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# Northern Ireland Assembly

Wednesday 30 June 2010

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

*Members observed two minutes' silence.*

## Assembly Business

### Resignation of Dr William McCrea

**Mr Speaker:** I have received a letter from Dr William McCrea, notifying me that he will resign as a Member of the Assembly with effect from Thursday 1 July 2010. I have notified the Chief Electoral Officer.

## Ministerial Statement

### British-Irish Council Summit: 25 June 2010

**Mr Speaker:** I have received notice from the Office of the First Minister and deputy First Minister that the First Minister wishes to make a statement.

**The First Minister (Mr P Robinson):** In accordance with the requirements of the Northern Ireland Act 1998, I wish to report on the fourteenth summit meeting of the British-Irish Council, which was held in Guernsey on 25 June 2010. All Northern Ireland Ministers who attended the summit have agreed that I should make the statement to the Assembly on their behalf.

The States of Guernsey hosted the summit. The heads of delegations were welcomed by the Chief Minister of Guernsey, Deputy Lyndon Trott. The Irish Government were represented by the Taoiseach, Brian Cowen TD, and the United Kingdom Government by the Secretary of State for Northern Ireland, the Rt Hon Owen Paterson MP. The Welsh Assembly Government were represented by the First Minister for Wales, the Rt Hon Carwyn Jones AM. The Scottish Government were represented by the First Minister for Scotland, the Rt Hon Alex Salmond MSP. The Government of Jersey were represented by the Chief Minister, Senator Terence Le Sueur, and the Isle of Man Government were represented by the Chief Minister, Tony Brown MHK. In addition to the deputy First Minister and me, the Northern Ireland delegation consisted of Minister Poots, Minister Attwood and junior Minister Newton. A full list of participants is attached to the statement that has been provided to Members.

The British-Irish Council plays a unique and important role in furthering, promoting and developing links between its member

Administrations through positive, practical relationships and providing a forum for consultation and co-operation on east-west issues. Member Administrations consult, discuss and exchange information with each other on matters of mutual interest within the competence of the relevant Administrations. The Chief Minister of Guernsey, Deputy Lyndon Trott, chaired the meeting, which focused on economic issues, marine renewable energy, relations with the British-Irish Parliamentary Assembly, the establishment of a standing secretariat and a report on progress within the various BIC work sectors.

The BIC summit provided a useful forum for the Council to review the current global economic climate and discuss the impact of the downturn in economic activity across our respective Administrations. Ministers briefed the Council on actions being taken in their respective Administrations to stabilise public finances, repair banking systems, cut costs and boost employment. We also discussed the potential impact of the recent Budget announced by the United Kingdom Government. The Council acknowledged that member Administrations continue to face serious challenges and agreed that the sharing of information on their experiences, responses and best practice was essential as they seek to reposition their economies to take advantage of the economic upturn when it comes.

The main theme of the summit was marine renewable energy. BIC Energy Ministers or their representatives updated the Council on the activity under way in the area of marine renewables in their respective Administrations and discussed areas for future co-operation and growth in that sector among member Administrations and with the European Commission.

The Council noted the significant wave and tidal resources of BIC member Administrations and the opportunities for growth and competitiveness in that sector. It noted the benefits of member Administrations working together to share best practice and collectively accelerate the development of the marine renewable energy sector. The Council welcomed and endorsed the progress and future work plan of the marine renewables subgroup of the BIC energy work stream, including the continued exchange of best practice on marine environment and research issues and the

identification of key opportunities for ongoing collaboration across Administrations.

The Council also approved ongoing and constructive engagement between BIC member Administrations and the European Commission in the development of European funding and policy initiatives in the area of marine energy. The Council noted and welcomed the programme of work being taken forward by the electricity grid infrastructure subgroup of the energy work stream.

The Council considered a report prepared by the BIC secretariat on the relationship between the British-Irish Council and the British-Irish Parliamentary Assembly, as mandated by the Council at its thirteenth summit meeting in Jersey in November 2009. The Council noted that there is scope for further engagement between the bodies and approved a number of recommendations to enhance their relationship. The Council tasked the BIC secretariat with taking forward work on those recommendations in conjunction with the BIPA secretariat.

We discussed progress on arrangements for the establishment of a BIC standing secretariat, which had been commissioned by the Council at the Belfast summit in July 2007. At the previous BIC summit in November 2009, the Council asked the Chief Minister of Guernsey, as host of the following summit, to take further informal soundings from Council members on a location for the secretariat with a view to reaching consensus on a location and to report back to the Council at the Guernsey summit. The Chief Minister of Guernsey reported to the Council that, during his consultations with member Administrations, consensus had emerged on a location for the secretariat: Scotland. The Council endorsed that consensus and tasked the BIC co-ordinating group with taking forward work on the arrangements for establishing the secretariat in Scotland and agreeing a model for sharing the costs associated with the establishment and operation of the secretariat. Co-ordinators have been asked to provide a paper setting out proposed arrangements for the Council to approve at the next summit meeting, with a view to the secretariat being operational as soon as possible thereafter. The Council has requested that the costs associated with the standing secretariat be kept to a minimum.

The Council noted the progress of each of BIC's 11 work sectors based on the reports of their respective working groups. The collaborative spatial planning group brings together officials responsible for regional development strategies, national planning strategies and frameworks in each member Administration, and it met in March 2010 in Cardiff. There, the group had the opportunity to hear from the Welsh Department with responsibility for public services and local government on changes to European Union spatial policy objectives. The group will next meet in Edinburgh in autumn 2010, when it will focus its work on the practical issues for member Administrations arising from the mandatory strategic environmental assessment of spatial frameworks.

The demography work group continues to be committed to the work plan that was endorsed by the ministerial meeting in March 2008. The main focus of the group's work has been on understanding migration and its impact. The work stream's next area of focus will be on understanding the implications of wider student flows among BIC member Administrations.

The digital inclusion work stream held its inaugural meeting in September 2009 in the Isle of Man, where it identified common themes in and shared understandings of digital inclusion. The group decided to focus its work on five main areas: content, outcomes, trust, engagement, and skills and training. The group has since met on three occasions, most recently in Dublin in May 2010, to take forward work in those areas. The theme of the next BIC summit meeting will be digital inclusion.

In February 2009, the BIC Ministers with responsibility for early years provision endorsed four strands of work for the work stream: collaboration between all agencies concerned with health, education and social services, with the aim of providing a joined-up service for children and their parents or carers and making better use of resources; transition arrangements between home and childcare settings and on to school to improve outcomes; the early years workforce; and evaluation and obtaining better value for money. Initially, the work of the group focused on the third strand. Officials from the early years policy work sector met most recently in Jersey in May 2010, and the group will now begin to focus on the fourth area, which is value for money.

At the Council's twelfth summit in Cardiff on 20 February 2009, it agreed to the introduction of a new energy work stream focused on two areas: electricity grid infrastructure and marine renewables. The electricity grid aspect of the work stream is led by the UK, and the marine renewables aspect of the work stream is led by Scotland.

The BIC electricity grid subgroup has met three times in the past 12 months. Grid infrastructure was also the main focus of discussion at the meeting of Energy Ministers in London on 22 March 2010. At that meeting, BIC Ministers agreed that the electricity grid subgroup would focus on exchanging information on and experience of research and development and other studies to promote greater understanding of and co-operation in electricity grid infrastructure; sharing experience of and approaches to regulation; making environmental impact assessments and achieving planning consent for electricity grid infrastructure; and working together to exert greater influence on the direction of emerging EU policy on and funding for grid infrastructure, where applicable to relevant members.

The first meeting of the marine renewables work stream was held on 6 June 2009, and it met subsequently in November 2009 and January 2010. The group continues to share best practice in research and development, policy support and marine environment activities. As Members will have noted, marine renewable energy was the main theme of the BIC summit. The environment work stream continues to examine ways in which Governments, agencies and researchers across BIC member Administrations can work together to improve the collective understanding of impacts on the environment.

The work stream includes two subgroups, which deal with extreme weather events and integrated coastal zone management. It met in February, April and June 2010. BIC Environment Ministers will meet in Newcastle, England, in July 2010, when the main theme will be marine issues. The discussion will focus on potential areas for future co-operation, such as how member Administrations can support each other in working to implement European directives, such as the marine framework strategy.

**10.45 am**

An initial meeting of BIC officials took place in Belfast in June last year on housing. The following issues were agreed as relevant across the jurisdictions: changing demographics; greening the housing stock; affordable housing; and investment in housing. The inaugural meeting of BIC Housing Ministers took place in Newcastle, County Down, on 4 December last year. The meeting focused on four main areas: changing demographics; the need for more energy-efficient housing; greening the housing stock; affordable housing products; and increasing private investment in housing. The European Investment Bank and the Housing Finance Corporation made presentations at that meeting.

Indigenous, minority and lesser-used languages were the theme of the last BIC summit meeting held in Jersey in November last year. At that summit, the Council endorsed the work of the group and added the economic benefits of bilingualism to the group's remit. A meeting of officials was held in Dublin in December, at which it was agreed that the UK would lead the work on the economic benefits of bilingualism. It was also agreed to establish a subgroup to discuss the European Charter for Regional or Minority Languages that would look at member Administrations' experiences of the monitoring process and share best practice on monitoring progress and reporting it to the Council of Europe. An inaugural meeting of that subgroup was held in Guernsey in June. In February 2010, a seminar was held in Edinburgh by the legislation subgroup to discuss linguistic legislation. That was organised by the Scottish Government, who have chaired the legislation subgroup since it was established.

The misuse of drugs work stream met in Dublin in January 2010, and officials discussed the policies of Administrations in tackling alcohol misuse. A ministerial meeting of the work sector was hosted by the Isle of Man on 24 February this year. Ministers discussed substance misuse in the prison setting and the responses necessary to address that issue. Ministers also discussed the issue of head shops and the use of psychoactive substances — legal highs, as they are better known — enhancing information on the various measures that are planned and implemented across jurisdictions and the outcomes of those interventions. Work stream officials last met in London in June, where they

discussed new directions for drug and alcohol policy and meeting new challenges. The group will next meet in Jersey in September and will focus its discussion on community action in dealing with drugs, alcohol and antisocial disorder.

At a ministerial meeting on social inclusion in Edinburgh on 25 and 26 March 2010, BIC Ministers reviewed the report on the work carried out by the BIC social inclusion work stream on the contribution of the third sector to social inclusion. Ministers noted that the third sector across all member Administrations is complex and diverse, with significant social and economic potential. They also acknowledged that the third sector has a reach to people and communities that statutory agencies sometimes find more difficult to engage. Ministers commended the excellent examples of investment and good practice across all member Administrations. Ministers agreed that the theme had led to a dynamic process of learning and co-operation, reflecting the original intention of the BIC. The work sector met at official level last week in Northern Ireland.

Work in the transport work stream has focused on the mutual recognition of driving disqualifications, the mutual recognition of driving offences that attract a penalty less than disqualification and research into drugs and driving. Member Administrations are also working together in the area of accessible transport. That work has included examining how to improve information provision for disabled people who wish to travel from one Administration area to another through the development of common web pages, sharing standards of disability training schemes and scoping the current level of concessionary travel across Administrations, while examining the potential for mutual recognition. The next meeting of the accessible transport subgroup will be held in London in December 2010.

Finally — I thank my colleague for the water, but I may need to be fed intravenously because of the length of this statement — Members will wish to note that the Council agreed to hold the next BIC summit in December 2010, when it will be hosted by the Isle of Man Government.

**The Deputy Chairperson of the Committee for the Office of the First Minister and deputy First Minister (Dr Farry):** This is my debut in my new role, and I will endeavour to reflect



what I understand to be the key issues for the Committee, even though I have not yet attended a Committee meeting. I thank the First Minister for his statement, and I welcome the quick turnaround in his delivering it, particularly given the statement's detailed content, which is also welcome.

The First Minister referred to the report that the BIC secretariat prepared on the relationship between the British-Irish Council and the British-Irish Parliamentary Assembly. Will he give us some flavour of the report's recommendations?

Members will welcome greatly the interest that has been shown in the early years policy, which is a cross-cutting issue. In the light of the emerging conclusions, will the First Minister tell the House whether we can look forward to some of the recommendations being reflected in our thinking on the future Programme for Government and Budget?

Marine renewable energy was a major theme of the discussions. Are we likely to see DETI's strategic energy framework finalised and the outcomes of the discussions reflected in other local policies?

**The First Minister:** I congratulate the Member on his new role. Given that he managed to ask that number of questions without ever having been to an OFMDFM Committee meeting, I fear for the time when he is fully equipped in his new role and has his legs fully under the table.

I thank my officials for the quick turnaround in preparing the statement. We respect the role of the Assembly, so we thought it vital to deliver the statement today before the Assembly rises for the summer recess. We therefore asked our officials to cancel all their evening engagements over the past number of days.

Perhaps I should say what the relationship between the BIC and the parliamentary Assembly will not be: it will not be the kind of relationship that the Executive have with the Assembly; rather, it will be much more a co-operative relationship. We will obviously share various outcomes, and the parliamentary Assembly will undoubtedly want to look at some of the same issues at which the BIC looks. The two bodies will have lots of possibilities to aid each other, and the BIC will look at some of the reports that the parliamentary Assembly undertakes. I hope that there will be a close working relationship between the two bodies.

The Member asked whether the lessons that other Administrations learn will be reflected in our policies and Budget. Such learning is the very purpose of the BIC setting. At BIC summits, we hear about the experiences of Ministers from other Administrations, and, as a result, we can make some assessment of the value that those Ministers place on work that they have done and determine whether there is a read-across to Northern Ireland's circumstances. There will be some experiences that we do not wish to share, but it will be good to know about them because that will mean that others learn the lesson for us. In other cases, we will want to incorporate good practice that has been developed elsewhere into our Programme for Government and Budget requirements.

**Mr Spratt:** I, too, thank the Minister for his statement on the British-Irish Council summit meeting. The House will recall the UK Government's obstruction of the location of the BIC standing secretariat at the Jersey summit late last year. I welcome the now unanimous decision of the Council to locate its secretariat in Scotland. Will the Minister tell us what steps will be taken in the near future to establish the secretariat?

**The First Minister:** As I said in my statement, we tasked officials with taking forward that important issue as far back as at the summit meeting in Belfast in 2007. We have been pressing for the establishment of a standing secretariat for a considerable time. A BIC secretariat completes the various bodies that are located on the periphery of the Assembly at a North/South and an east-west level. We know from North/South experiences that a secretariat gives focus and drive to the work that is being done. We, therefore, hope that that is replicated in the east-west body.

We are delighted that Scotland was successful in its bid to host the secretariat. To put it bluntly, the change in the UK Government assisted in getting that issue resolved. At the Jersey meeting, everybody except the UK Government agreed on the location. Now, it has been endorsed by the new the coalition Government and, therefore, we can move ahead.

We have already agreed the skeleton form of the secretariat and the parameters within which it will work. The Scottish Administration indicated that they have already looked at the cost and have seen areas in which savings could be

made. A paper, which will be provided by our officials, will determine the apportionment of costs between the member Administrations. We will discuss that, not, I hope, in a heated way, at the next meeting.

**Ms Anderson:** Go raibh míle maith agat. I thank the First Minister for that detailed statement. I assure him that the new Deputy Chairperson of the Committee for the Office of the First Minister and deputy First Minister will have his work cut out trying to ask questions, because we are all a bit lippy in that Committee.

When will the North next host a plenary meeting of the BIC? Will consideration be given to that meeting taking place in Derry?

**The First Minister:** I should not do what I am about to do because there are dangers in saying something off the top of one's head. However, it surely must be next year that we host the plenary meeting. There is a meeting on the Isle of Man in December, and I can think of no other Administration that have not had their turn, which usually comes round every three years. I am getting nods from the Officials' Box — I am not supposed to mention it — indicating that I have guessed right. We would be happy to welcome all member Administrations to Northern Ireland in 2011.

**Mr Elliott:** I thank the First Minister for his statement and for bringing it to the House so quickly. There have been rumours of a possible takeover bid of NIE by the Republic of Ireland Government-controlled ESB. Did that form any part of the discussions at the BIC?

**The First Minister:** That did not come up during the summit. However, if that is a rumour or more than a rumour, it may come up at the ministerial meetings. Therefore, I will draw it to the attention of my colleague to ensure that he gets a reply as to whether the Department is aware of anything.

**Mr A Maginness:** I thank the First Minister for a comprehensive and thorough report on the BIC summit meeting. Momentarily, I thought that Ms Anderson was going to suggest that the secretariat be situated in Derry. However, she did not come forward with that recommendation.

One area of great interest is marine energy, which we are ideally situated to exploit. There is huge potential for Northern Ireland and, indeed, Ireland as a whole. Will the First Minister expand

on the collaboration that he would envisage among the various Administrations throughout these islands so that we can benefit from that?

**The First Minister:** I should point out that Northern Ireland made an early bid for the standing secretariat to be based here. However, we are all very content with the placing of the secretariat in Edinburgh, in Scotland. Accessibility to the venue for all Administrations was a key factor, as was cost.

In relation to marine renewables and as the Member indicated, when it comes to wind and waves, Northern Ireland is in the premier league, probably vying with Scotland for the top position.

We have our own experiences in Strangford Lough, where we have probably achieved a world first, in getting a commercial project connected to the grid.

#### 11.00 am

It was indicated during the meeting that 50% of wave stream potential for the whole of Europe comes from the countries that were involved in the BIC summit. Marine renewables has not been a big issue in the European Community. There was, therefore, a collective agreement that we would make it a big issue with regard to funding and other European issues. I suppose the fact that these regions hold 50% of wave stream potential may be the reason why other regions have not been pushing the issue, but that is no reason why we should not.

Obviously, Scotland has a particular knowledge in that area, and the work group is going into great detail so that we can learn from each other. We have to recognise that the technology is reasonably costly at present. As time goes on, however, we will get more for less, and that will be the outcome as we work in collaboration.

Some of my party's theological scholars may be able to tell me on what day God created the wind and waves. *[Laughter.]* We are talking about some of the oldest elements, and if we could put new technology to the oldest elements, we would have something very sustainable in the long term. Although some of my ministerial colleagues may want us to take the fuels from hell, whether oil or coal, I much prefer to take the fuels from heaven, whether the wind or the sun, or somewhere in between; that is, the waves. There is massive potential in marine renewables, which we have to garner.

**Lord Browne:** Looking at the list of delegates, the Guernsey summit appears to have been well attended. However, I notice the absence of the Prime Minister. Does the First Minister agree that the absence of the Prime Minister does not sit well with his respect agenda towards the devolved Administrations?

**The First Minister:** We would have welcomed the presence of the Prime Minister, or, indeed, the Deputy Prime Minister. Preparations were going on for the G20 summit in Canada, so we will gracefully give him a bye ball on this occasion, although we obviously think that the BIC summit would have been more important for him to attend. However, the Secretary of State indicated that the Prime Minister is expected at the Isle of Man summit, so we look forward to seeing him there. Of course, the Prime Minister attended the Joint Ministerial Committee meeting and, indeed, invited us to Downing Street for that. I hope that that will be the pattern that he will follow.

**Mr McElduff:** Go raibh maith agat, a Cheann Comhairle. Cuirim fáilte roimh ráiteas an Aire.

I welcome the statement from the First Minister. Like Stephen Farry, I would have liked to have heard more detail about the specific recommendations about the closer future working relationship between the British-Irish Council and the British-Irish Parliamentary Assembly. Committee D of the British-Irish Parliamentary Assembly did a very worthwhile report on health inequalities suffered by the Irish community in Britain.

Will the First Minister ensure that a wider range of language expert bodies will be invited to attend future meetings of the languages subgroup? No representative groups from the North were invited to take part in its previous meeting.

Finally, did this Administration bid to host the BIC secretariat, or were we happy to endorse the Scottish bid?

**The First Minister:** In actual fact, the answer is both. We were one of four Administrations that put in a bid for the secretariat. It seems that, had we been successful, we may have had some issues about where it would be sited in Northern Ireland. As a result of the complex procedures, whether proportional representation or whatever, Scotland ended up being the most favoured choice, and is now the unanimous choice of the Council.

I take on board the Member's reference to minority languages. The Minister of Culture, Arts and Leisure was present at the Jersey summit and spoke extensively on that. We want to play our full part in any work stream that is under way.

The paper agreed at the summit sets out the distinct roles and functions of the British-Irish Council and the British-Irish Parliamentary Assembly. The Council noted that there is scope for further engagement between the bodies and approved a number of recommendations to enhance their relationship. The Council tasked the BIC secretariat with taking forward work on those recommendations in conjunction with the BIPA secretariat. We welcome the enhanced co-operation between the bodies and the regular exchange of public documents, and we look forward to receiving relevant reports from BIPA. The new BIC standing secretariat is well placed to administer and co-ordinate responses to BIPA committee reports. There may, however, be occasions when an individual response may be appropriate — for example, when a report relates to issues that are specific to an individual member Administration.

**Mr Easton:** I thank the First Minister for his statement. I note that the Department of Health, Social Services and Public Safety has not commenced the child protection work stream. Was the Health Minister in attendance to explain to other member Administrations why there has been inaction on that important issue?

**The First Minister:** As the attendance list indicates, the Health Minister was not present. Again, I take the risk of working off the top of my head, but I recall that the Department of Health, Social Services and Public Safety previously gave reasons for not contributing to the Baby P case. That case has now gone through the courts, so we will attempt to get some further explanation from the Department and advise the Member accordingly.

**Mr Beggs:** I, too, thank the First Minister for his prompt report. He said that head shops and so-called legal highs were discussed under the heading of substance misuse. Will the First Minister tell us whether the spot-listing of designer drugs was discussed? We recently suffered an epidemic of mephedrone use in Northern Ireland and found that it took three or four months to have that drug banned. Can we develop this idea so that we can follow the good practice of the USA and New Zealand and

be one step ahead of the international criminal gangs?

**The First Minister:** The issue came up at the Council only by way of a documentary report on all the work streams, so it was not discussed. There would have been considerable discussion on all those issues during the ministerial meetings on the subjects. I will draw attention to the Member's remarks so that the Minister can respond directly. However, as he outlined, that is precisely why the work streams exist and why the Council meets.

**Mr I McCrea:** I, too, welcome the First Minister's statement and his swiftness in bringing it to the House. He referred to the fact that the secretariat will be based in Scotland and that a model was agreed for sharing the costs. Does he have any details of what Northern Ireland's contribution will be? Will he advise the House what lessons this Administration can learn from others in responding to the cuts in public expenditure?

**The First Minister:** To answer the first part of the question on the apportionment of the overall costs of the standing secretariat: officials will draw up a paper and attempt to reconcile every Administration's desire to pay as little as possible. No figures have been set beside any of the Administrations as yet. We will want to ensure that we are asked to contribute a fair and reasonable amount.

As one might expect, we spent a considerable time discussing economic issues, particularly in relation to the three devolved Administrations, with a view to trying to make the Secretary of State for Northern Ireland aware of the difficulties that we face because of the United Kingdom Budget.

At BIC summits, I usually find that much of the best and most valuable work takes place in the evening non-sessions rather than at the Council meetings. The deputy First Minister and I met the First Ministers of Scotland and Wales. We discussed how we would each try to deal with the cuts and whether we could learn lessons from one another. The deputy First Minister and I will speak to ministerial colleagues about those issues, and, along with the Finance Minister, I hope that we will be able to reach a satisfactory conclusion.

**Mr McCarthy:** Like other Members, I thank the First Minister and acknowledge the speed and

efficiency with which the statement has been brought to the Assembly this morning before we break for the summer recess.

All BIC participants live on islands, some larger than others, so we all have an interest in the protection of our precious coastline. I want to raise the issue of collaborative spatial planning. I am glad that our Environment Minister was at the BIC meeting. Will the First Minister, the deputy First Minister or whoever is responsible do whatever is necessary to ensure that our coastline is protected from unnecessary and unwanted development, and from coastal erosion?

**The First Minister:** The Member, along with colleagues, has drawn attention to the quick turnaround time and quality of the statement. I take no credit for that, but bounce it on to the people in the Officials' Box who did the hard work.

Northern Ireland's coastline is not extensive, but it is a precious resource. It is precious to the fishing and tourism industries, and, as we will see in the future, it is precious because of its energy potential. There can be conflicts — for example, between tourism and offshore wind energy — so balances will always have to be struck. However, I will pass on the Member's remarks to the Environment Minister. During the summit, there was no discussion on coastline issues other than in the context of energy, but the Minister will deal with that subject at the ministerial meetings.

**Mr Givan:** I thank the First Minister for his statement, which touched on the marine renewables sector. Will he join me in commending Queen's University, which is at the cutting edge of research on wave power and is working with the Scottish Government in developing that technology off the Orkney Islands? With Scotland, Northern Ireland can drive the agenda on marine renewables. If we can harness the technology, Northern Ireland has enough power off its north coast to generate the same amount of energy as two existing power stations. There is a great opportunity to develop new green jobs — in the sense of wind energy jobs.

**The First Minister:** I am happy to concur with the issues that the Member identified, including the contribution of Queen's University and its collaboration with the Scottish Government. If we are going to pat local resources on the back, Harland and Wolff should be included because of its involvement in the Strangford scheme. Yet



again, that demonstrates that local expertise can be utilised.

**11.15 am**

Of course, we want to develop our marine renewables potential quickly and as best we can. It is an emerging industry that will create what the Member described as “green jobs”. I hope that green and orange jobs will flow from it, but it is vital that we openly communicate what is and is not working so that all Administrations benefit. The Scottish Administration have considerable experience in that area. They lead the work group and are probably ahead of the field in the context of marine renewables, so we can learn much from them.

**Lord Morrow:** The First Minister said:

*“Work in the Transport work stream has focused on the mutual recognition of driving disqualifications; the mutual recognition of driving offences that attract a penalty less than disqualification”.*

Will the First Minister elaborate on that? Is that work concerned with trying to have some cohesion with other regions of the United Kingdom and with the Republic of Ireland, whereby those who are banned from driving here will have that ban reflected in the Republic of Ireland and vice versa?

**The First Minister:** I am not sure whether the Member wishes to declare an interest in that subject, but the work stream will deal with that issue and with penalty points. The matter was not discussed during the meeting, but it was in a written report. Our own Minister will take that matter forward with the work stream at a ministerial level.

## Executive Committee Business

### **Clean Neighbourhoods and Environment Bill: Second Stage**

**The Minister of the Environment (Mr Poots):** I beg to move

*That the Second Stage of the Clean Neighbourhoods and Environment Bill [NIA 31/09] be agreed.*

I say with some confidence that this is a Bill that is to be welcomed by all Members, despite the fact that quite a few of them are leaving the Chamber. The Bill signals the start of work on a clean neighbourhoods legislative programme that is designed to improve the quality of local environments right across Northern Ireland. That includes those in our local neighbourhoods, villages, towns and cities and those in rural and coastal areas. The Bill will have an impact on all of Northern Ireland and its people and on all those who visit Northern Ireland. I will focus on why we need the Bill, what it will do, and how, through it, we can make a real difference to the lives of everyone in Northern Ireland.

First, why do we need the Bill? Its main purpose is to contribute to everyone’s quality of life by encouraging clean and tidy neighbourhoods and by helping to engender a sense of pride among residents. People feel safer in such neighbourhoods and feel more at ease in their local surroundings. When looked at in isolation, many of the issues that the Bill seeks to address may seem trivial to some, but individually and collectively, they are real problems for those who must endure their impact.

The Bill deals with a wide range of low-level environmental crime, such as littering, dog fouling, graffiti and fly-posting. It also deals with the nuisance that is caused by noise, poorly directed artificial lighting, abandoned vehicles and irresponsible parking, abandoned shopping trolleys, and even unwanted behaviour in back alleys. It aims to address directly many day-to-day problems that, left untouched, are the forerunner to a downward spiral that degrades local neighbourhoods, leads to increased levels of antisocial behaviour and serves to cause local residents only misery. None of us wants to live in an area that is blighted by low-level environmental crime. We want to live in areas that are clean and safe. The number-one priority

for many people is to have streets that are clean and free from antisocial behaviour and the fear of crime. Good-quality, clean and tidy local environments attract more investment and have a positive impact on our health, well-being, confidence and civic pride.

The Bill will help to bring about positive benefits for tourism by reducing antisocial behaviour and by making all of us think more about the environment in which we live. It should also help to reduce the massive street-cleaning costs that district councils face. For those reasons, I believe that the Bill is a very important piece of legislation. For example, it will show that the Assembly intends, through the introduction of stronger legislation and higher fines, to get tough with those who continue to litter and deface our streets and public spaces.

As I said, the Bill signals the start of work on the agenda for our clean neighbourhoods legislative programme. In consulting on the draft Bill earlier this year, stakeholders called for the Bill to do more. Full details of the comments that were received during that consultation exercise, as well as my Department's responses, are set out in the consultation summary document, which is available on the Department's website.

Although I am sympathetic to calls for the Bill to do more, it should be viewed as an important starting point. It is based on well-established legislation, namely, the Clean Neighbourhoods and Environment Act 2005, which is in force in other parts of the United Kingdom. The powers that it provides to local authorities are proving to be a key tool in their efforts to further improve the quality of their local environment. The proposed Bill will give broadly similar powers to district councils in Northern Ireland, which have been calling for them since the 2005 Act came into force in England and Wales. The Bill will be supported by extensive subordinate legislation and a clean neighbourhoods guidance programme. Furthermore, the implementation of the measures in the Bill by district councils will have to be monitored to assess their effectiveness and to allow consideration of the need for any significant additional measures to be introduced in the future.

Despite the excellent efforts of district councils in tackling low-level environmental crime and the ongoing campaigns designed to encourage society to change its ways, Northern Ireland district councils still needlessly

spend millions of pounds on cleaning up their local neighbourhoods. Last year, a staggering £34 million was spent on street cleansing in Northern Ireland. That amounts to almost £100,000 every day. That is not only a burden on ratepayers, but a sheer waste of a significant sum of money that could be used to much better effect on other important council services. Therefore, most people should accept that the Bill, which is designed to improve the appearance and cleanliness of public spaces and local neighbourhoods, is necessary.

The scale of the litter problem beggars belief. Some Members may be aware of the efforts made by the 'Belfast Telegraph' and Tidy Northern Ireland through the Big Spring Clean campaign. Earlier this year, I joined the campaign on a visit, with a group of dedicated conservation volunteers, to help to clear up litter in outer Belfast. What should have been a beautiful and scenic open space to be enjoyed by the local community, young and old alike, was ruined by unacceptable levels of litter, including plastic bags, paper bags, broken glass, empty bottles, used nappies and crisp packets, all of which were clearly visible. In a short space of time, we collected more than 30 black bin bags full of litter.

We all know the sorts of issues that I am targeting; we see the problems all too easily and all too often. Chewing gum, cigarette ends and confectionary litter are significant problems that blight the appearance of footpaths in towns and cities. Illegal fly-posting and graffiti are eyesores that seem to appear on every piece of street furniture and even on the walls of private property. Irresponsible dog ownership gives rise to dog fouling, which, at best, is unpleasant and, at worst, represents a health hazard.

As I said, those issues also cost the councils money. In the UK, it is estimated that it costs £150 million a year to clean up chewing gum. Belfast City Council estimated that, in 2008-09, it spent approximately £500,000 on the removal of chewing gum, graffiti and fly-posters. However, the Bill deals with more than litter, graffiti and dog fouling. Other, equally important issues, such as noise nuisance and the problems that are caused by poorly directed domestic artificial lighting, affect the quality of people's lives in local neighbourhoods.

I have established why the Bill is important, and I shall now outline what it will do. The Bill

will give district councils the power to deal with issues much more effectively. As interested Members will appreciate, it is a sizeable and complex Bill, which will, in many instances, make detailed amendments to existing legislation, such as the Litter (Northern Ireland) Order 1994.

I will outline the key provisions. Litter continues to be a major concern for many people in Northern Ireland, as it reduces their quality of life by degrading public spaces and local neighbourhoods. The Bill will strengthen the existing law to enable district councils to deal more effectively with a range of litter problems. It will give councils strong new powers, such as litter clearing notices, which will require businesses and individuals to clear litter from their land. It will strengthen the councils' existing powers to require local businesses, through the issue of street litter control notices, to help to clear up the litter that they generate. It will strengthen the provisions to deal with people who fail to provide their name and address. It will amend the offence of dropping litter in a lake, pond or watercourse, and it will enable councils to restrict the distribution of flyers, handouts and pamphlets, which can end up as litter.

Fly-posting and graffiti are visual signs of neglect and degradation in a local environment, particularly in our inner cities and towns. The Bill will strengthen the existing law to enable district councils to deal more effectively with fly-posting and graffiti. It will give councils the ability to issue fixed penalty notices to graffiti and fly-posting offenders, and it will enable councils to serve defacement removal notices in respect of graffiti and fly-posting. It will also make it an offence to sell spray paints to children, and it will strengthen the legislation to make it harder for beneficiaries of fly-posting to evade prosecution.

Irresponsible dog ownership continues to be a problem in Northern Ireland. The Bill will introduce new arrangements for controlling dogs by replacing the local by-laws system with a more streamlined and straightforward system that is easier for district councils to operate. The new simplified system of dog control orders will enable councils to deal with fouling by dogs, to ban dogs from designated areas, to require dogs to be kept on a lead and to restrict the number of dogs that can be walked by one person.

Excessive noise is still regarded as a major problem by members of the public. In 2008-09, there were over 11,000 complaints about noise, over 80% of which related to domestic noise. Noise from music, television and parties, and animal noise, such as barking dogs, remain the major reasons for complaints in the domestic category. Although there was a small reduction in the overall number of domestic noise complaints compared with 2007-08, there was a 26% increase in the number of complaints about house alarms. The Bill will give district councils new powers to deal with audible intruder alarms and the noise nuisance that is caused by false alarms when a keyholder is away. The 2008-09 period also saw a 30% increase in the level of complaints in respect of noise from entertainment premises over those that were received in 2007-08. The Bill will amend the Noise Act 1996 in relation to noise from private premises by extending its provisions to noise from licensed premises. That change is designed to deal with licensed premises that ignore warnings to reduce excessive noise.

The existing statutory noise law is over 130 years old. Despite having been amended from time to time, the definition of what can be considered a statutory nuisance and the enforcement powers that are available to district councils have not kept pace with developments in statutory nuisance legislation that applies outside Northern Ireland. The Bill will introduce provisions that apply in England and Wales as amended by the Clean Neighbourhoods and Environment Act 2005. One outcome will be that district councils will, for the first time, be able to take action to deal with complaints concerning problems caused by poorly directed artificial lighting, which is sometimes referred to as light pollution.

Fixed penalty notices or on-the-spot fines are a simple and visible way of dealing with environmental offences. If used properly, they provide an effective deterrent and avoid the cost of court action. At present, fixed penalty notices can be issued for littering and dog fouling offences and some noise violation offences. The Bill will make greater use of fixed penalty notices as an alternative to prosecution and will give district councils the flexibility, subject to upper and lower limits, to set their own fixed penalty rates. The provisions in the Bill will extend the use of fixed penalty notices for offences relating to nuisance vehicles, litter controls, other dog controls, additional

noise controls, and graffiti and fly-posting. The Bill also makes a provision that will enable district councils to use the money received from the fixed penalty notices that they issue in connection with their functions to improve local environmental quality.

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

It is interesting to note that after the Clean Neighbourhoods and Environment Act 2005 was introduced in England, the number of fixed penalty notices that were issued for litter offences increased significantly from 7,565 in 2003-04 to 43,624 in 2006-07, which is a five-fold increase. That not only acted as a deterrent but the value of the fixed penalties that were issued could have returned over £2 million of funding to further support councils' efforts to improve their neighbourhoods.

Back alleys or entries can attract a range of antisocial and environmental problems that reduce the quality of life in our local neighbourhoods. They can be magnets for litter, fly-tipping, abandoned vehicles and graffiti offenders. They can also attract other problems, such as domestic burglary and drug dealing, and can make the lives of local residents a misery. The Bill contains provisions to make more effective the existing procedure for the closing of nuisance back alleys.

### **11.30 am**

The Bill contains amendments to the Roads (Northern Ireland) Order 1993 to give effect to gating order provisions. That will give district councils new powers to make, with the approval of the Department for Regional Development, gating orders to deal with problem alleyways. The Minister for Regional Development has policy responsibility for that legislation and has agreed those provisions in the Bill.

District councils will also be given new powers to deal with nuisance parking for businesses that sell or repair cars on a road. Such vehicles can be a nuisance: they can reduce parking opportunities and cause pollution — for example, where oil is spilled or leaked. Two new offences will be created: offering for sale two or more vehicles or repairing a vehicle on the road as part of a business. Abandoned cars can degrade streets, are linked to criminal activity and can become targets for antisocial behaviour and arson. The Bill will give district councils

the power to remove abandoned cars from the streets immediately.

I am sure that we have all come across abandoned shopping trolleys, which are an all-too-visible problem that affects the quality of our streets and public spaces. They can also be a hazard. When they are dumped in watercourses, they can form an obstruction and create particular problems for drainage, which may cause flooding or harm to wildlife. The Bill will give district councils the power to recover the costs of dealing with abandoned shopping trolleys from their owners.

The Bill increases the maximum fine from £30,000 to £50,000 on summary conviction that may be provided for in regulations made under pollution prevention and control provisions in the Environment (Northern Ireland) Order 2002. That will enable maximum fines on summary conviction in the Pollution Prevention and Control Regulations (Northern Ireland) 2003 — that could concern, for example, contravention of the requirement for a permit to operate an installation or mobile plant, failure to comply with or contravene a condition of a permit and failure to comply with the requirements of an enforcement notice or a suspension notice — to be brought into line with the equivalent maximum fines for illegal waste activity set out in the Waste and Contaminated Land (Northern Ireland) Order 1997. To ensure consistency in that area of regulation, the increase to £50,000 also brings the level of fine into line with that applying in England and Wales.

We have established why we need the Bill and what it will do, so we must ask ourselves how it can make a difference. As I said at the start of my speech, the Bill is sizeable and complex, and its purpose is, quite simply, to make Northern Ireland a better place in which to live. For many people, the Bill will help to ensure that the day-to-day local and environmental problems that they face will be dealt with more effectively than previously, thereby bringing about real improvements in their quality of life. However, legislation is not the only answer. If the Bill is to make a difference, it must form a platform for leadership. We need leadership from people and communities, local politicians, businesses and government in all their forms. I already mentioned the good work carried out by the 'Belfast Telegraph' and Tidy Northern Ireland.



I will conclude with a comment that was reported in the 'Belfast Telegraph' made by a primary-school pupil who took part in the big spring clean event. He spoke about the litter and graffiti around the streets and how it was not a nice place in which to live. However, he added that, after the children had completed their clean-up, he felt happy. In my view, that says it all and encapsulates what the Clean Neighbourhoods and Environment Bill is all about. The Bill can and will help to tackle the wide range of local and environmental problems that spoil the appearance of our neighbourhoods and, in doing so, will improve the quality of life for all the people in Northern Ireland. However, it will need the support of the people of Northern Ireland and of the Assembly to do that. I commend the Bill to the Assembly.

**The Chairperson of the Committee for the Environment (Mr Boylan):** Go raibh maith agat, a LeasCheann Comhairle. Mar Chathaoirleach an Choiste Comhshaoil, cuirim fáilte roimh an Bhille um comharsanachtaí glana agus an comhshaol.

I welcome the Clean Neighbourhoods and Environment Bill, which is comprehensive, with 76 clauses and four schedules. It has been introduced to reflect the growing calls from elected representatives, district councils, environmental groups and individuals for the introduction of similar legislation to that in England and Wales. The main objective of the Bill is to improve the local environment by giving district councils additional powers to deal with litter, nuisance alleys, graffiti and fly-posting, abandoned and nuisance vehicles, dogs, noise and statutory nuisance. Such issues are important to people in their everyday life and, as such, are brought to the attention of elected representatives almost daily. I am glad that the Minister decided to introduce the legislation, although the Committee noted its disappointment that the Department had taken so long to do so and insisted that a lack of resources was not an acceptable reason for the delay. Although most of the issues that the legislation covers are of a relatively minor nature when considered in isolation, the cumulative cost of addressing them through current provisions is significant.

Departmental officials briefed the Committee on the policy proposals on 11 February 2010. Members generally welcomed the proposals, as they will address the cumulative impact of many

smaller issues and significantly improve many citizens' quality of life. However, some concerns were raised. Members noted that there might be difficulties in enforcing the new powers at council level, especially if enforcers are on their own at night, without backup. Verbal and physical abuse could become more prevalent, especially once fixed penalties are introduced. Enforcement is crucial for any legislation to be effective, and, although I am well aware of the huge financial constraints on all public bodies at the moment, adequate resources must be given to councils to ensure effective enforcement.

The Committee welcomes the need to increase powers to address problems with stray dogs but feels that councils should be encouraged to persuade animal welfare groups to intervene, where possible, so that the new powers do not lead to an increase in the number of dogs that are destroyed. There is also a feeling that the Department needs to work closely with the Department of Agriculture and Rural Development (DARD) on measures to reduce problems with stray dogs.

Everyone is well aware of the scourge of advertising leaflets, which are either foisted on people as they walk through towns or stuck under their windscreen wiper. Members welcome the proposals in the Bill to allow local authorities to put in place controls that limit where advertising leaflets can be distributed. We particularly welcome the inclusion of car parks as one such location. Anybody who looks around a car park when returning to his or her vehicle will see many discarded advertising leaflets. The Bill should go some way to stopping the practice.

The Committee was told that the Department considers the Bill to be cost-neutral and that the revenue from fixed penalty notices will return to local authorities. In the current economic climate, that is welcome. Members were also pleased to learn that the Bill is designed to give councils powers that they can adopt as necessary. That should provide the necessary flexibility to put in place measures that are tailored to local areas, including, where necessary, powers to address problems that are unique to rural areas. As an elected representative who serves a rural constituency, I welcome that development.

I will now make some remarks as a private Member. I welcome the provisions on dogs

offences in the Bill. However, DARD also has a role to play. Stray dogs still affect many council areas. That is totally unacceptable, and I hope that regulations will go some way to addressing the problem.

Many tourists complain about the amount of litter that is dropped, especially in rural areas. I hope that fixed penalties will address the problem. Does the Minister intend to consider giving some resources to local residents' groups so that they might help tackle the problem in their area?

I welcome the proposed introduction of gating orders. A major issue arises with them, however. Although the measure is welcome, it will certainly restrict people's movement. In my area, some alley-gating has been done. However, alley-gating leads to antisocial behaviour and dumping, which the Minister mentioned. If the legislation is to work, conclusive consultation must take place among residents, local groups and utility providers to get it right.

Abandoned cars are another problem. Will the Minister look into the nuisance that cars and lorries parked on the footpath cause? I know that that falls under DRD's remit, but there may be an opportunity for the Minister to consider the issue.

As soon as the House commends the Bill to the Committee, we will call for written submissions from interested organisations and individuals. Committee members will be extremely interested to hear their views. I look forward to having a good ongoing working relationship with departmental officials to ensure that the Committee is able to scrutinise the legislation properly. Thar ceann an Choiste, tacaím le prionsabail an Bhille. On behalf of the Committee, I support the Bill's principles.

**Mr Ross:** I am glad to speak to the Bill, which has been brought forward by a DUP Minister. There is an awful lot in the Bill for us to get our teeth into in Committee.

Many local communities in Northern Ireland are plagued by litter, noise, fly-tipping, dog fouling, abandoned vehicles and all the issues that the Minister and the Chairperson of the Committee mentioned. Indeed, at the end of the Chairperson's speech, he said that tourists noticed that there is a lot of litter here. We have discussed that issue in Committee and in the Assembly, during the debate on the Ulster

Unionist Party motion on Tidy Northern Ireland Day. Much discussion took place on the cultural and attitudinal changes that need to take place among individuals here. It is hard not to think about personal responsibility when discussing the issue.

I do not think that any Members will not have dealt with such issues in their constituency. I have dealt with a number of issues and been frustrated by the lack of powers that councils have and the lack of action that they can take. Therefore, the Bill, which gives local councils the powers that they need, is welcome. I support the Bill in principle, which is what we are asked to do at Second Stage. In our initial discussions, the Committee gave a general welcome to the Bill and looked forward to considering it in more detail.

The outcome that we all want for communities and local areas is healthier and cleaner communities and, ultimately, happier neighbourhoods. The littering, dog fouling and fly-tipping that we have discussed impacts on the quality of life of many residents. It impacts on the quality of life of neighbours throughout the country and of people who live in misery because of dumping by a few. The actions of a few really are impacting on the many.

The Minister talked about the huge costs of street cleaning and of getting shopping trolleys out of rivers and lakes. We want to ensure that ratepayers get value for money, because the costs that councils currently pay to clean up litter and abandoned cars and trolleys is passed on to the ratepayer. Ultimately, it is innocent people who pay for councils to clean up, and that must be addressed. As a general rule, I support the polluter pays principle, whether that applies to individuals or businesses. People have to take personal responsibility, and they have to take on the costs for clearing up the mess that they have made. That is an important principle.

The Minister talked about the increased use of fixed penalty notices. A number of weeks ago, the Committee for Justice discussed a move towards having more fixed penalty notices, and that is a beneficial direction to take. It saves many minor offences from clogging up the courts. As long as enforcement is carried out properly and people pay their fines, fixed penalty notices are the way to go. My one warning is that, because the councils are able to keep much of the revenue from the fines that they give out,

some overzealous council officials might use that as a way of generating income for councils. When looking at the Bill's detail, we will need to ensure that strict upper and lower limits are placed on the fines and that it contains details on how councils can collect the fines.

The Chairman talked about advertising being placed under window wipers in many car parks across the Province and the mess that that creates. That absolutely needs to be addressed, but, at the same time, we need to ensure that businesses are able to advertise and use leaflets, albeit with restrictions. The use of leaflets at car parks could be a restriction that is put in place. We need to ensure that we are not overzealous in looking to restrict that practice.

The same could be said about shopping trolleys. In many cases, people take shopping trolleys off supermarket premises, wheel them up the road and abandon them. During my time at university, it was common practice for many students to wheel shopping trolleys into the halls of residence or leave them outside the door. It is important that —

**Lord Morrow:** That is students for you.

**Mr Ross:** Absolutely. Now that I am not a student, I can speak from the moral high ground. It is important that the supermarkets do not have to pay unnecessarily for the irresponsible actions of individuals and that those who carry out such actions pay for them.

#### 11.45 am

The Minister spoke about dog fouling and nuisance dogs. I welcome the fact that we will make restrictions by ensuring that dogs are kept on a lead in certain areas, for example. We need to examine in more detail the practicalities of restricting how many dogs can be walked at one time. We need to look at how easy it would be to enforce that sort of regulation and, indeed, at whether that would be a practical step. There are also issues to do with noise, with many people and their neighbours living in misery because of car alarms, house alarms, loud parties and so on. Again, it is difficult for councils to stamp down on such matters. Any measures that can be included in the Bill to help councils to deal with those issues are to be welcomed.

The Chairperson mentioned gating orders, which have been very successful. In many built-

up areas, including some in my constituency, alleyways are a magnet to young people and those who want to engage in antisocial behaviour or to drink, create graffiti, fly-tip and dump and so forth. Successful steps have been taken elsewhere in the country to address that. Alleyways are also used as an easy getaway in incidents of low-level crime. Therefore, it would be useful to make it easier for councils to have gating orders.

The Bill contains a lot of positive aspects and an awful lot of measures. There is a lot of work for the Committee to do, and I look forward to that. I support the principles of the Bill.

**Mr Deputy Speaker:** I hope that the Member feels better for having got his student misdemeanours off his chest.

**Mr Kinahan:** Perhaps I should also declare an interest, given that I enjoyed races in trolleys when I was at university.

I am incredibly keen on the Bill. It covers all the issues about which those of us who have been councillors and Members are constantly harried by the public. A hell of a lot — I am not allowed to say that — a lot of support needs to be given to a great deal of what is in the Bill. The Bill has been long awaited, and I think that Members will find that all councils are very nearly ecstatic that they will, at last, have controls and powers to deal with many of the matters that we are discussing today.

Earlier in the week, I said that there are sometimes too many rules. However, we need a great deal of regulation in this area. We also need action. As has been touched on, that action comes from our leadership in government, community groups and from every member of the public. We need to deal with matters quickly and within a time limit. Indeed, that theme will run through some of what I say today. One thing that we are really asking for is courage. We are asking people to be really bothered to tackle what is in the Bill. Councils need to be brave enough to get out there to deal with matters quickly. We need to get tough, and everyone, including the public, needs to help.

Part 1 of the Bill deals with gating orders. I fully support the measures on that. I look forward to councils being able to close the areas in which youths gather, litter is thrown on the ground, substances are used and noise occurs. People and their neighbours are cursed by what

goes on around and about them. On the news yesterday, we saw that a car park has been closed in Comber to give some peace to those who live near it. However, I must make the point that gating orders will not resolve the problems with youths. We need more police on the ground and more action. We also need parents to know where their children are, and they need to get involved. All those points are tied in together, but I welcome the Bill's measures on gating orders.

Part 2 deals with vehicles. I also very much welcome the provisions on that matter. When I first started knocking on doors in areas that I had not been in before, I was horrified by some of the vehicles, including caravans, that were sitting in people's driveways. Those vehicles were often sitting halfway out of driveways, with plants crawling up the sides, and there were rats and whatever else. Councils had no ability to deal with such situations, but I hope that the Bill will now allow us to do so. I welcome the fact that people will not be able to sell loads of vehicles outside their house and that councils will be able to serve fixed penalty notices.

The Committee needs to discuss whether a fixed penalty of £100 is enough and whether there should be a broad spectrum that we can work within. We probably need to think about linking the issue to the scrappage scheme in England, which is a good way of getting rid of vehicles. That would lead to more room for parking, neighbours getting on better with one another and, at the same time, the whole neighbourhood being cleaned up. I have a concern, though: we must ensure that people do not remove antique or classic cars without knowing what they are doing. Such vehicles have a high value.

Litter is dealt with in part 3 of the Bill. It is the scourge of Northern Ireland. This country is the most beautiful part of the United Kingdom and one of the worst for litter. We need to tackle that problem, and I praise the Minister and the Department for many of the measures in the Bill. Councils will now be able to serve fixed penalty notices and litter-clearing notices. At times, I think that a litter-clearing notice should be served on the whole of south Antrim to allow us to deal with the issue in one go. It is good that we will be able to impose a charge for all the work that has to be done to deal with litter.

Plastic bags are another concern, and I look forward to seeing a private Member's Bill on

plastic bags. Perhaps if we ensured that every plastic bag carried a company name, we would know which company to go to with the bags that we clear up.

Most Members can think of many areas in their constituency that have litter problems. I find the litter problem in South Antrim, one of the gateways to Northern Ireland, appallingly embarrassing. On the drive in from the International Airport, people often see rubbish all the way down the main road. That is just one example, and I am sure that Members have many others. I want strong time limits to apply to how long councils have to take action and how long people who have been served notices have to respond and get things done. By setting tight time limits, we will ensure that things get done.

I welcome the control on the distribution of free literature, and I look forward to seeing it come into effect. At any big event nowadays, there is always someone advertising something. I am also aware that politicians are sometimes slightly to blame when it comes to putting up election posters. We must get better at removing our posters and notices at the end of the specified time period.

Along with all those penalties and all that work comes the need for councils to take action, and with that comes cost. The councils must take comfort in the fact that they can get some of that money back and will save money in the long term. The Committee needs to think hard about how it can help councils to deal with issues such as chewing gum and litter on the road. I go back to a point that I have often raised in the Chamber, which is that councils need to know who owns every bit of land so that they can tackle littering. Often, councils cannot trace the owners of land in which rubbish is dumped. I look forward to seeing the Bill give the council the power to go straight onto such land to remove rubbish. If the owner cannot be found, a time limit should be set, and the council should be able to go in and remove the rubbish after that period. As I said earlier, councils need to be brave.

The most frustrating thing about graffiti is the length of time that it takes to deal with it. Councils should be able to deal with racist or personal graffiti the day after it appears. It should be possible to use this legislation to turn the situation around so that graffiti can be dealt with quickly and the cost of removing it recovered. Too often in my patch, if people go



to the Northern Ireland Office to complain about graffiti, they are told that it is not the Northern Ireland Office that they should contact; yet, when they go to the council, they are told that it is not the council that they should contact. We have to find a way to deal with the issue, and the Bill opens the door to a means of tackling it head-on.

I am not sure where the issue of advertising at roundabouts would sit in the Bill. Is it litter or graffiti? We need to think about that in Committee. There is a massive amount of illegal advertising. Again, if people drive around roundabouts in Northern Ireland, they will see illegal advertisements and vehicles parked on the roadside advertising people's wares. We need to regulate that much more, and the Bill offers an opening to do so.

I very much welcome not only the measures to control noise from car alarms, music and the neighbour who throws parties too often but the fact that councils will be able to issue fines and that licensed premises may face increased fines of up to £500. Although the Bill focuses on noise at night, we must think also of shift workers who come home during the day. Excess noise does not occur only at night; it occurs during the day, simply as a result of people being bad neighbours. We need to learn how to be good neighbours to one another.

Part 7 of the Bill covers nuisance. If we use the nuisance provisions carefully, they will help us to deal with matters at Nutts Corner. Clause 60(1) (i) specifies noise that is:

*“prejudicial to health or a nuisance;”*

and Clause 60(1)(j) specifies:

*“noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment”.*

However, it goes on to say “in a street”. I would like to open up that provision to include rural as well as urban environments. The Committee will have to consider how to deal with that. Maybe it should suggest an amendment to add that there should be no noise from vehicles until planning permission has been granted.

As a dog lover, I very much welcome more control over dogs and the fact that councils will be able to issue fixed penalty notices. Again, I ask councils to be brave. They must tackle matters relating to dogs, whether those concern

fouling or noise. In one case, my council debated for about half an hour whether it should spend £800 to take someone to court to get £75. I praise the Bill in that it allows councils to issue fixed penalty fines, but councils need to be brave and to tackle the issue.

I very much welcome the proposed increase to the fine for major pollution from £30,000 to £50,000. I am pleased that the Minister mentioned at the beginning of the debate that the legislation will be reviewed as time goes on and that maybe we should raise the top level of fines for those who really pollute not only the land but rivers.

I welcome almost everything in the Bill. I raise a few other matters that should be discussed, such as gardens. When one is canvassing, one sees some gardens that are almost health hazards. There may not be caravans or abandoned cars in them, but there must be a way in which we can deal with them. The High Hedges Bill touches on the issue, but it is also a matter for this Bill.

We need every member of the public to get involved. As I have said already, I congratulate the Minister and his Department, and I look forward to supporting the Bill in Committee.

**Mr McGlone:** Go raibh maith agat, a LeasCheann Comhairle. I welcome the Bill that the Minister has introduced. Having moved to the Environment Committee only recently, I wish to thank its members for their deliberations and, especially, the Committee Clerk for her support in bringing me up to speed with the Bill.

The Bill gives the potential to clean up areas and to make safer, cleaner and — we hope — less noisy environments. I am sure that Members who have dealt with dog noise, statutory nuisances, graffiti and fly-posting or, on occasion, antisocial behaviour will know how extremely frustrating that can be, importantly, for the residents concerned but not least for the officials who have to deal with the councils' environmental health services and, potentially, operational services and the police or some other agency, as they try to pick up all the pieces and determine where the responsibility actually lies. In that regard the Bill is welcome.

Clause 1 deals with gating orders, and that rings a loud bell with me, as I dealt with one such issue that adversely affected local residents. Some children's organisations have raised

concerns about the potential adverse impact on children's movements, and that is an issue.

However, the test of reasonableness will always be drawn in when a council takes reasonable action to address nuisance that is being suffered late into the night and early morning. Such nuisance is often, although not exclusively, caused by younger people as they engage in certain activities, which involve more than the shopping trolleys that were mentioned earlier. The more heavy-duty goings-on include drug and alcohol abuse, underage drinking, general bad manners and causing nuisance to people. Therefore, I welcome that proposal.

### 12.00 noon

A little concern emanated from local government about the liability for the total cost of the proposal and whether the money will come from fines. The Department said that the intention is for those proposals to be cost-neutral. However, their outworkings would depend on a council's area. When it comes to whether the outworkings will be cost-neutral in areas of high-intensity antisocial behaviour, the proof of the pudding will be in the eating.

The new offence of parking more than one vehicle for sale on a road is clearly aimed at people who try to make a living from selling vehicles. Planning implications probably apply to those who run a business from home, but that is an aside. I am intrigued by the potential ability of councils to issue fixed penalty notices for vehicles that have been abandoned in public places and to remove and destroy them immediately when deemed necessary. I have been involved in a number of such cases, and I am sure that other Members share my experience.

The big question is to whom the fixed penalty should be issued. Often, when a council tries to identify the owner of a vehicle, which is probably a runaround, its ownership cannot be determined. After a while, the paper trail seems to go dead, even when the matter is pursued with the police. I am not sure whether that is an issue for DVA, which is within the Department's remit, the police, or both. As I know from personal experience, when the person to whom the fixed penalty should be issued cannot without great difficulty be identified, a great deal of bother and expense could be incurred in disposing of a vehicle.

I welcome the fact that the Bill makes it an offence to throw away litter. Again, the power to charge owners of abandoned shopping trolleys for their removal, storage and disposal begs the question of ownership. I have not seen many trolleys, which had been disposed of, that were labelled with the name of the company to which they belonged. Usually, the larger multinational stores, whose names are printed on their trolleys, employ people on site to look after them and to ensure that they do not travel too far. Therefore, I am intrigued by that proposal. At present, any discussion of its outworkings is probably more academic than practical.

The Bill will introduce powers to enable councils to serve defacement removal notices on owners of properties that have been defaced by graffiti or fly-posters and to recover the cost from people who are responsible for those properties that have been cleaned. A major and persistent issue is that fly-posting and defacement are often carried out without the approval of the building's owner. Often, quite the opposite is true.

At one level, people should be held liable for what happens on their property. However, Mr Kinahan referred to racist and other types of graffiti, much of which is motivated by spite. It would be extremely perverse if, as a consequence of the legislation, people could be held liable for the removal of graffiti that was designed to be deliberately antagonistic towards them. They could even be penalised for not removing it. That is one aspect that immediately springs to mind as I read through the Bill.

I welcome the part of the Bill that deals with the control of dogs. We had a nasty incident concerning the control of dogs outside Cookstown a fortnight ago. Anything that could lead to additional control over dogs is to be welcomed.

I certainly welcome the part of the legislation that deals with noise. The noise associated with alarms going off is a big issue. Mr Kinahan rightly said that a vehicle alarm is one of the worst things to go off during the day or night. The noise sends those in residential areas bananas. The owner of the vehicle might not be about or the vehicle might be a runabout that has been dumped. If it is a dumped runabout, it is hoped that the alarm would have been neutralised by that stage, but that is another matter. It is important that more work is done on the practical outworkings of how to deal with vehicle alarms going off. There are alarm

notification areas and keyholders can provide councils with contact details for their properties, but dealing with vehicles can be a wee bit more problematic. I am not sure what sort of thought has gone into that. Such noise can prove to be one of the most difficult issues in an estate or an area of high density.

In conclusion, I would like some expansion and more detail on those points, and I am sure that the Minister, true to form, will provide that in his response. I welcome the Bill as a good piece of work to take forward and to try to address those problems in our society. It will make our environment a healthier, cleaner and more welcoming place. Go raibh maith agat, a LeasCheann Comhairle.

**Dr Farry:** I declare an interest as a member of North Down Borough Council. This may well be an occasion on which it is an advantage for someone to have a mandate in a council and the Assembly, because he or she will have viewed the issue at both ends and will understand the points of view of regional government and local government.

**Mr Beggs:** Does the Member accept that the dual mandate is not what is important in that regard, but individuals having gained experience as public representatives at local government level at some stage?

**Dr Farry:** I am grateful for that intervention, but I am cautious of incurring the wrath of the Deputy Speaker by moving too far off the topic. To respond briefly, benefit can be gained from separate experience or from an overlap; it can work both ways.

I join other Members in welcoming the legislation. Rather than going through the Bill clause by clause, given that we are talking about its general principles, I will make broader comments about how it sits and works. There is a reflection and understanding in the philosophy behind the Bill that the issues do not sit in neat silos for particular Departments at a central level or for local government in isolation. There is also a sense that when we are dealing with quality of life issues at a local level, we are not talking simply about policing matters and the responsibility of the police and the criminal justice system. We are talking about something broader, which involves tackling antisocial behaviour and anti-neighbourhood behaviour in which, regrettably, some people may wish to engage.

There is an understanding that councils are, perhaps, the most effective bodies and level at which those powers can be best exercised. Rather than taking a top-down approach, we are talking about a bottom-up approach and about people making the decisions and enforcing the law with a clear understanding of their local areas. That said, there has to be partnership and collaboration between councils and other bodies. Although I pay tribute to the sheer volume of legislation that is coming forward, from the Department of the Environment in particular, I stress again that this issue will sit well in a community planning framework, when it eventually comes forward as part of RPA or whatever we end up doing. However, I do not want to go off on that particular tangent.

I want to make a point about the resource implications. I take it from the Minister that it is expected that the income from penalties may cover the costs that will be incurred by councils. That may be the case, and if it is, we will welcome it. However, it is important to recognise the fact that that assumption is entirely speculative and that it may not work that way in practice. Broadly speaking, there is a danger in being sucked into a notion that we expect any new policy initiative to cut its cloth and raise revenue through enforcement or other methods. That would be welcome, but we need to be realistic in our expectations.

Earlier, Mr Ross made a point about fixed penalty notices that were being considered by the Department of Justice. My understanding is that the primary objective of those fixed penalties is to speed up disposals and free up bureaucracy. The income generation from that is welcome, but, in the criminal justice system as a whole, the notion that the cost of the system would ever be entirely covered through fines and recovery costs is a bit far-fetched, to put it mildly. It is important that we recognise the fact that, sometimes, there can be wider public policy objectives as a result of doing the right thing, which will have to be borne from general expenditure. We should take our decision based on that expectation. Ultimately, that is how it should be, and whatever can be raised from fines should be seen as a bonus to the system. The costs borne in delivering many of the desired outcomes can, at times, be considerable. The income may not be that much, and, as Mr McGlone suggested, it may vary from area to area.

I make that point because an underlying tension could arise between central government and local government over the issue. Local government will welcome the additional powers because there is a desire among council officers and councillors to respond better to their constituents' problems. However, there is a sense that they are going to be lumped with the additional costs of doing that. That points to a wider level of suspicion between central government and local government, which, perhaps, we should not have. If there are additional costs, it does not matter whether, ultimately, those costs are to be borne by taxpayers through the tax system or by ratepayers through rates. One way or another, an increased level of household income will go to government. The expectation is that, in return, people will get a better level of service.

That kind of tension is not particular to Northern Ireland. It exists across these islands, and it is almost as if there is buck-passing or finger-pointing between central and local government about who is more efficient in delivering services. In the current climate of budgetary cuts, the danger of that tension emerging is quite strong. We see that already in the wider debate, with expectations from the coalition Government that local government will control costs, and there is talk of capping rates and freezing council tax in the UK. Indeed, locally, the Minister of the Environment has spoken about the potential for councils capping rates. Some councils point out that they manage their resources efficiently; some are more efficient than central Government would be, and I would like to think that my council, North Down Borough Council, would be one of those. There is a danger that more responsibilities will be passed on to councils. If the councils end up with the increased costs and, consequently, the rates go up, all of a sudden central government will point the finger at the councils for inappropriate management of resources rather than the cost of central government increasing.

### **12.15 pm**

I make a plea to the Minister to focus on this as a collaborative exercise between central and local government, and avoid the temptation for it to end up as a further area where confrontation between the two sectors can emerge. Ultimately, we are all acting as public servants in the public interest.

I will comment briefly on the issue of alley-gating and the alley-gaters. Obviously, what we are doing is tackling the symptoms of problems, but we need to be conscious that that is all we are doing when antisocial behaviour occurs. Sometimes there is no choice for government but to intervene with measures that simply try to manage situations that have emerged. I would make a similar point in relation to ASBOs, for example. They are only one option as part of a wider menu of options for dealing with problems. Ultimately there has to be a focus on dealing with the causes of problems emerging in particular areas that lead to suggestions of alley gates being erected as a way of containing the problem. We need to look beyond what can happen through the Department of the Environment to other aspects of government in relation to how we can better deal with the causes of antisocial behaviour in the first place.

I also want to make a point about something that is not in the legislation — my colleague Mr McCarthy is particularly keen that we stress this point. When we are talking about clean neighbourhoods in Northern Ireland, we cannot avoid the issue of the use or misuse of flags and we cannot avoid talking about bonfires. I fully appreciate that those types of issues have traditionally been viewed as good relations issues or cultural issues. Perhaps we will see them discussed in more detail through the forthcoming cohesion, sharing and integration (CSI) strategy.

It is also worth stressing that there are also environmental issues; we cannot run away from that fact. In relation to bonfires, why do we consider the dumping of wood — and potentially other, more dangerous and sometimes lethal substances — at a particular time of the year as a cultural phenomenon, but, at another time of the year, as littering? That is something to be considered through the legislation. Similarly, we are happy for the Bill to deal with fly-posting and the antisocial aspects of the misuse of posters, but people also take a view about how flags impact on their neighbourhoods and how that affects their quality of life.

I fully appreciate that I am delving into extremely complex issues, particularly in a divided society such as Northern Ireland. We will have to have some agreed way forward on how we manage the different cultural demands that we have as a society. I fully respect people's right to celebrate their culture. I think that we also need to have



some agreed understanding of what is meant by shared space in this society. Again, I make the point that shared space need not mean neutral, sanitised space. There can be circumstances in which people wish to put up flags or bunting to celebrate their culture; the issue is how we manage, respect and acknowledge the fact that space is shared and is for all the community.

There will be different dynamics in different communities. There may well be quite strong, overt support for flags and bonfires in some areas, but there are other areas where residents have objections to what is happening. We need to acknowledge and manage those particular tensions. Indeed, there can be circumstances where people do not feel secure in expressing their real opinion about what is happening in their areas.

**Mr Givan:** Does the Member not realise that, although he claims to want to deal with it, raising that issue at this time of year, when it does not even relate to the Bill, actually heightens tensions? Members on this side of the House proactively engage with local communities to try to manage the issue in a positive manner, but his efforts today to politicise the issue only makes the matter worse.

**Dr Farry:** I hesitate to say that I am grateful to the Member for making that intervention, because I am certainly not making an attempt to politicise the matter today. If anything, I am trying to make my comments in very measured tones.

I work with groups in my area on those difficult issues, and I have been doing so in quite some depth over the past number of months. The timing of the Bill is the timing of the Bill, and certain points have to be made about it. We are not discussing only the principles of Bill but its wider context and the areas that could be considered to be part of the Bill.

I wish to reiterate, particularly for Mr Givan's benefit, that I am acknowledging that those issues cannot be looked at solely from an environmental point of view and through a Bill such as this one and that wider good relations and cultural dimensions must be taken into consideration, even though we have traditionally viewed those issues through other prisms. When discussing the Bill, it is important that we do not run away from acknowledging that there are environmental considerations and that the Department of the Environment, the Department for Regional Development, through

Roads Service, and the Department for Social Development, through the Housing Executive, are fully aware of them.

Clearly, there are sensitivities around the issue. However, we, as a society, do ourselves no favours by simply running away from discussing difficult issues. Yet, we stand to gain from being capable of discussing them in a mature manner. That is what I am attempting to do today. It is worth MLAs' recognising that constituents will wish to raise their concerns about the issue with them over the coming summer months. I certainly hope that this summer is a peaceful and constructive one. We, as an Assembly, must grapple with the wider policy issues. I had better leave my comments there. I look forward to seeing how the Bill proceeds through its various stages.

**Mr Givan:** I welcome the Bill, which is wide-ranging. It would be wrong to lose sight of the extent to which it will help to provide clean neighbourhoods. Some people may think that the Bill is about only litter, but it actually covers a wide range of issues and will go a long way towards ensuring that councils have the tools and powers that they need to improve the quality of the environment.

A lot of us get annoyed when we see people dropping rubbish in a park, local village, street or on the beach. When I take my daughter, who will be three in August, out for a walk, and she sees a piece of rubbish, she points to it and says, "Daddy, daddy. Rubbish." She usually follows that up by saying, "Naughty boy", because she seems to think that only naughty boys drop rubbish. If she, at her age, can recognise that rubbish should not be dropped on the ground — she usually wants to pick up the rubbish and put it in the bin — why can young people and adults not recognise that they should not drop litter and that it costs the taxpayer a huge amount of money and councils a huge amount of effort to clean it up?

I challenged some young people about why they drop rubbish, and they made the idiotic comment that it keeps somebody in a job, which is absolute nonsense. Such individuals would continue to be in a job but councils could use them in a much better fashion. Therefore, the issue of litter is an important one.

I welcome the provision on fixed penalties. People who cannot be taught that dropping rubbish is wrong should be punished and should

be given an appropriate fine to discourage them from doing so again. The Bill will increase the powers that councils have, but it is up to them to then use those powers effectively. Stephen Farry talked about there being tension because central government is passing the buck. I am sorry that the Member thinks that central government is in the best position to try to deliver that function, because it is not, the councils are. Therefore, there is no buck-passing exercise.

The Member talks about not wanting to create tension. However, by his comments, rather than recognising the good work that the Minister has been doing, he is creating suspicion.

**Dr Farry:** I am not sure whether the Member is a member of local government, but I think that he is. Therefore, he should be aware, from his discussions with councillors, that the powers are welcome. However, at the same time, there is nervousness in local government about the cost implications and the potential for powers to be introduced without resources being made available. The point that I was making was that, ultimately, the function should be delivered through local government. Whether it is all paid for through rates or through taxation does not matter that much, because the money would still be coming out of the same households. Issues arise over the management of the tension that may emerge, so it is important that, if local government costs go up as a result, central government does not point the finger and accuse local government of increasing rates and being inefficient, particularly at a time when cuts are putting cost pressures on government across the board.

**Mr Givan:** The end result must be a cleaner environment, and councils are best placed to deliver that. It is for councils to manage how they carry out their functions, and the Bill indicates that those will be cost-neutral. I do not know how North Down Borough Council manages its finances, but Lisburn City Council, of which I am a member, manages its finances very well, which is why its rates are the second lowest of any council in Northern Ireland. Therefore, I am quite sure that our council will be able to take on this function and deliver an efficient and effective service to the ratepayers of Lisburn.

I particularly welcome the proposal to introduce gating orders. In my constituency, there are

alleyways in which a huge amount of antisocial behaviour, which causes concern for businesses and nearby homeowners, takes place. Clause 1 will enable councils to deal with antisocial behaviour effectively. It will help not only the local community but the police, who, when contacted by the local community about antisocial behaviour, come out but are unable to catch people because the alleyways are used as escape routes. Therefore, gating orders will also help the police to catch the people involved.

I also welcome the controls that are being suggested to limit the distribution of free literature. I particularly welcome the exemptions for charities and religious organisations. Some Church organisations raised the issue, and I am pleased that there will be exemptions for those organisations to distribute their literature.

The Bill is wide-ranging in its measures and is one that the Minister, when he came into post, was determined to put through the House. His officials have done an excellent job in producing the Bill, and, once the powers are in place and begin to be implemented by local councils, people will see tangible benefits. I support the Bill.

**Lord Morrow:** I declare an interest as a member of Dungannon and South Tyrone Borough Council. Perhaps I should also say that it was the only council that did not increase its rates last year. If Members want to know how that is done, they can come up to Dungannon, and we will show them. However, that is not really relevant to today's debate.

It is not often that the House sits on a Wednesday. However, if it is sitting for no other reason than to take the Bill to its next stage, it will have been worthwhile and time well spent. However, we are debating a matter of such magnitude that I express some disappointment at Members' attendance. Many of us serve on local councils and, therefore, have first-hand knowledge of the litter problem. Litter is something that grieves us all. A considerable portion of the rates bill is spent on gathering and cleaning up litter that has been deposited by those who sometimes do not give much thought to dropping it.

### 12.30 pm

I warmly congratulate the Minister, his Department and officials for getting the Bill into the House and bringing it to this stage. If it does pass — having listened to Members' comments, I suspect

that it will pass unanimously — Northern Ireland will be a different place as a result.

However, there are one or two matters on which I would like the Minister to comment in his winding-up speech. There are issues in the Bill that need a little bit more clarification, and I would like to hear his views on those. I have concern about the implementation and enforcement of the legislation. It is all very well to have a Bill and to tell people what they should and should not do; it is quite another thing to get them to do it, as is what the aftermath will be if they do not do it. There is, therefore, the issue of enforcement.

At present, we have powers to issue what are called ASBOs — anti-social behaviour orders. In the past year, 39 ASBOs were applied for and granted. As everyone in the House will be aware, the agencies that can apply for an ASBO are, of course, the PSNI, the Housing Executive, and local councils. In the police division in which I reside, which takes in Cookstown, Dungannon, Fermanagh and Omagh, not a single ASBO was issued. I cannot believe for a moment that no antisocial behaviour goes on in those areas. As one who lives in Dungannon, I have to say, unfortunately, that there is.

That, of course, takes us to the field of litter louts. People going into any town or street in Northern Ireland will find litter in one form or another, whether cigarette butts, or chewing gum, which has been much referred to in the debate. There is no more obnoxious piece of litter being deposited on our streets than chewing gum. It is the scourge of all council areas. It is not an easy one to tackle and is not one that can be dealt with at low cost. Therefore, I wonder whether the proposed legislation will be effective, sturdy and robust enough to deal with an issue such as that.

A number of Members mentioned dog fouling. That issue has to be tackled in a big way, because it is becoming a real problem, certainly in the Dungannon area. I hope that the Bill will enable it to be dealt with effectively. Although dog fouling is an offence, I do not read in my papers or get reports from my council that another one, two, three, four or five people have been dealt with in relation to dog fouling.

I warmly congratulate the Minister for taking the Bill to this Stage. As I said, if implemented and enforced, the legislation will change the face of this country. However, I have concerns about the

enforcement. I ask the Minister whether there are any incentives in the Bill, because a carrot can sometimes be as constructive as a stick?

I declared that I am a member of Dungannon and South Tyrone Borough Council. In the past, we have entered competitions such as Ulster in Bloom and Britain in Bloom. We have done exceptionally well, and if Members want to come up they will see why. To see all those things that are happening there is another reason why tourists should be coming to Dungannon. However, that is for another day and, perhaps, another place.

If the Bill is light on anything, it is light on incentives. Councils may wish to go into new aspects of tackling litter, antisocial behaviour and all the things that relate to that. What incentives will the Minister's Department give them to ensure that that happens? When my council enters competitions, the town is spick and span. There are those who visit the town to see it, and I am sure that you, Mr Deputy Speaker, have come to Dungannon just to see it on many an occasion. In the run-up to the competition, there is not so much as a leaf on the ground. Once the competition is over, there is a tendency to slip back a little and allow a leaf to fall before it is picked up.

We want a Bill that encourages activity all year round from the local community. Can community groups avail themselves of any provision in the Bill that provides an incentive for them to express an interest in their town, village, street, neighbourhood or housing development? When we get it right down to that level, we will make a big impression. Not only should councils be involved, but every one of us has a part to play. There is a big onus on us to do that.

There is potential for lines to get a bit blurred around the role of the Environment Agency in all of this. I have been critical of the NIEA in private and in public; it does not react quickly enough sometimes, and, when I speak to them, it tells me that it does not have the resources. There is a gap between the responsibilities of the council and those of the NIEA in dealing with a form of litter, be it lorry-loads of rubble or whatever it is.

In my town, we had a situation recently whereby a local farmer became a victim of some lout who deposited material on his land, yet the farmer was held responsible and he had to go through a very costly exercise of cleaning the whole thing up. Not only that, he was taken to

court through no fault of his own. We all have to be responsible for our properties and for what is on them or not on them. However, sometimes there is an unfairness that has to be looked at too. I know the individual involved; he is a highly responsible citizen of Dungannon, and I think he was dealt a very hard blow.

The area that this Bill can make most impression on is by encouraging something that, in Northern Ireland, has in the main been lost: civic pride. If we can get back to the day when everyone, all the citizens of Northern Ireland, take a keener interest in the towns, villages, streets and housing developments in which they live, that will be a big achievement. This Bill can go some way in doing that. I look to the Minister to see whether, in the future, he can inject some incentives for community groups and councils.

We recognise that society is strapped for cash at present; there is an economic downturn and there may be worse news ahead. In such times, these things get secondary treatment, and I do not think that that should be the case. It is imperative that this sort of stuff that the Minister is trying to get through here today should be given top priority, and it is a pity that there are not more MLAs in the House to take part in the debate. We all have a part to play here. This is not an issue where the Minister comes through with a Bill and tells the councils to get on with the job. That is a part of it; but there is much, much more to it. There is an education programme here, and that has to be taken seriously.

My colleague referred to a stroll in the park with his young daughter. We could all draw the parallel. It is dreadful to follow a car and see litter being deposited from each window. I had that unfortunate experience quite recently, when a Mars bar wrapper was thrown from one window of a car in front of me, and a Bounty bar wrapper came out of the other side. Those folk must have been having a picnic in the car. I do not know what was going on.

Dungannon park is another very scenic area and another reason why MLAs should visit Dungannon. I once saw a person deposit an empty can there, and I told him that I thought that he had dropped something. He replied that he did not think that he had. It is that sort of unthinking behaviour that brings big bills to our local council areas, as well as bringing shame. There will be costs around the implementation

and enforcement of the Bill. How does the Minister see those costs being met? Will councils have to take on extra resources or will it be done with existing resources?

**Mr Deputy Speaker:** Your attempted promotion of Dungannon was commendable.

**Mr Beggs:** I declare an interest as a member of Carrickfergus Borough Council. The Bill will increase the enforcement powers of councils over a wide range of areas.

The Bill is long overdue. This Assembly has been sitting for over three years and, in welcoming the Bill, I have to say that it is regrettable that it did not come at an earlier stage. England and Wales have had the Clean Neighbourhoods and Environment Act since 2005, and I am aware from my constituency work of how this Bill could enhance the lives of many of our citizens.

The additional powers that will be introduced by the Bill must be welcomed by all. They will significantly update Northern Ireland's legislative position. The Bill will give district councils additional powers to address litter, nuisance alleys, graffiti, illegal fly-posting and abandoned and nuisance vehicles. It will also improve legislation governing dogs, noise and statutory nuisance issues. Such issues are not effectively covered by the existing provisions in Northern Ireland, but they are being addressed by local authorities in England and Wales through different legislation.

The powers in the Bill are to be welcomed as a means of addressing local environmental issues. The lives of many of our citizens will be enhanced when councils and other statutory agencies use enforcement powers against the misdemeanours that are taking place, such as fly-tipping. I am thinking of the dams and reservoir around Carrickfergus, the Woodburn and the Lough Mourne dams, where fly-tipping has occurred on a number of occasions. Anything that increases the powers of our agencies and councils to ensure that the environment is kept in pristine condition must be supported.

The Bill will also make it very clear who will be responsible. There has been wrangling over whether NI Water, the Forest Service or the councils are responsible. There will be an obligation to sort that out at a much earlier stage and improve the environment, because, of



course, rubbish collects rubbish, and the sooner that it is tidied up, the better.

A key aspect of the Bill is that it allows for fixed penalty notices for a range of offences and the retention of those fixed penalty receipts by councils, which may make some contribution to the cost associated with the additional work that will come with the legislation. A wide range of additional areas will come under the remit of local authorities, which they will be able to pursue in order to improve the lives of citizens. However, at the same time, it will allow council officers to act in a manner that will be much more speedy and that will require considerably less resources than other forms of legislation; for instance, taking ASBOs to court level. Some of the new provisions for dealing with noise in the street, car and house alarms will result in councils having to carry out additional work, but they will also enhance local neighbourhoods and our citizens' lives.

#### 12.45 pm

The Minister indicated previously that planning powers would have been devolved to the 11 super-councils. He subsequently indicated a wish for planning powers to be devolved to the current 26 councils. In addition, it was indicated that Housing Executive powers would be progressively passed to local councils. It would be helpful of the Minister to clarify that whole area to provide an understanding of the context in which the new laws will operate in terms of any complementary budgets that may or may not be coming to local councils.

I turn to the proposed gating orders. In my constituency work, I have come across situations in which these would be a useful tool to improve the lives of local residents. Concern was raised relatively recently about some of the access points to Greenisland railway station — I am thinking of antisocial behaviour and underage drinking. Outside railway operating hours, when there are no trains, gating will be a useful option to consider as a way to improve the lives of pensioners who are being plagued at present — that is, if other measures prove unsuccessful.

I am also aware of locations where considerable antisocial behaviour has occurred in the past, including dumping in the middle of housing areas. In one area, families had to be rehoused after it reached the stage of a couple of arson attacks. As some Members have said, there

are areas in which drug dealing goes on. A key aspect in my mind was that there were multiple escape routes in that area. Anybody wanting to get up to antisocial behaviour had numerous means of getting away from the law or others who might have been trying to apprehend them for their criminal actions. I view the gating orders as useful.

**The Chairperson of the Committee for the Environment:** Does the Member recognise that the other element to gating orders is that parts of some developments are used as walkways? Does he accept that, if we are to introduce alley-gating, proper consultation with all the people in an area is needed?

**Mr Beggs:** Consultation will be a key aspect of alley-gating that restricts movement. I suspect that councils will not proceed with gating without clear support from local people. I am thinking of areas that service the back entries to houses and to back gardens, which would be used by a small number of residents living in that area.

The entry that I am thinking of was attracting people from outside the area; it was not a route to or from anywhere, it was merely a service area for those houses. I understand the point made by the Member: if there was a right-of-way issue, there might be difficulties in closing it down. However, if it could be seen to be of service only to local residents, I would fully support their wish to take back ownership of that area. They would have keys to enter as freely as they wish, but the movements of those from outside the area would be restricted. As I said, in some areas I have seen dumping occurring, fires being started and drug dealing going on. Anything that would return such an area to local ownership must be supported unambiguously — I would support local residents in their wish to improve their area. I have also said that the Northern Ireland Housing Executive had an alley-gating budget: will that be passed to councils?

I turn now to part 2 of the Bill, which refers to vehicles and nuisance parking offences. I intend to concentrate on this area, because my constituency work has given me some experience here. Some Members may think that the number of clauses dealing with that area make the Bill over-elaborate and burdensome, but I welcome those details. My sense is that those details come from experience, and if the Assembly is to enhance any of the powers in the

Bill, we have to take account of what people say. In my experience, those who have been involved in nuisance parking, and so forth, look for every available loophole to abuse the system, which results in antisocial behaviour that greatly disturbs ordinary neighbours.

I warmly welcome the Bill, which environmental health officers suggest will enhance their ability to improve local environments. At present, they work closely with the Housing Executive and the police to deal with antisocial behaviour. I can think of an individual from my constituency who caused misery to his neighbours in the Taylors Avenue area of Carrickfergus by collecting and dismantling abandoned vehicles. In court, the police linked that individual with 90 vehicles that had been abandoned on a small number of streets over several years, causing huge disruption, leaving the area looking unsightly and making it difficult for residents to park. Indeed, one disabled resident was unable to park close to his home.

In that case, although an ASBO was issued, existing legislation clearly did not work. The matter rolled on for six or seven years, involving numerous agencies and, in the past two to three years, a number of statutory agencies met monthly to discuss it and other issues. Dealing with such cases using ASBO legislation involves considerable cost. As a public representative, I gave evidence in court because people were fearful and suspected that houses had been damaged in relation to the case. Abandoned vehicles can also be used as runarounds for petty, or even more serious, crime, so removing them from our streets can play an important part in preventing further crime.

My ASBO experience required numerous court sittings; I have to admit to a level of frustration with the court system. An interim ASBO was issued, followed by the actual ASBO case. There was then an appeal, but the individual involved dismissed his legal representation, so we had to come back for a second appeal. As we scrutinise the Bill, we should bear in mind that, using the present system, the cost of dealing with abandoned vehicles is horrendous. In the court case that I attended, the following were also present: eight police officers and two environmental health officers; and the prosecution counsel and a defence barrister and solicitor, who were paid for by legal aid. There were also the usual court costs. When all the costs are added up, I reckon that the whole

case cost a minimum of £10,000 or perhaps even £20,000.

The new legislation must be welcomed, because issuing a fixed penalty notice at an early stage will allow situations to be dealt with more speedily and efficiently. Instead of having to spend years gathering information, during which time residents may be tortured, the Bill will provide a speedier and more efficient method with which to address the issue, so I welcome it. I hope that no other residents have to undergo the experience that those on Taylors Avenue had to face. I might add that the situation has improved considerably since the ASBO was issued.

As I said, some Members may consider the powers to dispose of vehicles to be too detailed and over the top. For instance, people will be prevented from selling vehicles on a public road. When too many vehicles for sale or repair are parked on a public road, they cause road safety issues and prevent other people from parking their vehicles. If a business regularly works on cars on the public road, it causes problems for neighbours. It also gives rise to road safety issues: how can appropriate health and safety checks be carried out, and how can the public be protected from all the tools, and so on, that are left lying around? However, it is important to strike a balance so that the legislation does not apply to people who work on their own cars outside their homes.

I told Members about my experience of dealing with the power to require names and addresses. The activity in question happened at night, which made the situation more difficult, and the vehicles concerned were registered in multiple names. Some people were not even aware that vehicles had been registered in their names. Anything that increases the statutory powers to gather information must be welcomed.

The Bill contains more detail about the notice of and procedures for the removal of such vehicles. My experience was that, on a number of occasions, when it became known that the statutory authorities were about to lift a car, it was deliberately set on fire in the middle of a residential area. Therefore, there are good reasons for increasing the councils' powers to enable them to lift vehicles speedily and, if necessary, dispose of them.

Storage costs are involved when cars are taken to a compound. We do not want to incur

unnecessary costs, particularly for vehicles that are at the end of their life. It is appropriate that their speedy disposal should be possible after attempts have been made to contact the rightful owner. In the past, some individuals attempted to use the complex existing legislation to claim compensation for their vehicles. They did so by making themselves difficult to contact and then trying to claim compensation after their vehicle had been lifted. As there is a clear need for improvement in that area, I see good reason for the detail in the Bill.

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

I welcome the increased powers for litter control, the additional protection for the waterways from littering and the use of fixed penalty notices in early and efficient enforcement. Our waterways were almost omitted from the Bill, because it was unclear who controlled or owned them, and, therefore, it was not clear how action could be taken.

Litter-clearing notices will facilitate the enhancement of neighbourhoods. As I said, rubbish collects rubbish, and, therefore, litter problems must be addressed as early as possible. I accept that difficulties arise when someone illegally drops material on private property. In practice, who will tidy up that material, other than the owner? If the quantities of litter are excessive, statutory intervention is required. At present, however, it is largely down to the owner to clear the material. The legislation makes that clearer at a much earlier stage.

We have all had advertising flyers placed on our windscreens. Frequently, they blow away and litter an area. The legislation needs to be improved. I welcome the provision that requires businesses to take greater care to prevent their shopping trolleys from going astray. Members would be surprised by the costs that businesses incur from trolleys going astray. They will, therefore, benefit from having to manage their trolleys more carefully. Over the years, numerous trolleys have turned up in the Inver river in Larne. They endanger wildlife, and the local angling club has undertaken a number of clean-up operations to clear trolleys and other debris from the river.

### **1.00 pm**

The Bill also covers graffiti and other defacements. It is important to improve the regulations so that our town centres are not

defaced by fly-posting and graffiti and that there are more speedy routes to tidy that up. Fly-posting is an interesting area. We do not want to be hitting the owners of the walls that have been posted on; many of them have not indicated their willingness for the fly-posting, and I suspect that most of the pasting takes place in the dark. Who benefits from the posting? That is an area that we may well have to look at. Frequently, the leaflets do not say who printed or published them. However, if they are advertising a particular event, it is clear who will benefit from that event. If those who do the illegal fly-posting cannot be traced, then some degree of accountability should be brought home on those who promote or benefit from the event, as they will have paid for the posters to be printed and erected. Therefore, we must introduce accountability and look at the enforcement powers that are there so that responsibility does not fall on the homeowner or the owner of the business where the items have been pasted.

I agree that we need new regulations restricting the sale of aerosols to children. Why do children need aerosol cans? If there is a particular art exercise for school work, I am sure that their parents will be more than willing to purchase the cans and let their children use them appropriately in their own home. We do not want our town centres disfigured and full of graffiti. We need to improve our environment and make it more attractive to visitors and tourists. This is an increasingly important area.

There are also powers to make dog control orders, and we will need to look into the detail of that. Most people in local government agree that there are problems with dog fouling and how dogs are regulated. We must ensure that there is improvement there, and we must also ensure that responsible owners are not unduly burdened. We need to check that the balance is there.

Intruder alarms are set off frequently and can run for hours and hours. Therefore, I welcome the increased scrutiny in that area and the fact that local government will have a role in ensuring that businesses control their intruder alarms. Many people live in residential accommodation in town centres, and we must remember that people are going back to living over the shop. Therefore, it is important that we not allow their home life to be disrupted by faulty alarms.

If enacted appropriately, the regulations will generally improve the quality of life for our citizens. I welcome the extensive use of the fixed penalty notice throughout a whole range of areas. It will allow for a speedy and efficient method of bringing about improvement and address things earlier at a lower level, which will enable that speedy improvement to come about. The Bill can help to empower local people. With the support of local councils and other agencies, it will be possible to enhance the lives of many. Generally, I support the Bill and look forward to discussing it in more detail in Committee.

**Mr B Wilson:** I declare an interest as a member of North Down Borough Council.

Like other Members, I welcome the Bill as it addresses many of the problems that face councillors on a day-to-day basis. It will increase the powers of councillors and bring them into line with district councils in Great Britain. The additional powers introduced in the Bill are overdue and significantly update the existing legislative position. It will give district councils powers to address problems that are not covered by current legislation but that can be addressed by local councils in GB. In recent years, I grew increasingly frustrated because the council did not have adequate powers to resolve many of the problems that my constituents raised. The new powers provide a means of resolving existing problems, and I have no doubt that they will assist in improving the quality of life and health of many residents.

To many, issues such as abandoned vehicles, litter, graffiti, fly-posting, dog controls and noise may not seem particularly important. However, they can cause considerable distress and have a significant impact on many residents' quality of life. For example, an abandoned vehicle often causes concern for neighbours. At present, a council officer must put a notice on the vehicle but cannot move it for a week. During that time, it attracts vandals who wreck it or set it on fire, and that causes considerable distress to local residents. The new proposals give the council the power to issue fixed penalty notices for the offence of abandoning a vehicle and the power to move the vehicle. Therefore, it does not have to sit there annoying the residents. The Bill is welcome because it streamlines the process for dealing with abandoned vehicles. However, north Down has a major problem with abandoned caravans that is not addressed under current

legislation, and I am not sure whether the Bill addresses that. It should be extended to deal with caravans.

As many Members said, litter is a major problem that raises much public anger. In fact, it costs ratepayers in north Down almost £1 million a year. As a society, we are a filthy lot, particularly compared with our continental neighbours. The present legislation is not effective in dealing with that problem, and the council needs greater powers. I hope that the powers in the Bill will resolve that matter. Therefore, I welcome the Bill's proposal to make it an offence for a person to give a false name and address when they are questioned by an authorised officer about a litter offence. In addition, in light of the courts' failure to deal adequately with litter louts, it is more appropriate for such an offence to be punishable by a fixed penalty notice. I welcome the introduction of the fixed penalty notice in the legislation.

I welcome the litter clearing notices, which can be served on an occupier or owner of land. Those are long overdue, because many serious neighbourhood disputes have arisen because householders allow rubbish to accumulate in their gardens and the council cannot do anything to resolve that problem. I hope that those notices, which require land to be cleared of litter within a specified time frame, will reduce that problem. However, I believe that the 28-day compliance period may be too long. That should be reconsidered.

The Bill contains provisions on fly-posting. However, I am concerned that the Bill provides powers to councils to target only the people who post the information as opposed to the beneficiaries. The power to target the beneficiaries lies with the Planning Service. Although it is more effective to target those groups, the Planning Service in Northern Ireland does not see that as a high priority. If fly-posting is to be properly addressed, councils must have full powers of prosecution.

Although the Green Party welcomes the new proposals to create dog control orders and the measures to resolve noise problems, we are concerned that they will create an additional workload for councils and, perhaps, be a strain on their resources. I cannot accept the Department's view that the financial effects of the Bill on local councils will be cost-neutral. Although the proposals are welcome, it is



unlikely that they will lead to full cost recovery by councils through the income generated by fixed penalty notices. The time spent by officers and on administration that is required to investigate and enforce many of those issues adequately will still be significant and, therefore, will still carry a cost to the council. The Department should reconsider the proposed levels of fine and consider whether they adequately reflect the polluter pays principle.

The Bill allows for fixed penalty notices for a range of offences and the retention of fixed penalty fines by councils, but that will not meet the costs associated with the additional work. Furthermore, the successful resolution of many such problems is often best achieved without recourse to formal action. We will not need to go to the courts. If we have the power of the courts behind us, situations can be resolved in an informal manner. Such an approach will not attract fees and, hence, income. Moneys obtained from the provisions are likely to be relatively small compared with the level of work associated with such complaints. Notwithstanding those comments, the use of fixed penalties, with the amount set by councils, and the retention of fees for use in qualifying functions is welcome.

In view of those matters, I ask the Department to consider what additional resources could be made available to councils to successfully undertake the new and enhanced powers and, therefore, improve environmental conditions in our area.

We welcome the introduction of the Bill and the increased powers that it gives to the tackling of environmental crime. The new powers will provide a new foundation to change antisocial behaviour, which impacts directly on the quality of individuals' lives, health and standards of living. The legislation introduces excellent opportunities to begin tackling a broader range of local environment quality issues, and I hope that we can develop those at Committee Stage. I support the Bill.

**The Minister of the Environment:** I welcome the general support for the Bill that Members have expressed. Mr Boylan, on behalf of the Committee, indicated the Committee's broad support for the issues that were raised and asked questions about helping local communities. Much of what we are doing through the Bill is enabling local authorities to

make local areas and neighbourhoods better and cleaner places. The Bill will largely be implemented through local authorities.

A number of Members, including Lord Morrow and Mr McGlone, raised the issue of the cost of implementing the Bill's provisions. Our advice is that it should be close to cost-neutral. There may well be an expense — that remains to be seen — but it will not be hugely expensive. Most people who own their own homes know that it may cost a bit of money and hard work to make their place look better. There may be a small cost and additional work for local government, but the benefit, reward and incentive will come in their sense of place and the civic pride that Lord Morrow referred to. They will have a considerably better community for the small cost associated with the implementation of the Bill. Indeed, it will lead to considerably less cost because there will be less waste to be collected.

I would like local authorities to work with others. It is up to each local authority to decide how to do it, but I look at the effectiveness of the officers who implement car parking restrictions in our towns and cities. Is there any reason why those officers are not brought in to assist in observing people who drop litter and ensuring that they are brought to book? There are six or eight such officers in full-time operation in the city in which I live. Why bring in additional officers if those who are already there can be employed for a small sum?

People ask how it will work, but it will work by doing it. I know of local councils that employed litter officers in the past. Lisburn City Council employed a litter officer, perhaps 20 years ago, and I think that, after about 12 weeks, one person was done for dropping litter.

The news needs to be that somebody — perhaps more than one person — was done on Monday, somebody was done on Tuesday and somebody was done on Wednesday. I guarantee that, once the local community gets the message that people are regularly receiving on-the-spot fines for spitting out chewing gum, dropping litter and despoiling our streets, we will see an improvement in behaviour within weeks or months. People do not want to get caught and have to pay a fine. They do not want anyone to look at them and say, "There's yer man from our estate. He was one of the ones who got caught."

**1.15 pm**

I guarantee that that approach would make a difference, and quickly. Effective early implementation of the measures would drive home the message that such behaviour is no longer tolerable. The public should not have to put their hands in their pockets to pull out not litter but pound notes to pay for others who drop litter out of their pockets rather than put it in a bin or take it home with them. We need to be very strong on the issue.

Mr Boylan mentioned cars on footpaths, and that is a matter for the Department for Regional Development (DRD) alone. He also mentioned alley-gating, which is a problem. DRD addressed the issue in Belfast, and the scheme that was put in place there has been of considerable help.

A number of Members, including Mr Beggs, who talked at length, talked about problems associated with certain areas. Graffiti, drugs being sold and young people with plastic bags for glue-sniffing are all common sights in those areas. The ability to clamp down on those activities is very limited at present. The system for putting alley gates in place is so convoluted and cumbersome that it is not effective. The Bill will allow us to deal effectively with issues through the local authorities and in a way in which the community wants us to. A community may want an alley to stay open until 7.00 pm or 8.00 pm in the winter or until 10.00 pm in the summer. I do not know, for that is a decision for the community to make in conjunction with its local authority. However, the community should get what the community wants. If the community does not want an alley gate, it should not have one. If the community wants one, let it work out with the local authority at what times the individual who is given the keys to the gate should lock it each and every day. People will get used to alley gates, and they will welcome them. They will assist policing, particularly in clamping down on low-level crime.

Mr Ross told us about what students get up to, and then Mr Kinahan elaborated on that when he confessed that he had engaged in shopping-trolley racing. We see people walk out of supermarkets with trolleys full of drink. It costs them £1 to wheel a trolley full of drink back to their destination, but those trolleys are inevitably not returned. Those people do not care about getting their pound back, and the trolley ends up being dumped. As I cycled to work last week by the River Lagan — I recommend that all

Members try that, as it will help to keep them all looking fit and well, particularly over the summer — I saw shopping trolleys in the water. That is completely wrong, and such a sight spoils an area of natural beauty.

Supermarkets need to get the message that they must think about what they are doing to secure the investment that they have made. Supermarkets have spent a considerable amount on buying the trolleys, so could they not chip them to prevent them from being taken beyond a certain area? What is happening at the moment is theft. If I were to walk out of a supermarket with £100 of goods that I have not paid for, I suspect that the security guard would stop me fairly quickly. However, I can walk out of a supermarket with a shopping trolley, which I expect is worth £100 or more, and take it away with me. Many people are doing that with impunity. Why can shopping trolleys not be chipped so that an alarm goes off when people try to take them away? Security guards could then deal with the problem there and then. That would tackle two problems at once. That area needs to be addressed. Hopefully, this legislation will create an impetus for the supermarkets to act. Not only will they lose the shopping trolleys, they will be charged for their removal from the waterways or wherever they are dumped. Perhaps the message will then get through to them.

Mr Kinahan also mentioned rural noise. I would express caution to the Committee on that point. Some very fine people move into rural areas, and they are not there for very long before they start to complain about the smell of slurry and about farmers who are ploughing until midnight, making silage, mowing grass, cutting barley and so forth. They fail to understand that, on occasion, country people have limited time frames in which to carry out their work. Although some people might want to lie in bed at 6.00 am, others want to get on with their work. I do not want to introduce some sort of legislation to benefit people who have moved from towns to rural areas and who just do not understand that, although there are many positive aspects to living in a rural area, there are also some negatives. I caution the Committee against going down the route that Mr Kinahan suggested.

**Lord Morrow:** I am interested in the Minister's point about farmers who want to get on with their work at 6.00 am, and I understand that. However, will he take it from me that some

urban dwellers start work at 6.00 am, and some start even before then?

**The Minister of the Environment:** Absolutely. Nothing should be taken out of what I said that implies otherwise. Many urban dwellers are very hard-working people. It is just that some urban dwellers who move to rural areas have a little difficulty in coming to terms with how things are done.

Mr Kinahan also mentioned cost recovery, as did Dr Farry. Dr Farry said that recovered costs are just a bonus. I do not see it that way at all. It is something that my colleague Mr Ford, the Minister of Justice, will need to address. The amounts that can be recovered were set down in an Order in 1981. A council can recover only £75 for something that might cost it £500, £1,000 or more. That figure might not have been unreasonable in 1981, but now, 30 years later, it might be appropriate to revisit it. I do not see why we, the ratepayers, should pay huge amounts to ensure that things are done right. I encourage my colleague Mr Ford to address that in due course. I am aware that he has a very heavy workload. Members have only to listen to the radio to hear mention of the Department of Justice every morning in relation to other issues. I am, therefore, aware that he has considerable work to do, but I will support him if he addresses that matter.

Mr McGlone referred to the cost-neutral issue, which I have sought to deal with. I recognise that there is an issue about abandoned vehicles. At present, the Driver and Vehicle Agency database has some difficulties in identifying all abandoned vehicles. Considerable work has been done on that, and Statutory Off Road Notification (SORN) declarations have helped to ensure that many more vehicles are easily identifiable. I should add that many scrap vehicles have value. People make businesses out of collecting and processing them for further use. Therefore, the proposed actions can be taken at a fairly low cost to local government. Councils can set up arrangements with legitimate companies that engage in processing scrap metal for further use, and I think that that can be done reasonably, without putting a huge burden of cost on the ratepayers. At the same time, the Driver and Vehicle Agency (DVA) will continue to try to deal with the identification issue that was mentioned.

Mr McGlone also raised the issue of alarms. Car alarms can be dealt with under the new

statutory nuisance measures in Part 7 of the Bill, which makes provision for:

*“noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street”.*

District councils must issue abatement notices when they are satisfied that a statutory nuisance exists, may occur or may recur. In the case of car alarms, a notice is served on the responsible person, or on the vehicle if that person cannot be found. If the abatement notice is not complied with, the district council is empowered to enter or open a vehicle — by force, if necessary — to silence a car alarm and to remove the vehicle from the street to a secure place if that is necessary to abate the nuisance. Therefore, powers to deal with that issue are relatively extensive.

Mr Farry raised the issue of buck-passing between councils and central government. The Bill is not about buck-passing. Responsibilities for clean neighbourhoods already exist within local government. As it stands, almost all of the issues that we are debating are local government responsibilities. What we are doing is creating the opportunity for local government to deal with them much more efficiently and effectively. It is enabling legislation for local government, not a method of passing councils further responsibilities that will cost them more money.

Mr Farry also mentioned flags and bonfires. Let me say this: flags and bonfires do have an environmental impact. However, Northern Ireland is somewhat peculiar. That peculiarity is demonstrated by the fact that there is no Opposition in this place at this time. Because of those peculiarities and difficulties, flags and bonfires will not be dealt with as part of the normal environmental process. They are a matter of community relations, which is headed up by the Office of the First Minister and deputy First Minister. In Northern Ireland, there are many challenges in dealing with problems that have existed in the Province for generations. They will not be dealt with through this particular Bill. Therefore, although I appreciate the Member's comments, they will not be dealt with under this particular legislation.

Mr Givan mentioned exemptions that relate to literature that can be given out. I can assure him that literature that is associated with church organisations will not be affected. Mr Morrow referred to implementation and

enforcement. It is important that councils who have requested this legislation and who desire it wholeheartedly take it, endorse it and carry out its implementation. Early and quick implementation will mean more cost-effective implementation. Any cost that could potentially be associated with implementation will actually be retrieved quickly.

Mr Morrow also referred to incentives. A council's incentive is to have a quality neighbourhood and environment in its area. He also indicated that Dungannon and South Tyrone Borough Council did not raise its rates in 2010. I commend it for that. Other councils seem to have imposed hefty rate rises, not all of which were necessary. Having just resigned from a council, I am glad to say that the council that I left is in good condition. It has the second-lowest rates in Northern Ireland and, I believe, the seventh-lowest debt per head of the population, and it has excellent services. It demonstrates that quality services can be provided without always having a high rate base. I encourage councils to look at how they can do their jobs better in that respect.

Mr Beggs commenced with a whinge about the Bill's timing. I could not have brought it forward any sooner. I am happy to bring the legislation forward; I think that it is the right legislation. Mr Beggs also mentioned fly-tipping. The Bill does not deal with illegal waste activities, such as fly-tipping. That will be dealt with under the Waste and Contaminated Land (Amendment) Bill. Illegal waste activities involving illegal dumping of waste, or fly-tipping, can have a detrimental impact on the local amenity. One of the main objectives of the Waste and Contaminated Land (Amendment) Bill is to ensure that Departments and councils have sufficient statutory powers to deal effectively with illegal waste activity. It is intended to give councils the same powers as the Department to prosecute offenders.

### 1.30 pm

We also recognise that legislative change alone will not provide a solution to illegal waste activity, so we are working with local government to develop a fly-tipping protocol, which will clearly set out the respective roles and responsibilities of the Department and councils in dealing with illegal fly-tipping activities. I sympathise often with councils and private landowners who find that people have dumped goods on their property and they are left with the responsibility. I know that people have dumped on other

people's property highly toxic materials that have been used for laundering diesel, and the property owner has been left with the clean-up costs. That is wrong, and it is something that we in government need to address.

In other instances, councils have had to collect dead animals from rivers, and that is wrong. We need to look at how we can address those issues and seek to challenge them. Let us be honest: it is wrong that individuals carry out such dumping in the first instance. Traditionally, a lot of people in Northern Ireland have turned a blind eye to a lot of those activities, but, in fact, the individuals who are engaging in such activities are destroying the neighbourhood for everyone. We need to encourage the public to move away from taking a blind-eye approach to activities that we know are going on in our neighbourhoods. Such activities are damaging to our neighbourhoods and our country, and it costs all of us. Let us rise to the challenge.

Mr Morrow referred to the individuals who dropped the Bounty bar and Mars bar wrappers. They are fairly low-level offences, but I encourage people to take the registration numbers of cars from which rubbish is thrown, report the individuals and allow the councils to follow it up. Unless we do that and provide the information, we cannot expect to reap the dividends. Let us rise to the challenge of those who contaminate our neighbourhoods and despoil and destroy our country, and let us, the good people, take them on and tell them that we are not going to tolerate their activities any more and that we are going to report offences. That will not make us touts or bad people. Doing so will ensure that we are keeping a better, cleaner and healthier Northern Ireland and a place to which tourists will be attracted to visit and others will be attracted to invest and live in.

*Question put and agreed to.*

*Resolved:*

*That the Second Stage of the Clean Neighbourhoods and Environment Bill [NIA 31/09] be agreed.*



## **Housing (Amendment) (No. 2) Bill: Second Stage**

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

*That the Second Stage of the Housing (Amendment) (No. 2) Bill [NIA 32/09] be agreed.*

It might be helpful if, in the first instance, I give some background to this legislation because, as the House and, certainly, the Committee, will be aware, in December 2009, my predecessor Margaret Ritchie published proposals for new housing legislation to support the delivery of the private rented sector strategy and to make new provision in respect of homelessness, fuel poverty and community safety. I will comment on a number of those matters during my speech.

The Department received more than 40 responses, which were broadly supportive of most of the proposals. Time constraints mean that it is not possible at this time to take forward all the proposals outlined in the consultation paper. It is only fair to the House that I explain why that is the case. It is due to the demands on the parliamentary draftsman, which were made more acute by the fact that there were six separate pieces of legislation relating to the possible local government reorganisation. In view of the urgency around that matter and given the potential for reorganisation by 2011 and the short time frame between then and now, the parliamentary draftsman was overloaded. Consequently, other legislation would not have had the full due diligence of the parliamentary draftsman in ensuring that the legislation coming before the House was all that it should be. Consequently, opportunities to include other matters in the Bill were frustrated because of the time available to the parliamentary draftsman's office.

Nevertheless, I acknowledge the work of the parliamentary draftsman. Executive approval had been given to the Bill only at the end of April 2010. The Department and the parliamentary draftsman have done good work to ensure that we have legislation before the House at Second Stage. The turnaround time, from the end of April to the introduction of the Bill in the middle of June, was very short.

As I said, the Department received 40 responses to the consultation. The Bill has been drafted on the basis of the consultation, focusing on key areas where there is a

particular need for early action. The Bill will help to support the housing agenda by enabling better regulation of the private rented sector, providing new tools to tackle fuel poverty, promoting effective housing management and clarifying existing laws. I want to touch on some of those matters.

The main focus of the Bill is on improving the management of the private rented sector, which has grown significantly in recent years and now represents almost one fifth of the total housing stock in Northern Ireland. Building Sound Foundations, the Department's strategy for the private rented sector, was launched in March 2010 and set out a range of proposals to improve regulation of the sector and provide increased protection for tenants. The Bill addresses some of the strategy's core recommendations and will enable my Department to make subordinate legislation to create schemes for the mandatory registration of landlords and the safeguarding of deposits paid by tenants.

The Bill will improve the effectiveness of existing measures for regulating the private rented sector by amending the Private Tenancies (Northern Ireland) Order 2006. That Order introduced two measures into law and into practice in the North. The first ensured that properties in the private rented sector are fit for human habitation, and the second required landlords to provide proper documentation about the management of their tenancies, such as a rent book. The Bill builds on those provisions and protections and, therefore, enables us to go somewhat further.

**Mr F McCann:** The Minister makes an interesting point about the Private Tenancies Order 2006. Although it improved existing legislation, many council environmental health officers felt that it did not go far enough. It did not give them the teeth to deal with some of the more serious problems in the private rented sector, including HMOs.

**The Minister for Social Development:** I concur with the Member. The Bill addresses the councils' contention that they did not have the teeth to deal with various matters. For example, there is a responsibility under the 2006 Order to ensure that properties are fit for human habitation. However, the ability of councils to pursue the issue of whether properties are fit for human habitation was frustrated by the

fact that there was no mandatory registration scheme for private landlords. Such a scheme creates a better opportunity for councils to do their business. The Bill will ensure that, once mandatory registration of private landlords is established, that information can be shared with local councils. In turn, local councils can go about the business of ensuring that fitness standards are fulfilled. Therefore, I agree completely with what the Member said. The Bill gives councils the evidence base from which they can do what they were meant to do under the unfitness provisions and ensures that the private tenant is better protected.

The second area that the Bill deals with is houses in multiple occupation. The Bill improves protections for houses in multiple occupation by ensuring that the current system of regulating such accommodation operates effectively. Quite properly, the Housing (Amendment) Act 2010 amended the definition of the term “family” for the purpose of identifying houses in multiple occupation to ensure that accommodation occupied by members of a single extended family is not subject to the regulatory regime. The Bill will place an obligation on the landlord, owner or operator of a house in multiple occupation to provide documentary evidence of such a family relationship where it is being used to seek exemption from HMO regulation. Failure to provide satisfactory evidence would mean that the property would be subject to regulation as a house in multiple occupation. There are instances across Members’ constituencies — this is certainly the case in the constituency that Mr McCann and I represent — where the issue of multiple occupancy has arisen. In so far as the DSD responsibility is concerned, the Bill will create a mechanism to regulate that better.

It is clear that that measure alone will not address the issue of multiple occupancy and, in particular, the change in character of areas where more and more properties go into multiple occupancy. However, without anticipating what may or may not develop, I hope that, in the near future, another ministerial colleague of mine may be in a position to begin to address that issue and the experience of places in West Belfast and many other constituencies.

The third element of the Bill relates to community safety. The Bill will improve the sharing between landlords of information about antisocial behaviour and will allow the Housing

Executive and registered housing associations to withhold consent to an exchange of tenancies where an applicant has been guilty of such behaviour. The proposals are in response to issues that the Committee for Social Development and social housing landlords raised. I know that the matter preoccupied the Committee, and I may comment on it further in my winding-up speech.

**Mr Easton:** Does the Minister still think that there is a possibility that people who are removed from Housing Executive housing could be housed in hostels? Will he let us know whether that will cover hostels, as well as other sectors?

**The Minister for Social Development:** I thank the Member for his intervention. I will respond to that matter in my winding-up speech, because I wish to scope out a number of matters on antisocial activity in the housing sector and how we may manage that in the future. A lot of those issues have some equality consequences, and I want to make sure that we measure our response appropriately in any future addressing of antisocial activity across the public sector and the private sector. Therefore, I will deal with that particular matter in my response.

A small measure in the Bill deals with homelessness. The Bill will also improve the operation of the homelessness legislation by bringing the Housing Executive’s statutory duty to an end in cases where a person ceases to be eligible for assistance. That is a technical change that will affect a small number of people, and it is designed to ensure that homelessness legislation recognises the reality of situations where the Housing Executive cannot legally provide accommodation. Given the common concern that parties and Members have about homelessness, I stress that that technical change will affect a small number of people. I enquired about that this morning, and my information is that, currently and in any one year, that change will affect no more and perhaps somewhat fewer than 10 people and that, in the context of changes arising from transitional provisions with European enlargement over a number of years, that figure will actually come down to even fewer than 10 people.

The fourth element of the Bill deals with fuel poverty. The Bill will allow the Housing Executive to broker energy at a discounted price. That measure, which is recommended by the fuel poverty task force, has the potential to alleviate

fuel poverty among tenants of social housing and could benefit other energy consumers by encouraging new entrants to the domestic energy market in Northern Ireland. In addition, the Bill will provide district councils with powers to promote energy efficiency in residential accommodation in their district. That will complement the work that is being undertaken by my Department and the Housing Executive, which runs the Home Energy Conservation Authority for Northern Ireland.

#### 1.45 pm

I wish to stress the importance of that issue because, although fuel brokering is in its early days here, there have been some dramatic examples in other jurisdictions of how that can work. Although the scale is very different and the market is more open in America, there have been some good examples there of how fuel brokering or the bulk purchasing of fuel can work to help disadvantaged people in particular. Joe Kennedy and his Citizens Energy Corporation in Boston is an example of how interventions in fuel brokering can work to the advantage of people in need. Although this matter is technically difficult to address, I hope that the provision will be taken forward by the Housing Executive, which has 90,000 units on its books.

With the entry of Airtricity, there is now an open market in the North, and I believe that, especially at this time of further financial stress, our Government, given the number of buildings that they have and their energy consumption, should consider how to broker electricity costs and maximise the advantage to the public purse.

There is a clear need for the Bill, which, I openly concede, has useful provisions that are somewhat more moderate than might otherwise have been the case had we had sufficient time to legislate more fully. Nonetheless, the Bill will improve the lives of people in the private rented sector and in social housing in particular. I am confident that the Bill will be well received by key stakeholders in the public and voluntary sectors. On that basis, I hope that all parties fully support the Bill.

**Mr Craig:** It has been agreed that I shall speak initially on behalf of the Chairperson of the Committee for Social Development, who tenders his apologies. The Committee for Social Development spends the greater part of its time considering, scrutinising and debating housing

issues. Members will, therefore, not be at all surprised to learn that the provisions of the Housing (Amendment) (No. 2) Bill have been reviewed in great detail by the Committee at the pre-legislative stage. Now that the Bill is at Second Stage, those provisions will continue to be of great interest to all Committee members.

I will now set out the Committee's views on the principles of the Bill. I will first mention what is, unfortunately, not in the Bill. When the Committee reviewed the relevant departmental consultations, there were a number of proposals in which members were particularly interested. They included increases in the notice-to-quit period for longer-term tenants in the private rented sector; a number of antisocial behaviour measures, including linkages between eligibility for social tenure and the behaviour of a tenant; a requirement for private rented tenures to comply with the decent homes standard; and the introduction of safeguards for homeless people where the Housing Executive has secured accommodation for them in the private rented sector. In the Minister's response today, I hope that he will further set out why those proposals have not been included — he has already alluded to some of the issues — and whether he will consider amendments to deal with some of those excluded measures.

I now make some comments on behalf of the Committee. Some Committee members have previously expressed concerns about variations in statements of tenancy conditions and in the nature of rent books across the housing sector. The Bill introduces what is intended to be some consistency in respect of the provision of statements of tenancy terms and the content of rent books. The Committee welcomes that and will, therefore, wish to further consider the aspects of the Bill that apply solely to the private rented sector.

The majority of Committee members will welcome the introduction of the rent deposit scheme. Members have questions about the cost and bureaucracy associated with similar schemes in other jurisdictions that we looked at. Some Members also voiced concerns that the rent deposit scheme will not stop wrongdoing by those who might be termed bad landlords. It is argued that, although the measures are aimed at landlords who wrongfully withhold deposits from tenants, it will be the good law-abiding landlords who will have regard to the new provisions and have to manage the

additional administrative burden. Bad landlords will tend to ignore the provisions. Therefore, it will be interesting to see what enforcement issues there are around that. The Committee will want to be sure that there is appropriate, targeted and commensurate enforcement to ensure compliance. That will be the secret to dealing with bad landlords on that issue.

A perhaps more contentious aspect of the Bill will always be the mandatory landlord registration system. On the one hand, some Committee members argued that the recent growth of the private rented sector and the large number of private tenants who are on benefits are good reasons to require landlords to be registered. Those Members hope that registration will be the beginning of a regulation process for the private rented sector, similar to that which is already employed in the social housing sector. On the other hand, as I said previously, some Committee members and stakeholders, such as the Landlords Association, contend that registration will be an undesired additional burden for good landlords, while landlords involved in bad practice — the ones with overcrowding difficulties and those who offer unfit accommodation — will simply ignore the regulations. All Members will view with great interest the relevant provisions of the Bill and will be keen to ensure that the associated regulation-making powers are appropriate. I have no doubt that some members of the Committee may have a great deal more to say on those issues, and I look forward to hearing those comments.

The Committee is pleased to see measures in the Bill that are designed to curb antisocial behaviour. Anything that tries to tackle that issue will be warmly welcomed by all Members. The Committee lobbied for better information sharing between social landlords and for restrictions on exchanges for tenants who inflict antisocial behaviour on their neighbourhood. The Committee warmly welcomes the fact that that information will now be shared between housing associations and the Northern Ireland Housing Executive. Antisocial behaviour is always a serious issue. Many Members, myself included, frequently have to deal with a wide range of related problems in their constituency. Therefore, some members of the Committee would welcome further discussions with the Department and the Minister in respect of amendments to the Bill to further enhance antisocial behaviour measures.

The Bill includes a change to the Housing Executive's responsibility in respect of what are termed "ineligible homeless individuals". It is understood that that is merely a technical change that seeks to remove the legal anomaly whereby the Housing Executive has a duty to certain homeless people but, owing to other legislation, is unable to fulfil that duty. It is understood that the migrants in question can come from the A8 countries. The Committee received evidence from the Welcome Organisation that, in some cases, it was forced to use its funds to help small numbers of homeless people who were ineligible for assistance. During a departmental briefing on the homelessness strategy, the Committee also learned that DEL and OFMDFM were to produce a policy on those homeless and ineligible migrants. Given the potentially tragic consequences of withdrawing support from homeless people, the Committee will want clarification on the treatment of those homeless and ineligible migrants in this and neighbouring jurisdictions to be sure that what is proposed is fair and consistent.

The Committee welcomes the clauses on energy brokering for NIHE tenants and on the promotion of energy efficiency. The Committee spent a great deal of time considering fuel poverty. Therefore, it is pleased by the promotion of practical measures that exploit economies of scale by the Housing Executive and the local knowledge of organisations, such as district councils.

I would now like to say a few words as an MLA, as opposed to speaking on behalf of the Committee. I congratulate the Minister on moving to improve the exchange of information between housing associations and the Housing Executive. I have strong feelings about that. I raised the matter in Committee and was pleased to receive its backing. I know of cases in which the Housing Executive and, I must add, housing associations, ended up getting its fingers badly burned by some of the tenants who had been passed on to it. The situation led to all sorts of antisocial behaviour and to tenants having to be moved out and rehoused, but it was not always the guilty party who had to move. However, that was down to an anomaly whereby the information that the Housing Executive had on tenants could not be handed over to housing associations and vice versa. It is good that the Minister is tackling that serious



issue, and I hope that his action will stop those unfortunate situations arising again.

I share the Committee's disappointment that some other issues were not dealt with. The Minister explained why we are running into timescale difficulties, and I must accept that. However, that disappointment remains, and I hope that there may be an opportunity to deal with the outstanding issues in future.

On behalf of the Chairperson of the Committee for Social Development, I advise the House that, notwithstanding my earlier comments on provisions that seem to be missing and issues that require clarification, the Committee is generally content with the principles incorporated in the Housing (Amendment) (No.2) Bill.

**Mr F McCann:** I welcome the Minister's speech. Whether Members stand here or sit round a Committee table discussing housing, we always speak about those who are most in need and how we can try to create better conditions for them.

I want to comment on the passage of the Bill. I share Jonathan's disappointment, as I feel that we have been let down by the Department and by the former Minister with regard to its content.

During the passage of the first Housing (Amendment) Bill, Members from my party argued for a number of amendments to be made but were convinced not to do so by departmental officials who assured the Committee that that Bill was not the one to tamper with. They explained that a further housing Bill was in preparation that would address many of the issues that we had brought up.

I was disappointed to hear at the briefing last week that much of what was promised has been removed from the Bill and that the Bill will be categorised as an enabling Bill that will allow some of those issues to be legislated for down the line. The excuse given is that otherwise there would not be time for the Bill to complete its passage before the end of this mandate. Had my party been informed of that during the passage of the previous Bill, we would have then attempted to make some of the amendments that we had in mind. The new Minister has inherited this situation, and we await its outcome.

## 2.00 pm

Among the measures removed from the Bill is none other than the strengthening of antisocial legislation, which is something that

our communities are crying out for. Out on the hustings in the run-up to the last election, antisocial behaviour loomed large in people's minds. Having spoken to people from all parties, I know that they came up against the same demands. Community safety and the economy are the biggest problems for people. I spoke to the Minister earlier in the week, and we agreed that there are serious problems out there. Unless we get to grips with those problems, we are achieving nothing. If we can work together, we can achieve something. We in this Chamber have an obligation to ensure that our community is protected from those who would destroy it from within. Contrary to the belief held by some that antisocial behaviour is strictly a policing matter, we all need to realise that this is a societal issue that must be tackled by us all.

I am unsure whether provisions for the sharing of information will be added through enabling legislation that will come some way down the line or whether that matter will be effectively dealt with by the Bill. Over the past couple of weeks, I have had occasion to speak to some senior representatives from housing associations. They have said that, even at this late stage, after we had brought up the issue and assurances were given in the Committee, there is still no sharing of information across housing associations and between them and the Housing Executive. Most of the housing associations do not inform one another, because what they want to do is move problems elsewhere and out of their jurisdiction. That is one of the difficulties.

We raised the possibility of stronger legislation to deal with those who wreck their communities through acts of vandalism. We want to ensure that such people will be forced to pay for the damage that they cause. We also wished to address the role of residents' associations and look at how they are resourced in other jurisdictions. It is common practice for housing associations to include in their budget a community funding package which includes the funding of local residents' groups. I am a great believer in good, strong residents' associations. Properly trained and resourced, they can provide the front line in the battle against anticommunity behaviour. The resourcing of residents' associations is virtually non-existent in housing legislation in the North and, unless legislated for, will not be acted on by housing associations. Also, gone should be the days when housing authorities just see themselves as housing

providers. They need to be community builders and work with other statutory organisations in the community to deliver mixed-tenure, sustainable communities and a safe place to live for all the residents.

I have also raised the issue of the common selection scheme and the adverse impact that that allocation scheme has in areas of high demand. I first raised that many years ago with the direct rule Ministers with responsibility for social development. I have been continuously advised that it will be reviewed to take on board the issues that we raised. Again, we wanted to amend the first Bill to address that but were advised against it on the grounds that the new Bill would deal with the issue and such consideration would prolong the first Bill's passage through Committee.

The other issue that we wanted to deal with was the question of the private rented sector. During this mandate, Sinn Féin has been to the fore in speaking about the need for action to be taken to ensure that the private rented sector is legislated for by way of a mandatory registration scheme, with strong powers to ensure compliance. That suggestion was met with strong resistance from the former Minister for Social Development and her Department, which seemed to favour non-regulation at the time. We wanted to table amendments on mandatory registration but were advised that this new Bill would be the mechanism to deal with it. We have now been informed that a committee has been set up to advise on a mandatory registration scheme and that enabling legislation will mean that the issue can be dealt with somewhere down the road.

What more information does the Department need? The consultation that it carried out showed that almost everyone who took part was calling for mandatory registration and for strong powers to ensure compliance. That unregulated sector, which is in receipt of more than £90 million of housing benefit, is a sector in which many operate seriously bad tenancy practices. Those include illegal evictions; intimidation of tenants; poor-quality stock; withholding of deposits for the flimsiest of excuses; overcharging of tenants; and ignoring antisocial tenants. The list goes on. It is a sector that has more than doubled its stock in the past seven years and can operate without worry about being brought to book for its practices. We have been informed that a mandatory registration

scheme will take a while longer. We will again ask Members to support action to ensure that strong powers on compliance and not just mandatory registration are included in the Bill.

The Department seems to suggest that a lightweight scheme should be considered. Some time ago, landlord representatives from LANI gave evidence to our Committee. From their comments, I believe that LANI would have supported the mandatory registration of the sector. Many of its members provide quality housing for the rented market and are interested in getting rid of the bad apples. We have an obligation to ensure that tenants are protected, while protecting landlords from bad tenants.

Management companies that offer poor service for the money that they are paid are not included in the Bill either. Again, strong legislation is required to ensure that homeowners are protected. My understanding is that that sector is regulated in other jurisdictions.

I attended a consultation event in February 2010 which the Housing Rights Service and the Council for the Homeless organised. The people who attended were representative of a wide range of opinion across Belfast and the rest of the North. Those people called, almost to a person, for a strong mandatory registration scheme, with strong powers on compliance. They also discussed antisocial behaviour and recognised that that is an issue that needs to be tackled.

Concerns were raised about people's rights. We all share those concerns, but we must also ensure that those involved in the destruction of their communities are brought to book. The Bill is not the stuff that will bring about change and bring relief to tenants or communities; rather, it puts much on the long finger or refuses to deal with serious issues. I hope that the Committee and the Assembly will not allow this opportunity to pass by and will instead use the Bill to deal with the serious issues that we seem to be bypassing.

I have no doubt that all parties in the Chamber are crying out for some type of action to be taken against antisocial activity. As I said, that is one of the big issues. However, since I came to the Assembly, an issue that I have pursued is the mandatory registration of the private rented sector. That is crucial. I noticed that the

Minister rightly said that there were provisions in the Bill to deal with mandatory registration as part of enabling legislation. However, he forgot to include what sort of compliance rules will be brought in to ensure that landlords abide by the terms.

You can talk to the Housing Executive about its scheme relating to HMOs. However, in Dungannon, for example, the owners of HMOs get up and move overnight if they are challenged, or they go to court and receive a £100 fine, only to place people back in the same conditions. We need to achieve a meeting of minds. If issues are put back until the next mandate, it may be another four or five years before we are able to deal with some of them.

The Minister and I share a constituency that has been wracked by cases of antisocial activity. However, in the past couple of years, parts of the area have been opened to the unrestricted development of HMOs. That decision must be revisited.

**Mr Armstrong:** The Bill has four main objectives: to enable the better regulation of the private rented sector; to provide new tools to tackle fuel poverty; to promote effective housing management; and to clarify the existing law in respect of homelessness. Those are all praiseworthy aims, and I am sure that, even if there is some difference of opinion about how to achieve such goals, the intention to tackle those problems will be supported by all sides of the House.

Official statistics indicate a growing homelessness problem in Northern Ireland. The Housing Executive records the level of homelessness in Northern Ireland in 2008-09 as more than 18,000 households. It is tragic that homelessness is a growing problem, which may be partly due to the current economic climate. Collectively, we must do more to tackle it.

I support the proposal to move towards the registration of landlords in the private sector. That would be good for the entire housing sector and should help to ensure that tenants have a good standard of accommodation, to safeguard their deposits and to encourage landlords to be more responsible to their tenants. It would also help to protect legitimate landlords from less honest ones, making it good for business. However, I caution against the emergence of overly restrictive regulations that would impact negatively on business, which is an issue that

we will examine in Committee. I am pleased that housing management has been included in the Bill and look forward to examining those provisions in greater detail.

Constituents have come to me with their experience of problems with other social housing tenants. Such problems can be deeply distressing and affect them and their children daily. Our neighbourhoods must be made more secure places where individuals and families can flourish and where antisocial behaviour is challenged, not tolerated. I strongly believe that rights come with responsibilities. If some tenants are not prepared to live up to the responsibilities that come with being provided with housing and if their behaviour towards fellow tenants and citizens is antisocial, they should face sanctions.

I am particularly pleased to see that addressing fuel poverty is more extensively provided for in the Bill. It should be noted that there was almost unanimous support from stakeholders for the Bill's proposals on fuel poverty. It has been said that one in two households here are affected by fuel poverty. Northern Ireland is the region with the lowest levels of income in the United Kingdom, yet it spends more on energy than any other. That combination has been even more devastating during the past five years with significant increases in energy prices.

The 'People Power' report launched this month showed that energy brokering could reduce electricity, gas and oil prices for Northern Ireland consumers. Energy brokering is the co-ordinated bulk purchasing of energy on behalf of multiple users. I look forward to examining such ideas in greater detail in Committee. The proposal to provide councils with powers to promote domestic energy efficiency in their district has the potential to provide great benefit to those on low incomes and at greatest risk of living in fuel poverty by increasing their awareness of the importance of being energy-efficient. Raising that awareness is critical in a strategic approach to tackling fuel poverty and eradicating it in the long term.

I look forward to examining the Bill in greater detail in Committee and to the debate that will ensue in the House.

**Mrs M Bradley:** I welcome the Bill. Its main focus is to improve the regulation of the private rented sector, which will, in turn, provide a means to protect tenants' deposits and to

resolve disputes as quickly as possible. I support and welcome the proposed regulation of the private rented sector.

My constituency experience tells me that the eradication of fuel poverty is vital to eliminating social exclusion and to achieving a sustainable future for all. There is a power here for the Housing Executive to broker energy for tenants at a discounted price, and I hope that it will do that. That is to be welcomed.

The Bill will also provide the means to combat antisocial behaviour in communities. It will provide for increased co-operation and information sharing on antisocial behaviour in housing allocation eligibility decisions, homelessness exchanges and house sales. The provision for the Housing Executive and housing associations to withhold their consent to the exchange of tenancies on the basis of antisocial behaviour is another measure that protects against such behaviour. All those things will go a long way towards helping to eliminate antisocial behaviour by residents. I welcome the Bill.

#### 2.15 pm

**Ms Lo:** The Alliance Party supports the principles of the Bill, although I must add my disappointment to that expressed by other Members over the exclusion of a number of proposals that were consulted on. It is wrong of us to consult our stakeholders and then not include them. I hope that the next Government will revisit those issues quickly and that the proposals will appear in forthcoming legislation.

I warmly welcome the mandatory registration scheme, which is long overdue. Although there are a lot of good landlords, there are also some irresponsible ones. They receive a large proportion of housing benefits, so it is only right that the sector be held accountable. Although some private landlords have expressed reservations about the administrative burden, on the whole they see the regulation of this growing sector as a step in the right direction.

I very much welcome the introduction of rent deposit schemes. In my South Belfast constituency, I have dealt with cases where local and foreign students have been treated unfairly, with unfair deductions being made from their deposit. Some of them had to go to England or other places to take up employment, and others had to return to their country of origin because their visa had run out at the end of their degree

course. They could not wait to see the outcome of negotiations with landlords, so they lost out on retrieving their deposit. Not only is that unfair, it gives us a bad name when students go back to Malaysia, China or wherever saying that they have been badly treated by landlords here. I also welcome the introduction of dispute resolution mechanisms, which are a good way to provide arbitration for both sides and to produce a fair settlement.

In relation to antisocial behaviour, I welcome the power for social landlords to withhold consent to the exchange of tenancies, and I welcome the mechanisms for the better exchange of information between the Housing Executive and social housing providers. Better communication is better for everybody.

With respect to the removal of the so-called legal anomaly concerning individuals who are ineligible to be registered as homeless, I dispute the Minister's assertion about it being only a very small number of people. I deal with a number of those cases in my constituency. Very often, Housing Executive staff tell us immediately that the migrant workers are not eligible and they refuse to deal with them. The Minister said that there were only 10 cases, but those were only the cases that some of the staff took into consideration. Often, there is a flat refusal to deal with them. That results in the Belfast Welcome Centre and the voluntary sector having to deal with a lot of the cases. Those people are not eligible to be registered as homeless, so the voluntary organisations do not receive any housing benefit. The people are without recourse to public funds.

**Mr F McCann:** Recently, the Minister spoke at a Belfast Welcome Centre exhibition in the Waterfront Hall. Does the Member believe that the vast experience of the Belfast Welcome Centre and other groups should be tapped into before any judgement is made on how to move forward?

**Ms Lo:** Absolutely. So far, the burden has been on the voluntary sector, which operates on a shoestring.

I very much welcome the Housing Executive having the power to negotiate energy brokering schemes. We have very high fuel prices in Northern Ireland. Economies of scale are involved, and the Housing Executive deals with many housing units. If it can negotiate



better deals for its tenants, that is a very good measure.

**Mr Easton:** I support the Bill. In particular, I welcome clause 2, which will enable the Department to make regulations providing for schemes to safeguard deposits paid by tenants in the private rented sector. It will also place certain obligations on landlords with regard to the scheme.

Many private tenants have, for far too long, been the subject of abuse when trying to get their deposit back. Usually, the landlord's word is gospel. The Bill will enable the Department to bring in a similar scheme to that in England and Wales, which allows for an insurance-based deposit scheme that will include a dispute resolution mechanism and a mandatory requirement for landlord participation, with fines for failure to comply. I welcome the scheme, which will protect tenants who are at the hands of unfair and greedy landlords looking to take their deposits.

I welcome clause 3, which permits entry of persons authorised by district councils to carry out fitness for human habitation inspections of private properties. No one should be forced to live in properties that are not up to standard. I wholeheartedly welcome clause 5, which enables the Department to make regulations that provide for the registration of private landlords. That is long overdue and, along with clauses 1 to 3, will see private landlords made much more accountable. I urge the Department to ensure that landlords — those who own the property rather than manage it — are on the register so that they can no longer escape accountability or responsibility, as many of them did. The name of the owner on the deeds of the house should match the name on the register. That is very important for the regulation of the private rented sector.

I welcome clause 8, which places an emphasis on the occupant, not the Housing Executive, to provide evidence of a family relationship to avoid being listed as a house in multiple occupation. I also welcome clauses 9 and 10, which relate to the disclosure of information about anti-social behaviour orders. Those clauses enable a landlord, with all of the information about the tenant available, to decide whether to withhold consent in accepting a tenant, should they hold an anti-social behaviour order. I am disappointed that all the other elements of the Bill that deal

with antisocial behaviour matters have been withdrawn. I hope that the Minister will bring those back at a later stage. The clause also helps to make a decision on whether the tenant has a right to buy the property in the disclosure of information.

I especially welcome clauses 12 and 13. Clause 12 enables the Housing Executive to submit for departmental approval a scheme for making arrangements with energy providers for the supply of electricity, gas or oil to Housing Executive tenants. Tenants would receive discounted prices, which would make sense, given the fact that the Housing Executive has a large stock of homes and it would be within its power to negotiate a bulk discount, thereby saving tenants money.

Clause 13 provides district councils with powers to promote energy efficiencies in residential accommodation in their district. Money would also be saved through the efficient use of energy; for example, through the proper insulation of homes. I welcome the Bill and support its Second Stage.

**The Minister for Social Development:** I thank Members for their contributions. Specific matters were raised, and I will try to deal with all of them, although I will have to come back to some Members on certain issues.

As I have said in respect of other legislation that I have been responsible for since I became Minister for Social Development, I do not look at any piece of legislation with a closed mind. Therefore, in responding to the debate, I may indicate areas in which I would welcome amendments. There may be other areas where, even if I do not see the need for amendments, I might encourage them. Although we have a small window of opportunity, nonetheless we should use that window as far as possible. That is the mindset that I bring to this legislation, as I do to other legislation.

I am not impressed by Members who refer to being let down by the Department and let down by the previous Minister.

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

**The Minister for Social Development:** I will give way in a second. There is a collective sense of being let down over the course of this mandate. I do not intend to detain Members or rehearse what transpired over the course of this mandate

in respect of the blockages that arose in the Office of the First Minister and deputy First Minister, the fact that there was a suspension of the Executive for 150 days or the fact that a lot of policy initiatives have been bogged down in one way or another. Therefore, when it comes to feeling let down by a Department or a Minister, Members should face up to their wider responsibilities and the individual and collective failures that have brought about a situation in which we are faced with the consequences of legislation being bogged down and faced with the need to try to legislate quickly. We are also faced with a situation in which the parliamentary draftsman's office is already overburdened. Legislation has been pending in respect of the RPA that has come to nought, creating further blockages for the parliamentary draftsman's office. I share that feeling of being let down, and I do not think that there is any Member in the Chamber who does not share it.

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

**Mr F McCann:** That is all well and good. However, last year, we talked about new legislation for the private rented sector, which was to come into effect in March this year, and there was to be follow-on legislation. Therefore, there was no delay in respect of that. I am talking about issues that I have raised here over the past number of years, whether it was dealing with antisocial behaviour or the private rented sector. During a debate on the Housing (Amendment) Bill, I said that I wanted to propose amendments. However, I was encouraged to delay those amendments until this Bill was introduced. The issues that I raised and wanted included in this Bill are being delayed again. The Minister cannot say that I should not be annoyed or surprised. Of course I am annoyed and surprised; I thought that those important issues were ones that we should deal with, regardless of how long it takes us.

**The Minister for Social Development:** I appreciate what the Member says, but the last piece of legislation was drafted and was passed by the Assembly in the political context of that time.

In the interim, this legislature has not worked as effectively as it should have, and the Executive have not worked as effectively as they should have. In the run-up to the Hillsborough negotiations, no party in the Chamber, including the Member's party, denied that devolution

had not lived up to the ambitions and hopes of people in Northern Ireland.

### 2.30 pm

If the Member wants a proper discussion about why legislation is not as fully fledged as might have been anticipated a couple of years ago, he should look at the context of the intervening two years and at the upsets, doubts, delays and difficulties that held up the progress of legislation. When it came to a critical moment for this legislation, disproportionate demands on the parliamentary draftsman's office meant that six other pieces of legislation will, in all likelihood, not see the light of day in this mandate. That is the context in which the previous Minister, the Department and every other Minister and Department worked, and all that is a contributory factor to the situation that we face today.

I have said that I am not hostile to amendments. I will look at amendments that are forthcoming and determine whether it is appropriate to consider, if not agree, them, and I will look independently at potential amendments of my own. In doing so, however, I will not deny or diminish the context that gave rise to the situation today where the Bill is more limited than we would like it to be. However, that is a consequence of political circumstances that were certainly beyond the control and command of the previous Minister for Social Development and her Department. If the Member wants to berate people, as he is entitled to, let us put on record the political context that arose over the past couple of years and that led —

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

**The Minister for Social Development:** I will give way in a second. That context led to some of the frustrations, which I agree with, that Members expressed today.

**Mr F McCann:** Again, that is all well and good and is, obviously, part of the process that Ministers go through. However, the fact of life remains that, over two years ago, I proposed a motion, which everyone in the Chamber supported, that called for the mandatory registration of landlords and all that goes with it. The motion directed the previous Minister to do something about that, but nothing was done. The Minister cannot say that that was held up because of the passage of other Bills through the Executive. The will to deal with it needed to be there.

**The Minister for Social Development:** If the Member is going to concentrate on any issue, I suggest that that is not the one. The Bill not only brings about the mandatory registration of landlords but does so in double quick time. Under the provisions of the Bill, if it is passed, the Department will be able to introduce regulations that establish the registry of private landlords on a mandatory basis. By doing it that way, rather than by putting it in other pieces of legislation further down the tracks, the Bill can, essentially, fast-forward the mandatory registration of landlords.

Forgive me if I do not recall the debate, but if it was the case that, a couple of years ago, there was unanimity in this Chamber for the mandatory registration of landlords, rather than feel let down by the Department, the Member should applaud and congratulate the Department because it has fulfilled his and the Assembly's ambitions.

**Mr F McCann:** The Minister said that she was opposed to it.

**The Minister for Social Development:** If the Minister said that she was opposed to it, that is a different matter. I will check the Hansard report on that. The eloquence of Mr McCann's argument must have prevailed upon the previous Minister, because, despite the failure of other people to govern this place properly and diligently, despite the fact that others held up government for 150 days, as they did a couple of years ago, and despite the failures and fault lines in government, the previous Minister heard what the Member and others said and included that provision in the Bill. Therefore, I suggest that the Member acknowledge, congratulate and applaud Margaret Ritchie, because, if he is right, she, despite herself, concurred with him. In fact, she went further, as I will outline when I discuss later all the matters that were raised in the debate. During the debate, I will undertake to consider carefully further amendments to the Bill.

As a Minister, I have a very simple attitude. I am here for 10 months, and, as I hope some of my officials can testify, I intend to try to get 30 months of business done in the next 10 months. That would mean that, when I walk out of the Department not a long time from now, a legacy will be left that demonstrates that I built on what Margaret Ritchie did in three years. If I can graft onto this legislation and, indeed, the Caravans Bill, although the opportunities there are more limited, I make the commitment that it

is my ambition to try to do more rather than to try to stop more.

It is only appropriate that I respond first to the first intervention of the day, which was made by Mr Easton. For the record, my officials tell me that he intervened at 1.40 pm. Mr Easton asked whether persons evicted by the Housing Executive can be rehoused in hostels, and the matter is clearly at the forefront of his mind. The advice that I am being given is that persons who have been evicted by the Housing Executive for antisocial behaviour are not normally eligible to be rehoused by the Housing Executive or a registered housing association but that there is no reason why they should not be accommodated in a hostel that is operated by the voluntary sector. To answer the Member's specific query: although there may be limitations to what those people get from the housing association and the Housing Executive, that does not extend to hostels. If further clarification is needed, I will come back to the Member.

Mr Craig, Mr McCann and other Members asked legitimate questions about why matters that were covered by the consultation paper are not included in the Bill. I do not want to go back over the political history, but we are now in a very tight legislative time frame. I spoke to Mr Hamilton this morning at the launch of the master plan for the town centre in Newtownards, and he told me about his Committee's heavy legislative duties. As Mr Craig said, Mr Hamilton sends his apologies for being unable to be here today because of constituency business

Unless legislation goes through all stages of the process by Christmas or the very early part of the new year, we will run out of time, because legislation falls if it is not passed within the lifetime of the mandate. Therefore, for historic reasons that are now coming home to roost, every Minister has a limited window of opportunity. Given that there will be an election next May, if legislation does not receive Royal Assent in the very early part of 2011 — by February, let us say — we will run out of time. There is always a concern about parties bartering in the last week or two of a mandate to try to get legislation over the line. Indeed, we saw that in the Westminster Parliament in the wash-up before the election. That can lead to bad legislation or bad policy being put on the statute book. If we are to be wise and measured and fulfil our obligations as legislatures, we have between now and February 2011 to legislate.

By my reckoning, we have less than 20 weeks of Assembly time to legislate. This morning, Mr Hamilton remarked that four pieces of legislation will be going through the Committee for Social Development. The narrow window of opportunity, the need to get legislation right, the history of this legislature and the restrictions on the parliamentary draftsmen all set the context for what some Members consider to be useful but nonetheless moderate legislation; I do not disagree with them.

Nonetheless, it is important to put on record that a range of other matters was in the consultation paper but is not now in the Bill. To go back to a point made by Mr Easton and Mr Craig, those issues may, if I have my way, be included in a future Bill. One such issue is work on raising the fitness standard for the private rented sector. However, I am mindful of our budgetary position, and such a measure could have significant regulatory and cost implications. Therefore, it has to be managed and drafted carefully.

The proposal to extend the notice of quit period for tenants in the private rented sector was welcomed. There seems to be a consensus on the proposal, which does not appear to be controversial. Given that and the fact that it only seems appropriate to give tenants of long standing a longer notice of quit period, it seems that that area of the Bill might be open to amendment. I look forward to amendments coming forward, and I will share in that conversation. Given that the issue seems to have been consulted on, has no specific equality implications and stacks up against all political and legislative standards, it could be one that we take further.

A number of Members raised the issue of community safety. Mr McCann will confirm that only this week we had a conversation and meeting about houses in the lower Falls; namely, the Ross Street flats and cottages. I think that Mr McCann and I are on the same page on that. Over and above the issues about that accommodation — I have said before that I do not rule anything in or out — I believe that making decisions on housing without being able to make decisions on community safety, the roads and the environment in that area may mean that good work will be done in the short term but that, in the longer term, the community will be short-changed. Dealing with housing issues without dealing with community safety issues, although not necessarily self-defeating,

could mean that we may not achieve all that we can reasonably achieve.

Therefore, I have some sympathy with the views on the fact that the consultation document tested a number of proposals on community safety. I do not intend to go through all those proposals. However, there is some early possibility of amendment to enable the Housing Executive to participate in crime prevention initiatives. It so happens that it does already. My Department funds the Housing Executive to fund community restorative justice schemes in Belfast. I think that the Housing Executive funds six separate schemes in respect of alternative measures and a number of other schemes involving Restorative Justice Ireland.

It may be appropriate to confirm that the Housing Executive is so entitled to fund by putting on a statutory basis the Housing Executive's ability to make contributions to community safety initiatives. That would require a more technical amendment of confirmation than one that would move things further along. However, I am certainly prepared to look at that.

Five or six other measures to deal with community safety were outlined in the consultation document. I do not intend to rehearse all those, but I will speak with officials, whom I see looking coyly at me. If there are one or two other areas in which we can enhance the Bill without creating further undue delay or fallout, I will look at them.

#### **2.45 pm**

Mr Craig and Mr McCann asked why the Bill is not tougher on landlords, and they asked about the proper enforcement of good practice on bad landlords; they also mentioned minimising the cost and bureaucracy of regulation in the private-rented sector. The Bill represents a light-touch approach to landlord registration; however, a light-touch approach does not mean that the proposals are lightweight. It is a matter of striking a balance between an appropriate scheme that works and one that does not become unwieldy and burdensome on the taxpayer. The scheme that is outlined in the Bill, in our view, strikes the appropriate balance. I say that because the process for future mandatory landlord registration will be as straightforward and inexpensive as possible and will not, therefore, put an undue burden on the good landlord — a point that was raised, I think, by Mr Craig. Nonetheless, new systems should



ensure better standards across the sector, particularly for landlords who are on the wrong side of the argument.

**Mr F McCann:** The crux of the issue of landlord registration is that mandatory registration, in itself, will do nothing to deal with the bigger problem of poor and bad landlords. All Members will admit that the private-rented sector plays an essential part in the provision of housing across the board. However, the sector has grown at an amazing rate in recent years, and, unless we have strong restrictions — perhaps that is the wrong word — or certain levels of compliance to ensure that those people abide by the rules and regulations, the registration scheme will go nowhere.

**The Minister for Social Development:** I concur with the Member's view, which goes back to his first intervention during my opening speech. The register should be a comprehensive record of landlords in Northern Ireland. As a consequence, as I have said, given the provisions that will exist, for example, between the registry and local councils to share information so that they will know who owns property, appropriate enforcement action can be taken. If a tenant has issues about the fitness of his or her property, and there is an evidence trail from the registry to the local council on issues of unfitness, he or she will have the opportunity to take action against the named landlord. Therefore, having the registry will answer the question that the Member asked. A circle will be created from the tenant to the registry, through the council and the landlord and back to the tenant. That will create a vice, for want of a better word, around those who offend against fitness standards and act as a shield to protect the good landlord and as a sword to be used against the bad landlord.

As we speak, conversations are going on between the relevant organisations, the Department, landlords' and tenants' representatives, and other stakeholders to work through the detail of the registration scheme. Therefore, especially given that there is tenant input into that conversation, that will have an outcome, and the outcome will mean that within a short period of months we will have the ability to issue the regulations leading to the registration scheme's going live. In the context of that conversation, I hope that the matters that the Member has, rightly, raised in respect not just of registration but of enforcement will be dealt with.

In my view there is one single lesson to be learned from legislation in the North, and it can be seen throughout its history. I do not mean to delve into controversial issues. However, if one looks at equality provisions that exist here, it was not simply the case that good law was created at various phases of recent history, but that there was effective enforcement of that law. That created new standards and disciplines for both private and public employers that were subject to employment legislation one way or another, sometimes through exposure, the courts or regulations. In the fullness of all that, new disciplines and standards were created. Although that is a particular piece of history and current practice, nonetheless there are good lessons and precedents that can be applied to other matters.

**Mr F McCann:** Although I understand and appreciate what the Minister is saying, it does not add up in many ways. I have had quite a bit of experience of dealing with private landlords, some of whom were pretty poor. There is no mechanism to allow the council, when it is contacted, to deal with issues. Again, that goes back to the legislation's having no teeth. Although councils will send letters and threaten to take landlords to court, they will say honestly that, over and above that, there is nothing that they can do, effectively, to make landlords deal with problems. There are many problems throughout the system.

As I said earlier, when LANI came before the Committee, I got the impression that many landlords are not opposed to registration. We talked about controls in general. They also recognise that there are serious problems in the sector that must be dealt with. Along with all of that, there is intimidation of tenants by landlords, which makes it almost impossible for them to report many of the issues. Overcharging must also be dealt with.

**The Minister for Social Development:** I thank the Member for his intervention. I concur with him about the behaviour of some private landlords. Of course, it is not just private landlords. I know of a case where I very much questioned the conduct of an estate agent in respect of their management responsibility. As Members will be aware, many landlords pass that on to estate agents. There have been some acute cases. One, in particular, preoccupies me. The estate agent behaved in a way that, if not illegal, was certainly irregular when it came to

the treatment of a tenant of decades' standing. Therefore, I very much understand what the Member is saying.

There are alternatives. Either there is licence, where landlords can do whatever they want, or we try to create new disciplines in the private rented sector. Registration in itself will create some new disciplines. It will enable best practice to be shared with landlords so that good ones can be better educated and bad ones can be better informed about rights and responsibilities. In parallel with the enforcement mechanisms that exist at the moment, particularly court powers, which I will talk about shortly, that fabric will have potential. Significant powers have been laid down with regard to penalties to the courts in respect of some of those matters. Yes, there will be cases where landlords try to buck the regulations and the courts and not fulfil their responsibilities.

Therefore, unless those in the Department and in councils who are responsible for regulation measure up, a situation may arise in which bad landlords continue to act badly. By creating a new architecture in which new laws and systems are created and in which central and local government join in governing private landlords, the disciplines for people to behave properly and the opportunities to enforce against those who do not behave properly will be created. That is the lesson of Northern Ireland. When one looks at our history, one will see that behaviour has changed when we have had the right laws and when the proper enforcement has been administered centrally and locally.

If we were to take Fra McCann's view, it would have been fair to ask what was the point in legislating, regulating or enforcing over the past 40 years, because there was always going to be a minority of people who would not accept best practice and who would not live up to their rights and responsibilities. The lesson of Northern Ireland and other democracies is that when regulation, best laws and enforcement mechanisms are created, and when everyone does what they are supposed to do within that architecture, in time, those who are in error will be exposed and will have to be held to account, and those who are on the right side of the law will be held up as models of best practice and as good examples. The same applies here. The same ethic, or the same system, is informing this piece of legislation.

The legislation is not the be-all and end-all. That is why I have said that I am open to certain amendments and that I will look at others. In any case, if we get to a time when we have not only a stable Parliament but one that fulfils all its legislative functions, there will be a third housing Bill, which will deal with some of the issues that I am about to talk about.

Jonathan Craig made a valid point in the context of the financial environment that we may be facing over the next while. He spoke about the costs and bureaucracy associated with tenancy deposit schemes and landlord registration schemes. As I indicated earlier, the Department is working with landlords, councils, the Housing Executive and organisations that represent tenants to develop the landlord registration scheme and the tenancy deposit scheme. That is a work in progress. I was speaking to officials about it this morning, and I hope that that work will be concluded in a short number of months. The details of what may emerge will have to be considered by the Committee, and, through Mr Craig to the Committee Chairperson, I will come back with the fine details on the cost and bureaucracy of the deposit scheme and the registration scheme.

I am not in a position to answer Mr Craig's question about the treatment of migrants who are not eligible for social housing, so I will write to the Committee on that issue. Anna Lo raised the same issue. I will have briefings, and that is a matter that I want to consider further. I do not want to return to a previous debate on parity; immigration is not a devolved matter but a reserved matter. Therefore, the policies and practices that govern housing and benefit entitlement are strictly beyond our capacity. I will get back to the Committee and other Members on that issue, as well as on the issue of whether the technical matter that is mentioned in the Bill, and to which Ms Lo referred, will impact on a small number of less than 10. I would be grateful to the Member for South Belfast Ms Lo, if, given her experience of working with the migrant and immigrant community, she has further information on whether the scale is greater than officials have said, she would let me know.

### 3.00 pm

I give the same reassurance that the former Minister gave. When acute situations occur, as they often have, there is an obligation on

the Government to stretch themselves. When the acute situation arose involving the Roma population, my Department, other Departments and Members demonstrated that, whatever the ostensible limits of our responsibility in law, there will be critical moments when one goes further.

That echoes the point that Fra McCann rightly made that one of my first duties as a Minister was to open the Welcome Organisation's Waterfront Hall exhibition of photographs of homeless people. Although that exhibition has ended, the pictures tell the story. Ms Lo asked that we consult the Welcome Organisation about relevant provisions of the Bill. I assure her that I will ask officials to do that.

Mr Craig raised the issue of penalties for landlords who do not abide by tenancy deposit schemes, and asked how we will ensure that bad landlords comply. Fra McCann also mentioned that issue. The Bill provides for persons who require deposits consisting of property other than money to be:

*"liable on summary conviction to a fine not exceeding level 4 on the standard scale."*

Other contraventions will be punishable:

*"on summary conviction to a fine not exceeding £20,000."*

There is also provision in the Bill for persons who appear to have contravened a tenancy deposit scheme to be penalised by paying a fixed penalty. The enforcement powers will lie with district councils, but the Bill makes provision for a scheme administrator to share information with councils to support their proper enforcement of the Bill.

On reflection, it might be useful, as the Bill is currently drafted, to create a matrix or flow chart that details visually how the new systems will work, where enforcement powers lie and what the consequences of those enforcement powers being used would give rise to. If people saw that picture or that matrix, it might go some way to mitigate Members' concerns about whether enforcement will measure up.

Ms Lo also raised the issue of items that were not included in the next housing Bill. As I said earlier, I want to give a commitment that those items that could not be included for the reasons that I have outlined will be considered for inclusion or included in the next housing Bill, which, unfortunately, will not be introduced until

the next mandate. That is over and above the reassurance that I gave the House in relation to one or two particular matters that have arisen.

Mr Easton asked whether the landlord's name rather than that of the agent would be on the landlord register. That is an important point, because people may be seen to be slipping and sliding, for want of a better phrase, in that regard. I note that point. The details of the registration scheme are being discussed with a wide range of stakeholders. However, it is certainly within the gift of the Department, when it comes to regulation, to define those matters, as I understand it, in a way that may satisfy the Member's concerns and those of other Members. I am not prejudging the matter: it seems, at face value, that the landlord should be accountable and that there should be no safe refuge, for want of a better term. In the real world, it may not mean that much in many instances, because, if the agent can be reached, so can the landlord. However, it seems a rather circuitous way of going about things. I will raise that issue with the stakeholders who are discussing that matter.

If there are any other matters that I failed to address — I am sure that there are, because Mr McCann alone raised a baker's dozen — I will come back to Members, and we can have a further discussion about all of those matters at Committee. I am grateful to all Members who contributed to a helpful debate. It certainly helped to inform me, and I intend to have some concentrated conversations with my officials in the near future. Mr Deputy Speaker, I commend the Bill to you for the House's approval.

*Question put and agreed to.*

*Resolved:*

*That the Second Stage of the Housing (Amendment) (No. 2) Bill [NIA 32/09] be agreed.*

## **Welfare Reform Bill: Final Stage**

### **The Minister for Social Development**

**(Mr Attwood):** I beg to move

*That the Final Stage of the Welfare Reform Bill (NIA 13/09) do now pass.*

The Welfare Reform Bill makes provisions corresponding to Westminster's Welfare Reform Act 2009. During the debate, I will touch on some of the matters that were rehearsed at Committee and Consideration Stages, add something in one or two areas and update the House on developments since Further Consideration Stage.

I advise the House that, following Iain Duncan Smith's speech on welfare reform, which he made shortly after the new coalition Government was formed, I wrote to the Secretary of State for welfare. I requested an early meeting with him or other senior Ministers to discuss their intentions. Much water has flowed under the bridge since then. The Chancellor has made various comments, and other announcements have been made on the British Government's position on the welfare reform agenda.

As time had moved on, I pressed for a meeting to be organised sooner rather than later. Consequently, a meeting with Lord Freud, the Minister with particular responsibility for welfare reform, is now scheduled for Thursday 22 July. That will be an opportunity for me, on behalf, I trust, of the Assembly, to scope out to Lord Freud my position and that of many other Members. Mindful of the issue of parity, we consider that, when it comes to welfare issues, there should be due regard given to the circumstances and conditions in the North and to the wider nature of our politics.

It is the case, for example, that take-up levels of disability living allowance are higher in the North than in Britain. In Northern Ireland, the take-up rate is 20% higher than in Wales. However, I sense that there are good reasons why that is the case. I have tasked officials in the Department to develop a matrix to explain why disability living allowance (DLA) take-up levels might be higher in the North. I asked them to outline, based on our history, health profile and multiple levels of deprivation, the grounds on which those figures can be explained and understood. The London authorities must have an appreciation of those factors.

That was only an example of the conversation that I intend to have with Lord Freud. I intend to make clear to him the circumstances that exist in the North. There has been much talk about welfare reform coming across the Irish Sea. I will outline the consequences of that to him.

I confirm my intention to push operational flexibility in Northern Ireland, without breaching parity, as is appropriate. In that way, I will try to mitigate some of the consequences and impact of current and previous welfare legislation on the communities and citizens in the North.

I would welcome a debate on the issue of parity among political parties in the Assembly and the wider devolved institutions. When I was at the British-Irish Council summit in Guernsey last week, I took the opportunity to discuss that issue with representatives and Ministers from the Scottish Government and Welsh Assembly in respect of how to frame it, how to take it forward, and how to consider it in a wise and rounded way without rushing in and causing further difficulties for citizens and communities in the North.

At one time or another, it falls to a Minister to concede to the House that he or she got something totally wrong, badly wrong or slightly wrong. On this occasion, I must concede to the House that I got something slightly wrong. I, therefore, wish to clarify a statement that I made during the Bill's Consideration Stage on a report received from the Scottish Government, which was quite moderate in its ambition, on the possibility of devolving responsibility for the social fund and the circumstances in which it might be appropriate to devolve responsibility for social security. I should have made it clear at that time that responsibility for the policy and administration of the social fund has already been devolved to the Northern Ireland Assembly, which is not the case with the Scottish Government. I, therefore, wish to confirm that fact now. I always knew it; I just tripped up.

I will now comment briefly on some issues. The Bill introduces powers for the "work for your benefit" programme. The programme will be designed to assist jobseekers to move closer to the labour market, to help them to find sustained work and to provide them with the experiences and training to move out of welfare. As I said at Consideration Stage, that programme is being piloted in four areas of Britain, and its introduction in Northern Ireland



will only be considered after a full evaluation of them. I wish to confirm that point, because there was some misunderstanding about it previously.

The programme is being piloted in four areas in Britain, and only when those pilots are finished and have been evaluated in Britain will there be any consideration of piloting such a scheme in Northern Ireland. Therefore, that is at least a couple of years, if not more, down the track. Even then, it will fall to the Department for Employment and Learning to determine — no doubt in consultation with the Committee, if not the House — whether or not to go down the road of running a pilot here and what the terms of that might be. In any case, other events may overtake that, and the responsibility for welfare reform may move to a different place, should Iain Duncan Smith, the Chancellor and the British Government get their way. As I said, the Department for Employment and Learning will decide those matters.

I am sure that Members are aware that following the recent emergency Budget, the coalition Government are reviewing all employment and training programmes, including “work for your benefit” and progression to work pilots, for which provision is made in clause 2. Wise men might choose to speculate about what will happen in the future. However, given that I have been a Minister for only six weeks, I fail the test of wisdom and will, therefore, not speculate on such matters.

The work-related activity provision in clause 2 will also initially be piloted in Britain, and only after the evaluation of that pilot will its introduction in Northern Ireland be considered. During the Bill’s Consideration Stage, I gave assurances that vulnerable people, such as lone parents, those with physical and mental health conditions and those with caring responsibilities, will not be penalised should they not be able to participate in the “work for your benefit” programme or work-related activity because of their circumstances. I repeat that assurance; namely, that the safeguards and flexibilities in current legislation and the Bill, for instance the good cause safeguards, will ensure that no one will be penalised or sanctioned, except in particular circumstances where that is deemed to be necessary, appropriate and proportionate.

I also assure the House that the guidance will ensure that decision-makers make full use of

their discretion and consider the well-being of a child when considering good cause in their decision-making process.

### 3.15 pm

Clause 3 contains important safeguards for lone parents on income support, jobseeker’s allowance and employment and support allowance. Those additional safeguards will form part of the wider framework of flexibilities that is already in place to help parents to balance family life and work. I stress that, at the heart of clause 3, is the saving provision that people will not be required to go down certain roads unless they have in place adequate, affordable and appropriate childcare.

Yesterday, I read figures confirming that, in Northern Ireland, about 22% or 23% of the population — I was not able to check the reference before I came into the Chamber — has access to appropriate and affordable childcare; the comparable figure in England is about 80%. That demonstrates the scale of the childcare issue in the North and the urgency with which it must be resolved. Yesterday, there was a further meeting of the relevant ministerial subgroup, and I hope that its work will mature quickly and in time for the budgetary negotiations that will take place over the next couple of months. Those figures also demonstrate the provisions in the North in respect of what people may be required to do subject, for example, to affordable and appropriate childcare, to which 80% of the population does not have access. Those figures are off the top of my head; if they are slightly wrong, I will come back to the House and apologise again. However, in the round, that conveys the sense of the childcare provision.

The Bill contains powers to ensure that those on employment and support allowance in the work-related activity group undertake activity that is most appropriate to addressing their individual barriers to work. The reforms will deliver better, more flexible and more appropriate support to people across the spectrum of out-of-work benefits. I emphasise that only those who can do so will be expected to participate in “work for your benefit” programmes or any work-related activity. I assure Members again that factors, such as a lack of childcare, care responsibilities, the well-being of a child, learning difficulties, and physical or mental disabilities and conditions, will be taken into

account. Decisions, for example, on health conditions and learning difficulties will be based on the expertise of healthcare professionals. As I said during the Bill's previous Stage, we will also involve voluntary disability organisations when providing the necessary guidance and training to decision-makers.

People moving from income support to a modified form of jobseeker's allowance will retain the same amount of benefit and be subject to the same conditionality. I assure Members that we will not move carers from income support until there is a clear plan setting out how the benefits system will be reformed over the longer term.

Powers are being provided to improve the delivery of community care grants to allow us to contract with third-party providers to provide items such as white goods at a much lower cost. I repeat my assurances that the Social Development Committee will be consulted during the proposed procurement process.

At Consideration Stage, I gave assurances that, when a person fails to attend a mandatory appointment, sanctions will be applied only where absolutely necessary. Personal advisers and decisions-makers will consider whether a person had good cause before considering sanctions. All factors of a case will be taken into account. Hardship payments will help to ensure that the basic needs of vulnerable claimants or their families continue to be met while underlying entitlements to passport benefits, housing benefit and free school meals will remain unchanged.

Part 2 of the Bill increases parental responsibility by including further changes to child maintenance legislation. The Bill is designed to work with people to help to lift them out of poverty; it is designed to be flexible enough that the requirements placed on people are aligned to their circumstances. It is designed to ensure that the expectations of any claimant are realistic and achievable.

The Bill is about ensuring that the welfare system provides people with the opportunities that they need to improve their skills, and it is about supporting and preparing them for work and for the move off benefits and into employment where that is appropriate. It is also about helping people out of disadvantage and poverty. As I said, I am aware that Members have concerns about some of the

Bill's provisions. Indeed, I also said that I have reservations myself. However, I assure Members that all operational flexibilities and those flexibilities that are in the legislation will be considered.

During Consideration Stage, I said that I would meet with Les Allamby, the director of the Law Centre, before Further Consideration Stage to discuss a number of issues in the Bill, including parity and flexibilities. I met him on 16 June, and we had a useful conversation about how the Department for Work and Pensions (DWP) viewed the parity issue and how that created constraints on this Department. However, we also discussed how we were, nonetheless, trying to maximise operational flexibility. I have attempted to have a further conversation with Les Allamby since, and if he is listening, or if he reads the Hansard report, I apologise to him for not returning his phone calls. However, I will get back to him.

I intend to meet Lord Freud on 22 July, when we will scope out my and the Department's views on welfare reform. No doubt, he will outline his and his Government's ambitions. I will consult with stakeholders on any new provisions.

I am grateful to the Chairperson, members of the Committee for Social Development and Members of the Assembly for the positive way that they worked with me and my officials to move the Bill forward. I thank Members for all their contributions. I hope that, in taking forward any provisions on welfare reform, we can have the same useful conversation.

**Mr Deputy Speaker:** I call Mr Jonathan Craig, who is speaking on behalf of the Committee for Social Development.

**Mr Craig:** Again, I start by apologising for the Committee Chairperson's absence. The Committee for Social Development spent a great deal of time and devoted a lot of energy to the consideration of the Welfare Reform Bill. As the House is aware, the Committee produced a report that sets out members' work during the pre-legislative consultation phase, the Second Stage, and, particularly, the Committee Stage of the Bill. The length and detail of the report reflect members' interest in and concern about social security issues in the Bill.

On behalf of the Chairperson, I thank members of the Committee for Social Development for their contributions. I also want to place on the

record the Committee's thanks to the many witnesses who, at various times, provided such useful written and oral submissions. On behalf of the Committee, I thank the Minister for the assurances that he provided at Consideration Stage. I also thank the departmental officials, who provided a fast turnaround on Committee queries. Finally, I thank the Committee staff, who produced the report in a very limited time.

Before dealing with the content of the Bill, I want to make a brief reference to the timing of the stages of the Bill in the Assembly. The Committee noted with disappointment the gap between its consideration of the equality impact assessment (EQIA) and the Department's introduction of the Bill. Had the Department secured agreement to introduce the Bill shortly after the EQIA was completed, or at least before the Easter recess, the burden on witnesses, members and staff would have been considerably reduced and scrutiny of the Bill would have been enhanced.

Faced with delays and to ensure the minimum possible disbenefit to social security claimants in Northern Ireland, members diligently undertook additional meetings and scrupulously considered a significant volume of evidence in a very short time. It is hoped that, as we enter a very busy period of Assembly legislation, the Department will in future arrange in a more timely manner those stages for which it has responsibility

I wish, simply and briefly, to address the content of the Welfare Reform Bill. As the House is well aware, the majority of Committee members and MLAs support the principle of maintaining parity with the rest of the United Kingdom in respect of social security, pensions and child maintenance matters. As a consequence, and following debate and division, the majority of members of the Social Development Committee agreed that there was no opportunity to amend the Bill without endangering the generally beneficial access to social security that is afforded to claimants in Northern Ireland. A minority of members disagreed on that point. Notwithstanding the majority of members' concerns in respect of breaking parity, the Committee nevertheless critically reviewed and earnestly debated the clauses of the Bill, and sought to secure important assurances in areas where most members felt that amendment did not appear possible.

Chief among the members' anxieties was the possible impact of the Bill on vulnerable claimants, particularly those with childcare problems, mental illness, learning disabilities, caring responsibilities, or victims of domestic violence. Members were pleased to receive ministerial assurances that guidance to benefits advisers would be set out and that additional and appropriate consideration would be given to such claimants.

In respect of mandatory work-for-benefit schemes, the majority of Committee members believe that those provisions are a part of the parity package and, therefore, have to be accepted. Members also realise that, like a number of provisions in the Bill, those schemes may be subject to further and possibly much more radical Westminster legislation.

The House held a very useful Consideration Stage debate on the additional conditionality provision for lone-parent claimants, which is included in the Bill. Although everyone understood the sentiments of those who proposed related amendments and even, in all honesty, shared some of their concerns, the majority of Members accepted the Minister's assurances in relation to the interpretation of the "good cause" provisions and, therefore, agreed to support that aspect of the Bill, albeit with a number of reservations. Members also welcomed ministerial assurances in relation to continued access for carers — whether they are in receipt of caring benefits or not — and employment support allowance (ESA) or income support and its related payment to the training regime.

Members were greatly concerned by the provisions of the Bill that related to the abolition of income support. The Social Development Committee has taken a great interest in the migration of claimants from incapacity benefit and income support to employment and support allowance and jobseeker's allowance. Members were glad to receive ministerial assurances that carers and other vulnerable groups will not be transferred from income support until alternative benefits are in place. However, during consideration of recent secondary legislation, members indicated that they are still nervous about the Social Security Agency's ability to manage the transfer, over the next three years, of some 76,000 income support claimants to employment and support allowance and jobseeker's allowance.

The Committee's acceptance of the abolition of income support is dependent on our continuing close scrutiny of the transfer of claimants to other benefits. I assure the House that members will continue that work and will constructively advise the Department on improving related services to vulnerable claimants. The Committee was happy to receive ministerial assurances in respect of the passporting of claimants in receipt of income support and statutory sick pay to other benefits.

Additionally, in respect of clause 15, the Committee was glad to receive assurances relating to the procurement of goods and services associated with community care grants.

Some Members felt strongly that the substitution of grants with goods might lead to additional bureaucracy costs and poor product quality. The Committee welcomed ministerial assurances that best practice will be employed when goods and services are procured in relation to community care grants and that the Committee will be consulted by the Department prior to the completion of relevant contracts. I hope that the Minister follows through on that, because there is quite a probability that there will be abuses there.

### 3.30 pm

One of the more contentious aspects of the Bill was the new proposals for benefit sanctions. Although all Members oppose benefit fraud and the threat or use of violence against benefits office staff, there was some disagreement about whether benefit sanctions should be applied in addition to court sanctions. Members also questioned the effectiveness of sanctioning claimants for non-compliance with directions or failure to attend interviews. The Committee was interested in and surprised by the evidence presented by the Law Centre on the subject. Members were also somewhat reassured by the Department's confirmation that the families of claimants would not be adversely affected by sanctions and that the good cause provision would protect the mentally ill and vulnerable from unfair sanctioning. Despite the Committee's misgivings and as I have indicated, the majority of members accepted the provisions as drafted as an unavoidable part of the parity package.

Although Members did not generally welcome the provisions of the Bill, they were pleased to see clause 23, which increases the exemption

period from job-seeking conditions for victims of domestic violence. Members noted that the overall exemption period for claimants could amount to around 24 weeks, a period that it was felt would be similar to that generally available to employees in the same circumstances. Members also noted that benefit advisers will consider physical, psychological and financial abuse when assessing victims of domestic violence. That is all to be welcomed.

As I have said, Members found many of the provisions of the Welfare Reform Bill to be challenging — that may be an understatement. The majority of the Committee felt that the Bill had to be accepted in order to maintain parity with the rest of the UK on social security matters. Crucial to members' acceptance of the Bill was the ministerial assurance that good cause for non-compliance with its provisions would include childcare issues, mental illness, learning disability, other caring responsibilities and domestic violence. That assurance along with others on the recognition of the uniqueness of Northern Ireland's situation in respect of childcare and the use of appropriate, informed discretion by benefit advisers are the most important of the numerous assurances given by the Minister.

The Committee noted the absence from the Bill of provisions relating to the piloting of the automatic payment of state pension credit. Again, the Committee accepted a ministerial assurance that, if and when automatic payment of state pension credit is rolled out nationally, Northern Ireland claimants would not miss out.

I wish to indicate clearly that I am speaking as a Member of the Assembly from this point on and not on behalf of the Chairperson of the Committee for Social Development. My party and I support, in principle, any reforms to our welfare system that encourage those who are able to work and want to work to get back into work. Although that appears to be the basis of the Bill, it remains to be seen whether that noble objective can be achieved: that is open to question.

I want to dwell on the issue not of principle but of process. The Bill is unique as social security legislation in that it did not have accelerated passage. Instead, it had a proper Committee Stage. Assembly Committees and Members would generally not argue against a Committee Stage, because our duty and primary



responsibility is to scrutinise legislation robustly. However, I seriously question the value of the Committee Stage in this instance. I do not know what was going on in the mind of the former Minister and, I suspect, neither does the current Minister. Nevertheless, when she delayed, then further delayed and ultimately decided against seeking accelerated passage, she brought about a technical breach of parity in the process. I emphasise “technical” because it turned out to be very technical and because we have not been allowed to make any major changes. I remain unconvinced that, in doing us the dubious honour of granting a Committee Stage, the previous Minister did the Committee a favour. In fact, I firmly believe that the Committee was placed in the invidious position of taking reams of evidence from concerned stakeholders, only to have to ultimately ignore it because we had been warned of the grave consequences of proposing any amendment that risked breaching parity.

The cynic in me says that the Committee, rather than the Department, was deliberately placed in the position of being the bad guy who had to turn down amendments. In all sincerity, what is the point of a Committee Stage in which the Committee cannot consider amendments and is told by officials that there is no scope for even the smallest of changes? The practical implications of the Committee’s enduring a sham Committee Stage are many. We set aside weeks, during which we met twice weekly, to get the Bill through Committee Stage as quickly as possible, so as not to delay its passage any further than the former Minister had already done. Weeks of evidence, hours upon hours of deliberations, and what was the outcome? Not one single amendment would have been acceptable. The assurances that we sought and received as a Committee could have been attained in other ways.

Due to our heavy legislative schedule in the Committee, those weeks lost to the Welfare Reform Bill came at a cost. A Committee inquiry into housing had been proposed, about which I feel particularly sore because I proposed it. That inquiry was to have looked into alternative ways of funding social housing. As we all know, funding will become a major issue for the House over the next 10 months, never mind the next few years. However, it looks as if that inquiry will have to be jettisoned. I ask the Minister what would have been more useful: the Committee Stage on a Bill that could not be changed or an inquiry into an important housing issue that

might ultimately have assisted the Minister in providing more social housing? In future, will the Minister or his successor carefully consider the merits or otherwise of having a Committee Stage on legislation that is so clearly and totally locked into the issue of parity that the Committee has little or no ability to change it?

You will be glad to hear, Mr Deputy Speaker, that that is my little rant about my personal feelings over. In conclusion, on behalf of the Chairperson of the Committee, I should like to indicate that, despite the Committee’s many concerns, of which the House is aware, the Committee nonetheless, given the ministerial assurances received, recommends that the Second Stage of the Welfare Reform Bill be agreed.

**Mr Brady:** Go raibh maith agat, a LeasCheann Comhairle. Unlike Mr Craig, I am not of a cynical nature. I am delighted to hear that the Minister will meet Lord Freud on 22 July. In relation to this Bill, Sigmund Freud might have been a better choice, but that is just a personal observation.

I will begin by dealing with the positive aspects of the Bill, which should take only a very short time. One positive aspect is the fact that DLA payments to visually impaired people will be factored in, although we are not sure about the outworkings of that. Nevertheless, it will give those people access to a high rate of mobility allowance, which is a positive step that has been required for a long time. The exemption from job-seeking conditions for victims of domestic violence was mentioned, and the exemption period will be raised to 24 weeks. Again, that is positive. The Minister assured us that best practice will be used in respect of the social fund, which is to be welcomed.

In Committee, a witness suggested that a more appropriate title for the Bill would be “The welfare reform cart before the horse policy on a wing and a prayer and a nod and a wink Bill”. The overall thrust of the Bill is negative, because it will do little to improve the lot of the long-term unemployed and the economically inactive, for whom getting back into work is an aspiration. Those people should be encouraged and helped to do so.

The Bill is sanction-led and punitive, particularly for lone parents and people with mental health problems, drug and alcohol dependency or particular disabilities, such as learning or visual problems. That is particularly the case

in respect of communication from local offices and general contact with the Social Security Agency. The Minister assured us that particular conditions will be taken into account, and I welcome that.

The Minister spoke about childcare provision. As yet, we do not have a viable childcare strategy. The Minister quoted figures about childcare provision: it is approximately 23% here, as opposed to 80% in England. In 2006, legislation was introduced in England and Wales that puts an onus on local authorities to provide childcare. If a gap is identified, the local authority has to fill it. The Minister assured us that sanctions will not be imposed if childcare is not available here.

The Minister talked about having a discussion about parity, but Jonathan Craig said that everything to do with parity is set in stone. At least that is the impression that Committee members get, because, in all the social security legislation that has been introduced, there was a lot of talk about parity. The Minister also assured us that staff will be trained to a high standard and will be able to cope with particular cases. Yet, at the same time, we are told that 207 people in the Social Security Agency will probably lose their job. I am sure that the Minister means what he says about those assurances. However, Ministers come and go, and he did say that he is trying to fit 30 months' work into 10 months. I hope that he can manage that difficult task.

In my experience, if sanctions are available, they will eventually be used. The Department would not have put them in place unless it intended to use them at some stage, whether to a greater or lesser degree. The Bill will mean that lone parents with very young children will eventually be required to claim jobseeker's allowance and seek work. Again, the Minister assured us that each case will be considered sympathetically and that, if childcare is not available, no sanctions will be imposed. If that policy is carried through, the age at which the sanction applies will, eventually, go as low as one. The parent of a one-year-old will be expected to look for work-related activity, not necessarily actively but reasonably.

Jonathan Craig mentioned income support, which, unless a viable alternative is suggested, will be phased out. The Minister said that the impact of that on carers and other vulnerable

groups will be lessened, but, in reality, we are talking about 76,000 people's benefit migrating from income support to employment and support allowance. The logistics of that will cause great difficulty.

### 3.45 pm

There is also the intention to introduce work-focused interviews for over 60s, which could result in many people losing benefit entitlements. The use of sanctions against people who have been convicted through the courts for the use of violence or threat of violence against social security staff and those already convicted of benefit fraud can only be seen as punitive. Again, I make the point that I have the greatest sympathy for social security staff, having been one myself for a period. I certainly do not condone, in any shape or form, violence against social security staff, who do a tremendous job under great pressure. They manage very well without adequate resources.

Parity has been quoted extensively in discussions and in the scrutiny of the legislation. However, pilot schemes will be implemented in Britain, so why are those schemes not being implemented here? The issues around the take-up of state pension credit, which, again, was mentioned previously, will be dealt with in Britain through a pilot scheme. Why not here? Effectively, from the point of view of parity, we are being asked to implement legislation that is prescriptive and can only impact negatively on people here. The legislation has not been thought out properly and its outworkings have not been considered fully.

There is very little in the Welfare Reform Bill that safeguards the dignity of the claimant. Iain Duncan Smith is now the Secretary of State for Work and Pensions, and his Centre for Social Justice has published a paper called 'Dynamic Benefits'. In the Welfare Reform Bill, we are looking at the thin end of the wedge. We have seen that already in the recent Budget. Yesterday and the day before, the Chancellor talked about people on benefits having to tighten their belt and take cuts. Undoubtedly, that will happen, so we are seeing the thin end of the wedge. The Welfare Reform Bill is probably the least punitive of the legislation that we can expect down the road.

Our function is not to enact bad legislation but to ensure that the administration of benefits is carried out in a fair and equitable manner. I welcome what the Minister said about

operational flexibility. Although the whole issue of parity is not to ruffle the feathers of the Treasury in respect of the subvention — God forbid that we should do that — if we can have in place a better operational structure, as happened with the Committee's report on DLA, that has to be welcomed.

We do not want legislation that marginalises and is punitive to those who are most vulnerable in our society. That is part of the problem that I have with the Bill. Although I have great reservations about it, we do not intend to divide the House. I thank the members of the Committee for Social Development and the staff, who have done a great deal of work in producing a report that, I think, was 647 pages long. I also thank all the people who were very helpful in giving evidence to the Committee. They shaped our views and gave us a lot of evidence that may not have been available previously..

**Mr Armstrong:** I welcome the opportunity to speak at the Final Stage of the Welfare Reform Bill. In general, the majority of the Committee has welcomed the reforms contained in the Bill. It will further reform the welfare and benefit systems in Northern Ireland to improve support and incentives for people to move from benefits to work. It will also have a bearing on the abolition of income support in the future.

It is right that, in our society, the right to receive benefits exists as a safety net. However, with rights come responsibilities. One of the Bill's key goals is to break the cycle of welfare dependency. We are all aware of the very high levels of economic inactivity in Northern Ireland. However, many people who are not working do not want to work or are capable of working but need support and retraining to enable them to get back into active employment and pay tax. Work and a commitment to work, where possible, is vital to an individual's financial, physical and mental well-being. It also has a generational impact on the well-being of our children.

Many aspects of the Bill will help people in great need. I particularly commend the introduction of exemptions from job-seeking conditions for victims of domestic violence. Tackling unemployment and welfare dependency remains central to ensuring that people meet their potential in the workforce and engender a positive and long-term contribution to society and pay tax.

I reiterate my earlier assertion that we need to be more imaginative on how we address welfare reform effectively. As such, I look forward to the proposals that the coalition Government at Westminster will introduce in due course. I was disappointed by the delay in ensuring parity with the rest of the United Kingdom; however, the timely manner in which we have sought to move this Bill through the Committee and the House has sought to address that delay.

We must work alongside people and help to lift them out of poverty to live lives that are fulfilling to them, their families and society. Central to that is a commitment to work and to contribute fully to society.

**Mrs M Bradley:** I welcome the information given by the Minister and the fact that he will meet Lord Freud. I am sure that he will insist that the needs of the people of Northern Ireland are not the same as those elsewhere. Our needs are different. I am sure that the Minister will insist that, when the Welfare Reform Bill comes back to us and is applicable here, it will meet the needs of the people.

**Ms Lo:** I add my thanks to Committee and departmental staff, and I also thank all our stakeholders. Although I support the principles of the Bill in getting more economically inactive people into work, I have concerns about many of its aspects, as some sanctions appear to be very harsh. However, I accept the Minister's assurance that the Department will maximise operational flexibility and his view that there are many doubts as to whether the "work for your benefit" scheme will materialise in Northern Ireland at all. Most unemployed people want to work. However, health problems or a lack of qualifications mean that they cannot get a job, and many of them have fallen into the benefits trap. The focus must be on helping people to upskill so that they can get meaningful jobs and get out of the poverty trap. It is wrong to threaten them with sanctions or to wave big sticks over their heads.

We supported a number of Sinn Féin amendments, and we are disappointed that those amendments have not been accepted. Amendment No 1 proposed a new clause to provide an overarching safeguard on the welfare of children as the fundamental background to the Bill, and I supported it for several reasons. First, we have the highest level of child poverty in the UK, and that is unacceptable. OFMDFM

highlighted the importance of families taking up benefits to help them out of poverty; on the other hand, the Bill threatens to take benefits away from families and threatens them with sanctions. That is inconsistent with anti-poverty policies.

The Minister highlighted the fact that we still do not have a childcare strategy or accessible and affordable childcare here in Northern Ireland, and he was very sympathetic about that. As the Minister said, when welfare reform was developed in Great Britain, it was done in conjunction with a well-resourced childcare strategy.

It is important that we take all those issues into account when we consider the Bill. As it stands, the Bill has an awful lot of draconian aspects, and I urge the Minister and his departmental staff to be very sympathetic when implementing the legislation to ensure that we do not push the already marginalised sections of our community further to the margin.

**The Minister for Social Development:** I thank Members for their contributions. I do not intend to detain them long.

Mr Craig raised questions about the timely manner in which the Bill's processes were managed and handled. I am not over that issue, but I will ask for advice from officials on it. It is important that the Committee and the Department do not work hand in glove, because lines would get blurred and crossed. Nonetheless, there should, in principle, be suitable liaison between the Department and the Committee, given the burdens on the Committee because of its oversight and consideration of various pieces of legislation. To accommodate the differing needs of the Committee, I will certainly look at that matter to see whether I can reach any proper conclusions about how the legislation was handled.

I listened attentively to Mr Craig speaking in an individual capacity about accelerated passage. Standing back from it — I have come to this somewhat fresh — I feel that there are at least four or five grounds for why the legislation should have been subject to the full legislative process. First, there is an argument that accelerated passage is not necessarily a practice that should, per se, be adopted routinely or slavishly for welfare parity legislation — for want of a better term — or for any type of legislation. The second reason it might have

been appropriate for the matter to be subject to some further scrutiny is, as Mr Craig said, that there were misgivings about the legislation and that he, I and others find it challenging. Mr Brady described the legislation as sanctioned, punitive, not thought-out and not properly considered. Given that Members have those views on the legislation, it seems neglectful to not give Assembly the opportunity to explore that legislation properly.

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

**The Minister for Social Development:** I will let Mr Brady in in a moment.

The third reason why full consideration of the legislation is appropriate is that it is always useful to get reassurances on particular legislation, including on operational flexibility, which is relevant to this Bill.

As Mr Craig indicated, if one element was most vital in the passage of the legislation, it was the reassurances on good cause, childcare and informed discretion. It will be useful for the Department, the Social Security Agency, the Minister and the House for those matters to be scoped as fully as possible at a particular time in order to give as full a reassurance as possible as to how they might play out.

#### 4.00 pm

Before I give way to Mr Brady, the fourth reason that it was appropriate to consider the matter fully is simply that an ongoing discussion on welfare was taking place. We all knew that there was a possibility of a Tory Government. We all knew that Iain Duncan Smith and his organisation had ambitions and intentions on welfare reform. Therefore, it was useful and timely to discuss the issues, explore parity considerations and have a fuller conversation about what might be viewed as parity legislation. If we did not do it over the past of number of months, it was vital that we do it over the next number of months.

**Mr Brady:** I thank the Minister for giving way. Parity is mentioned constantly. The difficulty is that the Committee received briefings from departmental officials who, with respect, had no say in or input into this legislation. It was simply dumped on us whether we liked it or not, and that hindered proper questioning on and discussion of the issues. The legislation is formulated and enacted in Britain, and we are



expected to sit down and accept it, even if it is punitive and prescriptive here.

Childcare provision is one such issue, but, before I finish, I also want to make a point about DLA. I have listened to radio programmes all week about people getting DLA who should not be. DLA is the benefit for which the least fraud is committed: 0.01%. I wish that those who speak about DLA fraud would check their facts. DLA is a very difficult benefit to get, and as the Minister well knows, it is medically determined, and medical evidence has to be provided in order to be entitled to it. Therefore, those who speak about DLA fraud impugn many doctors, specialists and others in the Six Counties who contribute to helping people receive DLA.

**The Minister for Social Development:** Nothing that the Member said is inconsistent with the four points that I made, but I will emphasise those points. Reassurances were given during the debates at the Bill's various stages and in Committee that disability rights organisations, for example, would be involved in preparing guidance. Reassurances were also given that the Committee would be involved in procurement.

All those reassurances could be put on the record elsewhere, but in order to understand how good cause could be applied in particular circumstances, it would be useful to me as the Minister to grasp fully where operational flexibility resides, how good cause is managed and how people can be better trained. We may have to live with parity measures for some time. However, it will be highly useful if, during debates on future welfare reform Bills, we can scope, get reassurance and develop as fully and as reasonably as possible how operational flexibility operates.

I agree with what the Member said about disability living allowance, and I return to the point that I made. I have asked officials to use a number of source documents to map out Northern Ireland and create a matrix that explains our levels of DLA take-up more fully.

I believe, for all the reasons that I outlined earlier, that a range of factors give rise to DLA applications and to the uptake rate in the North. That exercise can give me an evidence base for my conversation with Lord Freud; whether it has any impact on him is a different matter. However, establishing a proper evidence base is important so that what he knows to be the case and what I understand to be the case about the

people who are entitled to receive DLA and the good grounds on which they get it can be put on record and beyond contradiction. Therefore, if London authorities guide us in a certain way, that will give us the rebuttal arguments that we need to say that they should not go in that way.

I acknowledge what Mr Craig said about the close scrutiny of the Committee when it comes to the transfer of benefit claimants. Given the number of people — 76,000 — who will be affected by proposals for migration from income support, that is a very healthy and important piece of work. I know that officials will give evidence to the Committee tomorrow on how migration is being planned and implemented.

Yesterday, senior officials and I met a group of women from Derry to discuss how the benefits system is working for people who have been affected by cancer. One consequence of that meeting was that a group of women who have been personally or otherwise affected by cancer and who have issues with the benefits system and how it is managed opened up a direct line of communication with senior officials on the benefits side in order to get matters addressed.

That meeting gave rise to examples of practice that was not the best, if I can put it that way. That will, in all likelihood, lead to my having a conversation with the president of the appeals tribunal in respect of questions that may be open to interpretation. For example, women who are applying for DLA because of cancer or cancer medication are asked questions that, in their minds, reflect on their capacity and competence as parents. People who are conducting appeals tribunals need to be mindful that the questions that they ask about DLA entitlement can make people who are in a difficult situation wonder whether they are being asked about their competence as a parent, which is utterly irrelevant.

Therefore, I, as Minister, and the Committee must keep an eye on how the benefits system is working so that issues are properly managed. That is why I welcome what Jonathan Craig said about the Committee's commitment to scrutinise closely the transfer of benefit claimants. I can give the reassurance that I will be on a parallel path.

Mr Brady confirmed that it was my intention to do 30 months' work in 10 months. I am tempted to say that I would be doing a bit better than a lot of other Ministers who have done 10

months' work in 30 months, but I will not go down that particular road.

As Members know, I hold a strong view that Ministers who go into government go into power. I have a view that, in this mandate and in the first mandate, there was too much of one and too little of the other. Members can work that out for themselves.

I do not necessarily agree with the language that Mr Brady used, but I do not dissent from the sentiment that he and many other Members expressed. Whether the words used were "challenging", "misgiving", "sanctions" or "punitive", they capture the flavour of those matters. In responding to my comments during a previous debate, Ms Ní Chuilín acknowledged that, as Minister, I was on the same page as many others. I will find that quotation before I conclude, Mr Deputy Speaker.

I have personal reservations about a lot of this legislation, but I have a ministerial responsibility to people in the North, and there is a difference. In trying to map my way through this issue, that has guided me. My personal reservations about a number of clauses are deep and substantial to the point where I would agree with words such as "misgiving" and "punitive". Nonetheless, as a Minister, it is my job to think beyond my personal inclinations and consider what is in the best interest of people who are subject to the benefits system.

If there are any other matters that I have not addressed, I will certainly come back to them. I wish to correct two matters. According to my officials, Mr Brady — this may have been a slip of the tongue, so I will not make it a point — said that parents with children as young as one would have to look for work. Over and above the issue of childcare, which we have fully explored, no parent of a child under one has to do anything. A parent of a child who is between two and three years old has to attend only work-focused interviews, and those would happen, at most, every quarter. Parents with children who are between three and six years old may have to do work-related activity, subject to all the caveats that are already on the record.

I welcome what Ms Ní Chuilín said in reply to the debate at the Bill's Consideration Stage. As regards some comments made previously, she said:

*"In fairness to the Minister, I note that he took a different approach to the issue. The impression that I get — I am not asking him to confirm it, even though I am really tempted to — is that, if he was convinced that stretching matters and breaking parity on the issue would not affect a subvention, he might actually go with it. That is the sense that I got." — [Official Report, Bound Volume 53, p74, col 2].*

That probably accurately and fairly reflects my views. Of course that view was contradicted a few days later when Ms Ní Chuilín said in a statement:

*"The SDLP Minister, Alex Attwood, may be content with regulating sanctions, Sinn Féin are not. Fundamentally, we should not be punishing those who find themselves out of work for perfectly legitimate reasons. The other parties, and the SDLP in particular, have very serious questions to answer about why they are bringing forward legislation that will attack the weakest within our society, and nowhere is this more stark than in areas of high deprivation such as North Belfast."*

I find those sorts of comments unnecessary. A Member should say one thing on the Floor of the House and then say it to the public, or he or she should say nothing.

During the various debates on this legislation, I went out of my way to say that I understood the sentiment behind amendments and that they were not mischievous, even though they might create mischief with the operation of the benefits system in the North. I tried to hear, listen and respond to what people said, but, being mindful of wider political and parity issues, I am somewhat constrained. I find it simply disingenuous to be told to my face in this House that others think that I would like to stretch parity in a way that would not affect a subvention and, a couple of days later, to be told that I am regulating sanctions. That is simply not the case.

**Mr Brady:** With respect, Minister, I think that you should take the compliments when you get them and the criticism when you get it.

**The Minister for Social Development:** I am thick-skinned and have been in politics long enough to take all of that. However, if we are to have a serious, balanced conversation about parity and about stretching and changing parity, then, in my view, the one thing that you do not do in the North is play politics with people in need who are entitled to the benefits. Therefore, I will take the compliment, but I will note the

criticism, because you are playing both sides of the fence, and that ill serves people who need all Members to be on the right side of the fence.

*Question put and agreed to.*

*Resolved:*

*That the Welfare Reform Bill [NIA 13/09] do now pass.*

**4.15 pm**

## Private Members' Business

### **Victims and Survivors (Disqualification) Bill**

**Mr Deputy Speaker:** The next item of business is the First Stage of the Victims and Survivors (Disqualification) Bill. I call Mr Peter Weir.

**Mr Weir:** Mr Deputy Speaker, due to technical issues that have been raised with me and that require clarification, it is now my intention to bring the Bill forward in autumn 2010. Consequently, the First Stage of the Bill is not introduced.

**Mr Deputy Speaker:** Order. The First Stage of the Victims and Survivors (Disqualification) Bill has not been introduced.

*Motion made:*

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

## Adjournment

### Reavey Family Murders, January 1976

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

**Mr D Bradley:** Go raibh míle maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Choiste Gnó as an am a thabhairt domh a bheith páirteach sa díospóireacht seo. I thank the Business Committee for providing the time for the Assembly to debate this important issue.

John Martin Reavey, aged 24, and his brother Brian, aged 22, were murdered in their home on 4 January 1976. Gunmen broke into their home near Whitecross and sprayed the living room with bullets, killing John Martin instantly. Brian tried to escape. However, he made it only to the bedroom door before he, too, was murdered.

Anthony Reavey, who was 17 years old, threw himself under a bed for protection, but was shot and left for dead. Seriously wounded, he managed to crawl from the house to try to raise the alarm at a neighbour's house. Having survived for some weeks, Anthony later died.

I know the Reavey family well. I am aware that other Members of the House also know the family. They are a highly respected family in south Armagh. When that dreadful deed happened, no one in the locality could understand why the family had been targeted and attacked.

On the same night, another Catholic family, the O'Dowd family, who lived at Ballydugan near Gilford, was also attacked. Three members of that family were murdered. They were Joseph O'Dowd, aged 61, and his two nephews Barry, aged 24, and Declan, aged 19. Barney O'Dowd, the father of the two boys, was seriously injured. As it happens, all of them were SDLP members. They are related to Mr O'Dowd, Member for Upper Bann.

A group comprising loyalist paramilitaries who acted in collusion with members of the police

force, the RUC Reserve and the UDR, known as the Glenanne gang, was responsible for at least 18 gun and bomb attacks, in which 58 people were murdered. That group had its headquarters in the farm of James Mitchell, who is now deceased, which was situated just outside the village of Glenanne, around two miles from where the Reavey family lived. One of the gang's members, former RUC sergeant John Weir, confessed to his part in its activities and exposed the gang's members. I have already dealt in detail with the activities, victims and membership of that gang in a previous speech that I made in the House on 24 May 2010. The gang was responsible for the murder of the Reavey brothers, the O'Dowds, and many others.

On the day following his sons' murders, their father Mr Jimmy Reavey appealed that there be no retaliation for his sons' deaths. Unfortunately, that appeal fell on deaf ears. That night, the murders continued. Ten Protestant workers, who were on their way home in the mill works minibus, were murdered by a group that called itself the South Armagh Republican Action Force. The bus was stopped by a group of armed men who were dressed in camouflage jackets. Richard Hughes, who was the only Catholic on the bus, was picked out of the group and told to run up the road.

Many of his fellow workers, with the murders of the Reaveys from the previous night in mind, thought that he was to be the victim and tried to shield him. Richard was spared, because of his religion. His fellow workers were sprayed with bullets until all except one lay dead on the road. Alan Black from Bessbrook was the only one to survive.

I knew most of those who were murdered that night. They were from my native village of Bessbrook; I played football with some of them in the pond field. They were ordinary working-class people returning home after doing a day's work. I also played football with members of the Reavey family. Brian Reavey was a student at the same school that I attended, St Paul's in Bessbrook, where he was renowned as the top sportsman of his year group. His younger brother Anthony was also a talented footballer. Those young people had many things in common.

When the Kingsmill massacre was taking place, the Reavey family were on their way to Daisy Hill Hospital in Newry to bring home the remains of their murdered brothers. They came across



the scene of the massacre at Kingsmill, and one of the surviving brothers helped to divert traffic from that terrible scene. On reaching the hospital, Eugene Reavey, in the midst of his grief, did what any decent person would do: he went to the room in which the relatives of the Kingsmill victims had gathered, introduced himself and offered the condolences of his family to the victims.

Anthony Reavey became friends with Alan Black, who was one of the two survivors of the Kingsmill massacre, when both were in hospital recovering from their wounds. Alan was broken-hearted when he heard that Anthony Reavey had died on 30 January 1976. The original verdict at his inquest was one of death by natural causes, but that was later changed to an open verdict.

There was no real investigation of the Reavey murders, and the family was left to try to come to terms with the murders without any help whatsoever from those in authority. That was the case until Commander Dave Cox of the Historical Enquiries Team (HET) investigated the murders. Difficult as it was to come to terms with the murders, it was made even more difficult by a statement that was made by a Member of this House, Dr Paisley, in another place on 27 January 1999. He said:

*"It is interesting to note that a police dossier carefully prepared on the Kingsmill massacre has recently come to light."*

Dr Paisley continued:

*"According to the dossier, Eugene Reavey, a well-known republican, 'set up the Kingsmill massacre'".*

The Reavey family have been victims of collusion, not once, but twice: first, when three members of the family were murdered by the UVF, acting in collusion with elements of the security forces; and, secondly, nearly a quarter of a century later, when the name of one of the surviving brothers, Eugene, was blackened under the shield of parliamentary privilege. None of those accusations was true. Former RUC Chief Constable Ronnie Flanagan said that no police file contained any such allegation. Immediately upon hearing that report, the sole survivor of the Kingsmill massacre, Alan Black, phoned Eugene Reavey's home and told him that he knew that what Dr Paisley had said could not be true.

More recently, the HET has stated definitively that neither Eugene Reavey, his murdered

brothers, nor any member of his family had any connections with any paramilitary grouping or crime. Therefore, one must ask why Dr Paisley said what he said. Where did the supposed dossier come from? Who would have a motive to create it and plant it on a gullible MP? Dr Paisley did not question the provenance of the dossier, so he must have believed that it came from an authoritative police source, of which he has utilised many over his long political career.

Therefore, decades after the actual collusion, it seems that well-placed persons were still in action, covering up crimes and spreading lies and malicious slander that were based on tittle-tattle in an attempt to justify organised, systematic sectarian murder on a large scale.

The Reavey family are as satisfied as people in their circumstances can be with what the Historical Enquiries Team has done. However, one thing still rankles with them: the false allegation that Dr Paisley made against their brother Eugene. They would like to see that slur removed in their now 88-year-old mother's lifetime. It is not too much to ask. Eugene Reavey has written to Dr Paisley on several occasions, but he has received no reply. Dr Paisley is aware of the situation.

The Reavey family want no recompense other than to see the record set straight and their brother's name cleared. It is within Dr Paisley's gift to respond positively to the request from an 88-year-old mother and grandmother and her surviving sons and daughters, whether that is done in a face-to-face private meeting, in the House of Lords when he takes his seat there, or by whatever means with which Dr Paisley feels most comfortable. Ian Paisley is known as "The Big Man". He now has the opportunity to show that he is big, not just in stature but in heart and mind. I hope that, for the sake of Sadie Reavey, he takes that opportunity.

Many people died in south Armagh during the Troubles, and I want to remember them all here today, from whatever background they came. I hope sincerely that their loved ones get the truth that they deserve. I ask the House to join me in that sentiment and to recognise the innocence of the murdered Reavey brothers and the whole Reavey family. I ask the House to join me in urging Dr Paisley to do the right thing by the Reavey family. Perhaps, too, the Chief Constable, Mr Baggott, could take time

out of his busy schedule to visit Mrs Reavey and apologise in person on behalf of the police.

I am glad to welcome members of the Reavey family who have come here today to hear this debate. I trust that other Members who participate in the debate will do so in the spirit in which I have entered into it.

**Mr Boylan:** Go raibh maith agat, a LeasCheann Comhairle. I apologise on behalf of Conor Murphy, the MP and an MLA for Newry and Armagh, who cannot be here because of another engagement. I thank Dominic Bradley for securing the debate, and I welcome the opportunity to speak on the matter. I got to know the Reavey family through my previous job, and I got the opportunity to work with and know people in the communities in Whitecross, Drumnahunshin, Greyhillan and Glenanne. Those people treated me well, and I want to put my appreciation for that on record.

I also want to put on record that the three members of the Reavey family — John Martin, Brian and Anthony — who were gunned down in cold blood at Greyhillan, Whitecross on 4 January 1976, were completely innocent. They were ordinary people who became victims of collusion that was carried out by members of the RUC, UDR, UVF and British intelligence. Part of that group became known as the notorious Glenanne gang.

I do not propose to repeat everything that Dominic Bradley said. Instead, I want to concentrate on the broader picture, which is closely linked to the murders of members of the Reavey family in Whitecross.

The murders of the Reavey family were not carried out in isolation. That notorious gang carried out a number of atrocities, and I would like to speak, if I may, on some of those incidents, such as the bomb at the Step Inn Bar in Keady, the shooting at the Rock Bar in Granemore outside Keady and the attacks on Donnelly's Bar in Silverbridge and Tully's Bar in Belleeks.

I want to put it on record that I had the privilege as a young boy of working as a paper boy for the McGleenan family, who owned a paper shop. One of their sons was killed in the Step Inn bomb. On the evening of Monday 16 August 1976, a no-warning bomb exploded outside the Step Inn in St Patrick Street in Keady, which is commonly known as Chapel Street. There were 15 to 20 people in the bar at that time. A blue

Ford Cortina hijacked three days earlier from the Shankill Road had been packed with more than 200 lb of explosives and was parked against the gable wall of the bar.

I want to put those events in context so that Members can understand. Paddy McGleenan's son and James McDonald's wife were killed in that attack. Those two men would have walked around and checked the streets for suspicious cars. The car that was stolen on the Shankill Road had been fitted with Armagh plates, so no remarks would have been passed on it. The bar owner, James McDonald, told the inquest that he had also noticed that street lights in Chapel Street had been turned off when he left the bar. It was common practice in those days for the lights —

#### 4.30 pm

**Mr Deputy Speaker:** Order. The Member is straying way off the topic of the debate. I ask him to return to the substance of the debate, which is the murder of the Reavey brothers.

**Mr Boylan:** I was just setting the context so that Members have a clear understanding, but I take your point, Mr Deputy Speaker. Betty McDonald, who was 32 years old and the mother of three young children, was in the bar when the bomb exploded. Her husband found her lying behind the bar after the explosion with their youngest child standing over her, crying. Gerald McGleenan, who was 22 years old, was standing outside his home opposite the Step Inn in Chapel Street when the bomb exploded. He was hit by shrapnel and died within minutes. A keen hurler, he had played in the county senior final the week before his death. Members of the team were pallbearers at his funeral.

Some 22 other people were injured in the blast, including a pregnant woman. Her unborn baby survived uninjured, only to be shot dead —

**Mr Deputy Speaker:** Order. I have to remind the Member to come back to the substance of the debate. I know that you are trying to put the debate into context, but the matter that is being debated is the murder of the Reavey brothers. I ask the Member to take that into consideration.

**Mr Boylan:** With your indulgence, Mr Deputy Speaker, I am trying to set that murder in context because it did not happen in isolation. I said that at the very start.

**Mr T Clarke:** When the Member is putting things in context, will he acknowledge the complete context of murders in Northern Ireland, some of which his party and members of his party committed? If we are to stray off the topic for debate, which is the murder of the Reavey family, perhaps the Member will focus on the murders that some of his comrades conducted.

**Mr Boylan:** I am putting in context exactly what happened at the time. The murder of the Reaveys did not happen in isolation; it was joined together with operations carried out perhaps over a 12-month period. That is what I want to talk about today, because I am well aware —

**Mr Deputy Speaker:** Order. I understand what the Member is saying, but the substance of the debate is the murder of the Reavey brothers; therefore, the main part of a speech should be about that. If the Member wishes to talk about the entire context of that period, he is at liberty to table a motion for debate in the House at another time.

**Mr Boylan:** Thank you very much for that guidance. I am just speaking about what happened at Greyhillan, Whitecross. There is a connection between what happened to the Reavey brothers in Whitecross and other incidents in south Armagh in that year. I want to put into context some of the cases where some of the weapons that were used in the murder of the Reaveys were also used in the murder and attempted murder of other people in south Armagh. Look at the unfortunate incident of two GAA supporters shot dead in Altnamackan, coming home from Dublin. It was proved that the 9 mm Luger that was used in the double murder had been used in other incidents. That is why I have to put what happened at that time into context. I referred to the bombing of the Step Inn because this gang was all part of that. We cannot deny what happened at that time.

It started in December 1975 in Donnelly's in Silverbridge. Unfortunately, the Reavey brothers were then killed in January 1976, and it continued for six months. It is clearly stated in the records and reports that the same weapons were used in a number of those incidents. That is why I wanted to bring that up today. The weapons that were used on the Reaveys were also used in the attack on the Rock Bar in Granemore, when Michael McGrath was shot in the stomach. The same weapons were shown

to be used and the same people involved as in the crimes committed against the Reaveys in Whitecross. That is why I am bringing that up today. I want Members to recognise that. There was an attempted murder in the Rock Bar in Granemore in June 1976, as well.

There is strong evidence that those attacks were carried out by what became known as the infamous Glenanne gang, which — whether or not people like to recognise it — was state-sponsored and state-led terrorism. The gang was a consortium of UDR, RUC and UVF personnel supported by military and British intelligence. It is due to the involvement of state bodies that the murders of the Reavey brothers and many other people, some of whom I have spoken about today, have never been resolved. That has blackened not only the characters of some of those families and some of the people in that area but the area itself.

In a debate earlier today, some Member was encouraging us to go to Dungannon and talking about the civic reception and civic issues and about what they were doing in Dungannon. I want to put south Armagh in that context, because the character of that area has been blackened, and that is not right. Atrocities have happened on both sides, and my party has stood up and said that it is willing to move forward and to work together on that issue. However, Members must recognise exactly what happened during that time, and I tried to set that in context. I will finish by saying that that situation must change.

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

**Mr Boylan:** I hope that the families and people of south Armagh, some of whom are in the Public Gallery today, find out the truth, receive an apology and get the recognition that they deserve.

**Mr Kennedy:** Clearly, very strong emotions are attached to the issue. I recognise Mr Bradley's right to table this topic for Adjournment debate. Unfortunately, Mr Boylan's contribution has not helped to deal with many of the issues involved.

**Mr T Clarke:** I thank the Member for giving way. He referred to the contribution of Mr Boylan, who suggested that the people concerned should get the apology that they are due. I have no problem with that. However, does the Member agree with me that Sinn Féin should

also apologise for the cowardly murders that it carried out in the same period?

**Mr O'Dowd:** On a point of order, Mr Deputy Speaker. The political party of which I am proud to be a member has not been responsible for the murder of anyone. I can understand that there are strong emotions in the Chamber, as Mr Kennedy said. However, we must not let the debate degenerate into a slanging match.

**Mr Deputy Speaker:** The Member is quite right, and I thank him for that point of order. Sinn Féin is a political party and was not responsible for any murders in itself.

**Mr T Clarke:** I accept that ruling, Mr Deputy Speaker. I should have said, "the members of Sinn Féin who were convicted of murder". Does the Member agree with the point that I have just made?

**Mr Kennedy:** The Member makes an important point, and I hope to address the issues involved as I progress with my speech.

The early and mid-1970s were a truly dreadful time in the south Armagh area and, more particularly, in Whitecross and Newtownhamilton. It involved the murders of security force personnel and ordinary individuals who were caught up in a cycle that was mostly tit-for-tat deaths. The murders created an atmosphere of fear and distrust that stalked the region, and the consequences were severe. Lives were taken, lives were broken, and lives were changed for ever. In the south Armagh area, which I am proud to represent, we live and deal with that legacy today. Therefore, I do not want the debate to descend into a tribal jamboree of blame, counterblame and "whataboutery". However, it is important to put into context some of the events that all of us struggle to come to terms with and make sense of. None of those events should have happened.

It is my belief that the three Reavey brothers, Brian, John Martin and Anthony, who died some weeks later, were murdered in a very cruel and callous manner and were entirely innocent victims. I place that on record and have no doubt of that in my mind. On the same evening, just outside Gilford, members of the O'Dowd family were also murdered in the cycle of tit-for-tat deaths that was so common throughout County Armagh and other places in Northern Ireland.

From the early to mid-70s, particularly in the Whitecross/Newtownhamilton area, there was a series of murders, particularly of security force personnel, atrocities such as the murder of five Orangemen at Tullyvallen Orange Hall on 1 September 1975 and individual murders. Today, we heard allegations about who was responsible for those. It is alleged by some, as was repeated today in the Chamber, that members of the security forces were involved in that collusion. However, it is my belief that no substantial proof has been provided to justify those remarks.

We also heard about politicians' intemperate remarks. I draw to the attention of the House the remarks made by a former deputy First Minister, Séamus Mallon, who, after the murder of two individuals returning from a GAA match in the Republic of Ireland, said that loyalist assassins were operating within the UDR in Newtownhamilton. That was a highly provocative statement that has caused great offence down through the years and continues to do so. All politicians have a responsibility to remember that what we say, how we behave and how we react can have significant influence.

We already heard from Mr Bradley about the Kingsmill massacre, which is close to my heart, given that I knew nine of the individuals and their families and continue to try to assist those who were caught up in that massacre. That had a profound effect on the village of Bessbrook and the wider area, which is still felt to this day. I say again that none of that should have happened.

#### 4.45 pm

This debate revolves around a single event, when three innocent people were gunned down in cold blood. That event was not justified by anything, but neither was it isolated. Within 24 hours, 16 people died who should not have died. The previous year, 207 people died who should not have died; and 300 other people were to die in 1976 following the events of January 1976. None of that should have happened.

I live in the area of those deaths. I was a teenager at the time, and I know the effect that they had on myself and my community. I now live some three miles from the original Reavey home and, therefore, even less distance from the scene of the Kingsmill massacre. I travel on that road very often, and I always, always reflect on the events of January 1976 and the fearful



consequences with which so many families have had to deal.

The critical thing is that none of it should have happened. We have, of course, real concerns that, if we are asked to provide inquiries similar to the Saville Inquiry, it will simply create a hierarchy of deaths as we look back. Everyone in Northern Ireland wants to try to look forward, yet to remember the mistakes of the past and to be sure to take account and take care of the victims. Therefore, as we study those complex issues and pay attention to those so badly affected and although we should acknowledge the past, it is time for us to strive to move forward and create the better and shared future that all our people need and deserve.

**Mr Brady:** Go raibh maith agat, a LeasCheann Comhairle. I, too, welcome the debate secured by Mr Bradley. I also welcome members of the Reavey family here today.

We have to keep it in mind that we are talking about the brutal murder of innocent people. As someone from Newry and not that far from Whitecross when it happened, I remember the aftermath vividly. Mr Kennedy alluded to the Kingsmill massacre. I, too, knew people who were killed and murdered in that. I knew the Chapman brothers through football and darts, and I know Alan Black, who fortunately survived, even though he was shot 18 times.

Recompense has been mentioned. I know Mrs Reavey well. As has been said, she is 88 years of age. She reared a family that was extremely respectable, well-got and popular in our area. I went to school with Eugene Reavey, albeit a couple of years behind him, and I am sure that he will not mind me saying that. It was a family that was never, to anyone's knowledge, involved in anything nefarious, as has been alleged. Allegations were made against Eugene in particular.

The family wants justice in the sense of real justice. They simply want the record put straight. The Glenanne gang was alluded to, and its activities are well documented. Other Members spoke about murders by other groups. What we are talking about here is murder by people who were entrusted with upholding the law. Therein lies the difference. We are constantly berated in this Chamber by Members talking about the upholders of the law and the people who stood in the front line against terrorism and all the rest of it. Sometimes, people need to stand

up and put their hands up and say, "Yes, that happened; it did happen".

The Reavey family is not looking for anything but an admission. Indeed, the Historical Enquiries Team, as Dominic Bradley alluded to, has accepted fully that the Reavey brothers were innocent. Everybody in Newry and the surrounding area of south Armagh knew that the Reavey brothers were innocent, as, indeed, were the O'Dowds and the other people murdered in Donnelly's bar at Silverbridge and the people at Kingsmill.

All that anyone is asking is for that to be put in context.

I agree with Mr Kennedy that these things should not have happened, but the fact is that they did. We need to move on, but there are families such as the Reaveys who have to live with this every single day. Eugene Reavey's name has been blackened, and all that he wants is a simple apology. I see no problem with that. Dr Paisley rose in the British Parliament, using parliamentary privilege, and cast scurrilous allegations against Eugene Reavey. It is time that that was put to rest. Go raibh míle maith agat.

**Mr O'Dowd:** Go raibh maith agat, a LeasCheann Comhairle. The date of 4 January is marked indelibly on my mind. As a young lad of eight and a half years, I remember sitting on a Sunday evening watching television with my family. As in many rural homes, the whole family had packed into the room to watch the Sunday evening film. A knock came at the door. Even at that young age, we were under strict instructions not to open the front door unless we knew who was there. I looked out through the window to our yard where I saw a number of my cousins standing in what, even to me at that young age, was recognisable as a distressed state. I opened the door and my next memories are of my mother and father crying for the first time that I can remember at the news of the deaths of my cousin Barry, 24; Declan, 18; and my uncle Joe, who was in his 60s.

At that age, all those things do not immediately sink in but, as the night wore on, I became aware that another family had been visited by the same heartache and horror: the Reaveys. There is a connection with any family that loses a loved one: the horror, the pain and all that goes with it. I know that Members opposite have lost loved ones in similarly horrible circumstances. Their pain is no different from

any other family's, whether we are talking about innocent civilians, republican activists or members of one of the British services who lost their lives during the conflict. The pain to a family member is no different.

The connection between the Reaveys and the O'Dowds is that the same gang carried out the killings. I can understand Mr Kennedy's defence of members of the Ulster Defence Regiment, and I accept that many people joined the Ulster Defence Regiment because they believed that they were doing the right thing. In their minds, they were serving all sections of the community. However, it is undeniable — beyond undeniable — that senior members of the Glenanne gang were also members of the Ulster Defence Regiment, the RUC and British military intelligence. To deny that does not serve the memory of anyone, whether they be former members of the British forces who believed that they were serving honourably and doing the right thing, or the victims of that gang.

**Mr Kennedy:** Does the Member accept that it is comparatively easy to make allegations without producing serious and credible evidence and that a great many families whose relatives served in the security forces will feel deeply offended by statements made not only in the course of this debate but in the past, and that some account should be given to substantiate some of the allegations that have been made?

**Mr O'Dowd:** I do not wish to cause offence to anyone's family, but there is evidence. The Barron Inquiry, a thorough investigation of the Dublin and Monaghan bombings, showed that they were carried out by the Glenanne gang. That inquiry identified members of the gang as members of the British Army, the RUC, the UDR and British intelligence agencies. We have a statement from a former member of the gang who was a sergeant in the RUC. A Mr McCaughey was both a member of the gang and a member of the RUC. I do not say that to offend people who have lost loved ones or anyone else; I say it because the truth needs to be told.

Why did Dr Paisley stand up in the British House of Commons and make those allegations against Eugene Reavey? It is well known that Mr Reavey is not a prominent republican, nor a republican in the sense that was presented to the British Parliament.

Why blacken Eugene Reavey's name? Was it an attempt to divert attention away from the growing media and political interest in exactly what the Glenanne gang was about? Who was the motivating force behind the Glenanne gang and the atrocities that it carried out in south Armagh? Was that why such a prominent politician as Dr Paisley stood up in Westminster and read out a statement which was factually incorrect and had no basis in reality whatsoever? Perhaps Mr Paisley believed it at the time. Mr Bradley said that the information was given to Mr Paisley, in his terms, by a reliable source. However, surely Mr Paisley cannot stand over it now.

There is no basis to the allegations made against Eugene Reavey or the Reavey family. It not only reflects on the Reavey family and on my relatives who were killed that night, but casts murkiness over that whole episode. Neither does it do any justice to those people who were gunned down mercilessly at Kingsmill. The families of the people murdered at Kingsmill deserve to know the truth about the people who lined them up against a bus and shot them dead that night. If allegations are being made against Eugene Reavey, or anyone else, that are untrue, it does not assist the quest for truth for the families of the Kingsmill victims either.

I remember sitting in my mother's sister's house near Lurgan the following night, when the news of the Kingsmill massacre came through. The same horror that I witnessed the night before in my family home was witnessed in that home as well, because people were appalled at what had happened. I join the call for Dr Paisley to withdraw the comments he made about Eugene Reavey in order to allow Mrs Reavey, in her last years, to know that her family has been completely vindicated, and to set the record straight.

Mr Kennedy said that we cannot go through the expensive processes of Saville, etc. The Saville report would never have been necessary if the truth had not been hidden. If we just let the truth about many of those things out, there will be no need to go down the road of Saville. Give families such as the Reaveys the truth around the circumstances in which their loved ones were killed. The Reaveys and the O'Dowd family were killed to strike terror into the Catholic community.

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

**Mr O'Dowd:** Just let me finish this point.

The Kingsmill victims were killed to strike terror into the Protestant community. The circumstances around all those killings were wrong and the killings of individuals were wrong.

**Mr Kennedy:** I am grateful to the Member for giving way. How does he think that we can achieve truth for the families of the Kingsmill victims?

**Mr O'Dowd:** It is not up to me to dictate what the Kingsmill families want. They may want continuing custodial justice around those sorts of things. I believe that a fully independent, international truth inquiry would allow families such as those of the victims of Kingsmill, and other families who have never had the full truth around the death of their loved ones, to have the truth delivered to them. I am not saying that that is all that the Kingsmill families deserve. It is up to the Kingsmill families to decide what level they want to go to.

The reason why I support the peace process and will stand against those people who are trying to drag us into the past is that, as a young boy, I buried my neighbours and my friends, like so many other people did. I am not going back there. I am not letting anyone else drag us back into that society, because we all deserve better.

**Mr Deputy Speaker:** Under Standing Orders, an Adjournment debate is to last for one hour. We have already had 45 minutes, and I have to allow 10 minutes for the Minister of Justice to respond. I therefore call Mr Alban Maginness to speak for five minutes.

**Mr A Maginness:** I apologise for not being here earlier, but I had other duties to attend to. I followed a large part of the debate on a monitor.

There are three points to be made. The first is that there is unequivocal recognition in the House of the innocence of the Reavey brothers and family. I think that that is of great comfort to the family. The fact that the Assembly says that without equivocation is very important to the family. The general recognition that this House has given to the Reavey brothers' innocence is very important; it is a significant decision on the part of the House.

**5.00 pm**

Although everyone that we are talking about was a victim of terrorism and, in particular, of

sectarian and counter-sectarian violence, it has to be said that the slur on Eugene Reavey occasioned by Dr Paisley speaking in the House of Commons and associating him with the Kingsmill massacre hurt very deeply. It behoves all of us in this House to encourage Dr Paisley — who has made hard political decisions that nobody would have countenanced in his political life — who is big in stature, personality and persona to become an even bigger man by admitting to his error in so describing Mr Reavey in the House of Commons. This House should urge him to resile from what he said in the House of Commons. That would go a long way towards reconciling the Reavey family, particularly Mr Reavey and his mother, who, I think, would gracefully accept such a retraction.

I take issue with what Mr Kennedy said about Séamus Mallon. Séamus Mallon spoke with knowledge about what had occurred. There is no equivalence between what was said by Mr Mallon and by Mr Paisley, and there should be no attempt to make their statements equivalent. Mr Mallon expressed views that were widely held in the community. Indeed, the activities of the Glenanne gang have been well documented; the gang included a former RUC sergeant who confessed to his part in its activities and who exposed other gang members. There is no doubt that what Mr Mallon suggested was proven to be correct. If there is any doubt, further investigation should take place, and if an inquiry is needed, let us have one to clear the matter up. However, collusion in the murder of the Reaveys is, in my view, demonstrably clear. A sad, sad aspect of those murders is that people who should have been dedicated to the rule of law and order betrayed the trust that the community had given them.

This debate is important because it allows the Reavey family and the community at large to recognise that people care for them, for their reputation and for the fact that the family has suffered grievously, not just through physical injury and death but also through damage to their reputation. However, today, their reputation has been restored.

**Some Members:** Hear, hear.

**The Minister of Justice (Mr Ford):** I welcome the opportunity to contribute to the debate and congratulate Dominic Bradley on securing it.

I met Eugene Reavey in May of this year, when he raised with me the findings of the Historical

Enquiries Team. It was absolutely clear that, 34 years on, the pain of the loss of his brothers remains very real for him and for his family. Therefore, first, I would like to express publicly, as I have already expressed privately, my sympathy for him and his wider family circle on the loss of his three brothers: John Martin, Brian and Anthony.

As other Members, Mr Bradley and Mr Kennedy in particular, said, 4 and 5 January 1976 were two of the most tragic days in the history of the Troubles, with the murder of three Reavey brothers, the murder of three members of the O'Dowd family and, the following day, the terrible events at Kingsmill, where 10 workers were singled out on their way home from work and gunned down.

When I met Eugene Reavey, I was not aware of the contents of the review summary report that the Historical Enquiries Team had prepared for him and his family. That is because the HET's commitment is to the families of the victims of the Troubles. No one is entitled to see an HET report without the prior approval of the family concerned. At that meeting, Mr Reavey gave approval for me to be given a copy, which is why I am able to speak about it today.

Let us remember that we are discussing only one of 782 cases, involving 1,007 victims, that have been completed so far by the HET. It was established in 2005 and is tasked with reviewing all 3,261 deaths that occurred as a result of the Troubles between 1968 and 1998. It has the two-fold aim of striving to bring a measure of resolution to families and ensuring that all investigative and evidential opportunities are subject to thorough and exhaustive examination.

Every one of the deaths that occurred during the Troubles is a tragedy. Each case is also unique, and families will have markedly different views and perspectives and different questions and issues of concern. As I said, the HET approach is family centred. In the review of the murder of the Reavey brothers, it attempted to answer more than 30 questions from family members. To carry out that work effectively, the HET developed a five-phase process that includes the collection, assessment and review of all relevant material, followed by a focused reinvestigation and resolution. In this review, as in all others, the HET accessed witness

statements, forensic reports, the original police case papers and intelligence information.

In summary, the HET reached the following conclusions about the murder of John Martin, Brian and Anthony Reavey: the Reavey family was well respected in the local community; the attack happened at a time of spiralling sectarian violence in south Armagh; and there was no evidence, nor were there any evidential opportunities, that could bring about the identification or prosecution of those responsible. The inquiry found that John Martin, Brian and Anthony Reavey were entirely innocent victims who had no criminal convictions or links to any paramilitary group.

As the Minister of Justice elected in 2010, I have no responsibility for the events of 1976. However, I repeat the conclusions of the HET: the three Reavey brothers, John Martin, Brian and Anthony, were entirely innocent victims who had no criminal convictions or links to any paramilitary group. I particularly welcome the fact that Danny Kennedy, as a unionist representative of that area, acknowledged that this afternoon.

**Some Members:** Hear, hear.

**The Minister of Justice:** The report further stated that no member of the Reavey family had any verified links to any paramilitary group, which is contrary to later speculation. I know, from the meeting in May, about the particular hurt that has been caused to Eugene Reavey by the repetition of that speculation. This afternoon, Mr Bradley and other Members referred to the feelings of Mr Reavey's mother. We all wish those feelings to be taken into account.

The HET report also states that there are sufficient accounts from the Reavey family members and from independent observers to evidence the harassment that the family endured from some members of the security forces after those terrible murders. They were the subject of disinformation, rumour and innuendo, which caused them great distress for many years. That issue has been well aired this afternoon.

Northern Ireland has moved a long way from the dark days of the Troubles. For most of us, those days are memories, and, for younger members of society, they are history. However, there is no doubt that some of those who suffered directly still suffer to this day.



The report, I believe, underlines the positive role that the HET is playing in providing a measure of resolution to families who lost loved ones during the Troubles. It pledges to deal with families with honesty, trust and confidentiality and to carry out its work with great sensitivity and professionalism. Its commitment to families has resulted in its seeking to answer more than 6,200 questions raised by families seeking answers about the death of their loved ones.

An independent survey carried out last year, and which will be repeated this year, found that 95% of families who engaged with the HET viewed it as professional; 86% were at least satisfied with its performance; while only 5% were dissatisfied. That has also been recognised internationally. The secretariat to the Committee of Ministers in the European Court of Human Rights (ECHR) believes that the HET can be considered as:

*“a useful model for bringing a ‘measure of resolution’ to those affected in long-lasting conflicts”.*

As a result, the ECHR has financed the visit of a delegation from Russia to meet the HET so that it can learn from the HET’s expertise in bringing resolution to those affected in long-lasting conflicts, such as the one in Chechnya.

The HET was established in 2005 and scheduled to last for six years. With one year left of the project, only 782 cases, involving 1,007 victims, out of 2,561 cases, have been completed. It is clear that the work will not be completed within the time allocated, although it expects to complete more than 1,000 cases by the end of the six years originally proposed.

I am pleased that the Chief Constable has given his commitment to continue the work of the HET with a targeted finish of March 2013. He has also indicated that more time will be given if it is required.

Reports, such as those produced by the HET and, indeed, the Saville report into the events of Bloody Sunday, which we talked about last week, bring into sharp focus how best we can address the legacy of Northern Ireland’s past and how we can move forward as a society.

Although the Northern Ireland Office has retained policy responsibility for addressing the past, there are many issues for the Executive to consider. I am committed to working with the Office of the First Minister and deputy First

Minister and other Executive colleagues to ensure that the rights and needs of victims are fully met and that those parts of the justice system that fall to me play their part. We owe it to the memory of John Martin, Brian and Anthony Reavey, and to the memory of all other victims of the Troubles, and to Mr Eugene Reavey, his family circle and the others who were bereaved and suffered during the Troubles, to commit the Assembly and all the institutions of government to promote reconciliation and to seek to work together to build a shared future. I will ensure that the Department of Justice plays its part.

*Adjourned at 5.13 pm.*

