, and the tenants are left in dire circumstances and cannot get anything done to solve their problems. It is difficult for those of us to whom they come for help to do anything for them.

I would welcome some form of registration. However, there are many good landlords, particularly in the Holylands. Often, it has been made to appear that the problems and the things that have happened lie at the doors of those landlords. In many cases, that is not accurate, because many of them run good and successful businesses. On the whole, many of them do a fairly good job.

Considering that the Holylands has been mentioned in the motion, it is important to point out that many other organisations, such as the universities, the Police Service, Belfast City Council and various other groups have put a tremendous amount of work into trying to solve the problem. Often, students get the blame for such things as the terrible events, which we saw on our televisions, that took place on St Patrick's Day last year. People are happy to blame students, and they are particularly happy to blame Queen's University, because the events took place in close proximity to it — a university that has done much and put a lot of finance into trying to help solve the problem by providing wardens, for instance. However, when Members look at the statistics relating to the arrests that were made during last year's St Patrick's Day events, they will see that 11 of the 19 people who were arrested were not students. Therefore it is wrong to blame students as the easy target on every occasion. I want to be fair to

everybody and remind the House of those statistics. I think, and I hope, that most folks will accept that.

If an independent organisation similar to that which exists in Scotland and in other areas is introduced, I am concerned that it will be another costly level of bureaucracy. The last thing that we need is another quango somewhere in the middle. The Housing Executive and the housing associations do an excellent job, but the housing associations need to look at some of their practices in relation to payments, for instance, and to have them examined regularly, because residents do not know what they are getting. I am concerned that the introduction of an independent organisation will become an additional burden to the folk who have to rent private property.

Whether we like it or not, any charges will be passed on to the people who rent the property. Some of those people are already in dire circumstances and, as another Member pointed out, they are in private rented accommodation because they cannot get onto the property ladder.

The Minister must look very carefully at whatever system is put in place.

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

**Mr Spratt:** I will, Mr Deputy Speaker. I urge that some kind of registration be put in place, because folks who rent private property need to know who they are renting it from. I support the motion.

**The Minister for Social Development (Ms Ritchie):** I am not a landlord, but I am a former student resident of the Holylands.

Today's motion provides a welcome and timely opportunity to highlight the considerable work that my colleague the Minister for Employment and Learning and I have undertaken to deliver improvements for those living in the Holylands area of south Belfast. The motion calls on me to introduce mandatory registration, as landlord responsibility has been identified by stakeholders as a necessary step to address the issues.

I am surprised by the motion, given that it is well known that a robust registration scheme is already in place in that area, as the majority of properties are houses in multiple occupation. Despite that, the ongoing problems, mainly associated with antisocial behaviour in the Holylands, have been well documented. The situation in the area is unacceptable, and a multi-agency response is in place involving a wide range of diverse partners working together to provide solutions and to minimise the problems in the area. The partners include Belfast City Council, the Planning Service, the Housing Executive and the Police Service, along with the universities and colleges. Those partners have created an action plan for the Holylands that focuses on five

areas: alcohol; policing; student accommodation and physical infrastructure; student behaviour; and Holylands management and monitoring.

Of the 20 proposed measures to address the problems in the area, three fall to my Department. The first involves the issue of alcohol, and I intend to introduce legislation to close nuisance premises; the second is further consideration of physical development in the Holylands area; and the third relates to the regulation of HMOs, including the intention to increase fees for non-compliance.

As Members can see, dealing with housing issues is only part of the solution. The make-up of the Holylands shows that the great majority of the properties in it are in the private rented sector and most are houses of multiple occupation and are subject to rigorous regulation. The statutory registration scheme for HMOs began registering houses in the Holylands from 1 October 2005, with the aim of registering all HMOs in the area by 1 September 2012.

The registration scheme requires that all owners and managers of HMOs ensure that their properties are brought up to satisfactory physical standards; that they provide appropriate information and advice on the HMO sector to tenants and prospective tenants; that they ensure that HMOs are well managed; and that they ensure that the adverse effects of concentrations of HMOs are reduced. To date, 336 HMOs in that area have been registered from a total of 883 identified from the Housing Executive's database.

Although less than half the HMOs in the area are registered, registration is ongoing and the Housing Executive will register all HMOs in the area by 1 September 2012. However, whether registered or not, the Housing Executive has the power to take whatever statutory action is necessary to deal with HMOs that are not complying with the HMO management regulations. Those regulations make provision for ensuring that the person managing a HMO observes proper standards of management.

That action takes the form of serving appropriate statutory notices that can require that an HMO be brought up to full required standards; that it be made fit for human habitation; that the manager of the property must comply with the HMO management regulations to ensure the repair, maintenance, cleansing or good order of the property; and that action must be taken to reduce any overcrowding in an HMO. All those notices are time-bound, and, if the landlord or manager of the HMO does not carry out the required works or take the required action in the specified time, prosecution procedures will be commenced.

*4.00 pm*

A mandatory registration scheme has been in place for HMOs since 2005. HMOs pose high levels of

health and safety risk and arguably give rise to a disproportionate amount of antisocial behaviour in local communities. The Housing Executive's registration scheme was imposed to tackle those issues and ensure that non-compliance is tackled effectively.

The Housing Executive has learned from its experience of working in the HMO sector and has strengthened its original strategy. A revised strategy issued in 2009 sets out a series of proposals to improve conditions in the HMO sector and to deal with any issues that may arise. Action taken as part of that strategy includes work on the training and awareness of HMO landlords, and several seminars have been held across Northern Ireland and have been well attended and received. To complement the registration scheme, I will introduce legislation to strengthen the fines for offences relating to the management of HMOs in the second housing Bill, which I intend to introduce before the summer.

In addition to the registration of HMO landlords, the education of all private tenants and landlords on their rights and responsibilities is essential and forms part of the strategy for the private rented sector. A good deal of work has already been done on that through the provision of leaflets and guidebooks, information on websites and landlord awareness seminars on the private rented sector. In addition, the Housing Executive's work with students, in particular making sixth-form students aware of their responsibilities when they become private sector tenants at university, is a very useful part of its management of HMOs.

HMO registration is applicable on a phased basis to all HMO properties in Northern Ireland, and it is regularly evaluated and reviewed to ensure that its objectives are met. I will ensure that the lessons continue to be learned from that scheme and that they are considered by the wider private rented sector.

I turn to some of the issues that were raised during the debate. In proposing the motion, Alex Maskey referred to two specific issues. The first of those concerned the registration of landlords, and, although there has not yet been any formal evaluation of the impact of the registration scheme in Scotland, there is some evidence that the scheme has delivered limited benefits, albeit at a considerable financial cost, a point that has already been raised by Mr Craig. It is clear that registration does not offer a panacea for all perceived problems in the private rented sector, and, although it may make a useful contribution, it will form only part of the solution in conjunction with tenancy deposit schemes, dispute resolution arrangements and better security of tenure.

Alex also raised the issue of tenancy deposits. Responses to the consultation document on a strategy for the private rented sector strongly supported the

introduction of a tenancy deposit scheme in Northern Ireland, and I intend to introduce such a scheme as part of the second housing Bill.

Simon Hamilton raised two specific issues: the effectiveness of the Private Tenancies (Northern Ireland) Order 2006 and the cost of the HMO registration scheme. There are some merits in mandatory landlord registration, but they would come at a considerable cost. The Private Tenancies (Northern Ireland) Order 2006 has been in place since April 2007, and Mr Hamilton raised important points about its application. The strategy that I will bring forward in the spring will strengthen the law and deliver effective enforcement.

Anna Lo and Thomas Burns referred to some deficiencies in the Private Tenancies Order 2006, which my Department hopes to address through further legislation. John McCallister raised the issue of learning from HMO registration and stated that, as registration proceeds, lessons can be learned on an ongoing basis. Although such registration has been costly and slow to implement, with little evidence of a positive impact on addressing antisocial behaviour, there has been a positive impact on addressing the physical standards of buildings, the provision of information and advice, and increasing people's awareness of rights and responsibilities.

As part of the new housing agenda, I am committed to ensuring that everyone has access to a decent, affordable home, and the private rented sector has an increasingly important role to play, particularly as it provides homes for a diverse range of households. I have developed proposals, held a public consultation and given consideration to the responses that I have received. I am now considering the way forward through a private rented sector strategy that will be issued in the spring. My work to develop that strategy will ensure that core priority issues in the sector are effectively addressed. Subject to the outline of that work, new legislation to give life to the new strategy for the sector will be required and will be included in the second housing Bill. I welcome a strong vote of support for the work I have put in place to improve conditions in the private rented sector through the development of a strategic framework to ensure that everyone in our society has access to a decent, secure and affordable home.

It appears that there is significant misunderstanding about DSD's potential contribution to the solutions to the issues in the Holylands, which are essentially of a cross-cutting nature, requiring a collective response from government. Mr Empey and his Department have played a lead role in that work to date, and continued success requires ongoing significant input from the Planning Service, NIO, the police and Belfast City Council.



My Department is ready to consider landlord registration as part of its private rented sector strategy, but it will not just be window dressing; it must be something that will work. I appeal to the party that brought the motion and several other motions to the Floor of the House to recognise that the central issue is antisocial behaviour. In the Holylands, landlord registration is that party's solution to antisocial behaviour; in Ross Street in west Belfast, its solution to antisocial behaviour is to demolish houses; and in relation to underage drinking and the resulting antisocial behaviour, its solution is to print something on the plastic bags used by off-licences. *[Interruption.]* Let us go beyond facile solutions and think about real solutions to antisocial behaviour. *[Interruption.]*

**Mr Deputy Speaker:** Order.

**The Minister for Social Development:** Let us come up with solutions that actually address and start to change the bad behaviour.

I will continue to support the important work of the inter-agency group in the Holylands area. I will continue, through the second housing Bill and the private rented sector strategy, which will be launched later this year, to take account of all the issues that are required to address the need for regulation of landlords and protection of tenants. I ask that all Members give their support to the many groups and agencies involved in that good work.

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

**Mr Brady:** Go raibh maith agat, a LeasCheann Comhairle. I thank my colleague Alex Maskey for bringing the motion to the House. A similar motion has been debated in the House before, and, although Mr Maskey's motion is to some degree localised to his constituency, it highlights the serious problems and concerns people have that the unregistered housing sector has been allowed to exist without any type of control.

The Chamber unanimously endorsed a motion calling on the Minister to do something about the matter, and that motion was even backed by her party, but, to date, nothing has been done to tackle the problem.

**Mr A Maskey:** A few minutes ago, the Minister suggested that Sinn Féin has no proposals other than those that she outlined. Does the Member agree that the party has made routine and numerous representations directly to the Minister? As a local representative, I have had meetings with her during which I discussed complex proposals at length and in considerable detail, not only for the Holylands but for other areas. It would be wrong to suggest that Sinn Féin has a single mind on the matter; it is much more complex than that, and that has not been acknowledged by the Minister.

**Mr Brady:** I thank the Member for his intervention, and, as a member of the Committee for Social Development, I agree with his comments.

I know that the issue comes to prominence every year in south Belfast with the continued cycle of trouble there, but that is only a small part of the difficulties that residents who live there have had to endure for many years. The mandatory registration of landlords would be a major advance for residents in that area. Over the years, the character of the area has changed from being a residential area to being a largely private rental area, although local residents have worked to retain what is left of the residential nature of the area, and they hope that they can reverse the adverse effect that that change has brought.

It is also worth pointing out that DSD has a statutory obligation to protect the residential character of areas. In many constituencies, areas that were once noted for their strong community spirit have been completely undermined by the speed of change. For example, in my constituency of Newry and Armagh, whole streets are filled with signs advertising houses for rent. How long will it be before the Department carries out an impact study on the steep rise in private renting in areas where the residential aspect is also declining? Many of those areas have a character that has been shaped by over 100 years of family living.

Distinctions can be made among landlords who control houses in multiple occupation and those with houses that are seen as private rented houses. The Minister has made much of the issue concerning houses in multiple occupation. It has been stated that HMOs are supposed to be registered, and the Minister talked about registration being completed by 2012, particularly for the Holylands area. The issues around the private rented sector do not affect only the Holylands or Belfast; they affect areas throughout the North. In many cases, my constituency included, antisocial behaviour in estates comes from the private rented sector, where there is no control and where people can move from house to house without any restriction.

It needs to be mentioned that some landlords are good, but, in many cases, landlords have houses that are unregistered, and they ignore rules that may exist by providing houses that become overcrowded or are in poor condition. Any rights that the tenant may have are often flouted, illegal evictions take place, tenants are overcharged, deposits are withheld, and complaints are ignored. I recognise that a substantial number of landlords provide excellent accommodation and treat their tenants fairly. They would welcome the introduction of a registration scheme that brought to book those in the sector who, in some cases, have substantial numbers of properties and who view providing houses to rent as an easy way to make money.

Many people in the statutory and voluntary housing sector welcomed the introduction of the Private Tenancies Order 2006 as a move in the right direction but thought that it did not go far enough. They believe that a golden opportunity was missed, as strong legislation could have been introduced that would have allowed the people implementing the Order to have the power to ensure compliance.

As other Members who spoke in the debate said, any sector that is in receipt of over £90 million a year should be brought to book when it is considered that, in many cases, the community sector is hounded for relatively small amounts of money. Why is there resistance to making the private rented sector more accountable?

I will mention some of the issues that Members brought up in their speeches. Alex Maskey said that landlords who acted in a professional manner should not fear anything from mandatory registration. There are unscrupulous landlords who obviously would.

4.15 pm

Simon Hamilton seemed somewhat peeved that he could not declare an interest as a landlord, although that may be just a personal observation. He said that most stakeholders would welcome the provision of information for landlords and tenants, particularly on overcrowding, and that unfitness should be rooted out. He went on to say that basic requirements, such as the need for tenancy agreements and rent books, are not being enforced.

Anna Lo spoke about the St Patrick's Day violence in the Holylands and the efforts of local resident and student groups to solve problems. She spoke about the transient population of migrant workers and students and said that there are many good landlords.

David Hilditch welcomed the debate. He believes that mandatory landlord registration will protect landlords and their property. He said that stakeholders recognise that registration is essential and that, in many places, the private rented sector has replaced social housing, adding that students in the Holylands in particular have to accept responsibility for their actions. He congratulated the Minister for Employment and Learning on his action plan for the Holylands.

Billy Armstrong spoke about private landlords and private tenants being a problem in some areas. Thomas Burns, who declared an interest as a landlord, commended the Minister for Social Development — surprise, surprise — for her good work in the Holylands. He also mentioned the work that the Minister for Employment and Learning has done. He spoke about the increased number of students, friction between groups being an understatement and university-led approval for student accommodation, which should cover more than simply mandatory registration. He

said that landlords should be responsible for tenants and play a greater role in managing disputes.

Jonathan Craig supported the motion and called on the Minister to introduce a mandatory registration scheme. He spoke about the cost of such a scheme, particularly in Scotland, where there are ongoing problems. He said that lessons need to be learned if a scheme is to be introduced here. He pointed out that there are huge difficulties in Scotland because the scheme is council-based and that any scheme introduced here should have a centralised base.

John McCallister declared an interest as a landlord, and I am delighted to hear that he has a bolt-hole should things go wrong. He supported the call for registration, and he spoke about disputes, rent increases and deposits. He said that legislation should be constructed in such a way that it would not cost a huge amount to implement. He also spoke about the delay in bringing the second housing Bill before the Assembly.

Martina Anderson said that she is aware of the difficulties in the Holylands. She also mentioned — again: surprise, surprise — Derry and made the valid point that, if there were an increase in student accommodation in Derry, that would need to be planned for and campuses enlarged. She went on to say that mandatory registration is not only relevant to student areas. She also spoke about the lack of social housing and its being replaced by the private rented sector in many ways. That applies not only to students and single people but to young families. Many of those houses are in poor condition, and landlords are paid handsomely from the public purse.

Billy Leonard spoke about student accommodation in Portrush and Portstewart, which he said is having an impact on young families. He said that the issues are broadly geographical. Mary Bradley spoke about unfit landlords. Jimmy Spratt has passed his landlord's baton to someone else and seems relieved about that. However, he appeared to be in favour of mandatory registration.

The Minister needs to make it clear whether she will introduce mandatory registration for private landlords. That was certainly not clear from her answer today.

*Question put and agreed to.*

*Resolved:*

That this Assembly notes the efforts currently being made by the Minister for Employment and Learning to address the ongoing issues related to the Holylands area of south Belfast; and calls on the Minister for Social Development to introduce mandatory landlord registration, as landlord registration has been identified by stakeholders as a necessary step in addressing these issues.

*Motion made:*

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

## ADJOURNMENT

### Project Kelvin in Newry and Armagh

**Mr Deputy Speaker:** I remind Members that the proposer of the topic will have 15 minutes to speak. All other Members who wish to speak will have approximately eight minutes.

**Mr D Bradley:** Go raibh maith agat, a LeasCheann Comhairle. Tá áthas orm seans a bheith agam an cheist thábhachtach seo a phlé inniu, nó baineann sí le toghcheantar an Iúir agus Ard Mhacha..

I am grateful for the opportunity to discuss and debate this important issue for the Newry and Armagh constituency. Project Kelvin aims to bring high-speed transatlantic Internet connection to this part of Ireland and to other parts too.

The map published by Hibernia Atlantic, the company which won the contract for Project Kelvin, showed that Newry was bypassed by the cable, whereas Dundalk, Castleblayney, Monaghan and Armagh were linked to it. I welcome the fact that Armagh was linked to it, but I was disappointed, like many others, that Newry had been excluded. The business, commercial and community interests in Newry are naturally dissatisfied with this arrangement, considering the fact that DETI announced, on 25 September 2006, that it would continue to target 30% of the Northern Ireland population by designating the six most deprived council areas in Northern Ireland, together with the most disadvantaged areas of Belfast, as the focus for activities aimed at tackling poverty and social need. The six council areas — Newry and Mourne, Strabane, Derry, Omagh, Cookstown and Dungannon — were selected by using data drawn from Northern Ireland Noble multiple deprivation measure. The then Minister said:

“DETI is firmly committed to playing its part in tackling the problems of deprivation and social exclusion in the most disadvantaged areas of Northern Ireland. The updated maps represent a fair and objective approach to defining deprivation and will enable DETI and its agencies to effectively target resources ... those areas designated as disadvantaged will be afforded priority status”.

The equality impact assessment of Project Kelvin stated that the technical specification for the procurement specifically included evaluation criteria which would reward bid responses that proposed to bring the benefits of this investment across all Northern Ireland and that investment decisions would be taken having regard to DETI commitments and

policy statements and consideration of investment in areas of multiple deprivation.

Once again, the equality impact assessment cited the maps that I have referred to, issued by the Minister in 2006, and emphasised that areas designated as disadvantaged — one of which, as I said, was Newry — would be afforded priority status. In bypassing Newry, for whatever reason, it seems very much that DETI’s own policies of affording priority status to disadvantaged areas were overlooked, if not totally ignored. Newry was already linked into the infrastructure with Armagh, but it was excluded. I welcome the Minister’s presence in the Chamber, and I ask her why Newry was excluded and why DETI accepted that.

In a letter to me dated 15 September 2009, the Minister said that the only mandatory location in Northern Ireland was Derry, and that bidders for the tender issued by DETI and the Department of Communications, Energy and Natural Resources were encouraged to include additional locations. I find it surprising that the tender allowed for such latitude, considering the Department’s policy of affording priority status to the six councils on the new deprivation maps. Of those, only Strabane, Derry and Omagh emerged as locations, and Derry was, in any case, a mandatory location. Half of the targeted councils that were to be given priority status were not included in the locations outlined by the company that won the contract.

We need answers from DETI: was the policy for disadvantaged areas given any weighting whatsoever in the scoring system for tenders? If it was, how much was given? If it was not, why was it not? Those are important questions, and I hope that the Minister will provide us with the answers today.

I wonder whether, when the Department noticed that the winning tender bypassed three of the prioritised areas — including Newry, the North’s fourth largest city — the Department took any steps to discuss the fact that Hibernia Atlantic’s tender diverged greatly from DETI’s stated policy. If it did notice that, what action did the Department take?

There is huge frustration in the Newry and Mourne area at the way in which DETI handled Project Kelvin. The same was true in Derry, but the situation there has been rectified. That has not been the case for Newry. DETI has effectively washed its hands of the matter, insisting that it is now the responsibility of the private sector. As I said, I wonder where that leaves DETI’s policy of prioritising certain areas. Such a response from the Department, which has ignored its stated policies in awarding contracts, is completely unacceptable.



DETI clearly had influence over the location of points of presence, and the Department must bear responsibility for the situation that Newry now faces in respect of Project Kelvin. It is time for the Department to live up to its responsibilities. DETI must take steps to ensure that Newry receives a point of presence sooner rather than later — within the next year. We need guarantees from the Department that Newry will receive the same pricing and service guarantees that exist at other points of presence.

The Minister will probably say that the economic and employment situation in Newry has improved greatly over the past 15 years, and I agree with that. However, that improvement has largely taken place as a result of the efforts of the community in Newry. The city's business and commercial community has worked hard and successfully to improve the economic situation there.

When we compare levels of government investment in Newry with other comparable centres in the North, it is clear that there has not been overinvestment in Newry. In fact, the opposite is true. We were used to that sort of treatment under the old Stormont regime, but we expect better under the present Administration. As I said, it is time for DETI to hold up its hands and admit to the errors that it made in respect of Newry in the awarding of the contract. It is not good enough for the Department to wash its hands of the matter. It is time for it to take positive action by linking Newry into Project Kelvin.

Mr Deputy Speaker, thank you very much for the opportunity to discuss the issue. I look forward to hearing the Minister's response.

**Mr Brady:** Go raibh maith agat, a LeasCheann Comhairle. First, I thank the Minister for her presence here today. The initial reaction of people in Newry to Project Kelvin was to note that Newry was excluded, whereas Armagh, Monaghan and Dundalk were included. It appears that DETI tendered for provision for Derry and Belfast, but, as far as I am aware, the provider was willing to include other areas.

4.30 pm

Newry is a city of ambitions, and Project Kelvin is very much seen as an integral part of continuing to promote those ambitions. Contained within those ambitions is the Newry digital city strategy for the twenty-first century, in which innovative ideas, such as using the Newry Canal as a digital conduit for cables, have been mooted. The advent of Project Kelvin would enable Newry to have an all-encompassing strategy, a partnership with businesses and a partnership with projects such as neighbourhood renewal. That would make the technology available to businesses, but also to areas of low income, enabling many young people to realise their career choices and giving them the

proper tools with which to further their ambitions. For example, if there is a realignment of sterling with the euro this year, approximately 3,000 retail jobs will be at possible risk, and, therefore, alternatives have to be looked at. Project Kelvin will also help improve rural connectivity and open up opportunities for small businesses in rural areas.

It should be recognised that, in some areas, Newry leads the way in the North. For example, First Derivatives in Newry provides high-end ICT for the financial services industry and is seen very much as a leader in that sector. The provision of better and improved technology would also help companies such as Teleperformance to develop a better competitive edge and to tender for bigger contracts. Those are just two examples of Newry's contribution to the local economy.

Suppliers are currently in the process of identifying locations in Newry for Project Kelvin points of presence. Research will also be carried out in relation to best practice and how towns and cities across Europe have benefited from investment in communications infrastructure.

Finally, I commend Newry Chamber of Commerce for the great work that it has done in progressing the project. Newry and Mourne District Council, and individuals from the business sector, also deserve praise and recognition.

Project Kelvin can only be beneficial for our area, and it will enable Newry to continue to become a thriving commercial centre and an example to other areas throughout the North. My colleague Conor Murphy has been involved in the project from day one in our constituency, and he will give the House a much more detailed update.

**Mr P J Bradley:** I thank Dominic for bringing Project Kelvin to the attention of the Assembly. Reference has been made to the constituency that the project affects, and I should explain that part of the city of Newry is in my constituency of South Down.

In Dominic's address, he said that Newry had been ignored, for whatever reason. Since the mid-1920s, as Dominic mentioned, Newry was repeatedly ignored by successive Governments, and everyone knew the reason for that. Thanks to the private sector, Newry has come on in leaps and bounds, and has become an ever-growing hub on the new corridor between Dublin and Belfast. That infrastructure will soon be complete, and Newry will be only an hour away from Dublin and less than an hour away from Belfast, making it an ideal place to set up a business. That includes modern businesses such as IT and communication businesses, which is why Project Kelvin is so important.

Last week, I attended a meeting of the Greater Newry Vision Partnership at Warrenpoint Harbour

Authority, and Project Kelvin was on the agenda. A lot of concern was expressed that Newry was being ignored, and the group proposed to take that matter further, as has the Newry Chamber of Commerce. All that that group is looking for is economic justice from an enterprise, trade and investment perspective. I am pleased to pass that message on to the Minister, and I thank her for her attendance.

**Mr Murphy:** Go raibh maith agat, a LeasCheann Comhairle. I agree that Project Kelvin should, as part of its remit, hook up with Newry. In many ways, at the beginning of the debate about the project, much of the attention was focused on where the telehouse would be and less on the route that it would take throughout the North and the South.

The case for Newry was very ably made by people in the Newry area, where business, particularly that involving IT firms, has thrived over the past number of years. The case for Newry's connection was well made, and it was recognised as an area that needed particular attention.

Therefore, when it was first brought to my attention that Newry was not connected to the network for Project Kelvin, I was disappointed. I immediately met with people in the business and IT sectors in Newry to discuss that. As other Members have outlined, those people were very keen to ensure that Newry would not lose out on the benefits of such a high-speed internet connection to North America. They felt that it being connected to the network would be very beneficial in selling Newry as a destination for inward investment and in expanding the growing indigenous business in Newry that is reliant on that type of provision. There was a strong sense that Newry wanted to get active, as Newry always does, and to make sure that it did not lack the benefits that other towns would receive from being connected.

After that discussion with the representatives of the business and IT sectors in Newry, I raised the issue at a meeting with the Minister of Enterprise, Trade and Investment, Arlene Foster, and the Minister for Enterprise, Trade and Employment in the South, Mary Coughlan, because the project was a North/South one. At that meeting, we ascertained that the northern aspect of the project was under the authority of DETI. Consequently, I arranged for the representatives from Newry to go to the Department of Enterprise, Trade and Investment's (DETI) headquarters to meet the Minister and her senior officials and discuss how best Newry could become part of Project Kelvin or, at the very least, tap into the same network at the same time.

The discussions have developed from there, and, although there is a very strong sense of disappointment that Newry was not part of the original project, the campaign has led to those involved in the IT sector in

Newry, in both the public and private sectors, and those in the Newry Chamber of Commerce and Trade getting together. Those people have formed a digital group for Newry, which looks at what the area needs, so that the business and public sectors can co-ordinate their approaches and ensure that they are lobbying in the right areas. To that end, the group has secured money from the council and the private sector.

Discussions are ongoing. I have been part of discussions with Hibernia Atlantic, the provider of the service, that were held in Newry. I also met Hibernia Atlantic bosses in the States to ensure that Newry has the right type of connection. There are different types of connection, and we want to ensure that Newry receives the full benefits that are accrued under Project Kelvin. Those discussions are continuing, and I have asked the Minister about support from her officials in making sure that Newry receives its proper provision.

There is a feeling that Newry is entitled to proper provision, but people will not just sit back and make demands of the Department. People are getting together to ensure that we identify what is required for Newry; that there is agreement on what is required; and that we go, as required, to the Department of Enterprise, Trade and Investment and to the providers. We also want to ensure that Newry is well placed in the future to be properly connected to the networks and ensure that we can take full advantage of the benefits that Project Kelvin delivers.

It is unfortunate that we were not involved in Project Kelvin as of right. That was overlooked by the Department —

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

**Mr Murphy:** My time is limited. If I am allowed to finish my remarks, I am happy to give way.

**Mr D Bradley:** Does the Member agree that we need assurances that Newry will receive the same pricing and servicing guarantees that exist in other points of presence?

**Mr Murphy:** It is important that Newry receives assurances that it can get into the network on the same basis as everywhere else. That is what I have been working for over the course of possibly a dozen meetings since the issue was first brought to my attention. I am happy to update the Member on the progress that has taken place. The campaign has encouraged businesses and those involved in IT in Newry, in both the public and private sectors, to get together to identify what Newry needs, clearly present that case and ensure that Newry receives that to which it is entitled. I will continue to work with that group and support it in that endeavour.

**The Minister of Enterprise, Trade and Investment (Mrs Foster):** I am always happy to come to the

Chamber and discuss DETI provision. However, I will not listen to outlandish nonsense, which is, frankly, some of what we got from the Member who secured the Adjournment debate.

I am very disappointed that the debate began in that way. Today, I wanted to outline what is going on in Newry, why there is no need for a point of presence there to obtain the specific speeds that are required, the other work that is going on in Newry and the fact that Newry, from a telecoms point of view, is on the corridor between Belfast and Dublin that has better telecoms infrastructure than anywhere in Northern Ireland. That is one of the reasons why companies such as First Derivatives and Teleperformance use Newry; the skills, people and telecoms infrastructure are available there. I was disappointed at the tone at the start of the debate. However, that tone improved when other Members contributed.

It is important that the investment —

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

**The Minister of Enterprise, Trade and Investment:** I will give way only if the Member offers a constructive point that adds to the debate.

**Mr D Bradley:** Businesses that provide IT services in Newry are not happy with the existing level of IT support there. For example, the exchange in Newry does not have the technology to support a 20 megabyte broadband line for high-speed linkages. The current maximum is 6 to 8 megabytes; it should be 20 to 24 megabytes. That assertion is from the minutes of a meeting that I had with a business that is involved in IT. Therefore, there seems to be variance between what businesses are saying and what the Minister is telling us today.

**The Minister of Enterprise, Trade and Investment:** I am happy to discuss that matter: it is one reason why the Department has invested a huge amount of money in next generation broadband. Newry and Armagh, and the whole of Northern Ireland, will benefit from next generation broadband. That is why such a fundamental announcement was made towards the end of last year.

However, I will return to Project Kelvin. As the Member knows, the issue in Londonderry was not about anything other than the fact that the city wanted a telehouse as opposed to a point of presence. As I said during discussions on that matter, it is important not to squander an investment of that magnitude and nature. We need to consider the benefits in Northern Ireland. As I discovered during a conversation with the chief executive of BT about next generation broadband and how it will roll out across Northern Ireland, we have a better telecoms infrastructure than a lot of European countries. However, today we are talking down what should be a good news story for Northern Ireland.

A lot of effort has been put into Project Kelvin, and the Northern Ireland Science Park recently held a good event that discussed monetising Project Kelvin and what the project could do for the whole of Northern Ireland, not only the areas with the points of presence. Members should obtain details of that event and consider those for the future.

I have received some correspondence from stakeholder groups in Newry, and I have had a productive meeting with Minister Murphy about the project. Two key issues have arisen: the Department's role in specifying where particular investment should take place; and the opportunities for businesses to exploit the opportunities that Project Kelvin presents. In order to address the first matter, it is critical to provide some background on the telecommunications market in the United Kingdom. It is a fully privatised market and is independently regulated at a national level by Ofcom. Moreover, it is largely a reserved matter. My Department has a general power under the Communications Act 2003 to make investments to stimulate the local market.

A lot has been made about the eight locations in Northern Ireland that will be points of presence at which customers can access services under the project. That has generated a lot of misinformation and many misunderstandings. I want to discuss some of those issues in the Chamber today; most notably that having a point of presence creates a competitive advantage over locations that do not have a point of presence.

That is simply not the case, and certainly not in Newry, given the broadband speeds that are available in the city compared with broadband speeds in other places. It has also led to demands that my Department should specify additional locations to Hibernia Atlantic.

*4.45 pm*

I want to be very clear about those matters. Points of presence are automated, unmanned facilities that house telecoms equipment so that other carriers such as BT and Eircom can interconnect to the Kelvin link. Those carriers will provide the physical connections to customers. Project Kelvin's focus is on telecoms infrastructure. In those terms, Newry is in no way deprived, because all the main telecoms companies have good quality infrastructure in the area. In addition, Atlas Communications has a high-speed 100 megabits broadband connection that passes through the Newry area. Newry was not excluded and it can connect to Kelvin through the existing local infrastructure. Any business that requires access to Kelvin, regardless of location in Northern Ireland, can do so through the local carriers.

I want to say something about broadband speed. The current telecoms infrastructure in the Newry area is



strong and can deliver the same speed as the Kelvin terrestrial networks. A specific point of presence would not increase speeds, given that businesses will have to use the local telecoms network to make connections between Kelvin and their premises. I want to say that clearly, because certain Members are saying things that are not correct.

We have heard a lot about the tender process and the contract today. It is correct to say that there were three mandatory points of presence, only one of which was in Northern Ireland. The rationale for specifying that Londonderry should be one of those mandatory points was established in the initial feasibility study that demonstrated that companies in the north-west faced significant adverse disparities in costs of international data transfer. In other words, the data came to Dublin but took a disproportionately long time to get to Londonderry. People in Newry cannot say that that is the case for them.

As part of the procurement process, bidders were invited to specify locations where they might be prepared to establish additional points of presence. Hibernia Atlantic specified seven additional locations in Northern Ireland based on their assessment of commercial opportunity. The decision was also influenced by the need to provide service to two mandatory locations in the Republic of Ireland, in Letterkenny and Monaghan.

I need to say that at no time did DETI play any part with Hibernia Atlantic in making the decisions on the number of locations or additional points of presence. Otherwise, why would Enniskillen not be on the map? The position of my Department and the Department of Communications, Energy and Natural Resources in the Republic of Ireland is quite clear. Project Kelvin is a €30 million investment that covers 13 points of presence only. We have no plans to develop further points of presence by varying the terms of the contract. The Governments of Northern Ireland and the Republic of Ireland have made a substantial investment in Project Kelvin, and any decisions on establishing further access points will be a matter for the private sector service providers.

Those decisions are based largely on demand and the demonstration of sustainable commercial business cases. That is an important point that I hope will not be missed. In short, the ball is in Newry's court now. Contrary to what has been said, my Department takes a great deal of interest in what happens in the Newry area. I have visited the city on many occasions to make announcements about new jobs, and I commend the enterprising nature of Newry Chamber of Commerce and Trade and businesses in that city for the positive work that they are doing to promote business development.

We can say that the glass is half-full: that Newry has a good deal better infrastructure than many places in Northern Ireland and has the same broadband speeds as many of the points of presence; or we can say that it is half-empty, and because it does not have a point of presence it will not get any new international investment. I say to those Members here present, would it not be much better to take the former route and try to sell Newry in a positive way throughout the world? When they do so, they will not find me wanting in helping them to do it.

*Adjourned at 4.50 pm.*