
Northern Ireland Assembly

Tuesday 1 June 2010

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

Members observed two minutes' silence.

Assembly Business

Committee Membership

Mr Speaker: I have been notified by the nominating officer of the SDLP, Ms Margaret Ritchie, that Mr Declan O'Loan has been replaced as Chairperson of the Committee on Standards and Privileges and as Deputy Chairperson of the Committee for Culture, Arts and Leisure with effect from 28 May 2010. Ms Ritchie has nominated Mr Pat Ramsey as Chairperson of the Committee on Standards and Privileges and Mr P J Bradley as Deputy Chairperson of the Committee for Culture, Arts and Leisure. Mr Pat Ramsey and Mr P J Bradley have accepted the appointments. I am satisfied that the correspondence meets the requirements of Standing Orders, and I therefore confirm that Mr Pat Ramsey is Chairperson of the Committee on Standards and Privileges and that Mr P J Bradley is Deputy Chairperson of the Committee for Culture, Arts and Leisure with effect from Friday 28 May 2010.

Matters of the Day

Gaza: Attack on Flotilla

Mr Speaker: Mr Raymond McCartney has sought leave to make a statement on a matter that fulfils the criteria set out in Standing Order 24. I will call Mr McCartney to speak for up to three minutes on the subject; I will then call representatives of each of the other parties, as agreed with the Whips. Those Members will each have up to three minutes in which to speak on the matter. There will be no opportunities for interventions, questions or for a vote on the matter. I will not take any points of order until the item of business is concluded. If that is clear, we will proceed.

Mr McCartney: Go raibh maith agat, a Cheann Comhairle. Ba mhaith liom ar dtús thar ceann Shinn Féin ár gcomhbhrón a dhéanamh le teaghlaigh na ndaoine sin a maraíodh agus a gortaíodh inné.

I express Sinn Féin's sympathy to those murdered and injured by Israeli paratroopers on the freedom flotilla yesterday and our solidarity with the Irish people being held in custody by the Israeli Government. We condemn the assault on the flotilla, which was bringing humanitarian aid to the people of Gaza. We echo the call from the United Nations to have a prompt and impartial inquiry. In those circumstances, and because of the Israeli record, the inquiry must have an international dimension to underwrite and guarantee its impartiality. Now is the time for immediate action, and the United Nations should take the lead in that. I also echo the call made by my party colleague Aengus Ó Snodaigh for the expulsion of the Israeli ambassador from Dublin.

The modus operandi and location of the attack by the Israelis in international waters shows a total disregard of all acceptable standards of

international rule of law and for any diplomatic or humanitarian efforts to break the siege imposed on the people of Gaza. Since the total destruction of Gaza through bombing last year, the infrastructure, including hospitals, schools and homes, has not been rebuilt. Indeed, the Israelis have imposed such sanctions on the people of Gaza that not a single consignment of the necessary building materials for the restructure and reconstruction of Gaza has been allowed in.

That is the context in which human rights and peace activists and people of international repute have taken to land, convoys and, in the latest attempt, to the seas to make the beleaguered people of Gaza understand that they have international support to ensure that the conditions that they live under will finally be broken. That is the context in which the Israelis stormed the ships in international waters. That is why many people are standing in protest right across the world and why many countries are calling their Israeli ambassadors to their Governments to ensure that, for once, Israel will start to listen to international opinion. That is why we welcome the intervention of the United Nations. We wish that it was stronger, but we accept that there is a need for an impartial inquiry and that that inquiry should have an international dimension.

I hope that everyone in the House will understand the humanitarian aspects of the issue and that the Assembly sends a strong message that Israel's record on the violation of rights of the Palestinian people, when held up to scrutiny, is a matter of disrepute.

Mr Bell: I reinforce my party's solidarity with the state of Israel. That state has been under systematic terrorist attack since its conception. The Member opposite does not realise the shame that some Israeli children have to go to schools that are three minutes away from an air raid shelter because they will have to dash into those shelters on several occasions through the day.

I am disappointed that the House did not make a statement about the Katyusha rockets that were used to murder Jewish Israeli children. There was no statement in the House, no message of support and no condemnation of Hamas, who wish to drive the Jews into the sea. Nothing was mentioned in the House about the attack and murder of innocent Israeli children on their way to school. There was no statement and

no condemnation from this House: the hypocrisy is rank.

Sadly, the circumstances are that members of Hamas still believe it is correct to drive the Jews into the sea. There still exists the Nazi mentality to slaughter all Jews and take away the state of Israel. That will never happen. There are those who are determined to inflict pain and injury on the innocents of Israel. Israel provided a way forward whereby any humanitarian could enter the country, as could aid. That aid would be searched, dealt with appropriately from there and delivered. However, those circumstances had to be avoided. Why? The reality, whether we wish to face up to it or not, is that there are those who are still determined to smuggle guns, bombs, Katyusha rockets and everything else to attack the state of Israel, to murder Israeli schoolchildren and to attempt to destroy a sovereign state.

The people who are criticising Israel for humanitarian issues are the same people who were quite happy to take a single mother of 10 children and strip, torture, murder and leave her lying at the side of a road. Those people are telling us about humanitarian aid, but, with respect —

Mr O'Dowd: On a point of order, Mr Speaker.

Mr Speaker: I know that the Member wishes to raise a point of order. However, it is absolutely clear that points of order cannot be taken during the debate. I remind the whole House to try, as far as possible, to stick to the original debate.

Mr Bell: The way forward is to follow the guidelines that were set down for the provision of humanitarian aid. With respect, we will not take lectures on humanitarian support from those who have been prepared to shoot off-duty police officers as well as those off sick or on disability pensions. Israel will not be driven into the sea. Attempting to destroy the state of Israel is like pushing water up a hill. If the international guidelines are followed, humanitarian aid can come in. As a Christian, I deprecate any loss of life, but I wish to make it absolutely clear that the state of Israel has a right to defend itself against attack and will do so.

Mr Speaker: The Member's time is up.

Mr Kennedy: I join with other Members in expressing regret at yesterday's loss of life. On behalf of the Ulster Unionist Party, I welcome

the United Nations' call for an impartial inquiry. However, the shape that such an inquiry will take remains to be seen. Yesterday's incident highlights the underlying need to find a solution to the complex issues at stake in the Middle East. The American Administration and other Governments, including the British Government, are keen to see progress on that and long-term security for the Israeli state and some kind of acceptable state for the Palestinian people.

Given our experience of terrorism and how it was dealt with in Northern Ireland, I think that a section of the unionist population have more than a sneaking regard for the manner in which the Israeli Government defends Israel and puts its security considerations above all others. However, international obligations must be met and accepted. All of us regret yesterday's loss of life.

Mr McDevitt: SDLP representatives have stood up against violence, be it from state or paramilitary sources, for 40 years. It is a matter of regret for us that we must do that not once but twice today. We must stand up against the use of violence, irrespective of which side it is from.

We should all stand in solidarity with the ordinary civilians who live in fear on both sides of the border between Palestine and Israel, with those who live in fear of attack from Hamas or the Israel Defense Forces, and with those who live under permanent arrest and are prisoners in their own land. We must remember that we are discussing this tragedy this morning because Irish and British men and women are now prisoners and are at the fate of the Israeli state, which has a questionable record of human rights, after being seized in international waters that were outside the boundaries of that state.

I would like a twofold message to be sent from this region this morning. First, it is dangerous and improper to try to superimpose our own conflict on someone else's. Each conflict has a circumstance that we need to understand, and we should never assume that we understand it totally. The second message that we need to send out today is that, as difficult, awkward, painful and long as it may be, a security response is never a solution to a human crisis.

10.45 am

We say that not from experience but in the desperate hope that, in the weeks and months ahead, there will be a UN investigation and that

it will have credibility and standing. We hope that the people of both Israel and Palestine will be able to sit down around a table to find harmony in their discord, find negotiated settlement, respect each other's right to exist and each other's borders and come and visit us in peace some day.

Dr Farry: The Alliance Party is happy to stand in solidarity with others in condemning the loss of life in this incident. It is important to recognise that it is a breach of international law. The international community does not recognise Israel's control over Gaza or the West Bank. The clear view of the international community, as first expressed in UN Security Council Resolution 242, is that those have been occupied territories since 1967. Any blockade of Gaza is, therefore, a breach of international law. Even if a blockade were legal, the loss of life is a clear indication of a disproportionate use of force. Everyone around the world needs to reflect on that.

Bearing in mind that the Israeli-Palestinian question has been one of the most polarising issues for the international community and, indeed, as we have seen this morning, the House, the fact that, so far, there has been a unity of purpose from the UN Security Council is telling as regards the balance of right and wrong in this case. That said, in the wider context, it is important that we acknowledge that the situation is far from black and white. There are flaws on both sides, and wrongs have been committed on both sides. There is an appalling humanitarian situation in Gaza, in particular, but also in the West Bank. We must also acknowledge that there have been ongoing attacks from Hamas against the Israeli population including civilians, which have led to Israel feeling the need to make an overly security-focused response.

I respect Israel's right to exist as a state and recognise that Israel feels very isolated and alone internationally. However, it is important that we help Israel to acknowledge that the only sustainable way forward lies in negotiating a two-state solution with the Palestinian people. We must also put pressure on the Palestinians to formally recognise Israel's right to exist as a state. We hope that, through a negotiated peace that follows the lessons of Northern Ireland, we will see peace in the Middle East.

Ms Purvis: I join colleagues in extending sympathy to all the innocent civilians who have been killed in recent days. Given the divisive and exclusive peace process that we have come through and, indeed, continue to come through, it is important that the House does not take sides in what is clearly a very complex and difficult situation. Instead, we must support both sides of the conflict in the Middle East in trying to come to a peaceful solution for all the people.

Mr Bobby Moffett

Mr Speaker: Mr Alban Maginness has sought leave to make a statement on a matter that fulfils the criteria set out in Standing Order 24. I will call Mr Alban Maginness to speak for up to three minutes on the subject. I will then call representatives of each of the other political parties, as agreed with the Whips. Those Members will also have three minutes to speak. There will be no opportunity for interventions, questions or a vote, and I will not take any points of order until the item of business has been concluded.

Mr A Maginness: I rise to speak about the death of Mr Moffett on the Shankill Road. His murder was an act of terrible violence, perpetrated in public in a manner that, sadly, bears all the hallmarks of a paramilitary organisation. I hope that all Members condemn that murder. All reasonable people should do so, and I hope that lessons are learnt from that terrible reminder of our ghastly past.

Questions arise because it has been suggested, or alleged, that Mr Moffett was a member of the UVF. It has also been suggested that his murder was carried out by the UVF or by people associated with it. If that is the case, serious questions must be put to the UVF: is it still a paramilitary organisation actively involved in violence? Or is it no longer extant as a paramilitary organisation and was the murder carried out by elements that purport to represent that organisation? I hope that, in due course, the Minister of Justice will make a report to the House and that he can outline clearly and in detail the circumstances of the murder and answer some of the questions that I have just posed, because it is necessary that those questions be answered to give the public confidence.

The people of the greater Shankill Road area have worked hard to redevelop their community, not just physically, but also —

Mr Speaker: The Member's time is up.

Mr A Maginness: Let me conclude by saying that one supports that work and hopes that true peace will reign on the Shankill Road and that its people will be able to continue the rebuilding process.

Mr Dodds: I join with all who expressed sympathy to the family of Bobby Moffett, who

was callously and brutally gunned down, in broad daylight, on the Shankill Road on Friday afternoon. It was an appalling and heinous crime, carried out in full view of passers-by and shoppers.

I spoke to people on the Shankill Road on Friday and yesterday in the greater Shankill area at a big event at which many hundreds of people were present. There is a sense of deep shock, horror and tension at that killing. People believed that they had seen the last of such events, and I earnestly trust and hope that people will co-operate with the police and security forces to bring those responsible for that terrible crime to justice.

The killers have no support or cover whatsoever from people in the Shankill area. People there do not want to see that kind of event and they want to see justice done. As the mother of Bobby Moffett said so eloquently, she wants no retaliation and justice done. Let us all join in ensuring that justice is done.

Wider questions have been raised. There is a lot of speculation and rumour. It is vital that the truth be brought out. No stone should be left unturned in the pursuit of truth and justice, and I urge the police to come forward and tell the public what is known about the weapons involved. They should be quite open, as should all the other authorities, about what lies behind the attack, who was involved and all the rest of it. Such facts must be exposed to the light of public opinion and truth.

My main plea to the House is made on behalf of the overwhelming number of people whom I and my colleagues represent on the Shankill Road, and it is for no further acts of violence or retaliation, for people to remain calm, for justice to be done and for those who carried out the act to be brought before the courts to be tried and convicted. Everybody should play their part in achieving that.

Mr P Maskey: Go raibh maith agat, a Cheann Comhairle. It is important that I start by extending my party's sympathy to the entire Moffett family. I commend the bravery of individuals close to the scene on Friday afternoon who chased away the attackers and the courage of the medics who tried to save Mr Moffett's life in the moments before his death.

The shooting shocked us all. I first heard of Mr Moffett's death in a phone call from a journalist

on Friday afternoon. We thought that such incidents were a thing of the past and that the future could be much more positive for areas such as the Shankill Road and other parts of west Belfast. I do not want to speculate on who murdered Bobby Moffett or why he was killed. That is something for the PSNI to establish in its investigation, and I echo Nigel Dodds's call for information and statements. That needs to happen as soon as possible.

The murderers were not thinking of the Shankill Road or its community, and they could all too easily start a feud, which, experience has shown us, often starts with the killing of one person. I certainly do not want to see that happen in that part of Belfast. It is important that we all work hard and collectively to ensure that that does not happen. However, over many years under direct rule Ministers, communities in the Shankill Road and other parts of west Belfast have not received investment. That is the reason for some of the problems in areas such as the Shankill.

The office of the West Belfast MP, Gerry Adams, worked closely with a number of community organisations in the Shankill. My own office has worked on successful joint initiatives. We must all work collectively to ensure greater investment in areas of most need and of deprivation and to highlight issues of concern there.

My party offers its sympathies to the entire Moffett family. We hope that they get over their grief, although it will take a long time. There is also a wider picture for the Shankill Road. We hope that the community there gets over the killing as well and add our call to those for no retaliation.

Mr Cobain: I begin by taking the opportunity, on behalf of the Ulster Unionist Party, to unreservedly condemn the murder of Bobby Moffett last week and to extend our sympathy to Mrs Moffett and her family. I also take the opportunity to say that anyone who has any information about the murder should give that information to the police.

As my colleague Mr Dodds has said, people on the Shankill are saddened and shocked by the brutality of Bobby Moffett's murder.

The Shankill has seen many atrocities over the years, and the one last week ranks among them.

11.00 am

There are wider questions, which my colleague Alban Maginness raised, but those are for the future. As politicians, we are all working together to try to bring incidents like that to an end. The killing of Bobby Moffett serves no purpose. That community has gone through enormous traumas over the past number of years because of internal strife. We thought we had seen the last of that, but clearly not.

Anyone who has any information whatsoever needs to turn that over to the proper authorities so that the people who are responsible for the callous murder last week are brought to justice.

Dr Farry: The Alliance Party joins others in condemning the killing of Bobby Moffett. Clearly, it was a very brutal murder in broad daylight, and it shocked the community. Indeed, it is a killing that creates fear in the community and raises questions about the potential implications of what it all means. It is important that there is not a rush to judgement about what happened and that we remain open-minded regarding motives for the killing. It is also important that people co-operate with the police to ensure that the killers are brought to justice.

I recognise the enormous leaps forward that have been made by loyalist organisations in recent years, particularly in recent months, in relation to the clear renunciation of violence and the decommissioning acts that have occurred. It is also important that we recognise and clearly state that our understanding and expectation of a ceasefire is that it is all-embracing in respect of the end of violence. There certainly can be no quarter or allowance given for any notion of so-called internal housekeeping or for feuds to occur under the radar. In the past, mixed signals were given — quite wrongly — by some of our leaders, and it is only in more recent years that a more clear and unambiguous message has been given about ending all forms of violence. That message needs to be restated today and stressed further.

We have to have a clear understanding of the rule of law in Northern Ireland. There cannot be any situation in which some killings are regarded as aberrations to be swept under the carpet. Every killing raises questions about how we respond as a society. Over coming days, it is important that loyalist representatives reassure the wider community of their continued commitment to ensuring that there is no return

to violence and that they are fully on the path towards working in a manner consistent with democratic and human rights principles for a better society, not just for their communities but for all of us in Northern Ireland.

Ms Purvis: On behalf of the Progressive Unionist Party, I express my condemnation of the horrific killing of Bobby Moffett on the Shankill Road last Friday. I extend my sympathy to the Moffett family for what they are going through currently and to the people of the Shankill and the greater Shankill who witnessed the event last Friday. I trust that they will receive the help and support that they need.

Those responsible for the horrific murder of Bobby Moffett last Friday are not interested in democracy or politics delivering for the people of Northern Ireland. Well, the vast majority of the people of the Shankill and the vast majority of our community are interested, and we, in this Chamber, are responsible for making politics work. I appeal to the public to assist the police in bringing those responsible to justice.

If media speculation about who is responsible is found to be correct, there are potentially serious consequences for the peace process; therefore I further ask that the Minister of Justice give his assessment to the House as soon as possible.

Ministerial Statement

Planning Policy Statement 21: Sustainable Development in the Countryside

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

The Minister of the Environment (Mr Poots): Mr Speaker, with your permission I shall make a statement that I am issuing Planning Policy Statement 21 (PPS 21) on sustainable development in the countryside, which was agreed by the Executive on 27 May 2010. In addition, I am withdrawing draft PPS 21 and its accompanying ministerial statement, which were issued on 25 November 2008 by the previous Minister of the Environment. The publication of PPS 21 ends uncertainty about development in the countryside and provides the planning policy context for deciding planning applications in rural areas. Furthermore, the planning policy will be accorded substantial weight in the determination of any relevant planning application received after 16 March 2006.

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

PPS 21 has been refined, improved and clarified. In finalising it, the Executive subcommittee on the review of rural planning policy considered the response to the public consultation on draft PPS 21 and the report of the independent working group on non-farming rural dwellers. The subcommittee also took account of what the Planning Service learned from implementing draft PPS 21 and of decisions made by the Planning Appeals Commission.

In organising the public consultation, my officials went to great lengths to ensure that as many people as possible had the chance to learn about and comment on draft PPS 21. In support of the consultation, my Department organised 16 information days across Northern Ireland, which attracted more than 2,500 people, including rural dwellers, farmers, developers and public representatives. My officials spoke to most of those people individually. They also made representations to district councils, non-governmental organisations, the Housing Council, the Royal Society of Ulster Architects, the Royal Town Planning Institute, rural network groups and the Ulster Farmers' Union.

We received 320 responses to the consultation, more than half of which were from private individuals. Almost everyone who responded to the consultation generally supported the draft PPS 21 policies, and we have carried all those policies forward into the final version, strengthening them as necessary to take account of points that were raised.

Draft PPS 21 provided for grouped development outside settlement limits; grouped development in dispersed rural communities; groups of affordable or social housing; and infilling gaps in ribbons of development. By defining a ribbon as a minimum of three rather than six buildings, which has been the practice to date, the final version of PPS 21 introduces further opportunities.

More significantly, I won Executive support for the new policy to provide for the rounding-off or consolidation of development clusters, namely, existing clusters of at least four buildings that have developed around focal points, such as a church or at a crossroads. It makes good sense to allow new dwellings to be built at those clusters as long as they round off and consolidate the existing cluster and do not intrude into the surrounding countryside.

With respect to dwellings on farms, consultation respondents told us that it may not always be possible or practicable to build a new dwelling in close proximity to existing farm buildings. Therefore, I revised the policy to allow for an alternative site to be used where it can be demonstrated that there are health and safety issues or that the applicant has genuine plans for business expansion.

Since respondents asked us to provide definitions and clarifications, the final version of PPS 21 defines terms such as "curtilage", "active farm" and "a substantial and built-up frontage". The policy makes it clear that non-listed vernacular buildings should be retained if they make a:

"contribution to the heritage, appearance or character of the locality".

In addition, PPS 21 makes it explicit that a building that is retained as part of a replacement development will not be eligible for replacement again. Such amendments will make PPS 21 easier to use and should help applicants to make better applications. Furthermore, it will help planners to make better and faster decisions.

As with any new policy, senior management will advise staff to ensure a consistent approach across divisions.

I will turn now to the issue of non-farming rural dwellers. During the review of rural planning policy, some stakeholders suggested that residence or employment in an area or even family connections should entitle people to planning permission for dwellings. Others called for a test to identify people who really needed to live in the countryside. The Executive subcommittee considered those ideas carefully, and I can appreciate why some favoured such an approach. However, policies that rely on kinship or residency are unlikely to constitute proper discharge of the equality and good relations obligations under section 75 of the Northern Ireland Act 1998. They may also be contrary to European law. Difficulties in deriving lawful and objective criteria for such policies mean they are unlikely to constitute proper planning considerations. However, in view of the interest in the issue of non-farming rural dwellers, it was recognised that more work needed to be done. The Executive therefore agreed that an independent working group, with clear terms of reference, should be set up to bring forward options. In doing that, the group was required to take account of domestic and European legislation; relevant policy across the United Kingdom and the Republic of Ireland; and the outcome of the consultation on draft PPS 21.

The group comprised experts from the fields of planning, the environment, rural development and the law, and it was chaired by Jim Mackinnon, the chief planner for the Scottish Government. Work began in February 2009, and in September Mr Mackinnon presented conclusions to the Executive subcommittee on the review of rural planning policy. The group's report was then published on the Planning Service's website.

The independent working group reached a number of conclusions. I am not going to list them all, but I will draw some of them to Members' attention. The group concluded that:

"Planning policy should not create a special category for the non-farming rural dweller. Planning decisions for single houses should not be determined on the basis of kinship, connection or occupation".

That reflects our approach to PPS 21. Almost all of its policies are relevant to non-farming rural dwellers. Those include policies that allow for the reuse or replacement of existing

buildings; for new development in dispersed rural communities and in ribbons or clusters of development; and for social or affordable housing. All of those can benefit the entire community.

That does not mean that there is nothing more to be done: quite the reverse. The independent working group encouraged us to look beyond PPS 21 to the wider planning framework and to consider rural development. It said:

"The RDS, while recognising the diversity of rural Northern Ireland, needs to support and manage positive change through a planning framework that recognises the local dimension ... The aspirations of local communities need to be at the heart of any future approach and should be an important consideration in preparing development plans".

The local dimension will be strengthened when we devolve development plan and development management functions to local councils. Those crucial areas of decision-making will then be under local democratic control, exercised within a planning framework set out in the regional development strategy and planning policy statements.

The Minister for Regional Development is already reviewing the regional development strategy. He has agreed that the revised version will recognise the diversity of rural areas. That will allow planning authorities to take rural diversity and local circumstances into account in drawing up their development plans.

With regard to rural development, the Minister of Agriculture and Rural Development is leading the formulation of an Executive rural White Paper, which aims to identify measures that the Executive can take to address the needs of rural communities and to help ensure the sustainability of rural areas.

All of that has moved us forward. However, there is more to be done. That is why I have invited the Ministers on the Executive subcommittee to continue to work with me on the issue of non-farming rural dwellers. We will bring forward an addendum to PPS 21 to further address the issue. It is not an easy subject, and we will not produce the addendum in a month or even in six months. We will think carefully, and we will be transparent in our work. Our policy proposals will be subject to public consultation and to debate in the House.

When Sammy Wilson published draft PPS 21, he said that, because of the complex issues involved, it would be reviewed two years after it was published in final form. I am happy to reiterate that commitment. I have already asked the Planning Service to monitor the number of rural applications and subsequent approvals and refusals to establish what changes, if any, occur as a result of the implementation of the new policy.

11.15 am

When draft PPS 21 was published, the Planning Service held more than 2,000 applications that had been deferred because they were likely to be refused under draft PPS 14. All those applications were reassessed under draft PPS 21, and 585 were approved. Taking account of cases that remain deferred and further applications that were deferred refusals under draft PPS 21, there are now more than 2,500 deferred cases. Those cases will be reconsidered in the context of PPS 21, which I am publishing today. The Planning Service will do that over the next six months.

PPS 21 has had a long gestation. It is the product of much hard work by many people over a long time. I want to place on record my gratitude to my predecessors, Arlene Foster and Sammy Wilson, and to all the Ministers in the Executive subcommittee who worked together to develop the policy. I also want to highlight the vital contribution of the many stakeholder groups and members of the public who took the time to participate in seminars, visit information days, respond to the consultation or write to the Department with their views. I thank them all.

In developing PPS 21, the Department has done what it promised: it has balanced the need to protect the countryside from unnecessary or inappropriate development while supporting rural communities. The Department has developed a policy that is right for Northern Ireland. The policy demonstrates that devolution can deliver tangible benefits for local people. Under direct rule, a blanket ban was placed on development in the countryside, and the Executive and the Assembly, which are accountable to the people of Northern Ireland, have developed a policy that is a major step forward for rural planning and for the development of rural communities. I commend it to the House.

The Chairperson of the Committee for the Environment (Mr Boylan): Go raibh maith agat,

a LeasCheann Comhairle. On behalf of the Committee for the Environment, I welcome the Minister's statement on PPS 21. There is likely to be a resurgence of rural planning applications as a result of the new proposals. Therefore, I wish to ask the Minister whether he intends to revisit his decision to redeploy 271 planning officials or whether he can guarantee that the realigned Planning Service will meet the demands of the finalised version of PPS 21.

As an MLA for Newry and Armagh, I believe that the new proposals will create further opportunities. However, the Minister has recognised that there is a gap in the policy and, whether a category of non-farming rural dwellers is created or not, that gap must be addressed. When will the Minister reconvene the ministerial subcommittee to consider that issue? Will the Minister also confirm when a new rural design guide will be published?

The Minister of the Environment: There is a problem with the finances of the Planning Service, which dropped by 45% in the past four years because money was not brought in through planning applications. Unless there is a change in government policy my hands are tied. I am meeting the trade unions later today, and I am prepared to consider the potential for short-term working to prevent the need to disperse jobs through other areas of the Civil Service. I am also prepared to be innovative and inventive in seeking solutions if others are prepared to do the same.

Some years ago, there were 22,000 live planning applications at all times in the system. Today there are 11,000, including 2,500 deferred planning applications for PPS 21, which have been in abeyance and have had no work done to them since they were deferred at council level. That figure includes other planning applications that are not being moved forward by applicants for various reasons. Therefore, after today, we will have 9,500 live applications in the system. That represents some 10 applications for every person employed in the Planning Service or some 20 applications for every planning officer. We need to take that into account. The Planning Service is not on its knees and will not be on its knees after the review of the number of people whom it employs.

We received an independent working group report on the issue of non-farming rural dwellers. I went beyond its recommendations to try

to accommodate non-farming rural dwellers, perhaps living in clusters, and to develop new ideas on clusters and so forth. Therefore, we sought to help in the best way possible. More work needs to be done, and an Executive subcommittee will be set up as soon as it is convenient for all Ministers involved to reconvene. It will not be held back on my account. The Department of Agriculture and Rural Development and the Department for Regional Development have a lead role in the development of the policy on non-farming rural dwellers, and I intend to work closely with them.

The issue of rural design and a new design guide featured strongly in the public consultation, and that aspect of policy remains largely unchanged. However, clarification has been added to emphasise the need for careful site selection and to encourage applicants to submit design concept statements with their applications. The policy seeks to promote good design for all building in the countryside and allows for contemporary proposals. Work has begun to update the current design guide for rural Northern Ireland, and consultants have been appointed. The work will consider the design of new dwellings and schemes for the refurbishment of existing properties. It will take account of traditional and contemporary design and use of materials, and I will issue a draft for consultation in autumn 2010.

Mr Deputy Speaker: Before I call the next Member, I inform the House that there is a great deal of interest in this subject. Approximately 16 names are listed, and, therefore, I ask Members to be brief.

Mr Weir: I thank the Minister for his statement. Will he confirm that all applications that are currently in the system will be dealt with under the new planning policy statement? Furthermore, he highlighted the rounding-off of clusters of development for consolidation as a significant issue: has there been any assessment of the opportunities that that will create or the number of developments that it will affect?

The Minister of the Environment: We expect it to affect a considerable number of potential development areas across Northern Ireland. Small clusters already exist at churches, schools and crossroads, and we intend to fill those out or finish off the cluster, as opposed to extending. It will create considerable opportunities for people to build further

sustainable developments in the countryside that will not result in the bungalow blight that people say exists in places such as Donegal. In effect, it will complete construction that has already taken place at sites.

Mr Beggs: Will the Minister clarify what exactly is meant by “consolidation”? How many houses can be expected in a location, given that they fall outside area plans: one, two, 10 or more? In addition, given that those houses are unlikely to be linked to a sewerage system, how will we ensure that overly extensive development on such sites does not create drainage or sewerage problems?

The Minister of the Environment: When people are working on sewerage systems and there is the potential for substantial damage to our river systems, they must carry out mitigating procedures. People’s homes do not have to be linked to a sewerage system, and they can have their own systems, which could deal with sewage much more effectively. If required, reed beds and so on can be used to wholly mitigate damage from septic tanks.

Mr Beggs asked about the number of houses, and it is better to be non-specific. We are talking about the rounding-off and completion of clusters. In areas where houses are dotted around a crossroads, church or school, gaps will be filled rather than clusters being extended. That may mean building two houses or six houses. It depends on the site, but it is better to be non-specific, because the policy is about filling gaps. In some areas, a dozen houses may already be on the site, and there may be room for a further 12. That remains to be seen, and each application will be dealt with as it is presented to us.

The Deputy Chairperson of the Committee for the Environment (Mr McGlone): Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement, which covered a number of issues. I particularly welcome the slight change that has been made to the policy on the location of farm dwellings, as well as the concept of clustering and the new definition of infill, which will be subject to Planning Service interpretation. However, we await the outcome on that.

I wish to raise the issue of non-farming rural dwellers. From what I have heard today, it appears that the concept of what used to be known as a stand-alone single house in the

countryside has almost disappeared from policy, with the exception of farm dwellings that meet health and safety criteria. As a rural dweller who understands the needs of rural communities, I ask the Minister what assurances he can give that that issue will be prioritised in the Executive subcommittee. Is there a conceivable time frame for the Executive subcommittee to come up with proposals to deal with non-farming families so that the Committee can work to determine the subcommittee's views? That is not clear from the statement.

The Minister of the Environment: The Deputy Chairperson of the Committee will recognise that there cannot be a housing free-for-all in the countryside. PPS 14 introduced a blanket ban, which was wholly unsuitable for sustaining rural communities. Draft PPS 21 helped considerably, and PPS 21 will help further. Most of the proposed CTYs deal with non-farming rural dwellers. They deal with clusters around crossroads and churches, with infilling and with people in households who experience ill health. A considerable number of applications from non-farming rural dwellers are covered in PPS 21.

We recognise that there is a demand, but no one has yet got their head around the question of how to meet that demand without creating a free-for-all. I am prepared to work further with my Executive colleagues on seeking a means of doing that without creating bungalow blight, which could damage the natural environment as well as damaging the environment in other ways.

Mr McCarthy: I welcome the Minister's announcement. We have waited a long time for the decision, and I welcome the fact that a locally elected Minister made it, rather than an arrogant cross-channel Minister who had no knowledge —

Mr Deputy Speaker: Ask a question, please.

Mr McCarthy: — a Minister who had no knowledge of the Northern Irish people, particularly of rural people who wish to build in the countryside. Will the Minister assure the House that, as was mentioned earlier, all future rural housing will be designed to be in keeping with our beautiful countryside? The Minister said that PPS 21 refers to buildings making a:

“contribution to the heritage, appearance or character of the locality”.

Mr Deputy Speaker: Can we have a question, please?

Mr McCarthy: Can the Minister assure the House that all new houses will be in keeping with our beautiful countryside?

The Minister of the Environment: I refer the Member to my response to the Committee Chairperson. I said that consultation would take place on a rural design guide in autumn 2010. The policy allows for contemporary dwellings on occasion. Indeed, a constituent of mine recently built a barn and attached it to an old building. His family will live in that as their home, and it is similar to the old Dutch barns. There is room for people to have novel ideas that are still appropriate for the countryside.

11.30 am

Mr Ross: I thank the Minister for his statement this morning. Will he inform the House of the concerns that the public raised with him during the consultation or the stakeholder events? How has he addressed those concerns in bringing forward his final statement this morning?

The Minister of the Environment: A considerable number of concerns were raised, one of which related to farmers who had to build right beside their property. I do not want to move away from the concept of clusters, because if that happens, there will be dwellings dotted all around our landscape. Therefore, we have created the opportunity for cases to be made to move away from larger farms, in particular, which have a lot of machinery and tanks for the storage of slurry and other materials, and beside which people do not want to have to rear their children. A case can also be made for farmers who wish to expand, because the area of expansion may be the only suitable place for a dwelling within that cluster development. That issue was pressed home to us on a regular basis.

The issue of non-farming rural dwellers was also raised quite a lot, and we have sought to address that by improving the opportunities for infill dwellings by infilling the existing clusters around crossroads, churches, schools and other such opportunity sites. Those are a couple of the areas that were raised fairly regularly.

Mr McKay: Go raibh maith agat, a LeasCheann Comhairle. I welcome the progress made on PPS 21, but I echo what other Members have said about non-farming rural dwellers. Some

progress has been made in that area, but it is clear that a lot more needs to be done to help non-farming rural dwellers and to ensure the sustainability of rural communities. I suggest that there are opportunities for the reuse of old or derelict buildings. It is clear that there are inconsistencies in the implementation of that part of the policy across different districts. How will the Minister maximise the potential of those sites and ensure that there is consistency across all planning sectors?

The Minister of the Environment: Policy CTY 4 deals with the reuse of existing non-residential buildings. It states:

“Planning permission will be granted to proposals for the sympathetic conversion, with adaptation if necessary, of a suitable non-residential building for a variety of alternative uses, including use as a single dwelling, where this would secure its upkeep and retention.”

The section contains a list of criteria that the proposals will be required to meet. One, which must be met and which, perhaps, will help to deal with some of the issues raised is that it must be proven:

“access and other necessary services are available or can be provided without significant adverse impact on the environment, the character of the locality or road safety.”

Furthermore, access to the public road must not prejudice road safety or significantly inconvenience the flow of traffic. Therefore, there are grounds for reusing existing non-residential buildings, and that area is well covered in CTY 4.

Mr I McCrea: I thank the Minister for his long-awaited statement to the House. Will he detail the major differences between draft PPS 21 and the final version of PPS 21, particularly in respect of access to sites, because I know that that was one issue that was raised previously?

The Minister of the Environment: I will go through it as quickly as possible. CTY 2A has been introduced for a new dwelling, which rounds off or fills in a gap in existing clusters of buildings around a church, hall, community centre or crossroads. Policy CTY10, which deals with dwellings and farms, has been amended to allow consideration of alternative sites for a new dwelling on a farm away from existing buildings where there are health and safety grounds or verifiable plans to expand the farm

business. Changes to the policy for replacement dwellings make clear that buildings that were previously used as dwellings could be eligible for replacement, and that includes abandoned dwellings. PPS 21 also provides clarification on terminology to enhance consistency of interpretation and to avoid uncertainty.

In finalising PPS 21, account has been taken of responses to the public consultation, operational planning experience, decisions arising from appeals to the PAC, and the independent working group report. All the changes make for a clearer policy document, which provides for consistency of interpretation across the planning divisions and facilitates a sustainable approach to development in the countryside.

Mr Elliott: I thank the Minister for the progress in bringing the document forward. CTY10, which relates to dwellings on farms, mentions visual links or clusters. The Minister will be aware of my concerns in that regard, but I note his flexibility in saying that, in certain circumstances, it may not be possible to move away from that cluster. The Planning Service can often use that as a negative opportunity to not allow that to happen. Can the Minister assure me that Planning Service staff will be instructed to utilise that where possible and necessary, and not to use it against farmers?

The Minister of the Environment: The policy is there to assist people who have genuine needs. It is not there to be abused, either by people who are applying for planning permission or by people who are making judgements on whether planning permission should be granted. Where people have a real issue, concern or difficulty, we want a rational, practical, common sense approach to identifying the solution to that difficulty. If people are entitled to sites on their farms, let us look at how we can accommodate them.

Hopefully, most applications will be accommodated within a cluster, but we can also assist people who wish to move away from a cluster. However, the policy will not assist them in setting a house on top of a hill totally unrelated to anything else. We will not allow people to use excuses to try to get sites that are wholly incongruous in the countryside.

Mr Gallagher: Although there is not really any progress for non-farm dwellers, I welcome the Minister's intention to do some more work on

the issue, and I urge that that work be done as quickly as possible. The Minister has clarified the criteria for new on-farm dwellings. Will existing farm dwellings that are replaced in the future be subject to the criteria for new on-farm dwellings?

The Minister of the Environment: I refute the claim that very little or nothing has been done for non-farming rural dwellers. I have said a number of times this morning that there will probably be thousands of applications in future years that will involve non-farming rural dwellers. I accept that further work is required, but no one, including the independent working group, has come forward with positive proposals for me to take that forward. If the Member has ideas that will not create the bungalow blight that exists not far from his home, just across the border in Donegal, and will not lead to a similar situation in Northern Ireland, I will be very interested in hearing about them.

There are a number of opportunities for replacement dwellings on farms, but there have been some issues since draft PPS 21 came out, so let me be clear about this. We were looking at buildings being substantially intact, so if there was a lot of rubble, people would not get permission for replacement dwellings. However, if buildings have walls, chimney breasts, and so forth, there is no reason why people would not get permission, even if those buildings do not have roofs and some parts of their walls have fallen into disrepair. Of course, if considerable parts of a building's walls have fallen into disrepair, it is a different story.

What is the point of having all those redundant buildings, which blight the landscape, scattered around the countryside? Let us replace them with buildings that are designed appropriately for the countryside, which people can live in and use. That will help to revitalise villages and towns across rural areas and to create opportunities for young people who live in those areas to get a start in life.

Mr Molloy: Go raibh maith agat. I welcome the Minister's statement and his advancement of the situation, but I still have reservations about how the policy will be implemented, particularly with regard to infill and ribbon development. In the past, planners often used ribbon development as a reason against an application. Are there any means to ensure that policy is consistent across different areas,

particularly with regard to clusters of buildings and infill sites? At present, planning officers insist that need has to be identified for infill sites even though there is a clear opportunity for them in rural areas.

The Minister of the Environment: Previously, a ribbon of development was generally regarded to be nine or 10 houses. Under draft PPS 21, that number was reduced to six. We have reduced it to three. I have represented many constituents at site meetings where planning officers have said that a gap was important. Basically, they were stating planning policy. However, it was not an important gap. If there are two houses, a gap and then another house, that gap does not contribute anything to the countryside.

We want development to be such that, by filling in gaps, the natural environment is not damaged through the dotting of houses around the countryside. Infill dwellings are a practical response to deal with a common and prevalent issue. As one goes around the countryside, one sees many opportunities where there are three or four houses with one space between them, and the space serves no purpose. There is absolutely no good reason why that space cannot be used for the development of a home, which will normally be for a non-farming rural dweller in the countryside.

Mr Bell: I thank the Minister for his continued good government in that area. Given that the Department's workload may increase as a result of the development of replacement dwellings, crossroads and churches, will technical planners, whose expertise we do not wish to lose, be redeployed?

The Minister of the Environment: Our response thus far has been related to workload. That will continue to be the case. Therefore, if workload increases, we will keep more planning officers. It is as simple as that. I have no desire to lose planning officers. If we have the opportunity to retain a greater number of planning officers than is proposed, I will be delighted to do that.

Mr Paisley Jnr: I, too, welcome the detailed statement, at long last, which completes an important part of the Assembly's rural planning policy. I welcome offset in the countryside. It is very important. Will the Minister provide guidance notes for officials so that there is no misinterpretation of what he and the Assembly mean by the new policy? Those guidance notes should adequately and accurately explain to

a planning officer that the same law applies equally whether he or she deals with a case in Ballinamallard or Broughshane. Will there also be guidance notes to clarify that a building that is to be knocked down and replaced is not required to have any merit in order for a planning officer to give planning approval? Finally, can the Minister clarify for the House whether he expects some 2,000 cases that are regarded as backlog to be cleared within the six-month period? I welcome his statement, which is a great advancement.

11.45 am

The Minister of the Environment: Replacement dwellings are just that — replacement dwellings. Existing non-residential buildings are for reuse, not replacement; that is an important difference. In reusing existing non-residential buildings, certain things will be looked for: that the building is a permanent construction; that the reuse or conversion would maintain or enhance the form, character and architectural features, design and setting of the building and not have an adverse effect on the character or appearance of the locality; that any new extensions are sympathetic to the scale, massing and architectural style and finishes of the existing building; and there are other considerations.

All those policies have been set out with justification and amplification for my planning officers to consider. For example, on the reuse of buildings, “Justification and Amplification” states:

“Due to changing patterns of rural life there are a range of older buildings in the countryside, including some that have been listed, that are no longer needed for their original purpose. These can include former school houses, churches and older traditional barns and outbuildings. The reuse and sympathetic conversion of these types of buildings can represent a sustainable approach to development in the countryside and for certain buildings may be the key to their preservation.”

That is clear policy for planning officers to work to. Such buildings can be reused if appropriate for that purpose.

Mr Kinahan: I thank the Minister for his statement, and I look forward to seeing much that is in it being put into effect. He said that the local dimension will be strengthened when we devolve development planning and management functions to local councils.

However, with the RPA looking a bit nervous as to how it is going to go — if it is going to go at all — and given the fact that the Minister spoke about clusters, part of the problem in Antrim is that there is no area plan. Therefore all the towns and villages, and, in some cases, hamlets, are full. That puts a great deal of pressure on those areas and on the clusters and then on to infill. Will the Minister give us a fixed date for when area plans will be finished and put the necessary resources in place so that Antrim can have an area plan and everyone has a base to work from?

The Minister of the Environment: Planning policy statement 21 deals with rural dwellings. The clusters that it deals with will normally relate to dispersed rural communities and will not, therefore, be affected by an area plan. An area plan identifies the towns, cities, villages, and hamlets. The planning policy statement goes beyond that to areas that are not covered by area plans. Therefore, the planning policy will not rely on area plans for its movement.

I am supportive of the RPA moving on with 11 councils. However, if we do not move forward with 11 councils, I also support the planning function going to the 26 councils. There are no reasons to prevent the Planning Service being moved to the 26 councils as a shared service, with local authorities being responsible for planning decisions. If we do not move forward on the 11 councils, I will certainly recommend that we move planning policy to the 26 councils in the intervening years.

Mrs D Kelly: I thank the Minister for his statement. There are some improvements to draft PPS 21. In two paragraphs of his statement, the Minister referred to the Minister for Regional Development and the Minister of Agriculture and Rural Development. Will the Minister enlighten us about timescales for a rural White Paper and a new revised version of the regional development strategy? Were those two paragraphs necessary to get the deputy First Minister over the line to allow PPS 21 to be published? How will rural businesses be progressed?

The Minister of the Environment: I welcome the Member’s questions. I did not think that she was going to ask any because she talked during most of my statement. However, perhaps she is in listening mode now.

I will leave the deputy First Minister and his party to speak for themselves. We have a policy that can be moved forward. There is a considerable amount of work to be done with the independent working group and the non-farming rural dwellers, and I do not underestimate what DARD and DRD can bring to the table in dealing with that issue.

Lord Morrow: Some parts of my question have been answered. I welcome the Minister's statement. I have no doubt that, had he been permitted to do so, he would have brought it to the House much earlier. However, now that it is here, it is most welcome.

Some questions on ribbon development, gap sites and clustering have already been asked. Does the Minister consider that the policy will clear all the ambiguity that surrounds infill sites in particular? That is one area that seems to create considerable problems, and it generates much debate in my council. Furthermore, is there still an insistence that any replacement dwelling must stick strictly to the footprint of the property that it replaces?

The Minister of the Environment: If the Member is looking for absolute consistency in planning, he may as well look for the perfect Christian. I do not think that either exists. Planning is not engineering or science. It is very much in the eye of the individual. What one person sees in one way, someone else may see differently. In that sense, planning is a bit like beauty.

As regards ribbon development and infilling, the change in policy facilitates up to two dwellings and, where appropriate, economic development, including light industry, in a gap site. That change was brought in under draft PPS 21. Historically, planning policy has resisted anything that would increase ribbon development. We are not talking about the extension of an existing ribbon of development, but about infilling, which creates opportunity. The small gap in a substantially built-up frontage has been reduced to a small gap in a fairly small built-up frontage, in that the policy can now apply to three dwellings or more. If there is space for two dwellings between three dwellings, the solution is fairly clear.

If planning officers argue against that, it will create a difficulty. We want to hear about situations in which planning officers do not interpret policy correctly. The policy is clear, and planning officers should apply it consistently

and clearly across all divisions and councils in Northern Ireland. There should be no regional difference in the way in which the policy is applied.

Mr B Wilson: I thank the Minister for his statement. However, I am disappointed that it includes further relaxations on development. In fact, the statement drives a coach and horses through rural planning policy and is a charter for developers and speculators. My question relates to the application of PPS 21 to the lands around urban areas that were previously part of the undeveloped green belt. Does the Minister agree that the application of draft PPS 21 to those areas led to a significant increase in planning approvals and is leading to greater urban sprawl? Will the Minister examine the impact of that and reconsider the way in which PPS 21 could be implemented in those areas?

The Minister of the Environment: Patently, the Member is talking nonsense. My Department is creating sustainable communities in rural areas. The Member may wish to create some great divide in Northern Ireland, whereby a person would not be allowed to build in an area should he or she happen to have been born there or farm there, or if it so happens that the land has infill opportunities or redundant buildings that could be used. He does not want any of that to happen in the greater Belfast area but thinks that it can happen in the rest of Northern Ireland.

I want a consistent policy across Northern Ireland. Section 75 was supposed to bring about equality. However, the Member wants to wipe out section 75 and wipe out equality. I will not go there. There will be a consistent approach to planning across Northern Ireland. It is not about destroying communities. There are significant opportunities for buildings in the countryside to be planned in ways that are wholly complementary to the environment and for the use of wind-generated energy and ground source heat pumps. I ask the Member to think outside the box instead of having a knee-jerk reaction.

Mr Shannon: What a change today's approach from a locally elected and responsive Minister is from the direct rule interventions on PPS 14.

In his statement, the Minister said that alternative sites can be used where there are health and safety issues. Perhaps he can tell us whether that is health and safety issues or

health and/or safety issues. It is important to get clarification on that.

I may have missed it, but I do not see any mention in the statement of single dwellings for farmers. In the past, they had to be built close to farm buildings such as barns. Is it now possible for farmers to build single dwellings away from their farms but close to other clusters of buildings? Wearing my other hat as a member of Ards Borough Council, I know that there is often a gap in the middle of clusters of farm buildings built in the shape of the letter C. Will there be an opportunity for farmers to build dwellings away from farm buildings?

The Minister of the Environment: It was the famous Lord Rooker who introduced the blanket ban, something which was not well received by this community. Over the weekend, he was giving advice on RPA. However, I will not be taking advice from Lord Rooker, who is not even an elected Member. I have a mandate to do what I am doing in the House, and my party has a mandate to do what it is doing in Northern Ireland. We will not take lectures from some Lord who did not do a particularly good job when he was here.

Through the farm policy, we are looking at ways and means of allowing farmers to develop dwellings away from clusters of farm buildings where that is reasonable. We would prefer farmers to develop beside clusters of buildings, and, in a lot of cases, that will be a suitable outcome that most people will be prepared and quite happy to accept. However, that is not always appropriate. For example, a dwelling close to the filtration and ventilation systems designed to remove ammonia and other materials from a large number of chicken houses is probably not the best location in which to raise a family.

There will be opportunities to move dwellings away from clusters of farm buildings. We are certainly open to looking at how best we can utilise the development opportunities that are required by families in such a way that is consistent with a policy that does not allow for the dispersal of houses across our countryside.

Mr Armstrong: It is great that the Minister is looking for opportunities. However, the interpretation of PPS 21 needs to be uniform across Northern Ireland, and the Minister has indicated that he is looking into that. What provision has he made for students who have

just finished training college and have only recently taken ownership of farms to build new dwellings?

The Minister of the Environment: The policy is quite clear. Where there is an existing farm, the farmer gets a dwelling. A farmer can get another dwelling after 10 years. If there is no existing farm and a farmer has only recently got a farm identification number, that person will have to wait six years.

In any event, there should be a cluster of buildings: it is difficult to farm without buildings. If the student who has just left college does not have any farm buildings, the first thing that he or she should do is put some farm buildings in place.

12.00 noon

In such a situation, a student could be accommodated. Another way to do so would be to use the policy relating to caravans or mobile buildings. Permission could be granted for the temporary use of caravans or mobile buildings. However, such buildings are mobile and are for temporary use: they will not be there for 20 or 30 years. Therefore, permissions would be granted for a period of time and might be able to accommodate people who are in the circumstances that Mr Armstrong described.

Executive Committee Business

Energy Bill: First Stage

The Minister of Enterprise, Trade and Investment (Mrs Foster): I beg to introduce the Energy Bill [NIA 23/09], which is a Bill to make further provision in connection with the regulation of the gas and electricity industries.

Bill passed First Stage and ordered to be printed.

Mr Deputy Speaker: The Bill will be put on the list of future business until a date for its Second Stage is determined.

Licensing and Registration of Clubs (Amendment) Bill: Second Stage

The Minister for Social Development

(Mr Attwood): I beg to move

That the Second Stage of the Licensing and Registration of Clubs (Amendment) Bill [NIA 19/09] be agreed.

There are a number of matters on the content of the Bill that I want to address, and in my winding-up speech, I will respond to the issues raised in the debate. I want to make some preliminary remarks about how I and the Department see this piece of legislation.

The Bill is the first piece of exclusively Department for Social Development (DSD) legislation that I will bring through the House in my tenure as Minister. I am mindful of some of the conversations that occurred at last week's Social Development Committee meeting, when members touched upon a number of aspects of the Bill, as they will do, no doubt, during this debate. I want to reassure the House that I come to the Bill with fresh eyes and an open door. There is a need to get issues around licensing right, and there is a need to get a proper balance between all the relevant and related issues regarding how licensed premises are conducted.

I want to provide that reassurance, and I will be listening very attentively during the debate to identify areas where Members think that there are particular points of pressure and areas where they believe that the Bill requires further consideration.

Regardless of the final shape of this piece of legislation, whether that is in this mandate or in subsequent mandates, the House will have to return to the issues of licensed premises, the control of alcohol and related matters. Some of the issues that may be touched on in the debate that are not in the Bill may be of interest to the House in subsequent times and subsequent mandates. So, although the Bill is a substantial piece of legislation, it is the beginning rather than the end of a phase.

I want to reassure the House that my predecessor Margaret Ritchie and the Department carefully considered how to address some matters on licensing legislation. Minister Margaret Ritchie had three options. The first option was to do nothing. Given the issues

that revolve around licensed premises and the issues of concern and acute anxiety in the community, it was quite clear that the do-nothing option was no option at all. My predecessor Margaret Ritchie rightly cautioned herself against adopting that approach.

The second option was for the Assembly to adopt a much more interventionist approach to the conduct of the courts and the police to ensure that there was more consistent application of relevant powers across the range of powers when it came to licensed premises, and, in particular, the abuse in any shape or form of licensed premises. I have an understanding of that type of intervention, even though on this occasion the Department chose to support another option. On a different matter, I long argued that there is a need for a sentencing guidelines council in the North, whereby there would be input into the thinking of the judiciary on the appropriate penalties for various matters. Therefore, I have some personal interest in and sympathy with the principle of giving further guidance to, for example, the courts and other relevant authorities.

In the round, however, and having taken account of all the arguments about licensed premises, Margaret Ritchie and the Department decided that the right intervention at this stage was to upgrade and toughen the law where appropriate and create flexibility where necessary. That is the sense of the Bill that I commend to the House. The Bill has new enforcement powers and creates flexibility in club accounting and, as Members will be aware, flexibility in certain matters concerning clubs.

Mr Paisley Jnr: I welcome the way in which the Minister has tried to set out the general principle of the Bill. However, has he yet had an opportunity to consider the additional pressures that clause 9(3) will have on the Police Service of Northern Ireland? That clause will extend the opening days of clubs for special occasions from 52 days to 120 days. That seems to have been slipped in towards the end of discussions and will put additional pressures on the Police Service, which would potentially have to provide cover and could end up being quite considerably stretched across the whole country. Is the Minister, being new to the issue and looking at the Bill with fresh eyes, open to suggestions on how to be more accommodating of the needs of all social and policing services in Northern Ireland,

so that we do not have what almost amounts to a licensing free-for-all across the country?

The Minister for Social Development: I thank the Member for that early intervention to put me through my paces. I have three responses to the Member's concern.

First, I will not deny that although various organisations are happy with parts of the Bill, they are unhappy with other parts. Those organisations include the Police Service, which clearly has a particular input into and influence on those matters. I will not deny that the police are not completely on board with one or two matters in the legislation as it is drafted. However, the police have had a particular input into the content of the Bill. That was for many reasons, one of which was to reduce the pressure on police time.

For example, the Bill introduces flexibility to accounting practices, whereby there are fewer obligations on clubs to serve the police with relevant documentation, including annual and audited accounts. That initiative was taken by the Department in response to an application by the police for recognition of the fact that, given how clubs in some places in Northern Ireland have evolved over the past 20 years, practice has improved and accounting flexibility could, therefore, be introduced. A consequence of that would be a lesser burden on the police and clubs, and that is healthy.

I understand what the Member is saying about the provision for 120 days. That will excite some comment during the debate, once it fully engages. As I said, I am going to listen very attentively to that. However, the police will have some influence on the clubs' management of the increase in authorisations from 52 to 120. Although I will listen to what the Member says, I am not going to make any commitments at this stage, nor am I in a position to reassure the Member fully on the matter. I will reflect on his comments as the Bill moves into its Committee and Consideration Stages.

I will make one simple point before moving on to the body of the Bill. We are not dealing with a small part of the Northern Ireland economy or a small part of community life in the North. As I understand it, there are around 600 clubs in Northern Ireland. From their experience in the various constituencies, all Members will be able to affirm that clubs are a very important part of the fabric of community and social life in all

our communities. Although we must ensure that we legislate wisely and prudently, we must also recognise that, in considering the Bill, we should not deny or diminish the management, role and contribution of clubs to social, recreational and community activities in our society, and we should remember that they are controlled places for the sale of alcohol. That is especially the case when we compare today's situation with that that might have prevailed 20 or 30 years ago; however, that will not detain us much today.

There are Members of the Assembly who are members of one or more of those 600 clubs, and they will, therefore, know intimately how well clubs can be managed and how positive their contribution can be to community welfare and to the proper management of the sale and consumption of alcohol. I should set the Bill in that context. That said, the law on liquor licensing in clubs in Northern Ireland has remained largely unchanged since 1997, when, because of particular concerns at that time, there was a need for some intervention — indeed, sometimes direct intervention — in the management of clubs and licensed premises. Despite the changes in the social and economic landscape and in expectations during that time, there has been no review of that legislation. As a result, the law needs to be examined with a view to bringing it up to date and to determining whether and how it should be reformed and updated to reflect developments in that period, good and bad.

England, Wales, Scotland and the Republic of Ireland have conducted reviews of their liquor laws to modernise them and to make them fit for purpose in today's society. I will comment in my reply on some of the developments, especially in the Republic of Ireland and Scotland, that may be examples of best practice and that, in the fullness of time, may inform how the Assembly and the Department take things forward.

What is the broad aim of the legislation? Alcohol, when consumed responsibly, is a commodity that many people enjoy. However, as Members are well aware, the misuse of alcohol in society contributes to ill health and crime. As the Minister responsible for liquor licensing, I hope that the Licensing and Registration of Clubs (Amendment) Bill will make a positive contribution to tackling some of those problems. I need only to refer Members to schedules 1 and 2 to the Bill, which outline the penalties that can be imposed on clubs and all other

licensed premises for a wide range of offences. For example, the accumulation of penalty points — 10 points in a three-year period — can lead to the suspension of a licence for a period of a week to three months. That demonstrates how, by penalty, we can make a positive contribution to tackling some of the problems that are associated with alcohol and licensed premises.

Mr F McCann: I do not disagree with the Minister. However, in issuing penalty points and closing premises, the Minister will be aware that, in some areas — I am sure that he has come across it in his constituency — there have been instances in which a senior policeman who is particularly against the sale of alcohol can have an adverse impact on clubs. The Minister will know that, in west Belfast, many clubs have complained about that. Would it be not better to tag on a review after a period to ensure that those penalties are working properly? There are occasions when the results of a review may be needed to see whether steps are effective.

12.15 pm

The Minister for Social Development: An overzealous approach can be adopted in any walk of life, including by the police. We sometimes adopt that approach in our political lives and can get on the wrong side of issues, but my view is that the police have been critical in ensuring the creation of better standards, monitoring and enforcement, especially considering the way in which clubs were run years ago. Although overzealous actions may be taken on a small number of occasions, the police have made a positive contribution, bearing in mind the profile of clubs and how their management is conducted. I do not want anything that I say to take away from that.

As I indicated, I do not think that this will be the first time that the House will deal with issues around liquor licensing. It is likely that it will be dealt with in subsequent mandates. The issue will be a feature of the life of this and future Assemblies because of public concerns around the issue, the need to learn from best practice in other jurisdictions, the need to fine-tune our licensing laws to legislate better for the issues; and the need for joined-up action, not least between the Department for Social Development and the Department of Health, Social Services and Public Safety. I am not committing to a review per se, but those matters will be kept under review. We need to do that as

representatives of communities that suffer from the abuse of alcohol.

Guidance will be laid down in respect of police powers on the closure of premises. I checked this morning that that guidance will be drawn up in consultation with the Department of Justice, the Department for Social Development, and the police. The guidance will detail how the new powers will be deployed and, crucially, how the power to close particular licensed premises in or around which there is public disorder will work. The second clause brings that into force. I have no doubt that that guidance will be shared with the Committee for Social Development for its information when the time is right.

One of the main objectives of the Bill was to bring forward policy proposals to create an effective legislative tool to tackle the problems of underage access to alcohol, ill health, crime, disorder, domestic violence caused by alcohol abuse, and illegal access to alcohol. I am confident and hopeful that the Bill will help to address those issues. It is evident that stricter enforcement measures are needed if we are to seriously address those problems.

We must also recognise that a new situation is facing clubs in the current economic climate. They are finding it difficult to maintain their community services and contributions. I am happy to accept the PSNI's view that the financial mismanagement that used to exist in some clubs is no longer evident. In my constituency, there were examples of clubs about which there were questions in respect of financial mismanagement. I remember making the case publicly and privately that that matter should have been dealt with 20 or more years ago.

I am satisfied, as are the police, that the financial management of clubs has now evolved to the point at which, although there needs to be consistent financial regulation, some of the burdens can be eased. That is why the Bill creates a more flexible accounts system for registered clubs and provides for an increase in the number of occasions when clubs may keep their bar open until 1.00 am. I am sure that Members will mention that in their contributions. However, as with the current legislation, later opening will be subject to PSNI authorisation. I made that very point in response to Mr Paisley earlier.

I turn now to some of the Bill's key features. The Bill provides for two new closure powers to allow courts to close licensed premises and

registered clubs in a district to protect public safety if disorder is occurring or imminent. That is the broad power whereby the police can apply to the Magistrate's Court. However, there is also a new closure power to allow a senior police officer to immediately close premises for up to 24 hours in the first instance if it is adjudged that actual disorder is continuing. Mr McCann touched on that point.

As a consequence, the rarely used power to close premises or reduce opening hours to preserve public order will be repealed. That power has been transferred to the Department of Justice, having been formerly held by the Secretary of State. I understand that that power was used only once. As I indicated, it has been agreed between officials that, prior to the provisions' coming into effect, the Department of Justice will issue guidance to the PSNI on how it expects the power to be carried out in practice. If it is worked through properly, that approach will assist senior police officers in interpreting and applying the law consistently across Northern Ireland. It will also reassure us and the public that the use of that power will be properly judged.

The Bill will enable a court, following conviction, to endorse penalty points on a liquor licence or a club's certificate of registration. The court will have some discretion for less serious breaches of the law, but the endorsement of penalty points on the licence or certificate will be mandatory for more serious breaches, such as underage sales. I refer Members to schedules 1 and 2 to the Bill, which outline three categories of breach. Level five fines are for those breaches that will lead to a mandatory endorsement of penalty points on the licence or certificate. A licence or certificate will be suspended for a minimum of one week and a maximum of three months on the accumulation of 10 penalty points in any three-year period. That system has worked well for road traffic offences, and I believe that it can act as a deterrent for any licensee or club that is tempted to disobey a law.

The Bill will also introduce a statutory proof-of-age scheme specifying acceptable proof-of-age documents for the purposes of licensing and registered clubs law. Those documents will include a passport, photo card, driving licence and Northern Ireland electoral card. The Department will be able to make regulations specifying other proof-of-age cards if necessary.

Premises will be required to display notices prescribing offences for the sale of alcohol to young people under the age of 18 and the purchase of alcohol by or for the under 18s. The notice will also refer to documents prescribed for the purposes of proving age. The size and content of the notice will be specified in regulations, and an offence of failing to display the signage will be created.

For a whole lot of reasons, we think that a statutory proof-of-age scheme is the way to go at this stage, even if there is not to be a statutory proof-of-age document. That statutory scheme will outline what proof-of-age documents might include, will ask for signage that requires them to be produced and will ensure that clubs and licensed premises show due diligence to ensure that that happens.

As has been said, the Bill will create a more flexible accounting system for registered clubs. That system will recognise the differing auditing requirements for small, medium and large clubs, will reduce the level of penalty for certain offences and will introduce guidance on a system of control for accounts, cash holdings and receipts. The PSNI has acknowledged that the financial mismanagement that existed in some clubs in the past is no longer in evidence, and it has asked for that to be reflected in more flexible arrangements. Although the Bill will maintain the requirement for clubs to keep proper accounts, revised regulations and guidance will provide the more detailed provision that sets out the manner in which those accounts must be prepared and audited.

I am aware of the valuable contribution that our clubs make to sporting, social and other recreational activities in the communities in which they are situated. Therefore, I have decided to increase for registered clubs the annual number of special occasion authorisations, which you and I call late bars, from 52 to 120. Later opening for clubs will continue to be subject to PSNI approval. The increase will help clubs to maintain their viability by better meeting members' expectations by enabling them to continue to provide various activities for the communities. There is also a minor change to the Bill that will clarify that a liquor licence may be granted to a limited-liability partnership.

I am mindful of the time. As I indicated when I began speaking, the Bill is part of a wider,

ongoing programme, which I hope will lead us to a more balanced relationship with alcohol. I am aware of growing concern not just in Northern Ireland but in Britain and the Republic of Ireland about the availability of cheap alcohol and the impact of that on society. I am also conscious that the licensed hospitality trade makes a valuable contribution to our economy, not least through tourism. Last week, I met with my officials who have been researching those wider issues. I am working closely with officials in other Departments and jurisdictions — crucially, Scotland and the Republic of Ireland — to devise how we might promote and protect in the future.

For the present, the provisions in the Bill will strengthen the current law. I ask Members to note my commitment to ensure that licensing law continues to tackle the issues of alcohol misuse and underage drinking. I look forward to hearing the various contributions from Members in order to find out whether there are ways in which the Bill can be strengthened or issues that we should scope out for the future.

Mr Deputy Speaker: The Business Committee has arranged to meet immediately on the lunchtime suspension. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm, when the first Member to speak will be the Chairperson of the Committee for Social Development.

The sitting was suspended at 12.26 pm.

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

2.00 pm

The Chairperson of the Committee for Social Development (Mr Hamilton): I declare an interest as a member of Comber Rec football club. The Committee for Social Development has considered the reform of liquor licensing and the registration of clubs at several meetings over the past years. Of all the issues that the Committee has considered, the Licensing and Registration of Clubs (Amendment) Bill has provoked probably the widest range of opinions from members and stakeholders. I will begin by summarising the views of Committee members.

First, no one can dispute that the misuse of alcohol is a significant and serious social problem. On the one hand, there are often tragic individual family stories of alcoholism that all of us will have heard from our own constituencies and lives; on the other, the curse of binge drinking and the associated antisocial behaviour plagues many of our town and city centres, particularly at weekends and following major events. I anticipate that many members of the Committee will ably refer to those issues by setting out the consequences of alcohol abuse and discussing aspects of the Bill that are intended to provide better controls and stronger regulation. Secondly, many Members recognise that well-managed and properly regulated licensed premises — whether clubs, pubs or hotels — represent an important local industry that plays a key role in promoting tourism, often underpins a local community and probably enhances the development of the so-called evening economy and the revitalisation of our town and city centres.

It is intended that the Bill should strike a good balance between all those issues: on the one side, the regulation of alcohol sales and the protection of consumers and communities; on the other, the alignment of opportunity between the various types of licensed premises and the enhancement of services to members of registered clubs. If initial stakeholder responses are representative, the Bill may become one of the most eagerly debated that the Committee for Social Development has scrutinised in the current mandate.

I will comment briefly on some of the Bill's clauses. The Bill introduces new closure provisions that will allow senior police officers

to close licensed premises in which disorder is occurring. Similar powers are in use in England and Wales, where, it is understood, they are rarely used for individual premises. In fact, I understand that, in 2006-07, only 44 such orders were used, and there are 123,000 licensed premises across England and Wales. Although generally welcoming the provisions, the Committee will wish to review how closure powers may be used in respect of street disorder that is thought to have originated in specific licensed premises. The Committee hopes that the Department of Justice guidance to police on the use of that power will be available for scrutiny and will address the issue.

The Committee generally welcomes the inclusion in the Bill of provision for a penalty points system for licensed premises, covering offences such as underage sales and unauthorised opening. The Social Development Committee may call on informed stakeholders, including our colleagues in the Justice Committee, to share their views on, for example, the discretion that courts will have in imposing penalty points.

The Committee also welcomes the statutory proof of age scheme, which is designed to curb underage alcohol sales. Underage drinking is a major social and antisocial behaviour issue, and measures to address the problem have been welcomed by all members. Again, the Social Development Committee may call on informed stakeholders to comment on, for example, the use of certain types of identification, including electoral ID cards and testing regimes for the proof of age scheme.

The Bill includes proposals to increase the number of late licences that the PSNI can grant to registered clubs from 52 a year to 120. The intention of the Bill, as the Minister said, is to strike a balance between the regulation of alcohol sales and the opportunity for registered clubs to facilitate their members through more late openings. The Committee noted with disappointment that the Department was unable to indicate the existing uptake of late licences by registered clubs. Therefore, it is difficult to gauge the benefit of the change for clubs or the impact on the communities that live in close proximity to them. To date, the Committee has given limited consideration to how best the proposed liberalisation of late opening should be managed. Members may seek clarity on the timetable for related noise abatement legislation or may choose to explore the use

or amendment of the Bill's new penalty points system in that regard.

It is clear to all Members that the abuse of alcohol is an important matter. It has ramifications far beyond licensed premises, affecting many aspects of society in Northern Ireland. With your indulgence, Mr Deputy Speaker, I welcome the Department's ongoing review of related matters. The Committee is pleased that the Bill is only the first part of the Department's review of alcohol abuse and licensing. The Committee understands that the Department's related considerations are to extend to the possible establishment of forums which will feed back community concerns to licensees; the possibility of minimum alcohol pricing, particularly for off-sales; and options for restrictions on alcohol marketing. As the resolution of those issues may depend on legislation and legal challenges in other jurisdictions, I think that the Committee is probably content, at least for now, for those issues to be subject to legislation at a later date.

Before I conclude, I will make a couple of points from a personal and party perspective on the Bill. The Minister touched on some relevant questions. It is worth seeking further clarification on those questions from him at a later juncture in the debate. My queries relate to three broad areas. The first is the closure provision in clause 1 and clause 5, to which I made reference in my remarks as the Chairperson of the Committee. Notwithstanding the comments made by the Minister about guidance issued to the police, it is important that that guidance be absolutely crystal clear, because I can see both sides of how it may work out.

If a fight originates in a street that is not too far away from a licensed bar or club, it could certainly be in the interests of our society for the police to use the power to close the licensed premises for a period of time. However, there could be difficulties in respect of where a police officer draws a cordon around licensed premises. What is an acceptable distance away from the front door of licensed premises? Indeed, causation is an issue in itself. There may be instances in which two individuals get into a fight in a bar and both have been on the premises for a long time and have partaken of quite a substantial amount of alcohol. Equally, however, people could come from other premises and start a fight, perhaps

after consuming a limited amount of alcohol, comparatively speaking, in that bar compared to where they were previously. Is that bar then punished for that situation, even though it has perhaps only contributed a small amount, relatively speaking, to the partaking of alcohol by those individuals?

There is also a flipside where it could be positive. Earlier, Mr Paisley talked about the difficulties that the police may have. It was interesting that the Minister said that the police are not happy with every aspect of the Bill. I hazard a guess that this is one clause that they are not happy with. Police resources, as we all know, are stretched. Sometimes, they find it difficult to do the job that we all expect them to do at weekends in policing the problems that sometimes emanate from licensed premises. However, there could also be a situation in which an overzealous officer, in the circumstances that I mentioned before, closes down premises because that makes it easier to manage policing in that particular town, village or city centre.

Therefore, when drawing up the guidance, we must ensure that it is as tight as it can be. Circumstances cannot be allowed to develop in which, for example, a fight takes place 500 m from the door of licensed premises and a police officer assumes that it is linked to those premises. Although the premises might have nothing to do with the fight, the officer could use the powers in clauses 1 and 5 to close them down, albeit temporarily. Regardless of whether the licensed premises are subsequently exonerated, that closure reflects badly on them. As we all know, gaining a bad reputation can be the undoing of a bar or club. Therefore, when issuing guidance, we must be extremely careful that the police are clear about when and where they can and should use those powers. Although the principle in the clauses is well merited, that matter requires careful consideration.

Secondly, the uptake of late licences by registered clubs is relevant. No doubt, there will be debate in Committee about how the figure of 120 late licences a year for "special occasions" was settled on. I understand that registered clubs wish the figure to be closer to 300 and believe they should have greater parity with bars and hotels. I stress to the Minister that the Committee's deliberations would be greatly assisted by having some idea of the current uptake of the 52-day allowance. I asked the

bar manager of the club in which I declared an interest whether we utilised the existing 52-day allowance, and he said that we got nowhere near to it. Many clubs do not use even the 52-day allowance. They are not busting through seeking a 53-, 54- or 55-day allowance, and they certainly do not seek an increase to 120 days. Therefore, in co-operation with the police, it would be useful to find out how many registered clubs use the maximum number of late licences that are available to them. That information would show whether 120 late licences a year is a reasonable figure. In briefing papers to the Committee, the increase was described as modest, but such an increase would be in excess of 100%, which I would not describe as modest. We must, therefore, find out on what statistical basis that would be justified and whether a majority of clubs already uses the maximum available number of late licences. We would then be able to justify a particular increase.

Thirdly, clauses 2 and 6 relate to penalty points. Northern Ireland will be the only jurisdiction in the UK to have such an innovative scheme. That is welcome, and it is good that we are pioneers. The Minister is right that that type of system has been shown to work for other offences, and it might be effective in dealing with troublesome licensed premises. However, I wonder whether some of the punishments are severe enough. If, over a three-year period, licensed premises were to accumulate 10 or more points for continually selling alcohol to minors, for example, would a punishment of enforced closure for not less than one week and not more than three months be sufficient? No one would think that the lower end of that scale would be sufficient punishment, whereas the higher end might be enough to put premises out of business, although many people in the locality might agree with such an outcome. However, most of us would subscribe to the view that someone who is caught selling alcohol to minors so often over a three-year period should have his or her licence taken away but the premises should not be shut, even for three months. Therefore, when drafting punishments for licensees who accumulate sufficient penalty points, we must be as firm as possible.

2.15 pm

Last week, at the Committee for Social Development, I made a point about the Bill's wider social policy. The Bill appears to contain

a glaring contradiction. In making that point, I am not trying to take the moral high ground. Those who know me know that I do not do that. However, it is fairly obvious that there is a contradiction in the Bill. The Bill has been presented by the Department and the Minister with the key objective of managing alcohol in our society and addressing the growing levels of alcohol abuse, yet there is to be an increase in the number of late licences for premises that sell alcohol. We all share the noble objective of dealing with and clamping down on the misuse and excessive consumption of alcohol in our society, and the Bill contains some good measures directed at licensed premises to help to deal with that problem. Nevertheless, there is an increase in the number of nights that a whole raft of premises can sell alcohol. Therefore, there is a contradiction in the Bill, and it could have been better dealt with had we been facing a more complete Bill. I am not levelling any criticism. I know that there is an ongoing review and that work is under way on other aspects that could be included in a future Bill, something which the Minister talked about earlier. However, I, other members and, more importantly, those in society might have been more comfortable had the Bill addressed the other problems that society has with alcohol.

I do not want to come across as an advocate for any one of the measures that I referred to earlier: minimum pricing; community forums in which people can address their concerns directly with licensees; the use of marked bags for off-licence sales to deal with the proxy buying of alcohol on behalf of minors; and certain marketing restrictions. We all know about those problems. I saw evidence of one at the weekend: in advance of the World Cup, a major supermarket was selling boxes of beer at massively reduced rates. Boxes of 12 were being sold for the equivalent of, I think, 50p or 60p a bottle. Helpfully, the supermarket was restricting purchases to six boxes per person, and, therefore, one could walk out with only 72 bottles at a time.

We all know that the real problem with excessive alcohol consumption in Northern Ireland is not necessarily in our pubs, hotels or registered clubs, although there are problems associated with all of those, and, hopefully, the Bill will deal some of them. The real societal problem is the mass consumption of alcohol in the home. I would have been more comfortable if the Bill had started to address some of those issues

now. I appreciate that we may deal with them in the future, but it would have been more helpful if they could have been dealt with now.

If the Minister of Health, Social Services and Public Safety were here and we were to ask him about the major drains on his resources, he would probably say that one was alcohol abuse. Anyone with any understanding of what goes on in the Health Service in Northern Ireland knows that resources are used up in dealing with people's alcohol consumption; for example, in accident and emergency departments at the weekend or in inpatient services. I and others would have been more comfortable with the contradiction in the Bill had those issues been addressed.

We will never deal with alcohol consumption entirely to our satisfaction, but the real nub of the issue that we have to deal with is excessive drinking at home — the preloading that people do before they go out — that causes some of the problems that the Bill is, in parts, trying to sort out. I look forward to any progress that is made on that in the future and to any assurance that the Minister can offer the House today that those issues will be dealt with.

I do not know how all of those issues can be addressed. Scotland is trying to advance minimum pricing, although that is subject to some legal wrangling. We do not know what is legal, what is possible or what is likely to yield success. Nevertheless, Northern Ireland needs to address seriously the alcohol abuse that is so prevalent in our society.

Overall, I support the Bill's Second Stage. As Chairman of the Committee, I look forward to seeing all those issues being teased out a little more during Committee Stage, in conjunction with other Committees and important stakeholders who have a keen interest in the Bill. Subject to the reservations that I set out personally and on behalf of the Committee, the Committee for Social Development welcomes the principles embodied in the Bill.

Mr F McCann: I welcome the input from the Minister and the Chairperson of the Committee for Social Development. The Chairperson touched on a number of the issues that I wanted to cover. I declare an interest as a member of several social establishments in the city of Belfast.

Ms S Ramsey: *[Interruption.]*

Mr F McCann: Sue is probably also a member of those clubs.

I support the passage of the Bill. However, like the Chairperson of the Committee, I think that the Bill could have been extended to include a number of the issues that he raised. Dealing with people's serious drinking habits can be done only by examining the problems created by off-licences, dial-a-drink, marketing in supermarkets and the labelling of bags. If we are to tackle that problem, those four key issues must be dealt with sooner or later.

Over the past number of years, clubs have been placed at a disadvantage to other drinking establishments, such as pubs, because they are limited in the number of late nights they can open. That, in itself, has caused problems, and many clubs have faced closure as a result. Pubs and clubs employ a huge number of people in the North, and many charities survive on huge donations from licensed clubs. Therefore, we must try to find a happy medium through the Bill, and the provision for 120 late night openings will probably allow that to be reached. Those who run clubs would like that limit to be extended, while those who run pubs want it reduced.

I asked the Minister this morning about the additional powers of closure that the police will be given and the penalty point system that will be introduced. Although the Committee supports any move to ensure that badly run licensed premises are dealt with, we must consider the issue of overzealous policemen who do not like alcohol using those powers against pubs or clubs. Indeed, that point was touched on by the Minister and the Chairperson of the Committee.

One of the major problems that we face is the fact that supermarkets sell tins of beer and bottles of alcopops more cheaply than tins of Coke or lemonade, and we must deal with that. We must also consider that the drinking habits of young people have changed and that most young people now go out late at night. We must cater for the needs of that generation without penalising the industry.

The Committee supports the passage of the Bill, and I look forward to discussing it with the witnesses who will appear before the Committee. We need innovative ideas to tackle the widespread misuse of alcohol, without putting senseless limits on how people enjoy themselves.

Mr Armstrong: I congratulate the Minister and his predecessor on advancing the Bill to its Second Stage. The Bill is an amended version of the draft Licensing and Registration of Clubs (Amendment) (Northern Ireland) Order 2007, and I believe that the Minister has improved on the direct rule version.

Credit is due to Margaret Ritchie for helping clubs to compete in these tough economic times while removing some of the overly liberalising clauses. However, does the new Minister think that the correct balance has been struck, especially in the area of exceptional permitted hours, which could give clubs the opportunity to open their premises to cover sporting events in other parts of the world and to be better able to meet demand?

I strongly recommend the introduction of a penalty point scheme for offences. However, I have concerns that, until we make it possible to remove a licence entirely for continual and repeated offences, regulation in that area will always be weak and out of step with the rest of the United Kingdom.

I also welcome the fact that senior police officers will have the power to decide on closure orders. That will greatly speed up the process and reduce the likelihood or duration of social disorder. I welcome the fact that the Minister has taken advice from the Police Service of Northern Ireland on closure orders and has made it necessary for the relevant licensing authority to consider the conditions of a licence if premises have been closed for public disorder reasons.

Antisocial behaviour fuelled by alcohol is a serious problem in Northern Ireland. It can blight people's lives and put considerable pressure on the already stretched resources and personnel of the police and health services. Steps to reduce alcohol-related antisocial behaviour are, therefore, to be welcomed, and it is correct that the clubs that potentially fuel such disorder should have their licence conditions reviewed after any closure.

I acknowledge and welcome the measures to counter underage drinking and alcohol abuse. Defining what ID is deemed acceptable and making it compulsory to display a list of such acceptable forms of ID will help clubs to meet their statutory requirements and discourage young people who try to break the law.

It is undeniable that the vast majority of clubs are well run and offer a great service to our local communities and economies. In these difficult financial times, they will undoubtedly struggle to deliver those services. An increase in the number of occasions on which registered clubs can open to 1.00 am will enable them to compete more effectively with other licensed premises. That must be welcomed.

I look forward to scrutinising the Bill in detail in Committee. However, I ask the Minister whether he expects the Bill to be enacted before licences are renewed, which I understand will happen in September. At this stage, I am content to support the Bill.

Mr Deputy Speaker: As Question Time commences at 2.30 pm, I suggest that the House takes its ease until that time. The debate will continue after Question Time, when the next Member to speak will be Mrs Mary Bradley.

The debate stood suspended.

2.30 pm

Oral Answers to Questions

Agriculture and Rural Development

Mr Deputy Speaker: I advise Members that question 7 has been withdrawn.

EU Funding: Fines

1. **Mr D Bradley** asked the Minister of Agriculture and Rural Development to outline the total sum of agricultural fines imposed in the last three years on farmers for breaches related to various EU support schemes. (AQO 1314/10)

The Minister of Agriculture and Rural Development (Ms Gildernew): I have taken my Assembly colleague's question to refer to the financial penalties imposed for the single farm payment, less-favoured area compensatory allowances and the agrienvironment schemes in 2007, 2008 and 2009.

As Members will know, the rules that govern the administration of all those schemes are set out in EU legislation. The legislation sets out the penalties that are to be applied if scheme rules are not met, and neither I nor my Department has any discretion in their application. Indeed, in recent EU audits, my Department has been criticised for being too lenient in its application of certain penalties.

The total value of the financial reductions that were applied to single farm payment applications are £796,669 for those that were received by the closing date for the scheme in 2009, £418,540 in 2008 and £591,728 in 2007. The current total value of financial reductions that have been applied for the 2009 claim year for the less-favoured area compensatory allowance is £150,350. In 2008, the figure was £152,367, and in 2007, it was £202,130. The current total value of financial reductions made for agri-environment schemes in 2009 is £224,417, while £138,810 of penalties was applied in 2008 and £161,852 was applied in 2007. In general, that money is not drawn down in the Department's claim from the EU. Therefore, if those penalties are applied, we do not receive the payment.

Mr D Bradley: Go raibh maith agat, a LeasCheann Comhairle. When it was learned that Scottish farmers were penalised for minor non-compliance and for making slight errors in completing their application forms, representatives from the Scottish Executive immediately requested a meeting with the European Commissioner for Agriculture and Rural Development to discuss the situation. What efforts has the Minister made to date to assist local farmers who have been penalised excessively for similar trivial offences?

The Minister of Agriculture and Rural Development:

I have had a number of meetings with the EU Commissioner on the issue, and given that the scheme was in its first year and people were not sure how to apply for it, I asked the Commissioner to rescind the penalties that had been applied on the duplicate fields issue. I have worked hard to try to ensure that the EU takes a more flexible approach to the matter, but, unfortunately, the EU has not taken that approach, and EU audits have found my Department to be too lenient in applying penalties. I recognise the difficulties that are caused to farmers, and I have done everything that I can to try to mitigate that. However, EU rules are what they are, and it is difficult to change them.

Mr Shannon: Many Members, including the Minister, will be aware of farmers ticking wrong boxes inadvertently or filling out application forms incorrectly and then being heavily penalised. What steps is the Minister taking to ensure that the system includes flexibility and compassion for people who, inadvertently, make mistakes in applications for single farm payments or other funding available in the agriculture system?

The Minister of Agriculture and Rural Development:

Unfortunately, there is no flexibility, and I have been through long hours not only with my officials but with officials in Brussels to find out what can be done to help farmers. I recognise and understand the pain, annoyance and financial consequences of those penalties. The difficulty is that the EU rules are what they are; the EU will not give us any flexibility. We would like to apply compassion but trying to do so can be difficult. I accept that genuine mistakes are made and that flexibility is not given. I urge people to use the Department's resources, including the rural advisers in the DARD Direct offices, to seek advice on how to

fill out forms. Obviously, officials cannot fill out forms for people, but they can give advice on what to do to try to mitigate difficulties down the line.

Mr Savage: Can the Minister estimate the proportion of those fines that was imposed as a direct result of minor genuine mistakes that were made by farmers when they were filling in their application forms? Financial penalties are often unnecessary. What flexibility is there in the system to deal with those things?

The Minister of Agriculture and Rural

Development: As I said, there is very little flexibility in the system. I do not know whether I am able to extrapolate the information that the Member has asked for, given that he has asked for the percentage of fines that were imposed as a result of mistakes on forms. We run a number of schemes: the single farm payment scheme, the less-favoured area scheme, and the countryside management scheme. It would take a disproportionate sum to extrapolate those figures, but I assure the Member that officials are doing everything that they can to work within the rules so that further EU audits do not come down heavily on us.

As Members are aware, we are facing a disallowance because of a difference of interpretation between the Department and the EU, and we have to pay the cost of that. There is a fine line to tread between the flexibility that Members would like me to give and staying within the EU Commission's rules and following its interpretation so as to prevent the imposition of disallowances in the future.

Farm Modernisation Programme

2. **Mr Armstrong** asked the Minister of Agriculture and Rural Development when tranche 2 of the farm modernisation scheme will be launched. (AQO 1315/10)

The Minister of Agriculture and Rural

Development: I previously indicated that that tranche of the farm modernisation programme should target the disadvantaged by focusing on farm businesses in less-favoured areas, where the need for modernisation is great. Sustaining agricultural activity in those areas will be difficult without targeted support of various kinds. Farmers from severely disadvantaged areas and disadvantaged areas who are successful in applying to the programme will be able to use the funding awarded to help them to become or

to remain competitive while working in a very challenging environment.

DARD officials have carried out an equality screening exercise on the proposed selection criteria for tranche 2, and a number of responses were received during the public consultation, which closed on 12 May. Those are being analysed, as I want to consider the issues raised by consultees before proceeding with the arrangements for tranche 2. I hope that I will be in a position to launch it at an early date.

Mr Armstrong: That is all very good, but I would like to hear more detail. Will the Minister address the serious concerns of the farming industry, which have been conveyed through the Ulster Farmers' Union, regarding tranche 2 proposals?

The Minister of Agriculture and Rural

Development: As I said, I am giving all the consultees serious consideration. I am looking at what has come back, and I will be making known my deliberations on that shortly.

Mr W Clarke: Go raibh maith agat, a LeasCheann Comhairle. Did the results of the tranche 1 section 75 questionnaires show inequality in the beneficiaries of farm modernisation programme funding?

The Minister of Agriculture and Rural

Development: Under tranche 1, 2,536 equality monitoring questionnaires were issued between May and September 2009. Of those, 432, or approximately 17%, have been returned. Beneficiaries are encouraged to return their questionnaires to NISRA, and the return of those forms is on a voluntary basis. Analysis of the questionnaires received shows that there was a 78% uptake by the Protestant community and a 20% uptake by the Catholic community.

Dr W McCrea: Will the Minister bring the issue back to the Committee for Agriculture and Rural Development before making any announcement on it? What money will be available for the second tranche? What can individuals expect to get, if they are successful?

The Minister of Agriculture and Rural

Development: There were three questions asked. Overall, the amount for tranche 2 is £7 million, and we have revised the maximum figure downwards from £5,000 per farm business in tranche 1 to £4,000 in tranche 2. That revision was based on the responses that

we received and the fact that people asked that the money be spread out further among recipients. Therefore, £4,000 per farm business is available. I imagine that I will be back with the Committee fairly soon. I am looking forward to getting back in and having a discussion with the Committee about a number of challenges that we are facing, and I have no doubt that this issue will come up.

Mr P J Bradley: Eleven weeks ago, on 8 March to be precise, the Assembly directed the Minister to enter renewed negotiations with the Ulster Farmers' Union and the Northern Ireland Agricultural Producers' Association, with a view to bringing forward fair and practical criteria for the implementation of tranche 2. Will the Minister give the Assembly an insight into the deliberations that went on during her post-8 March negotiations with the unions?

The Minister of Agriculture and Rural

Development: The Member is right to point out that the motion that day was around fair criteria, and I believe that I have proposed fair criteria for tranche 2. I also believe that I have responded to that motion.

A5 Dual Carriageway

3. **Lord Morrow** asked the Minister of Agriculture and Rural Development for her assessment of the impact on the agricultural industry of the new A5 from Aughnacloy to Londonderry.

(AQO 1316/10)

The Minister of Agriculture and Rural

Development: It is the responsibility of the Department for Regional Development to ensure that the impact of any road scheme is properly assessed. The Minister for Regional Development has advised that Roads Service is assessing the impact that the proposed A5 dual carriageway will have on farmers along the preferred route on a case-by-case basis, and an agronomist has been employed to assist in that process. Where practicable, the impacts will be mitigated as part of the scheme development. The Department of Finance and Personnel's Land and Property Services (LPS) will then take account of the final impact as part of the overall compensation package. My main concern in the process is that the impact on individual farm businesses is minimised where possible and properly compensated for when it cannot be mitigated against. It is also important to bear in mind that the Executive approved the scheme.

Lord Morrow: I have listened to what the Minister has said. I am sure that she understands that in excess of 100,000 hectares of agricultural land will be vested as a result of the line that has been adopted for the new A5. Does she accept that that need not be the case if the A5 were constructed along the present line? Does she also accept that there is no need for the section from Aughnacloy to Ballygawley?

The Minister of Agriculture and Rural

Development: Having travelled on that road many times, I do not agree with the Member that the road is not needed. I feel that the A5 scheme will have a major impact on the farm businesses that are significantly affected, but they will receive compensation for their losses. I believe that the wider economic and social benefits of the scheme will vastly outweigh any impact.

Mr Elliott: Will the Minister confirm whether she has met the Minister for Regional Development or any of the landowners along that route to discuss the impact that the road will have on the farmers? If she has not, will she do so in the near future?

The Minister of Agriculture and Rural

Development: I have not been invited to attend a meeting, but I have spoken informally to some landowners who approached me. I have spoken to the Minister for Regional Development about a number of road schemes, including the proposed road to Derry that goes through Randalstown, and I met a number of concerned farmers there. I am not opposed to meeting the affected farmers but, to date, I have not received an invitation to do so.

Mr Molloy: What help can be given to farmers to ensure that the impact on affected farms is minimised?

The Minister of Agriculture and Rural

Development: When there is clarity on how individual businesses will be affected, my Department will offer business development advice, and it will ensure that any impact on the single farm payment or agrienvironment scheme is addressed. I appreciate that the uncertainty surrounding such a scheme can create anxiety, and farmers who are worried about its effect on their livelihood, their family or their health will be advised to seek assistance from Rural Support. My Department provides funding to Rural Support to help farmers and their families to deal with such difficult situations.

Mr Gallagher: This being an important North/South route, we want to see delays kept to a minimum, but does the Minister appreciate that, as has happened elsewhere in Northern Ireland when there have been contentious issues with Roads Service, farmers in such situations are often faced with a legal team from the Department for Regional Development that is in a position to make a very strong case, causing the farmers to feel disadvantaged? Has the Minister had any discussions with farmers or, indeed, their representatives about the possibility of an advisory service to act on their behalf in those circumstances?

2.45 pm

The Minister of Agriculture and Rural

Development: I believe that I answered that question in a previous response. However, I can assure the Member that Land and Property Services has issued a guide called 'Compulsory Purchase and Compensation: A Guide to Compensation for Agricultural Owners and Occupiers'. The guide is available to download from the LPS website. I commend it to the Member.

Veterinary Surgeons

4. **Mr Weir** asked the Minister of Agriculture and Rural Development how many vets are currently employed by her Department. (AQO 1317/10)

The Minister of Agriculture and Rural

Development: My Department employs 160 permanent vets. They are employed to carry out work in a number of veterinary-specific programmes, such as the control of brucellosis, tuberculosis, epizootic and other diseases, and in animal welfare, animal control and veterinary public health.

Mr Weir: I thank the Minister for her answer. In light of current financial pressures on the Executive and her Department in particular, what consideration has she given to changing the balance of work between departmental vets and private veterinary practitioners?

The Minister of Agriculture and Rural

Development: The Department already contracts private veterinary practitioners to carry out TB herd tests, for example. At this stage, I am not minded to shift that balance. It is important that a number of departmental vets are there to do a job. Therefore, I do not seek to reduce their number at present.

Mr Kennedy: I am grateful to the Minister for her answer, which I want to probe a little further. Does she accept that private veterinary practitioners make a significant contribution to Northern Ireland's agriculture industry and although the Public Accounts Committee's 2009 report, 'The Control of Bovine Tuberculosis in Northern Ireland' indicated that failure to eradicate TB was due to poor testing by private vets, it is not their fault that real progress was not made?

The Minister of Agriculture and Rural

Development: The Member is aware that that report was not of my making. I assure Members that private vets carry out an important and valuable service to the community, and DARD appreciates and values their work very much. Therefore, it is a good arrangement. We do not know when it will be necessary to step up veterinary control. From that point of view, it useful for departmental vets to be backed up by private veterinary practitioners when an issue must be tackled and more resources are needed. It is a good relationship. There is a good balance. I do not envisage the Department privatising further veterinary work, but private vets provide an important service to the community.

Ms Anderson: Go raibh maith agat. How many vets in each grade does DARD employ?

The Minister of Agriculture and Rural

Development: The Department employs a Chief Veterinary Officer, two deputy chief veterinary officers, five senior principal veterinary officers, 126 veterinary officers, and 26 testing veterinary officers. Therefore, there are eight officers in senior positions and around 150 staff at veterinary officer grade.

Fisheries: EC Regulation 1342/2008

5. **Mr Craig** asked the Minister of Agriculture and Rural Development for her assessment of the impact of EC Regulation 1342/2008 on fishermen. (AQO 1318/10)

The Minister of Agriculture and Rural

Development: EC regulation 1342/2008 established a long-term plan for the recovery of cod stocks. The regulation imposes rules for the setting of total allowable catches (TAC) and fishing effort according to the state of the cod stock in a particular sea area.

In the Irish Sea, where cod still shows little sign of recovery, the regulation means that there will be cuts in the cod TAC of 25% each year until the stock comes back up to a minimum spawning stock by a massive 6,000 tons. The regulation also imposes an annual reduction in fishing effort of 25% for vessels that use fishing gear that contributes significantly to cod mortality. That includes white fish and nephrops vessels that use conventional fishing gear. The regulation is challenging as it removes spare fishing effort from the system. However, effort can be given back to a fleet if it shows that it is adopting measures to reduce its cod catch.

To help us to develop cod conservation measures that are adapted to our needs, an effort-management group, which involves the industry, scientists and officials, has been established to develop local measures that will reduce cod catch and earn enough effort to allow vessels to take up their quotas. For 2010, most nephrops vessels have adopted a range of measures aimed at reducing cod catch to below 5%. Most white fish vessels have been able to buy back 15% effort through the adoption of the large-mesh eliminator trawl, which reduces the amount of juvenile and small fish caught.

In conclusion, nephrops vessels that have a low cod by-catch will have sufficient time to catch their quotas. However, white fish vessels that target cod face year-on-year cuts in cod quota and fishing time, and may, therefore, find it difficult to survive.

Mr Craig: I thank the Minister for her comprehensive answer, even though it is a bleak answer for the fishing industry. Does she agree with me that there is an inherent contradiction when it comes to the fundamental right of fishermen to engage unhindered in their work, and does she agree with the renewed efforts of our MEPs to try to have the situation reviewed, as it will lead to the decimation of what little fleet is left in Northern Ireland?

The Minister of Agriculture and Rural

Development: The regulation aims to protect cod stocks and to allow them to recover. If there are no fish, there will be no fishermen. Therefore, some restrictions are needed in the short to medium term to ensure that there are fish and fishermen long into the future. I work closely with the MEPs on this and other issues, and look forward to maintaining the good working relationship that we have.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. Has the Minister met the new Fisheries Commissioner yet?

The Minister of Agriculture and Rural

Development: I have not yet met Mrs Damanaki. I have asked for a meeting with her, which has been scheduled for 26 June. I also invited the Commissioner to visit us, and she has indicated that that may be possible later this year or early in 2011.

Ms Ritchie: Under Council regulation 13/24, the member state must report to the European Commission on a number of fishing issues. Will the Minister give an indication of her input to the March and April reports, including the assessment given by Anglo-North Irish Fish Producers' Organisation and the Northern Ireland Fish Producers' Organisation, as well as individual fishermen, regarding conservation measures about scientific evidence provided to the European Union by the British Government?

The Minister of Agriculture and Rural

Development: Obviously, my officials work closely with officials in the Department for Environment, Food and Rural Affairs (DEFRA) and the fishing industry. By the fishing industry, I obviously mean the producers' organisations, but also the processors, because they are heavily dependent on the amount of fish landed in our ports. It is an all-year-round area of work. We work closely with the industry and that helps us to prepare for December, but we do not leave all our negotiations until December. We have ongoing meetings during the year with the Commission and its officials, and with officials from DEFRA and the Department of Agriculture, Fisheries and Food.

Food Processing: Financial Assistance

6. **Mr Ross** asked the Minister of Agriculture and Rural Development what financial assistance her Department can give to small food processing businesses. (AQO 1319/10)

The Minister of Agriculture and Rural

Development: Under axis 1 of the rural development programme, capital support of up to £500,000 may be available to micro-, small-, medium- and intermediate-sized food processing companies through the processing and marketing grant scheme, and resource funding of up to £150,000 may be available to help market and develop food products under the

marketing and development grant scheme. Both schemes have been temporarily closed since March 2010 because of budget availability.

In the context of the current difficult financial position, my Department is making a bid in the June monitoring round for additional funding for the processing and marketing grant scheme and, if successful, we will be able to consider funding new projects.

Under axis 3 of the rural development programme, financial assistance of up to £50,000 may be available through the farm diversification or business support and development measures for food processing projects.

Mr Ross: I thank the Minister for her answer. She will be aware that the food export business in Northern Ireland is one of the few industries that is holding its own in this tough economic time. Many of those who are spending lots of money on business plans will be disappointed to hear that there is no money left for those schemes. Does the Minister agree with me that perhaps she should be looking at her budget and the possibility of investing in that type of activity because it is one of those areas that can be positive for local businesses?

The Minister of Agriculture and Rural Development: Of course I accept that it can be positive, but we have to look at all areas of work. Obviously, although it is great to be in a position to help companies with their exports, there are other government agencies that can do likewise. I am thinking specifically of Invest NI. We have to help the primary producers in the first instance, and that is where a lot of our focus has to go. I agree that the agrifood sector is valuable and worthwhile, and one that needs to continue to be supported. However, in the present difficult economic climate, we cannot always give that guarantee.

Mr Cree: Will the Minister share with the House details of any discussions that have taken place between the fishing industry and the EU authorities regarding the 2010 EU Fisheries Council?

The Minister of Agriculture and Rural Development: Mr Deputy Speaker, the Member is asking a supplementary question to the previous question. We have moved on to question 6.

Mr Deputy Speaker: I call Mr Patsy McGlone.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. Mr Ross asked about financial assistance, and that is extremely important for small food processing businesses. Will the Minister indicate how much financial support has been provided to that sector in the past 12 months?

The Minister of Agriculture and Rural Development: I am just checking to see whether I have the exact figure. We have contractual obligations to the existing processing and marketing grant (PMG) project promoters. There was a significant underspend, and, as a result, the 2011 budget has to cover the additional pressure. The current applicants have applied for a total of £3.45 million and are at different stages in the application process. Overall, a total of £21.5 million could be committed to food processing companies under PMG, until 31 December 2013, from both EU and national funding, with spend permitted until the end of 2015. To date, under the current scheme, we have made £6.45 million available to 20 projects.

Mr Boylan: My question has been answered.

Mr Deputy Speaker: Question 7 has been withdrawn.

Comber Potatoes

8. **Mr Hamilton** asked the Minister of Agriculture and Rural Development for an update on the application for protected geographical indication for the Comber potato. (AQO 1321/10)

The Minister of Agriculture and Rural Development: I am pleased to be able to confirm that the application to register new season Comber potatoes as a protected geographical indicator (PGI) was submitted to the Department for Environment, Food and Rural Affairs on 21 April 2010.

I welcome that development and the support that was provided to get to that stage by Ards Borough Council. Subject to a final consultation exercise that ends on 4 June 2010, DEFRA will submit the application to the European Commission for approval. If approved, the PGI will give growers in the designated area improved marketing opportunities for new season Comber spuds.

Mr Hamilton: I thank the Minister for her confirmation of that good news. Comber

potatoes and Armagh Bramley apples are prototypes for Northern Ireland producers who seek EU recognition. Given the wealth of great food produce that exists in Northern Ireland, what will the Minister's Department do, once those applications are successful, to encourage even more applications from Northern Ireland food producers?

The Minister of Agriculture and Rural

Development: My officials have been working with the Fruit Industry Federation and the Lough Neagh Fishermen's Co-operative Society to assist them in developing applications to register Armagh Bramley apples and Lough Neagh eels, respectively. Both applications have undergone the required consultation process and have been submitted to the European Commission in the past 12 months. I welcome applications on behalf of other food types, so that we can put them through that process, because it adds something to our food product.

Just at the mention of Comber spuds, I can feel a stone going on me already, because they would be served with butter and scallions.

Mr McCarthy: I thank my council colleague for bringing such an important subject to the Floor of the Assembly. Has the Minister ever had the pleasure of eating a Comber spud? Will she continue to promote the Comber spud wherever she goes? *[Laughter.]*

The Minister of Agriculture and Rural

Development: I think that it is clear to see by looking at me that I have eaten plenty of spuds.

Mr McCarthy: Comber spuds?

The Minister of Agriculture and Rural

Development: Yes. I have eaten Comber potatoes — a handful of scallions and a wee taste of butter and you are landed. Thank God I have had my lunch.

We do not take enough time to promote the benefits of local produce, unless people are looking for them. The quality of some of the produce in our supermarkets that is imported from other places is nowhere near the same. Members can help to promote the benefits of local produce such as potatoes, strawberries or apples, and we should do so collectively.

3.00 pm

Culture, Arts and Leisure

Mr Deputy Speaker: I inform Members that question 7 has been withdrawn.

Creative Industries

1. **Mr K Robinson** asked the Minister of Culture, Arts and Leisure for his assessment of the job-creating potential of the creative industries.
(AQO 1328/10)

The Minister of Culture, Arts and Leisure

(Mr McCausland): Prosperous economies are characterised by a strong creative sector and, across the world, the creative industries are recognised for their potential for growth and job creation. Approximately two million people in the United Kingdom are employed in the creative sector, and the creative industries in the UK contributed a greater proportion of GDP than in any other nation. Most recent estimates indicate that, in Northern Ireland, some 36,000 people are employed in the creative industries or creative occupations, which represents approximately 4.6% of the workforce.

In recent years, significant success has been achieved in attracting major film and television productions to Northern Ireland. The growing and vibrant local sector also includes the many individuals and small businesses working in digital media. Northern Ireland creative talent has the potential to develop the region as a world leader for film locations and to develop the lucrative post-production and digital content markets.

The creative industries can help lead economic recovery and job creation in Northern Ireland. My Department will continue to work with Invest NI and other key stakeholders to grow the creative industries sector and increase its ability to compete and succeed on the world stage.

Mr K Robinson: I thank the Minister for that very factual and clear assessment of how the creative industries are performing in Northern Ireland. However, at this time, when public sector jobs are under severe threat, will he make an urgent assessment of how many jobs it may be possible for his departmental budget to sustain with the potential for creating further jobs in the creative sector?

The Minister of Culture, Arts and Leisure:

The key areas of support are provided through organisations such as NI Screen and the creative industries innovation fund. I anticipate that we will work to continue that support for the creative industries in some way. However, that is very much dependent on budgetary constraints. If my budget is cut in the way that it was previously, there might not be the resources. However, I hope that there will be opportunities to provide funding through the continuation of the innovation fund. We, along with the Department of Enterprise, Trade and Investment (DETI), and Invest NI, will continue to support NI Screen.

At the heart of the Member's question is the fact that the creative industries are an area of potential growth and potential job creation that we would be foolish to miss out on.

Dr McDonnell: Will the Minister update the House on the strategic action plan for the creative industries and the associated development fund? Job creation is important. However, what other parameters will the Minister use to assess the success or otherwise of the strategic action plan?

The Minister of Culture, Arts and Leisure: I accept the Member's question. However, it is about growing the sector, in which job creation is a key issue. The Programme for Government target was to grow the creative industries by up to 15%. The baseline for that goal is gross value added (GVA) data from the Northern Ireland annual business inquiry, and the provisional 2008 data were made available in December 2009. However, it is only recently that detailed data on the level of the creative industries have become available.

Recent research may provide some estimation of Northern Ireland's progress. A report by Oxford Economics on behalf of the Arts Council noted the impact of the recession and downturn on the local and global economy. The report estimated that the GVA of creative industries in Northern Ireland will grow by 6.7% between 2007 and 2011, which suggests attainment of the goal of growing the sector. It added that full 15% growth will be reached by 2014.

Back in 2008, we launched the strategic action plan for the creative industries, which was developed with other Departments' agencies and sectoral development bodies. Work on that is progressing apace.

Ms J McCann: Go raibh maith agat, a LeasCheann Comhairle. Given the Minister's answer and the wisdom of further investment in those sectors, will he consider growing the participation of the social economy sector in the creative industries so that communities can be regenerated and areas of disadvantage and need can benefit?

The Minister of Culture, Arts and Leisure:

There is nothing to preclude social economy businesses from participating in the creative industries.

Rivers and Lakes: Restocking

2. **Mr P J Bradley** asked the Minister of Culture, Arts and Leisure how much his Department has spent on restocking the lakes and rivers under its control in each of the last three years.

(AQO 1329/10)

The Minister of Culture, Arts and Leisure:

In the last three years, the Department has spent the following amounts on restocking the public angling estate: £218,603 in 2007-08, £194,381 in 2008-09 and £294,103 in 2009-2010.

Mr P J Bradley: I thank the Minister for his answer. Has he had any recent meetings with the Northern Ireland Environment Agency about the restocking of polluted rivers? I ask him to do everything that he can to lobby the Minister of the Environment and the Minister of Justice to ensure that repeat polluters are severely dealt with by the law.

The Minister of Culture, Arts and Leisure: I agree that pollution of rivers is a particular problem. I have not had any meetings recently with the Environment Agency about restocking and supporting fishing activity in the rivers, but I am aware of the ongoing problems in a number of rivers. For example, after a recent fish kill, DCAL restocked the Ballymartin tributary river to the Sixmilewater with 1,000 trout. We are conscious of the impact of pollution on a number of the rivers. The Member's question may be better directed at the Minister responsible for the Northern Ireland Environment Agency.

Mr T Clarke: The Minister touched on the question that I want to ask, which is about the pollution in the Sixmilewater over the past couple of years. Will he outline any other programmes that have been undertaken in the

Sixmilewater? What other stocking measures have taken place there in the past three years?

The Minister of Culture, Arts and Leisure:

Using Peace I and Peace II EU funding, DCAL has funded the Antrim and District Angling Association, Ballynure Angling Club and Doagh angling club for rehabilitation work, which includes a fish pass at Barbour's weir. As I said, we restocked the stretch from the Ballymartin tributary river to the Sixmilewater with 1,000 trout. DCAL is also working with Ballynure Angling Club and Antrim Angling Association under the salmonid enhancement programme to remove brood stocks to Bushmills Salmon Station for restocking purposes.

Mrs McGill: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his response on the restocking of lakes and rivers. Will he assure the House that disabled anglers will be provided with proper access so that they enjoy the benefits that others do?

The Minister of Culture, Arts and Leisure: I am not sure about the connection between the Member's question and the restocking of the rivers. However, the point is well made: we should endeavour to do all that we can to help those with disabilities to access fishing stands. That is taken into account by those who install fishing stands.

DCAL: Public Bodies

3. **Mr P Maskey** asked the Minister of Culture, Arts and Leisure if all public bodies under the control of his Department have adopted the Information Commissioner's model publication scheme, including publishing the minutes of their board meetings on their websites.

(AQO 1330/10)

The Minister of Culture, Arts and Leisure:

My Department and its public authorities that are listed in schedule 1 to the Freedom of Information Act 2000 have adopted the Information Commissioner's model publication scheme and are publishing the minutes of their board management committee meetings. Although NI Screen is not listed as a public authority, it is required to comply with the Act. It is currently redesigning its website and hopes to commence publishing its minutes shortly.

Mr P Maskey: Go raibh maith agat, a LeasCheann Comhairle. Will the Minister explain why his Department was slow to implement

the scheme with a number of its arm's-length bodies, including NI Screen? As I understand it, NI Screen is one of the most recent adopters of the scheme. Maybe he will explain why it has taken so long for that to happen.

The Minister of Culture, Arts and Leisure:

The Member will appreciate that there are more arm's-length bodies associated with this Department than with any other. Sometimes, there can be a slowness in implementing all that I want to see implemented. For example, I have for some time been asking that the minutes of Foras na Gaeilge, one of my cross-border bodies, be provided on the website in English as well as in Irish so that the rest of us can read them. However, that has been slow in coming, even though the request dates to the time of my predecessor.

I use that as an example to show how bodies do not always move as quickly as may be expected. However, we are moving on with these things, every effort is being made, and I think that we are now at the point where we are compliant.

Mr Shannon: In the interests of clarity and openness, does the Minister require that all his arm's-length bodies publish the names of their board members and senior managers on the Department's websites?

The Minister of Culture, Arts and Leisure: All my arm's-length bodies maintain registers of interests in respect of their board members and senior management. Declarations in respect of the register are required at board meetings, and confirmation of those declarations is sought through review of the board minutes and accountability meetings. I recently asked my officials to write to the Department's arm's-length bodies asking that they consider publishing those registers of interests on their websites, so that that information is not simply something within the body but is publicly accessible.

Mr Gallagher: I welcome the Minister's commitment to greater openness and transparency with regard to arm's-length bodies in his Department. However, does he appreciate that sometimes those bodies have to deal with delicate and difficult matters? Take, for example, the Minister's recent letter to the museums board about creationism and the Orange Order. Does the Minister really think that it is fair to board members to have their response to

that kind of correspondence put in the public domain?

The Minister of Culture, Arts and Leisure: I am glad that the Member raised that point, because it was quite clear that some malign individual decided to leak copies of a letter to the press. That matter will have to be dealt with and investigated by the institution concerned. That individual leaked not only a copy of a letter but the museum's copy of minutes of a meeting, which apparently appeared in the 'Sunday World' even though those minutes have not yet been verified by anyone. It is true to say that that shows a lack of respect by that individual for the trustees of the museum and for the institution itself. I am sure, therefore, that the Member will join me in condemning such behaviour.

Sport: Children and Young People

4. **Mr McDevitt** asked the Minister of Culture, Arts and Leisure what measures Sport NI is taking to encourage young children and teenagers to participate in sport (i) within school; and (ii) outside school. (AQO 1331/10)

The Minister of Culture, Arts and Leisure: Sport Northern Ireland has a number of programmes and initiatives that aim directly or in part to encourage young children and teenagers to participate in sport inside and outside school. Those include an Activ8 programme, an active communities programme, leadership training in adventure sports, governing body and athlete support programmes, capital programmes to help to address sports infrastructure deficits, and surveys of timetabled PE in primary and post-primary schools.

Sport Northern Ireland also partnered DCAL in developing my new 10-year strategy for sport, 'Sport Matters: The Northern Ireland Strategy for Sport and Physical Recreation 2009-2019', which I launched on 13 May. Sport Matters contains targets and actions designed to encourage children and young people to participate in sport inside and outside school. As part of the delivery of Sport Matters, I have invited Sport Northern Ireland to join me at a meeting that I have arranged with the Minister of Education, Caitríona Ruane, to discuss how DCAL and the Department of Education can encourage better use of school and community sports facilities in a way that will help to encourage children and young people to

participate in sport inside and outside schools. That meeting is scheduled to take place on 7 June.

Furthermore, my predecessor, Gregory Campbell MP MLA, was committed to using the power of the 2012 Olympic and Paralympic Games to inspire children and young people to adopt healthier lifestyles through sport. Sport Northern Ireland, through its programmes and initiatives, is helping the Department to deliver that legacy and, in doing so, is helping to tackle the major issue of childhood obesity.

3.15 pm

Mr McDevitt: I welcome the news that there will be a meeting on 7 June between the Minister of Culture, Arts and Leisure and the Minister of Education. Specifically, does the Minister hope to seek agreement with the Minister of Education on the use of schools' facilities for sports and community sports?

The Minister of Culture, Arts and Leisure: That issue is on the agenda; it is the purpose of the meeting. I am not saying that, to borrow the Member's phrase, we will reach agreement. That is not the situation that we will have. We need to find mechanisms, patterns of good practice and ways of doing things, and those will develop over time. There are already examples of good practice in quite a number of schools, and we need to encourage other schools to learn from those examples. There are other issues that we will want to discuss at the meeting.

Mr Cree: Has the Minister any indication of the number of school premises that are used outside normal hours and are funded by his Department?

The Minister of Culture, Arts and Leisure: I do not have that information to hand. I will enquire as to whether it is available. That might also need to be discussed with the Minister of Education at the meeting on 7 June.

Mrs O'Neill: Go raibh maith agat, a LeasCheann Comhairle. Does the Minister have a view on setting aside a set number of hours in a school for PE?

The Minister of Culture, Arts and Leisure: There is an issue in relation to the activities of young people and the opportunities in the curriculum. Recommendations came forward from last year's Education and Training Inspectorate report on children and young people's interest in sport. That piece of

evaluative work was commissioned from the inspectorate by my Department. The report's recommendations, particularly those calling for greater collaboration between Departments, the building of links between schools and clubs and the widening of the PE curriculum, are wholly consistent with the targets and actions set out in the Sport Matters strategy.

When the inspectorate published the report last July, it specifically stated that there needed to be widespread support for Sport Matters if the recommendations were to be implemented. It is key that we encourage schools, within and outside the curriculum, to maximise opportunities. Some of those issues fall more readily within the Department of Education's remit, and that is why we need, through Sport Matters, to have a cross-departmental group to work on them. Perhaps the Member should direct her question to the Minister of Education.

Ulster Scots

5. **Mr Craig** asked the Minister of Culture, Arts and Leisure for his assessment of the benefits for the entire Ulster-Scots population, including in the border regions, of funding provided by his Department for Ulster-Scots language and heritage. (AQO 1332/10)

The Minister of Culture, Arts and Leisure: The benefits to the Ulster-Scots community of the funding provided for Ulster-Scots language and heritage projects are that it helps to grow an awareness of the Ulster-Scots community and to maintain and to develop the language and cultural traditions of that community in Northern Ireland and the border counties. It also helps to recognise the influence of the cultural traditions of the Ulster Scots in Northern Ireland, the border counties and, indeed, the rest of the world.

Mr Craig: I thank the Minister for that. Will he outline how he will ensure that the Ulster-Scots cultural and heritage tradition in Northern Ireland can be maintained and protected as other cultures in Northern Ireland are?

The Minister of Culture, Arts and Leisure: My Department allocates significant funding through its arm's-length bodies to help Northern Ireland's communities enjoy and celebrate their culture and heritage, be it through the arts, sport, languages or, indeed, museums. If we are to build a shared and better future in Northern Ireland, it is essential that everyone's

culture, heritage and beliefs are recognised and respected as part of our society and our shared heritage. Publicly funded bodies, such as schools and museums, have an important part to play. They need to ensure that everyone's culture, traditions and beliefs are treated with respect and are presented in an inclusive way that does not exclude and marginalise them.

One of the Members opposite referred earlier to a letter that I sent recently to the trustees of the Ulster Museum. The context of the letter was to ensure recognition of the importance of building a shared future, a commitment to good relations and recognition of the responsibility for human rights and equality of all arm's-length bodies. It is essential that the Ulster-Scots story is not airbrushed from the storyline of our museums as though that community did not exist. The same is true of the Orange tradition that I also mentioned in the letter. It is important that all traditions are included. For the record, at my meeting with the trustees, I mentioned not only the Orange Order but the Ancient Order of Hibernians, of which I am unlikely to become a member.

Mr Leonard: Go raibh maith agat, a LeasCheann Comhairle. Will the Minister accept and confirm that the Dublin Administration have been relatively positive towards the Ulster-Scots culture, thereby providing a good example of inclusivity in Ireland that others could follow?

The Minister of Culture, Arts and Leisure: I have had several cordial meetings with the responsible Minister from the Irish Republic. We have a common understanding of the way forward for Foras na Gaeilge and the Ulster-Scots Agency. I am encouraged by the meeting of minds on that matter.

Mr Kennedy: I am still reflecting on my interesting private conversation with the Minister in the Library earlier today. We talked about the visit of Roy Rogers and his horse, Trigger, to Northern Ireland many years ago. With that in mind —

Mr McCarthy: Was it not Tonto?

Mr Kennedy: No, it was Trigger. The Alliance Party is split on that matter.

Will the Minister detail his plans for the non-linguistic elements of the Ulster-Scots heritage, specifically his medium- and long-term plans for the development of Ulster-Scots music?

The Minister of Culture, Arts and Leisure: I am encouraged that the Member takes such an inclusive view of culture. It was an interesting conversation about Roy Rogers. Perhaps there was some discussion on whether Kieran McCarthy appeared in the film.

Pursuant to the St Andrews Agreement, we are developing a strategy for the Ulster-Scots language and culture alongside that for the Irish language, and music is bound to be a significant element. I encourage the Member to be patient, because the strategy will appear shortly, and it may reassure him. Music and dance are tremendously popular. The Ulster-Scots Agency has allocated money to tuition in schools through the peripatetic teachers' scheme and to community-based training in music and dance. Those are immensely popular schemes.

Mr Molloy: Will the Minister provide an assurance that the review —

Mr Kennedy: Question number 6.

Mr Molloy: I am sorry, Mr Deputy Speaker, —

Mr Kennedy: Roy Rogers has a lot to answer for.

Foras na Gaeilge

6. **Mr Molloy** asked the Minister of Culture, Arts and Leisure for his Department's assessment of the Foras na Gaeilge review of its core-funded organisations. (AQO 1333/10)

The Minister of Culture, Arts and Leisure: In April 2008, the board of Foras na Gaeilge commenced an external review of its 19 core-funded Irish language voluntary organisations. The sponsor Departments and the North/South Ministerial Council agreed with the terms of reference for the review, which included achieving significant benefits through attaining value for money and the effective delivery of Foras na Gaeilge's statutory obligations.

The review report was presented to the board of Foras na Gaeilge on 21 May 2010 and to the North/South Ministerial Council on 26 May 2010, when Ministers decided that officials from both sponsor Departments should work with Foras na Gaeilge to agree the detail of the review's proposals and a timescale for its implementation by the end of June 2010.

Mr Deputy Speaker: It is now time for your supplementary question, Mr Molloy.

Mr Molloy: I apologise; I was engrossed in conversation.

Will the Minister assure us that the review will not have an adverse affect on the jobs in the 19 core-funded organisations that are located the length and breadth of Ireland?

The Minister of Culture, Arts and Leisure: I am disappointed that my answers have not been significantly intriguing and interesting to hold Mr Molloy's attention.

The purpose of the review was to ensure maximum value for money and money for areas where it will have maximum effect. The process is at an early stage and must be given an opportunity. Everyone will be encouraged if we avoid duplication and ensure better spend and value for money. Foras na Gaeilge has much work to do on implementing its decisions, but we need to wait a little while to see how that works in practice.

Mr I McCrea: I thank the Minister for his answer. What are the main recommendations of Foras na Gaeilge's review of its core-funded bodies?

The Minister of Culture, Arts and Leisure: The funding model proposed in the review will be based on a portfolio of schemes that will be advertised for the entire Irish language sector rather than for a particular number of organisations. A statutory amendment will be introduced in Dublin to allow the distribution of the entire fund based on open competition and the best applications. Foras na Gaeilge will prepare one central strategy for the fund, which will be reviewed annually, based on the achievement of targets. It is proposed that Foras na Gaeilge will develop schemes under the following categories: local radio; the arts; education; family support; community support; youth advocacy; and research. Sponsor Departments are now working with Foras na Gaeilge to agree an implementation plan by the end of June.

Mr D Bradley: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagra, ach ba mhaith liom an cheist seo a chur air: an gcinnteoidh sé go gclúdófar na cúinsí uile go léir faoin athbhreithniú ar eagraíochtaí croí-mhaoinithe?

Will the Minister ensure that the differing circumstances that apply to organisations here

will be taken into consideration in any changes to core-funded organisations' funding?

The Minister of Culture, Arts and Leisure: It is not intended to administer two separate portfolios: one for Northern Ireland and one for the Irish Republic. Therefore, organisations based in Northern Ireland will have to compete with organisations in the Republic for funding. Foras na Gaeilge and the two sponsor Departments will give due consideration to organisations based in Northern Ireland as the implementation plan is developed. In my previous supplementary answer, I set out the areas of activity on which there will be particular focus. Interim funding for the core-funded organisations has been agreed until the end of the December, and I do not believe that additional protection is required.

Mr Deputy Speaker: Question 7 has been withdrawn.

Public Record Office of Northern Ireland

8. **Mr Kinahan** asked the Minister of Culture, Arts and Leisure for an update on the relocation of the Public Record Office of Northern Ireland to the Titanic Quarter. (AQO 1335/10)

The Minister of Culture, Arts and Leisure: The construction of the new public record office at Titanic Quarter is on programme for completion and handover to the Public Record Office of Northern Ireland (PRONI) in August 2010. It is scheduled to open to the public in April 2011.

Mr Kinahan: I thank the Minister for his answer. What is his assessment of the access at the site of the new public record office? How many users can it cope with at any one time?

The Minister of Culture, Arts and Leisure: The whole purpose of having the new facility in the Titanic Quarter is to provide greater access. There are difficulties with the current premises that, frankly, make them unsuitable for the twenty-first century. Users will have much better provision in the new building.

The question on the number of users is difficult to answer. The answer will depend very much on what services are required in the building at any one time. For example, questions are often asked about the number of machines that are available for reading digitised records. We cannot predict how many people will want to use that particular service at any particular time.

The Member's second question is, therefore, almost impossible to answer. However, we are confident that the new facility will be a much better and superior facility than what we have at present.

3.30 pm

Education

Convergence Delivery Plan

1. **Mr McCallister** asked the Minister of Education when phase one of the convergence delivery plan will be completed. (AQO 1342/10)

The Minister of Education (Ms Ruane): Is ar bhunú an údaráis um oideachas agus scileanna a bhraitheann baint amach an lánchumais chun caighdeán oideachais a ardú agus coigiltí éifeachtacha a sholáthar. Tá socruithe tugtha isteach agam a thacóidh le coinbhéirseacht na seirbhísí oideachais faoi na struchtúir reatha go dtí go n-achtófar an Bille um Oideachas.

Realising the full potential to raise educational standards and deliver efficiency savings depends upon the establishment of the education and skills authority (ESA). Until the Education Bill is enacted, I have instituted arrangements to provide for the convergence of education services under the current structures. This is a suboptimal position. Those Members who are blocking progress of the Bill are denying children the opportunities for better outcomes and are delaying the realisation of significant financial savings.

To provide for this, a convergence delivery plan was published in March 2010. It is expected that significant progress towards the completion of phase 1 of the plan will have been made by March 2011. That is the target date for education and library boards, working with the education and skills authority implementation team, to deliver savings of £13 million through converged services. Certain aspects of phase 2, involving non-education and library board organisations, will be undertaken in parallel with phase 1.

Mr McCallister: By now, the Minister should have realised that the Bill in its current form is unlikely to be passed by the Assembly.

Will the Minister give an indication regarding the director-designate roles within the ESA?

Does she view those posts as permanent, even after the completion of her delivery plan, or temporary?

The Minister of Education: It is disappointing that the Member is setting his heart against the establishment of the education and skills authority. I urge him to change his mind, because ultimately this is about standards for children and young people and dealing with the current level of underachievement in the system. It is also about developing a more cohesive approach across the North of Ireland.

In my statement to the Assembly on 12 December 2009, I made it clear that the ESA chairperson, Sean Hogan, and chief executive designate, Gavin Boyd, will have key roles in keeping the momentum going towards the establishment of the ESA. The chief executive designate and the ESA directors will work closely with staff in the education and library boards and other affected organisations in the design and implementation of the convergence of services. The accountability of the education and library boards' chief executive officers for service delivery remains unchanged.

Mr Storey: For once, will the Minister give a clear answer to a question? She has said in the House that the improvement of standards in schools and efficiencies are dependent on the establishment of the ESA. Will she accept today that the reason why the ESA has not and will not be established is that she and her party are not prepared to protect the controlled sector of our education system, which she would like to further discriminate against by removing the legal rights of the Protestant Church representatives on education and library boards? Will she publicly state in the House what her position is on that protection?

The Minister of Education: This was an Executive decision to which the Member's party signed up. It is very unfortunate that this representative of that party is playing games with the establishment of the ESA. I absolutely refute the comments that he has made in relation to the transferors. The Member will know that I, and representatives of my Department, have met on a number of occasions to deal with the genuine concerns of transferors. The party opposite needs to be asked: is it using genuine concerns to try to block educational reform? I leave the House to decide on that.

Mrs O'Neill: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her answer, and I welcome her commitment to move forward in improving the outcomes for all children. Will she explain why she will not leave education and library boards in their current form?

The Minister of Education: Aithníonn an Coiste Feidhmiúcháin go gcaithfear éifeachtúlachtaí a bhaint amach san oideachas.

The Executive recognise that efficiencies must be achieved in education and that we must get money to the front line. I also require significant reshaping of services to support new policies such as Every School a Good School. To that end, it remains Executive policy to support the introduction of the education and skills authority. However, in the absence of progress on the legislation that is necessary to bring that about, I announced in December 2009 that work should begin to converge the existing authorities' activities in pursuit of greater efficiency and to ensure standards for all young people rather than some, with the focus on supporting new policies.

Mr Dallat: Will the Minister give some insight into the financial model that was used to illustrate savings that may arise from the convergence delivery plan?

The Minister of Education: The Member will know that an enormous amount of money is being used and that the bureaucracy and administration of services are duplicated. At present, 11 organisations administer education. There is no need for that. We need to streamline that bureaucracy and administration and ensure that we get money to front line services. The economic climate challenges all of us in the House, and it is important that all parties support educational reform so that we can get money to the front line.

Schools: Boards of Governors

2. **Mr Gardiner** asked the Minister of Education to outline the reasons why a number of boards of governors of schools have not been reconstituted. (AQO 1343/10)

The Minister of Education: School boards of governors are reconstituted every four years. The reconstitution process involves a number of stages, and it can take some 12 to 18 months to complete them all. Those stages include advertising for and recruiting new governors,

seeking nominations from school trustees and transferors' interests, consultation with schools and consultation with existing governors about reappointments. Also included are the arrangement of elections in schools for teacher and parent governors and the vetting of all new governors before formal appointment.

Chuaigh 1,166 scoil, idir scoileanna rialaithe, scoileanna faoi chothabháil agus scoileanna deonacha gramadaí, trí athbhuanú sa 12 mí a chuaigh thart. Tá athbhuanú bhoird gobarnóirí na scoileanna rialaithe agus na scoileanna faoi chothabháil araon chóir a bheith críochnaithe.

A total of 1,166 controlled, maintained and voluntary grammar schools have been undergoing reconstitution in the past 12 months. The reconstitution of controlled and maintained schools' boards of governors is almost complete. Most voluntary grammar schools have also been undergoing reconstitution, and the number of governor appointments remains to be confirmed by my Department.

Mr Gardiner: Does the Minister accept that, for the convergence delivery plan to work, the boards must include elected representatives?

The Minister of Education: Of course we need elected representatives, and we are in the process of ensuring that such people are on the boards and that representation is wide enough to include everybody's views.

Mrs M Bradley: What measures is the Minister taking to ensure that there is a balance of political representation on the boards of governors?

The Minister of Education: We conduct a transparent and open process. Last year, that process was advertised extensively, because it is important that we get a political — with a small “p” — cross section of our community. We are talking not about political parties being represented on boards of governors but about representation that reflects communities. The complex issues of underachievement and departmental policies must be dealt with in that context. Therefore, we in the Department aim to ensure that we have the broadest possible representation, that we work very closely with communities and that we deal with the many challenges we face, particularly those of underachievement and ensuring that young

people who have not had opportunities in the past have them now.

Nursery Places: South Belfast

3. **Ms Lo** asked the Minister of Education whether she intends to increase the number of nursery school places in South Belfast for the academic year 2010-11, given the acute shortage of preschool nursery provision in the area. (AQO 1344/10)

Preschool Places

8. **Mrs McGill** asked the Minister of Education what action she is taking to assist children who did not gain a preschool place. (AQO 1349/10)

The Minister of Education: A LeasCheann Comhairle, I will answer questions 3 and 8 together. Mar gheall ar an éileamh gan réamhshampla ar áiteanna i mbliana agus mar gheall ar an tábhacht a bhaineann le hoideachas réamhscoile i dtaca le forbairt na luathbhlianta, d'fhógair mé go bhfuil sé de rún agam soláthar breise de suas le £1.3 milliún a chur ar fáil le háiteanna breise a mhaoiniú chun an t-éileamh seo a chomhlíonadh.

In recognition of the unprecedented demand for places this year and the importance of preschool education to early-years development, I have already announced my intention to make available additional provision of up to £1.3 million to fund additional places to meet demand. That brings to 22,559 the number of funded preschool places. Some 14,202 places are available in the statutory sector, and there is sufficient funding for 8,357 places in the voluntary and private sector. That means that roughly two out of every three existing funded preschool places are in the statutory sector.

Furthermore, since May 2007, I have approved 12 new statutory nursery units, which represents 312 additional statutory places. I have also approved two development proposals from statutory nursery settings to change from part-time provision to full-time provision, in line with parental demand. In 2009-2010, 97% of the cohort of three- to four-year-old children were allocated a funded preschool place. That compares with only 45% of children in receipt of a funded preschool place in 1997, before the introduction of the pre-school education expansion programme (PSEEP). Therefore, a significant level of growth has occurred in

a relatively short period. My Department is working with the education and library boards to examine the options that are available in order to ensure that, where possible, every child is placed for the 2010-11 school year.

Preschool education is a genuine partnership between the statutory sector and the voluntary and private sector. My Department, together with the education and library boards, will consider all avenues to address the unprecedented demand for places.

Ms Lo: I thank the Minister very much for increasing her budget for preschool places this year, although better planning is needed next year to avoid having to remedy the situation in the face of a crisis.

In view of the shortage of places that there is in South Belfast, will the Minister reconsider the applications that were rejected, such as those from St Anne's Primary School for 26 additional places and from Cranmore Integrated Primary School for upgrading its playgroup to a nursery, at least for the coming years?

The Minister of Education: The Member mentioned South Belfast. Chuir an BELB in iúl dom go bhfuarthas 217 iarratas ar 156 áit i naíscoileanna agus in aonaid reachtúla i dtoghcheantar Bhéal Feirste Theas don bhliain 2010-11.

The Belfast Education and Library Board advised me that 217 applications were submitted for 156 places in statutory nursery schools and units in the Belfast South constituency for 2010-11. Funded preschool places are available not only in the statutory nursery settings but in settings in the voluntary and private sector. Indeed, approximately one third of funded preschool provision is in that sector. At the end of the preschool admissions process on 30 April 2010, 33 children in the South Belfast constituency in their final preschool year had not been offered a funded preschool place. However, 26 funded preschool places remained unfilled. That highlights the difficulty in matching demand for places to actual numbers. My Department is looking at how that demand can be met, after which we will get back to the Member.

Mrs McGill: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her responses. I seek some clarification on the £1.3 million of additional funding. Has the

Minister stated whether the statutory sector is also accommodated?

3.45 pm

The Minister of Education: Tugtar faoi deara go bhfuil tuairim is dhá áit as gach trí áit chistithe réamhscoile ar fáil san earnáil reachtúil.

It should be noted that roughly two out of every three existing funded preschool places are in the statutory sector. Furthermore, since May 2007, I approved 12 new statutory nursery units, representing 312 additional statutory nursery places. Preschool education is a genuine partnership between the statutory and the voluntary and private sectors. My Department, with the education and library boards, will, of course, consider all avenues to address the unprecedented shortfall in places. When the education and library boards allocate additional places, they will look initially to the voluntary and private preschool sector because it provides more flexibility to react to fluctuations in overall numbers. However, the Member should be aware that I will be considering some outstanding statutory development proposals.

Mr McDevitt: The Minister's reply concerning South Belfast highlighted the Department's inadequacy in planning preschool places. Further to the Audit Office's recent report on preschools in Northern Ireland, what specific steps is the Minister taking to implement the report's recommendations?

The Minister of Education: Obviously, my Department will carefully study all the Audit Office's recommendations. In the report, as well as areas for improvement, there are many positive areas, and we will examine both. Suffice it to say, in a short time, we moved from 47% to 97%. However, we can never be complacent, and we will always want to improve. Indeed, we invested an enormous amount of money — tens of millions of pounds — in preschool funding. I note that all parties in the House support additional money for preschools, and I welcome that support.

Mr Bell: Given the Minister's established failure to plan adequately and the resultant impact on children whose educational potential is being stolen from them this year, how will she tackle the widespread perception that she is discriminating against the statutory sector? Given that parents want to send their children

to the statutory sector because of its proven educational track record, is the Minister telling us that she knows more than those parents?

The Minister of Education: I shall not comment on the Member's personal opinions; suffice it to say that I have a different view. I already answered the question about the statutory sector, and that answer is on the record.

Mr Beggs: Will the Minister clarify why some two-year-olds continue to get funded places while others in their immediate preschool year are not getting them? She indicated that 97% of places are funded, so why can all children who wish to take up a funded place not get one?

When will people in the community and voluntary sector and, for that matter, in the private sector be given the same level of funding as those in the statutory sector? The Minister, apparently, espouses equality, but there is no equality at present.

The Minister of Education: The Member's question about two-year-olds is valid, and my Department is looking into the matter. As the Member knows, I believe in equality. We are putting more resources — record amounts — into preschools than ever before, and I look forward to support from the Member's party when we bring forward the early years strategy, for which we have allocated resources. I look forward to the UUP's support when we bring forward funding applications.

Primary Schools: South Belfast

4. **Mr Spratt** asked the Minister of Education for an update on the proposed amalgamation of Donegall Road Primary School, Blythefield Primary School and Fane Street Primary School.
(AQO 1345/10)

The Minister of Education: Ar an gcéad ásc, tá Bord Oideachais agus Leabharlaine Bhéal Feirste freagrach as pleanáil an eastáit rialaithe i mBéal Feirste. Chuir an bord in iúl do mo Roinn go bhfuil sé ag obair ar thograí ar fhoirgneamh nua scoile chun cónascadh na trí scoil seo a éascú, ach tá obair ar luathchéim agus níor cuireadh tograí faoi bhráid mo Roinne le haghaidh breathnaithe go fóill.

The planning of the controlled estate in Belfast is, in the first instance, a matter for the Belfast Education and Library Board. The board recently advised my Department that it is working on

proposals for a new school to facilitate the amalgamation of those three schools. Work is at an early stage, and proposals have yet to be submitted to the Department for consideration. My officials have asked the board to consider the possibility of amalgamation in advance of any major capital investment. In addition, my Department and the board have agreed the need to develop an estate strategy for Belfast. Such a strategy will provide clarity on potential major capital works, including the inner south Belfast project.

Mr Spratt: I thank the Minister for her answer. With regard to those three schools, will she confirm whether the Belfast board is looking at a portion of land in the Health Department's remit? Will she assure me that all of that will be free from any political interference?

The Minister of Education: I absolutely assure the Member that there will be no political interference on the part of my Department. We are working closely on a wide range of capital builds, and work will be done on the basis of equality and with clear criteria.

Dr McDonnell: Those three schools are in need of urgent attention. The Minister said that there was the possibility of the schools working together or amalgamating in some way before a new school is built. Will she outline in more detail what work has or is being done on the possibility of the schools working in some sort of federation before a new school is built?

The Minister of Education: The Belfast Education and Library Board has recently advised my Department that it is working on proposals for a new school to facilitate the amalgamation. I and my Department await those proposals. Work is at an early stage, and proposals have yet to be submitted. We will examine the proposals in detail as soon as we get them.

Mr Kinahan: I thank the Minister for her answer. I want to widen the discussion slightly. When her Department is making decisions to amalgamate schools throughout Northern Ireland, what demographic analysis does it undertake?

The Minister of Education: The Member knows that I do not want to build schools on the basis of what happened in the past when, a short time after schools were built, they were empty. Valuable public money was used in the process. We are carrying out robust area-based planning,

and we are looking at numbers with regard to all the different schools and any new capital builds. We are doing projections for the number of children in schools, and we are ensuring that the money spent in the capital programme is money well spent.

Teachers: Redundancies

5. **Mr A Maginness** asked the Minister of Education how many teachers will be made redundant at the end of this school year.

(AQO 1346/10)

The Minister of Education: Chuir mé suas le £9 milliún ar fáil chun tacú le húdaráis fostaíochta d'fhonn an costas ar chúiteamh lánroghnach a bhaint amach.

I have made available up to £9 million, if needed, to help employing authorities to meet the discretionary compensation costs associated with teacher redundancies in 2010. In the current financial climate, that significant amount was not easy to secure. Discussions are ongoing between employing authorities with a view to securing volunteers for redundancy and the redeployment of teachers in redundant posts where appropriate. Therefore, it is not yet possible to identify the number of compulsory redundancies, if any, in 2010, although I understand from information supplied by the employing authorities that there will be 221 redundant teaching posts at the end of this school year. The funding that I have provided will help employing authorities to provide an incentive for volunteers and to keep compulsory redundancies to an absolute minimum.

Mr A Maginness: I thank the Minister for her reply. There is great concern in the teaching profession about increasing numbers of redundancies. I hope that the Minister can reassure those involved in teaching that when compulsory or voluntary redundancies are made, particularly compulsory redundancies, genuine efforts will be made to redeploy teachers in other schools. Obviously, there is a concern for teachers hoping to continue their teaching career —

Mr Deputy Speaker: Will the Member come to his question, please?

Mr A Maginness: Will the Minister assure me that she will do everything in her power to ensure that teachers are redeployed?

The Minister of Education: Obviously, I will do everything in my power to ensure that our teachers get fair play. That is why, in tight times, I made available a significant amount of money to ensure that our teachers are treated fairly. My Department is working closely with the employing authorities.

Mr B McCrea: Will the Minister comment on the recent report from the Northern Ireland Audit Office (NIAO) on the cost of using substitute teachers in Northern Ireland?

The Minister of Education: Our newly qualified teachers deserve fair play. They have not had that in the past, and the Member knows that I have been very concerned at the number of retired teachers being re-employed as substitute teachers. My Department has taken many actions to ensure that that does not happen, and the figures have decreased since I took office in 2007. The issue must be dealt with, and, obviously, the Department will carefully study the report from the NIAO. One measure that the Department has taken is to make it more expensive for schools to employ retired teachers by ensuring that the schools pay to employ substitute teachers, rather than money being taken from a central budget. That creates a greater incentive for schools to employ newly qualified teachers.

Mr Storey: Given the earlier comments on redeployment, what steps has the Minister and her Department taken to ensure that there is equality of treatment between the maintained and controlled sectors in the event of a redeployment? There is an impediment against teachers from the controlled sector gaining access to the maintained sector because of the need for them to have a Catholic certificate.

The Minister of Education: My Department always works with the employing authorities on the basis of equality. It fulfils its equality duties at all times.

Irish-Medium Schools

6. **Mr Leonard** asked the Minister of Education for an update on the inspection reports on Irish-medium schools. (AQO 1347/10)

The Minister of Education: Is earnáil bheoga óg í earnáil na Gaelscolaíochta: is í an earnáil is gaiste fás í i dtuaisceart na hÉireann.

The Irish-medium sector is young and vibrant, and is the fastest growing schools sector in the North of Ireland. However, the needs of that sector were neglected by previous Administrations. Newly established Irish-medium schools face particular challenges. The sector had difficulties in accessing curricular and other resources, and there has been historical underinvestment in capital projects, which has resulted in many schools having poor accommodation. There are also many transport issues.

Inspection is a key part of the work the Department does to support schools and raise standards, and that applies across all sectors. Once a school is inspected, a report is published and, if any areas for improvement are identified, the school is required to address them with appropriate support when necessary. When inspectors find that a school is offering less than satisfactory provision for its pupils, my school improvement policy ensures that that school receives focused support through the formal intervention process. The schools that receive support through that process — in the controlled, maintained, integrated, Irish-medium and grammar sectors — are committed to improvement and are receiving the tailored support that they need from education and library boards. I welcome the response of those schools in rising to meet the challenges that they face.

Every school that goes through that process will receive follow-up inspections, after which the situation will be reviewed. One Irish-medium school has just been re-inspected. It was found to have improved and the provision is now satisfactory. Therefore, I expect that the first school to exit the formal intervention process will be an Irish-medium school, and I look forward to all the other schools following suit.

I am committed to tackling underachievement wherever it exists and in every sector. The focus throughout that process is on ensuring that pupils receive the highest possible quality of teaching and learning so that they can achieve their full potential. The schools, parents, pupils and staff now need our encouragement as they set about the job of improvement.

Mr Leonard: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for outlining the actions that the Department currently takes. Will the Department give continued commitment

to the school improvement programme in all sectors?

The Minister of Education: Absolutely. Any school that is identified by the inspector receives tailored support from the relevant education and library board and is supported, when appropriate, by the relevant sectoral body.

The school also commits to working to deliver an agreed action plan, which is quality assured by the Education and Training Inspectorate and is designed to address the areas for improvement that have been identified through inspection.

4.00 pm

Executive Committee Business

Licensing and Registration of Clubs (Amendment) Bill: Second Stage

Debate resumed on motion:

*That the Second Stage of the Licensing and Registration of Clubs (Amendment) Bill be agreed. —
[The Minister for Social Development (Mr Attwood).]*

Mrs M Bradley: I am glad to see this Bill before the House today, because it deals with some very important issues, namely public health and public order. *[Interruption.]*

Mr Deputy Speaker: Order.

Mrs M Bradley: The laws on the licensing of clubs and the serving of alcohol have not been reviewed in the past 10 years, despite the fact that attitudes towards drinking, clubbing and socialising have changed a great deal during that time. Many people say that people's attitudes and behaviour have got much worse.

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

All Members will agree that alcohol abuse is a big problem. It is directly related to ill health, antisocial behaviour, violent crime, domestic violence and many other problems. Something must be done to tackle those issues, and the changes to the law contained in this Bill will go some way towards that. The introduction of stronger regulation of licensed premises will make our towns and city centres safer places, and the Bill will provide stiffer temporary closure laws, a penalty points system and a proof-of-age scheme. It will send a message to the owners of badly run bars and clubs that there is a real prospect of losing their licences.

Many people like a night out, and most people enjoy a drink. However, too many people take it to extremes. We do not want to hurt the industry, but we need to protect public order and improve the health of the population as a whole. I support the Bill and urge all other Members to do likewise.

Ms Lo: The Alliance Party supports the Bill's principle of addressing alcohol abuse, which obviously has serious social and economic

impacts on society. Although we welcome the various aspects of the Bill, we have some reservations about the closure provisions.

We support the new system of penalty points. It will deter premises owners and staff from breaking the law and thinking that they can get away with a small fine. Closing the premises for between one week and three months is a different matter for licensed premises owners. We also welcome the proof-of-age scheme. It will strengthen the hands of premises staff and owners in requiring customers to produce evidence of their age. Moreover, it will provide a defence for premises during any court proceedings because they will be able to show that they have demanded such documents and that they have a display of notices.

We support the proposals on the accounts of registered clubs. It is important to have that flexibility. We support the measure to introduce streamlined accounting practices for clubs to take into account different accounting requirements for different sizes of clubs and to make them proportionate so that clubs are not overburdened by unnecessary bureaucracy. We query the provision to allow authorisation for late night openings on special occasions to jump from 52 to 120 times a year. The principle of the law is to reduce the negative impact of alcoholism on society. The increase in the number of special occasions to such a level does not, therefore, make much sense. However, I value the benefits of private clubs and the contribution that they make. I declare that I am not a member of any such private club. It is important to consider the concern of the Federation of the Retail Licensed Trade in Northern Ireland that such an increase would encourage private clubs to run activities on a business or commercial basis rather than merely as members' clubs.

We are disappointed that the revised version of the Bill removes two grounds for police to close the premises: imminent disorder and noise nuisance. That will dilute the power of the police to prevent public disorder. Sufficient safeguards are required. However, decisions on the closing of premises are to be made by senior officers who must later justify their action to the court. They will, therefore, have to think beforehand about the rationale for closing down the premises and consider whether the court will view their decisions as necessary, justifiable and proportionate. If the Secretary of State were

to issue clear guidelines on the criteria for the use of that power, those would safeguard its use. We take the concerns that the police have expressed into consideration, and, perhaps, those issues will be ironed out at Committee Stage.

I agree with other Members, and I accept the Minister's comment, that the Bill is only the beginning. The introduction of measures such as controlling the price of alcohol and discouraging cheap alcohol sales would be useful in trying to curb the increase in alcohol abuse in Northern Ireland.

Mr Craig: I welcome the Minister's generally balanced approach to the Licensing and Registration of Clubs (Amendment) Bill. By and large, a level of balance is built into the Bill between controlling the use of alcohol and leaving open competition in the industry. Only one issue in the Bill strikes me as containing some imbalance.

I welcome many of the provisions. I warmly welcome the provision that gives additional powers to the police to close clubs or other facilities that cause breaches of the peace, and I have little sympathy for facilities that get into the situation in which fights break out continually. The penalty points scheme, which will be pioneered in Northern Ireland, will be an interesting concept, and we cannot say that too often about legislation. It will be interesting to see how that works out.

Clause 9 caused me consternation. It will increase the number of late night openings for clubs from 52 to 120. I find that very alarming. As a mathematician and an engineer, I know that that equates to a 127% increase in the number of late night openings for clubs. That causes me a number of concerns. The whole ethos of the Bill was to try to tackle Northern Ireland's alcohol abuse problem. In the whole of the British Isles, it is recognised that alcohol abuse is an issue. One has only to speak to the Health Minister to get a clear indication of the impact that it is having on the Health Department. More than 70% of the health issues that his Department deals with are caused by alcohol abuse of one kind or another. Paramedics have told me that if alcohol were taken out of the system in Northern Ireland, they would be unemployed. That is the type of impact that it has on our health system. We need to bear that in mind when we are looking at the Bill. It must try to tackle those issues.

The Minister has made it clear that this is the start of a process that will tackle some of the more underlying issues. The biggest issue is the sale of cheap alcohol as a loss-leading product by large national and multinational chains, which leads to a lot of the antisocial behaviour that we are well aware of in our constituencies. There has been a promise that those issues will be looked at later, but it is disappointing that some of the recommendations that have been looked at in Scotland were not tried out in the Bill. The vast majority of problems around alcohol abuse actually come from the sale of very cheap alcohol that is being taken away from premises, and, unfortunately, leads to a lot of alcohol abuse among our youth today. It is unfortunate that that is not being tackled. Therefore, although I understand the principle of the legislation, I find it bizarre that, in one respect, we are opening up another aspect of the legislation, with respect to clubs, that will lead to further abuse of alcohol. I find it intriguing that the Minister would allow that to happen.

In my constituency, I have worked with a number of sporting clubs that have premises in which one can take alcohol, and none of them were even slightly concerned about that aspect of the legislation. Most of them would never use the 50-odd days that we have in the current legislation, never mind meet a requirement for opening up late for 120 days. Therefore, it is hard to know where the demand is actually coming from. Obviously, some premises somewhere have a vested interest in doing more business. Unfortunately, however, in my experience, late night openings, whether they are in clubs, bars or restaurants, lead to alcohol abuse.

4.15 pm

A very tragic example of that happened in my own constituency. A matter of weeks ago, a young 28-year-old man came out of a club in the early hours of the morning. He had obviously taken far too much alcohol. He walked straight out in front of a vehicle and lost his life. I, for one, will not stand here and encourage further late openings that would allow such things to happen.

If Members want to know my position on alcohol, I advise them to look at a very famous sermon that I certainly take great pleasure in reading every now and again. The sermon is by the infamous Mr Billy Sunday on what he called the "booze" industry. He dealt with the social

issues that were caused by the drinks industry in America during his day, and he had a social conscience about alcohol. I may not agree with the outcome that he preached for at that time, because it backfired in America. However, it should certainly give the Assembly a shot across the bows about increasing clubs' late night openings, because they will create serious problems.

I was interested to hear what PSNI had to say on that. It has serious concerns about increasing late night openings because not only will they increase the police's workload but, unfortunately, they will increase it exponentially. At least the police are honest about that. Plenty of statistics from my own constituency prove that many policing problems occur whenever late night openings come to an end and people spill out on to the street. Unfortunately, many of those people are in no fit state to make their own way home. That leads to accidents, and it can lead to loss of life. Obviously, the police have to get involved in any breaches of the peace that occur whenever those people spill into the streets.

Police have difficulty policing the current system. Therefore, the potential 127% increase in the number of clubs' late night openings will create serious resourcing issues. They do not see how they can police that level of increase.

Therefore, I ask the Minister to reconsider that and to come back with a more balanced approach to the number of late night openings. The rest of the Bill is quite balanced. I find it strange that that 127% increase was included in one area alone. I have no doubt that it was included because someone lobbied heavily for it. However, that is a matter for the Minister and the former Minister to defend; I find it impossible to defend that level of increase. A more balanced increase should be looked at. That should be done in conjunction with PSNI because it, along with the Ambulance Service and the Health Service, will end up picking up the pieces that come about as a result of that change.

Dr Farry: I am grateful for the opportunity to contribute to the debate on the Second Stage of the Licensing and Registration of Clubs (Amendment) Bill. It is important to acknowledge people's right to run businesses and to engage in activities that they choose, which I, as a liberal, certainly do. However, the

Assembly also has a responsibility to recognise activities that pose harm and that can cause societal problems. Alcohol abuse is one of those areas. We should recognise that very many people enjoy alcohol, take a responsible attitude towards it, and that it can be part of a healthy social life and entertainment. There are others who can have healthy social lives and good nights out without having to indulge in alcohol. Some people want to drink and others do not, and we should respect people's freedom of choice.

However, like all other societies, we choose to regulate the sale and availability of alcohol, bearing in mind its potential dangers. What is before us has to be viewed as only one part of a wider approach by our political institutions and wider society to how we deal with issues that relate to alcohol. Others have referred to issues of access and pricing, and there is now a groundswell of support for the introduction of some type of minimum pricing of alcohol. I note that legislation has been introduced in Scotland, and that the issue is being spoken about in England and Wales. Northern Ireland needs to consider how it can follow suit, because access is certainly a major problem and challenge.

There are problems of abuse and alcoholism, particularly when that reinforces other mental health issues. Alcoholism can cause major problems for individuals and the friends and families of people who suffer from that disease. There are also problems of social disorder and problems on our streets that carry costs for all of us, including residents of areas near pubs and clubs and society as a whole because of the cost that we have to pick up.

It is important that we adopt a balanced approach to reforming the law on the issue of licensing. It is not about legislators continually imposing ever more puritanical approaches towards alcohol at every opportunity. Instead, it is important that we examine practice in light of experience. In some areas, there may be grounds for tightening legislation, and, in others, there may be grounds for liberalising legislation if we feel confident.

We have had other debates about attempts to promote a cafe culture, which is part and parcel of other countries around Europe. Equally, there are other countries in Europe where the abuse of alcohol is on a similar scale to that in the UK and Ireland. We need to be conscious that it is

not just about how we create new opportunities for business; it is also about the underlying culture of how alcohol is viewed. As part of an approach to encouraging the more responsible use of alcohol, we may well want to see that type of cafe culture developed in Northern Ireland in future years, and it will be important that our licensing laws are reformed in a manner that facilitates that.

On the other hand, where there are clear areas where problems have arisen or can potentially arise, it is important that we ensure that we have proper mechanisms in place. In that light, I will comment briefly on two aspects of the legislation. The first relates to the closure provisions, which a number of Members have mentioned. It is important to stress that that is not about following the advice of the police and making life easy for them in how they conduct their business. The police certainly have an interest in how they carry out their duties, and other people in society have an interest in leading their lives freely. However, we need to recognise that there must be a balance, and, although the police may have certain interests, there are also societal issues that we must be conscious of in relation to the cost of policing and responding to public order situations that arise from the abuse of alcohol. We must also consider the consequences for individuals of violence or the threat of violence that may well be alcohol inspired. I, like others, believe that the Department should consider restoring some of the grounds on which closures can be taken forward, and I hope that that can be discussed in full at Committee Stage. Proper safeguards need to be put in place, and I recognise that those safeguards are in the closure powers in the legislation.

We are not talking about situations in which a new or inexperienced police constable will always err on the side of caution when directing closures of premises lest problems occur. We are talking about situations in which a senior officer will, based on experience, sparingly apply powers that are necessary to stop situations spiralling out of control. If I may make a comparison, we are giving the police the power to shut the door once the horse has bolted, as opposed to the power to intervene and calm the horse down when there is the potential for it becoming agitated. That is perhaps the spirit in which we should consider those powers.

It is important that we reconsider those closure powers to ensure that we have the right balance, that we follow best practice from elsewhere and that we put in place legislation that will work in our situation, because there have been cases in the past in which things have got out of hand in certain licensed premises, and it was clear from an early stage that that would happen. Having said that, I pay tribute to most owners and managers of licensed premises because they run responsible businesses, and they provide a service to the public. Things get out of hand only in very rare situations, but those instances make the headlines and cause problems, and that is why we need to address the issue.

The other issue is the number of late night licences that will be available for clubs. In addition to the points that Members have already made, it is important to stress that that will potentially create a distortion in the market. Because our society recognises the need to regulate the availability of alcohol, we have introduced licences, which have a fairly steep monetary value. A number of licensees invest heavily in their businesses. Clubs operate in a different legal context from that of pubs and bars, and if we are proposing to increase dramatically the availability of late licenses for clubs through the back door, that, in turn, will devalue businesses in which people have invested a lot of money and time. We need to be very conscious of how we regulate the market for pubs and clubs in Northern Ireland in respect of the availability of alcohol and to ensure that we are fair to everybody.

Even though I am not a member of the Committee for Social Development, I look forward to watching its future deliberations from a distance and to seeing how the legislation progresses through the Assembly in the next few months.

The Minister for Social Development

(Mr Attwood): I thank all the Members for their contributions to the debate. It is noteworthy that, given the way in which this issue, rightly, agitates public concern and the difficult experiences that some Members have outlined, this is a debate that could ignite some passions in the Chamber. What I heard across the range of speeches, even when there were points of difference — some of which I hope to deal with — was that Members seemed to adopt a very balanced and responsible approach. That is the right way to go.

That approach was reflected in some of the comments that Members made. Mr Fra McCann, rightly, referred to the charity work and the moneys that are generated through various licensed premises, particularly clubs, in order to mark the fact that they play a significant and positive role in the development and stability of our communities.

We must place all that in the context of what Dr Farry referred to as the creation of a cafe culture in order to position the economy of the North so that it is fit for purpose for business and for visitors.

We must view the issue in a much broader context. Some narrower arguments may arise, but they did not do so during the debate. The Chairperson of the Committee for Social Development rightly said that the issue has occupied and detained the Committee as much as any other during the current mandate. That reflects how significant the issue is and will continue to be during the Committee Stage and as the Committee produces its report.

4.30 pm

I wish to deal with some of the issues that were raised. The Chairperson and Billy Armstrong were right to point out that no information has been provided to the Committee or the House on the proportion of 600 or so clubs that avail themselves of the 52 licences available at present. That is a fair question, and it raises another question: is there an empirical basis on which to argue for an increase in the number of late licences? I have asked my officials to try to determine, if such an evidence base exists, what use is made of the current 52 licences. The Department of Justice, the Northern Ireland Courts and Tribunals Service, DSD and the police should together be able to create a picture of the number of late licences used. However, that information will still not answer the question of whether it is a good idea to increase access to late licences and to extend some clubs' opening hours by, on average, two hours a week.

It is important to bear it in mind that clubs provide a more controlled atmosphere for the consumption of alcohol and have a positive economic and community impact in the North. The figures will show us whether there is a mass movement in support of increasing the number of licences, but I will have to make a judgement call on whether those figures

justify increasing the number of late licences available by, for example, 10 or 100. The Chairperson, Mr Armstrong, Ms Lo, Mr Craig and Mr Farry said that the proposed increase seems disproportionate. I agree that increasing the number of late licences by, as Mr Craig said, 127% seems disproportionate. Having heard a range of Members and parties from across the House raise their concerns about the matter, I will consider it further. I am not prejudging the outcome of that consideration. I will listen to advice from officials and from the people who provide the services on the front line, and I will determine whether it is right or wrong to increase the number of late licences to approximately 120.

Simon Hamilton also asked a valid question about the guidance for police on the use of closure powers and whether that will be subject to the Committee's scrutiny. I am not sure whether that question arose when dealing with similar matters in previous legislation. However, it seems appropriate to share that guidance with the relevant Committees. It should also be explained not only to the Committee for Social Development Committee but to the Committee for Justice, and they should be invited to give their views on it. That process might amount to less than the full Committee scrutiny. Nonetheless, in principle, it seems appropriate and valid. Given the range of concerns about licensed premises and the powers of closure, the sharing of the guidance seems to be the most appropriate way of achieving the fullest possible buy-in from Members.

The Chairperson made a range of other points on behalf of the Committee, including one on the need to ensure that the guidance on closure powers is made crystal clear to the police. We should not exaggerate the extent of the closure powers that would exist for police, especially in respect of licensed premises in which there is public disorder. As Mr Hamilton said, in one year, there have been only 44 closures out of the 123,000 licensed premises in Britain. Therefore, we should not exaggerate the potential use of such closure powers.

Nonetheless, it is valid to ask how the principles that have been established in law will operate in practice. Therefore, it was fair for the Committee to ask whether the closure powers and the guidance governing them would be made crystal clear. Consultation between the Department of Justice, DSD and the PSNI has yet to

commence. However, a number of factors will inform the guidance, including, in the fullness of time, decisions by the courts on whether a closure has or has not been approved. When premises are closed by the police, the matter is brought to court as soon as possible to have the closure confirmed. At that stage, the matter will be tested before a magistrate to determine whether the police's response was proportionate.

Experience from other jurisdictions could help to inform our guidance around the PSNI's use of closure powers. Clearly, in the conversations that are likely to arise between the Committee, the Department of Justice, DSD and the police, that experience will help to refine what the powers may or may not look like in real terms. From that, we will gain hard experience, which, no doubt, will influence how the powers operate in future. I trust that police use of closure powers will become clearer, if not crystal clear.

A number of Members asked whether the penalties outlined in schedules 1 and 2 were severe enough. Over and above the powers arising from this legislation, powers are granted to the courts in respect of licensed premises. When licences come up for renewal, it can fall to the courts to determine the nature of that renewal or whether it should happen at all. The PSNI has the power to seek suspension for the lifetime of a licence or certificate during the course of that licence or certificate, which may depend on the residue of the licence up to five years. The penalty points system, as outlined in schedules 1 and 2, is mutual and complementary to the powers that already exist at the time of renewal and, if and when an issue arises that brings the matter before the Magistrate's Court, in respect of what the police view might be. When that fabric is put together, a system of enforcement will be developed that goes some way beyond that which has existed heretofore for licensed premises.

Mr Hamilton said that there was a contradiction between concern about alcohol and the issuing of 122 late licences. However, there is only a contradiction if one simply looks at those two factors. If an assessment is made in the round about how to deal with the issue of controlling licensed premises and with alcohol and alcohol abuse in our society, the conclusion can be drawn, without prejudice to what happens regarding the 122 late licences, that a strategy can be developed around schooling,

intervention, health and the regulation of licensed premises. Such a strategy could lead towards a healthy attitude around the consumption of alcohol. There may be some tensions, but there does not necessarily have to be a contradiction between more late licences being issued and the wider concern about the consumption of alcohol.

A number of Members said that it was a matter of disappointment that the opportunity was not taken in the legislation to deal with some broader issues. I understand that sentiment, because our understanding of the issues concerning alcohol and alcohol abuse and our responsibility for those issues are becoming more acute and real. Therefore, as I indicated in my opening remarks, the Bill is not the end of legislation on those matters; it may be the beginning of a process that will see new law in the current and future mandates.

To reassure Members, I will repeat some of the ongoing initiatives that will ensure that their concerns are being or will be addressed and that the broader opportunities referred to will be taken up. First, my predecessor announced in 2008 that, in the context of the reorganisation of local government, there would be a more fundamental review of licensing reforms. That review may have touched more on the issue of where responsibility for licensing is vested; nonetheless, it was a commitment that she made. Given the current uncertainty about the reorganisation of local government, we may have to look at that again. I have asked my officials, without prejudice to what happens with local government reorganisation, to look at whether there is a need to update the 2008 announcement and whether there is something that we can do in the current circumstances.

Secondly, a number of Members referred to minimum pricing. The Assembly may wish to go down that route in the future. However, we should not rush headlong into law on minimum pricing when, as Dr Farry indicated, we have yet to see what develops in Scotland and whether legal challenges to the proposed legislation arise. As I understand it, whisky manufacturers have said that they will challenge the proposed legislation as being anticompetitive, and they may challenge it all the way to the European Court of Justice. While our sister devolved legislature is testing the ground on such matters, it may be better for us to see how the situation develops. If, during the process, there

is further reason for us to intervene or make our own plans, I will not be hostile to that. However, for the moment, it seems to me that we should listen and learn from the Scottish experience and see how the situation there develops over the next number of months.

We could do more immediate work with respect to promotions. As Members are aware, there have been proposals on that matter in the South, and my officials are continuing to discuss with the authorities in the South more immediate initiatives that we could take to complement what they might be planning. In the fullness of time, I will come back to the Committee or to the House to brief Members on that.

A number of Members mentioned the bags used to carry alcohol. That is a matter on which some further short-term consideration may be worthwhile, because, although there are evidential issues around the issue due to people using bags that are not from the shops in which they purchase the alcohol, there may be some opportunity to look at whether there is something in law or in practice to deal with the issue and identify the culprits who are selling alcohol to underage people.

I note what Dr Farry and Ms Lo said about the two matters that had been intended for inclusion in the Bill in respect of police powers of closure; namely, the powers of imminent disorder and of nuisance. In the original draft of the legislation, it was suggested that there would be three categories for circumstances in which the police could intervene and close down a particular licensed premises. However, when the matter was referred to the Office of the First Minister and deputy First Minister, the deputy First Minister raised issues about two matters; namely, imminent disorder and nuisance. As a consequence and in order to bring legislation before the House, those matters were edited from the original draft.

4.45 pm

The legislation still has substantial new powers. It certainly does not go as far as my predecessor would have wished it to go and to where there is some argument we should go. However, as the Bill went through the Executive and on to the Floor of the House, those were the circumstances that arose. People listening to the debate elsewhere may consider whether

there is any further merit in looking at one or both of those matters.

With regard to nuisance, it may be of some reassurance to the House that the Department of the Environment is consulting on proposals for a draft Clean Neighbourhoods and Environment Bill, which will extend the provisions of the Noise Act 1996 to include noise from licensed premises and registered clubs. Therefore, there may be another method to begin to address that problem.

If there are any matters that I failed to address during my winding-up speech, I will ask my officials to look at them and reply. I heard the debate. I indicated that I have an open mind on some matters. I will look at those again and consult Executive colleagues. I look forward to the conversations in Committee that will take place in the fullness of time. I am grateful to everyone who contributed to this important legislation, and I look forward to Consideration Stage.

Question put and agreed to.

Resolved:

That the Second Stage of the Licensing and Registration of Clubs (Amendment) Bill [NIA 19/09] be agreed.

Draft Census Order (Northern Ireland) 2010

The First Minister (Mr P Robinson): I beg to move

That the draft Census Order (Northern Ireland) 2010 be approved.

The draft Order forms part of the legislative process required to enable the 2011 census to be conducted in Northern Ireland. The census is the largest statistical exercise undertaken by government and is the most important source of information on the size and nature of the Northern Ireland population.

Central and local government, the health and education sectors, the academic community, commercial businesses, professional organisations and the voluntary sector need reliable information on the number and characteristics of people and households in Northern Ireland if they are to conduct their activities effectively. Millions of pounds of public funding and resources are allocated to local and health authorities each year using census-based information. Such information is also used to help to plan services such as housing, education, transport and emergency services. The census also provides the only source of comparable statistics for small areas and small population groups that are consistent across Northern Ireland and the rest of the United Kingdom.

The primary legislation that provides for the taking of a census in Northern Ireland is the Census Act (Northern Ireland) 1969, which, as amended, prescribes that:

“the First Minister and deputy First Minister acting jointly may by order... direct that a census of population shall be taken”.

The Order prescribes the date on which the census is to be taken, the persons to whom returns are to be made, the person by whom returns are to be made and the particulars stated in the return.

The Order proposes that the next census will be held on 27 March 2011. That is in line with arrangements across the rest of the United Kingdom and was influenced by a variety of factors, including a regulation of the European Parliament and of the Council on population and housing censuses that requires all member states to provide census-

type information relating to the year 2011; the tradition of the census in Northern Ireland being conducted at 10-yearly intervals; the desire to maximise the number of people who will be present at their usual residence on census night, which for students is typically their term-time address; avoiding preparations for the Assembly elections planned for early May 2011; avoiding the St Patrick’s and Easter holiday periods, thus ensuring that people are at home and that sufficient field staff can be recruited to assist with the operation; and the need to take account of the health and safety of the field staff by ensuring that sufficient daylight hours are available for the completion of their enumeration duties. Aligning the date of the census with that in the rest of the United Kingdom accords with past practice, gives rise to efficiency savings for Northern Ireland in the conduct of the census, enables joint publicity initiatives to be optimised and ensures that comparable data are available for the different regions of the United Kingdom at a common point in time.

The second aspect of the draft Order details who is to be included in the census and who is responsible for making the return. The draft Order prescribes that every individual who is usually resident at an address must be included in the census return. A subset of information will also be included on visitors staying at an address on census night in order to ensure that no one is missed and that everyone is counted at their usual place of residence. To that end, every household and communal establishment in Northern Ireland will receive a census questionnaire. Special arrangements will also be in place to ensure that members of the Travelling community and people who are sleeping rough are included.

It will be the responsibility of the householder or joint householder, namely those who own or rent accommodation or are responsible for paying the household bills or expenses, to ensure that their census questionnaire is completed and returned. In communal establishments, the manager or person in charge will be responsible for completing a census questionnaire and ensuring that an individual questionnaire is completed for all usual residents of the establishment. Anyone over the age of 16 can elect to make an individual census return. The general public will be able to get assistance with the completion of questionnaires should that prove necessary. As in the 2001 census,

special arrangements will be put in place to support vulnerable groups to ensure that the census is equally accessible to all, irrespective of their circumstances.

The third aspect of the draft Order relates to the information to be provided in the census return. That particular aspect has been informed by an extensive programme of user consultation and topic development testing and evaluation. The consultation process began in December 2004 with the publication of a formal consultation paper. Five public meetings were held across the Province in 2006 and 2007. Members of the Assembly were invited to participate in all those activities. In addition, discussions were held with topic experts from government Departments as well as the main census users in the academic, business, statutory and voluntary sectors. Such meetings involved the Equality Commission, the Northern Ireland Council for Voluntary Action and the statutory Statistics Advisory Committee.

The detailed programme of work to develop, test and evaluate the topics for the 2011 census included a large-scale census test in May 2007 and a census rehearsal in October 2009. Such activities have helped to ensure that the census will deliver consistent, good-quality information on topics that are acceptable to the general public, even at the small geographic area level and for small population groups. All that work has drawn on the valuable experience and insight gained through previous censuses.

The particulars to be stated in the returns are outlined in schedule 2 to the draft Order. Although most of those particulars have already been included in previous censuses, the consultation suggested the need to collate additional information on the increasingly diverse nature of the population and on other societal changes over the past 10 years. Such topics include adaptations to accommodation for health conditions; type of central heating used; civil status; intended length of stay of people coming to Northern Ireland; country last lived in and the month and year of first coming or most recent coming to Northern Ireland to live; citizenship and national identity; main language spoken and ability in English; an extension to the 2001 question on ability in Irish to include ability in Ulster Scots; the nature of any long-term health conditions; any voluntary work undertaken in the past year; and an extension to the “transport to place of work”

question to read “transport to place of work or study”.

The topics proposed for inclusion are considered to strike the proper balance between meeting the requirements of census users and managing the burden on the general public to provide the necessary information. In addition, it is considered that reliable and robust information can be collected on each of the topics concerned. Although some topics have been excluded on the grounds that they could have a negative impact on participation in the census or are unlikely to yield reliable information, alternative data sources, such as social surveys, can be utilised.

In arriving at the final set of topics, consideration was given to the overall length of the questionnaire and the burden being placed on the general public. To that end, it is necessary to limit the number of tick-box options presented for certain topics — for example, in the ethnicity and religion questions. To reflect the categories that are likely to cover the majority of the population, respondents who fall outside the tick-box categories will have the opportunity to use write-in options. Those will be processed and reported with the other information. It is expected that the layout of the questionnaire, which is being redesigned from the 2001 census, will aid the ease of completion.

I emphasise that the information provided by the general public will be treated in the utmost confidence. NISRA, which is responsible for the conduct of the census, has a proven track record in that regard. It will make data security and confidentiality its highest priority for the census. To that end, NISRA has already conducted a detailed privacy impact assessment, which has been made available to the Information Commissioner and can be viewed on the NISRA website.

The field staff who undertake the enumeration process will be recruited by HR Connect, which manages recruitment to the Northern Ireland Civil Service. In keeping with recruitment procedure for all civil servants, the field staff will be security-vetted by Access Northern Ireland. The delivery, return and processing of each questionnaire will be tracked at key stages to ensure that all questionnaires are accounted for. All arrangements for handling census information during processing are to be the

subject of an independent security review, which will be made public in advance of the census.

All staff working on the census will be required to sign a confidentiality declaration to confirm their understanding and commitment to the legal confidentiality undertakings. Disclosure of personal census information is a criminal offence. Names and addresses are retained purely for census purposes and will be removed from the information used to produce the aggregate outputs and thus will not be accessible to anyone requesting census results. Personal census information is kept secure and is closed to public inspection. Access is exempt under the Freedom of Information Act 2000. The finalised census data set will also be registered under the Data Protection Act 1998.

Members will wish to note that further information on the detailed operational aspects of the 2011 census, including the appointment of census field staff and the creation of census enumeration districts, will be brought forward later this month through the planned census regulations. I commend the draft Order to the Assembly.

The Chairperson of the Committee for Finance and Personnel (Ms J McCann): Go raibh maith agat, a LeasCheann Comhairle. Although the First Minister and deputy First Minister, acting jointly, may by Order direct that a census of the population be taken, the Department of Finance and Personnel is responsible for conducting the census. The Committee for Finance and Personnel received a briefing from DFP officials on the preparations for the census and policy proposals for the draft Census Order 2010 at its meeting on 14 April 2010.

5.00 pm

The Committee heard that the draft Order is concerned with the following three aspects of the census: who will make returns and about whom; the particulars that will be asked on the census form; and the date that the census is to be taken, which will be fixed for 27 March 2011. Members were also advised that the accuracy of the census is of prime importance because, among other things, it drives the Barnett formula and the allocation of resources throughout the North.

Members raised a number of concerns, including those about the consultation process and ongoing community liaison work; ethnic

background and national identity; how economic migrants and immigrants will be identified; the rationale for excluding a question on sexual orientation; religious affiliation and community background; data security; the inclusion of a question on voluntary work; and whether a question on constitutional preference could have been included.

Following the evidence session, the Committee agreed that it was content with the proposal to make the rule. It notified the Committee for the Office of the First Minister and deputy First Minister of that decision. At its subsequent meeting on 12 May, the Committee for Finance and Personnel formally considered the statutory rule and the accompanying report from the Assembly's Examiner of Statutory Rules. The Committee for Finance and Personnel agreed to recommend to the Committee for the Office of the First Minister and deputy First Minister that the draft Census Order 2010 be affirmed by the Assembly. I, therefore, support the motion.

Mr Shannon: As a member of the Committee for the Office of the First Minister and deputy First Minister, I support the motion. A full census has not been carried out here since 2001. There is a well-known song called 'What a Difference a Day Makes'. I will not sing it because it would start raining if I did. If Mickey Brady was here, he would probably sing it and it would rain on him too. However, imagine the difference that 10 years will make to a place such as Northern Ireland.

We have had more immigration in Northern Ireland than ever before, and I will be interested to see the change in birth and death rates. The census will be taken to every door, and each household has a responsibility to ensure that it is filled in accurately.

This is yin bit o' EU laa' whut wull be o' graet help tae tha fowk o' tha Proavince, en it is impoartin' that aw hoosehoul's taks this metter seeryis. It is mi' beleef that ther haes tae be aa' determind en cleer campaign evertisin an hiegh lichtin tha benifuts which wull cum aboot whun tha fuin in an collectin o' thees forms er aw din.

This is one piece of EU legislation that will benefit the people of the Province, and it is important that each household takes the matter seriously. There must be a robust and clear advertising campaign to highlight the benefits

that will result from the completion and collation of the census forms.

The census allows for a greater targeting of resources by Departments and local government. As the First Minister said, it is strictly confidential as regards the exact whereabouts of the participant, which is of great importance in ensuring that people give honest answers. So, someone from the Falls Road who speaks Ulster Scots, for example, will be able to state that with confidence and pride. The census will adhere strictly to data protection legislation and the Freedom of Information Act 2000. However, it will also provide the information that the relevant bodies need to facilitate a greater spread of resources to the areas that need them.

The census will be beneficial to health services in particular. I hail from the rural constituency of Strangford, and I hope that the census will show the Health Minister the needs that are not being met in that area. I look forward to seeing the figures and how the Health Minister will react to them. I will also be greatly interested to see the inclusion of Ulster Scots alongside Irish in the question on language. A census gives an accurate breakdown of householders and numbers in an area, but, through the identity and citizen questions, it also paints a picture of the way in which people view themselves and their society.

There have been so many changes in Northern Ireland. The census will be beneficial in enabling us to see how the new generation that has grown up sees itself in Northern Ireland. Someone who was 16 at the time of the last census will be 26 this time and have a stronger sense of identity and direction. I will be interested to see the changes that have taken place across the whole Province since the last census was conducted 10 years ago. I am not a number cruncher by any means — it is not one of the things that I am good at — but I am excited about what the census will show. I believe that it will show a growth in the number of people who have stayed in Northern Ireland instead of migrating to the mainland and further afield. For those reasons, I support the census.

Mrs D Kelly: I welcome the undertaking of the census next year. It will be a very useful piece of work. As others have said, it will help us to plan our public services, particularly in health and education. It will also show a change in

the demography of the North, particularly in respect of age bands. We need to plan for an older population. It will also be useful in constituencies, such as mine, where there are high numbers of young people. In these straitened economic times, the Assembly must ensure that there is not a lost generation of people with no hope of jobs in the medium to long term.

I welcome the First Minister's commitment to ensuring the security of the data. When will the results of the census be known and how will they be published and shared across society?

With respect to the census question on the use of language, whether Irish or Ulster Scots, will it be a cúpla focal or a wheen o' words that will suffice as mastery or comprehensive use of either or both languages?

The First Minister: I thank the Members who contributed to the debate and I welcome their comments.

The census is subject to many competing demands. The consultations on the census identified more demands for census questions than it would be possible to accommodate in a questionnaire that households can reasonably be expected to complete. In coming to a final selection of questions, some difficult decisions have had to be made to balance the requirements for information with the burden placed on the public. The topics outlined in schedule 2 to the Order are judged to have the greatest demonstrated need to be required for small areas or population groups; not to be otherwise available from other sources; not to place an excessive burden on the respondents; and to be capable of being articulated through practical questions.

It might be useful if I respond to some of the specific questions that were raised and points made in the course of the debate. I welcome the scrutiny role of the Finance and Personnel Committee, and I thank the Chairperson for her remarks. She raised a number of issues that had concerned the Committee. I hope that, as she did not go into any detail on those, she considers that they have been satisfactorily dealt with during the course of the evidence given by officials in response to the Committee's scrutiny.

The Chairperson raised issues about sexual orientation, for instance. The inclusion of a

question on sexual identity in the 2011 census has been considered. It was concluded that it would not be appropriate to include such a question, on the grounds that it gives rise to privacy concerns where individuals are required to provide such information through a household questionnaire. It was judged unlikely to yield good quality information. It is not so much a case of privacy in relation to the statistics and details included in the returns but, in some cases, privacy within the household would have been an issue.

The Chairperson also raised the issue of a question on constitutional preference. There is no requirement for a question on constitutional preference, and it was not identified during the course of the consultation as an issue that people asked to be considered. It is dealt with in sample surveys, such as the Northern Ireland life and times survey. In general, questions on attitudes are not considered appropriate for a census. Questions are included in the census only after appropriate testing, which was not done in this case. Other legal mechanisms are available to test people's views on that issue.

As soon as he stood to speak, I expected my colleague the Member for Strangford Jim Shannon to touch on the issue that he did. He raised, validly, the census's fundamental value in providing the baseline for population estimates that determine the amount that Northern Ireland receives through the Barnett formula, a matter in which I know that you, Mr Deputy Speaker, have some interest. It is also a reasonably topical issue, given demands on the UK Government by a Welsh Administration seeking a change to the Barnett formula, a Scottish Administration strongly resisting any reconsideration of it, and a Northern Ireland Administration wary that opening up the Barnett issue may have a detrimental impact.

In the United Kingdom as a whole, census data has, since 2001, informed the allocation of more than £1 trillion, so one can see that the census is very important on a national level. In Northern Ireland, it is important because a number of Departments use the characteristics that flow from the census data to determine their decisions.

The Member for Strangford also raised the issue of the inclusion of an Ulster-Scots question on the census. It will be interesting to see the outcome of that, because, as with the question

on the ability to speak Irish, the answer is divided to allow people to state whether they understand the language, can speak it, read it or write it. Although I do not consider myself an Ulster-Scots speaker, I could probably tick the "understand" box on that question. Therefore, it will be interesting to see the outcome.

The Member for Upper Bann Dolores Kelly asked when the census data would become available. I understand that the first results will be available in September 2011, with more detail following thereafter, the "thereafter" remaining fairly open. I suppose that the self-assessment of language ability is an issue. I seem to recall that closer examination of 1,000 respondents in the last census found that only 10% of those who had indicated that they could speak Irish were able to answer questions in Irish. Therefore, we have to treat the results of some questions with a little scepticism.

I thank those Members who took an interest in and spoke about the draft Census Order (Northern Ireland) 2010. I particularly thank those on the Committee, which has examined the Order in greater detail. I am satisfied that the Order will provide the legislative foundation for a successful census in 2011.

Question put and agreed to.

Resolved:

That the draft Census Order (Northern Ireland) 2010 be approved.

5.15 pm

Committee Business

Code of Conduct/Assembly Commissioner for Standards

Mr Deputy Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer will have 15 minutes in which to propose the motion and 15 minutes in which to make a winding-up speech. All other Members who are called to speak will have five minutes.

The Chairperson of the Committee on Standards and Privileges (Mr P Ramsey): I beg to move

That this Assembly approves the report of the Committee on Standards and Privileges on its inquiry into enforcing the Code of Conduct and Guide to the Rules Relating to the Conduct of Members and the appointment of an Assembly Commissioner for Standards.

I take this opportunity to thank the previous Chairperson of the Committee on Standards and Privileges, Declan O'Loan, for his hard work and commitment leading up to the present report. I also thank the Committee members, and especially the Committee staff, for their diligence in bringing forward the report.

In June 2009, the Assembly approved the report of the Committee on Standards and Privileges on a new Code of Conduct. In doing so, the Assembly put in place a more transparent and open system to ensure that Members always put the public interest ahead of their private interests. The Assembly recognised that those improvements were necessary to ensure public trust and confidence in its integrity and that of all its Members. It is our duty, as public representatives in whom a huge degree of trust is placed, to comply with the code's rules and uphold its principles. By doing so we promote transparency, build public confidence and lead by example. However, those goals would be undermined if there were not an effective means of holding Members to account.

The aim of the Committee's inquiry was to establish the most appropriate means of maintaining the Assembly's Code of Conduct and handling alleged breaches of it. The report has achieved that aim. Among other things,

the report sets out measures that, if agreed, will put in place a robust mechanism for ensuring that where there are allegations that a Member has breached the Assembly's Code of Conduct, those allegations are investigated independently.

Before I set out the detail of what the report proposes, it is appropriate to acknowledge and pay tribute to what has happened in the past. In 2001, the Committee on Standards and Privileges agreed that the Northern Ireland Ombudsman had all the infrastructure, skills and experience to carry out the role of the Assembly Commissioner for Standards on an interim basis. In fact, that interim arrangement is still in place today. I am sure that the entire House agrees that it is right that we should place on record our deep gratitude and thanks to the ombudsman, Tom Frawley, who is ably assisted by John MacQuarrie, for the integrity and professionalism with which they have carried out, and continue to carry out, the interim role.

I also thank all those who contributed to the Committee inquiry. I thank those who submitted written evidence and those witnesses who came forward and provided oral evidence. There are a wide variety of views on the issue of Members' conduct, and the Committee really benefited from hearing from those who are experts in the field.

The first issue that the Committee considered was who should have responsibility for modifying and maintaining the code. The Committee agreed that the Assembly must retain that responsibility. Ultimately, it is a question of leadership. The Committee on Standards and Privileges and the Assembly must be able to show that they will continue to take the initiative and put in place whatever measures are necessary to uphold the seven principles of public life. Although it is right and proper to consult with other stakeholders and listen to what the public have to say, we must be proactive and show leadership. We do that by defining what we mean when we talk about promoting the highest ethical standards. We would fail in our duty if we were to wash our hands of that responsibility.

The second issue that the Committee considered was that of the respective roles of the Assembly Commissioner for Standards, the Committee on Standards and Privileges

and the Assembly in the consideration of complaints against any Member. The Committee concluded that the existing fundamental roles are appropriate: the commissioner investigates complaints, the Committee determines whether a breach has occurred and the Assembly imposes sanctions where appropriate. Some thought that the commissioner should have all of those powers. Clearly, the Committee did not share that view. It considered that best practice and fairness are upheld through the separation of those powers. Having said that, the Committee recognised that there was much scope for enhancing the existing roles, particularly in respect of strengthening the powers and independence of the commissioner.

I will now set out the circumstances in which the commissioner can initiate an investigation. As things stand, the commissioner must receive a referral before he can investigate a complaint. Even where the commissioner has evidence that a Member appears to have breached the code, on his own he cannot do anything about it. The Committee agreed that that is wrong.

Sir Christopher Kelly told the Committee how at Westminster there had been all sorts of serious allegations made about the misconduct of certain MPs, yet the commissioner there could not do anything because no one made a complaint. That is obviously and plainly wrong. An elected public representative should not be able to evade scrutiny in circumstances in which there is clearly a case to answer but no complaint has been made. For that reason, the Committee recommends that the commissioner should be able to initiate his or her own investigation into the conduct of any Member.

The Committee also considered other circumstances in which the commissioner might commence an investigation. The Assembly Commission informed the Committee about the new Members' financial services handbook and indicated that, where he had concerns that there might be breaches of the rules, the Clerk to the Assembly/Director General should be able to refer the matter to the commissioner for investigation. The Committee agreed that that is an entirely sensible approach. The Committee believes that the greater that the governance arrangements and level of transparency for Members' allowances are, the greater that confidence will be in the wider community.

The Committee went on to consider whether the commissioner's role should be set out in statute. Having considered the evidence, the Committee believes that placing the role of a commissioner on a statutory footing would demonstrate the Assembly's commitment to having robust measures to govern Members' conduct. Placing the role of a commissioner on a statutory footing should strengthen public confidence in his or her independence. It would also provide the commissioner with greater protection and clear authority.

The commissioner's powers should be set out in statute, and he or she needs to have all the powers necessary to carry out a full, unhindered independent investigation into any admissible complaint. The most important of those powers is the power to call for witnesses and documents. It should be an offence not to co-operate with an investigation of the commissioner.

Not only should the commissioner's role and powers be set out in statute but his or her independence should as well. I shall clarify what I mean by the commissioner's independence. It does not mean that the Committee cannot agree protocols for how investigations are conducted generally. Nor does it mean with a specific investigation that the Committee cannot ask the commissioner to investigate a matter further if he or she thinks that that is required. When we talk about the commissioner's independence, we are talking about the fact that neither the Committee nor the Assembly should be able to prevent the commissioner from carrying out an investigation if he or she believes that that investigation is appropriate. Not only that, but once the commissioner has decided to carry out an investigation, neither the Committee nor the Assembly should be able to prevent him or her from reaching and expressing any particular conclusion on the outcome of that investigation. In support of that important principle, and in order to promote greater transparency, in its reports to the Assembly, the Committee will always publish the commissioner's reports in full. In that way, the commissioner's independence will be safeguarded, and his or her findings will always be a matter of public record.

The Committee is particularly grateful for the advice received from the Commissioner for Public Appointments for Northern Ireland on appointing a commissioner. The Committee

considered all the evidence, and it agrees that the competition for the position of Assembly Commissioner for Standards should be open and transparent, consistent with the principles of best practice in public appointments. The appointment should be for a one-off term of five years, and it should be approved by Assembly resolution.

The Committee believes that, once appointed, it is important that a safeguard is in place to ensure that the commissioner cannot be dismissed easily. We need to ensure that the commissioner is confident that he or she can take difficult or unpopular decisions without worrying that they might displease the Assembly. For that reason, the Committee recommends that it be set out in statute that the commissioner shall not be dismissed unless the Assembly so resolves and that the resolution must be passed with the support of at least two thirds of those voting.

A further important matter for the commissioner will be the issue of resources and support. It is crucial that the commissioner have whatever resources are necessary to allow him or her to carry out their role effectively, as it would undermine the purpose of introducing a statutory independent commissioner if the commissioner were to be constrained by lack of resources. The Committee is pleased that the Assembly Commission has said that it could provide the funding for the role of commissioner. The Committee attaches great importance to the commissioner's receiving all the resources necessary to carry out his or her duties effectively and recommends that the Assembly Commission consider that as a significant priority.

The Committee and the Commission will have work to do on the accountability lines of the commissioner. Ultimately, however, the commissioner will have been appointed by the Assembly and should, therefore, report to the Assembly. For that reason, the Committee recommends that the commissioner should report to the Assembly by means of an annual report.

Further work will need to be done to implement the recommendations in the report; most significantly, legislation will need to be introduced and Standing Orders will need to be amended. The Committee recognises that the clock is ticking as a Bill is to be passed before

the end of this mandate. For that reason, the Committee has agreed that, if it would speed up the process, the legislative provisions that we are proposing could be included in a Bill to establish an independent statutory body for the pay, pension and financial support of Members. That would also reduce the legislative burden that the Assembly is likely to face towards the end of this mandate.

The report's recommendations establish the most appropriate means of maintaining and enforcing the code of conduct and of appointing an Assembly Commissioner for Standards. However, the Committee will continue to build on that work by continually examining how it can continue to improve the Assembly's mechanisms for holding Members to account. In particular, the Committee is giving active consideration to the issue of altering its own make-up.

The Committee on Standards in Public Life recommended that the Committee on Standards and Privileges should have at least two independent lay members with full voting rights. The Committee also heard evidence that reducing the number of elected Members on the Committee could improve its effectiveness.

The Committee is committed to introducing a system for overseeing the conduct of Members that is seen to be robust and depoliticised. The Committee recognised that altering its composition by reducing the number of elected Members and appointing two independent lay members could contribute to that aim. Accordingly, the Committee has begun to consider the detail of how it might appoint and hold to account independent lay members. However, the Committee wishes to explore further some of the practicalities with its counterpart Committee in the House of Commons and in other places before taking the final decision on how such an approach could be taken in the Assembly.

In the meantime, we wish to proceed with the implementation of all the report's recommendations. Agreeing those recommendations would send out the clearest signal that the Assembly is absolutely committed to putting in place the most robust and appropriate system for ensuring that Members are held to account. Therefore, I commend the report and its recommendations to the Assembly.

Mr Ross: I welcome the new Chairman to his post. He has not yet been to a meeting of the Standards and Privileges Committee; therefore it was a difficult task for him today, and he did it well. I am sure that he will enjoy the Committee. I pay tribute to his predecessor, Declan O'Loan, who guided us through much of the report that we are discussing today. I also pay tribute to the Committee staff, as a great deal of work goes on in the background for such reports, and it is right that we pay tribute to them.

The Assembly has not been embroiled in the controversies of the House of Commons and Westminster. Therefore, we did not have a problem with the current system, nor did we think that it needed a radical reform. In fact, it could be argued that our system has worked fairly well. Although we have had more complaints than we anticipated at the start of this mandate, many of those complaints have proven to be fairly trivial, and the Committee has unanimously decided that they did not merit investigation.

Indeed, more often than not, the Committee was united about what it believed the outcome should be. That is testament to the fact that the system and the Committee have worked fairly well. That is reflected in recommendations 1 and 2, which call for no changes to be made to the current arrangements for the making and handling of complaints.

5.30 pm

Recommendation 3 relates to the ability of an Assembly Commissioner for Standards to initiate his own complaints. The Committee's new Chairman referred to that, and it is important for the commissioner to be able to react to what could be a wider significant issue and initiate a complaint. That is particularly important in the eyes of the public, who believe — perhaps wrongly, given the way that this place operates — that Members look after each other. Likewise, recommendation 4 states that, if someone else from the Assembly brings a complaint to the commissioner, he could investigate it without the Committee having to initiate it.

Recommendation 7 rejects the need for a formal appeals mechanism. The Committee recognised that an appeals mechanism essentially exists in the current process, with the Interim Assembly Commissioner for Standards investigating a complaint and returning to the Committee with

details on whether he believes the code has been breached. At that stage, the Committee can make deliberations, and the individual who has been complained about can ask to give information to the Committee, which will then come to a determination. If the Committee recommends sanctions, those will come to the House. That represents a built-in appeals mechanism.

The Committee knew from the beginning of this mandate that work on putting the role of the Interim Assembly Commissioner for Standards on a statutory basis, effectively making an Assembly Commissioner for Standards, would have to be undertaken. I am glad that that work has now progressed. Tom Frawley has done a very good job thus far, and he will continue to do so. However, that statutory basis will give him additional powers, such as ensuring that witnesses come to him. The Committee has those powers, but the Interim Assembly Commissioner for Standards does not. In practice, that has always worked OK, and I think that the Interim Assembly Commissioner for Standards would himself say that he has not found any difficulty in talking to the people he needs to. However, it would be useful to give him that power.

In his concluding remarks, the new Chairman mentioned some discussions that the Committee had about reconstituting the Committee so that it had four members, with one Committee member from each of the larger parties, as is the case in Wales. Alternatively, lay members could be brought on to the Committee. It is important to note that, throughout its entire tenure and particularly since I have been a member, the Committee has had a fluid code of conduct and has kept a watchful eye on what is happening elsewhere. The inclusion of lay members was a suggestion that was made for the House of Commons, but they have not done that yet. The cautious approach that we have taken is the right one. Given that our system is working fairly well, we can certainly keep a watchful eye on events at Westminster or elsewhere and consider any initiatives that they may introduce to make their system even more robust.

I think that, at this moment in time, we have taken the right approach. I am glad that all the parties that were present in the Committee agreed the report, because it is a good piece of

work. It will serve to strengthen both our code of conduct and public confidence in the Assembly.

Mr P Maskey: Go raibh maith agat, a LeasCheann Comhairle. I will be brief, because other Members said a lot of what I was going to say. I only want to echo some of those points. Tribute has been paid to the new Chairperson of the Committee, and I am sure that, given that he has not attended any of the Committee's meetings, it is strange for him to speak in the House about a piece of work that has been worked on for many months. However, all Committee members look forward to working with the new Chairperson in the time ahead and thank the outgoing Chairperson, Declan O'Loan, who I am sure we will be working with in the future. I also thank the Committee Clerk and staff for all their hard work and determination in completing this piece of work. As I said, the process has been ongoing for many months. We have listened to different individuals and groups, and the staff have compiled all that work in the report very well. I thank them all for that.

Alastair finished by mentioning the number of lay people. He made the point, which was discussed in Committee, that we should wait to see what other Assemblies and jurisdictions do. I do not believe that that should be the case. We should set our own standards and show leadership.

Mr Ross: I want to clarify that that is not just my view but that of the Committee as contained in the report. It is important to put it on record that it is the agreed view of the Committee.

Mr P Maskey: As someone who sat through all the Committee meetings, I appreciate that. It would not have been right to divide the Committee on that important issue. There were alternatives, and it was right not to divide the Committee. We can look at those issues in the future. Given the political lines in the Committee, even if it had divided, the outcome would probably have been the same. We need to be aware of that difference.

It is important that we set those standards at some time in the near future. We should not worry about what other jurisdictions do. The code contains the words "trust", "confidence" and "integrity", and we can also set such codes and standards. Given the sham over the past number of years, Westminster is not a good place to learn from. It could maybe learn good practice from us, and we should not be afraid to

set examples. In general, the new code and the review of the code lay down some foundations for that to happen. It will take time, and, at the end of the process, the Committee was rushed to a decision because it will take a long time to go through the legislative process. It will, hopefully, be completed by 2011, before the end of this Assembly mandate. That is another piece of hard work that the Committee staff have ahead. Knowing them, they will work hard and will drive and push the rest of us to ensure that it is completed on time.

The issue of Members' allowances must also be looked at. Alastair said that some of the complaints that have been raised so far have been very trivial. The people who made those complaints do not think that they are trivial. Therefore, it is important that the Committee ensures that it makes the right decisions, because, if someone has taken the time to write to or to contact the office to make a complaint, it is probably an important issue to that individual.

We have set some work in train, but more work needs to be done before legislation is put in place. We should not lose sight of the possibility of bringing in lay people and reducing the number of Committee members. That would create much more accountability to the public and taxpayers, who, after all, will pay our salaries and pay for the upkeep of the Assembly. It is an important issue, but we need to set our own standards.

Mr Cree: My colleague Rev Dr Coulter, who serves on the Committee on Standards and Privileges, is unable to attend the debate today. I speak in his place and convey his apologies.

The report seeks to clarify the position on the enforcement of the code of conduct that is in place for Members. In recent years, the political class has not been a shining beacon of propriety, and, despite what some might think, no haloes have been available to shine. As a result, we are required to revisit the processes used for enforcement. An Interim Assembly Commissioner for Standards has been in place for some time, and Mr Frawley has performed that task admirably and with probity and integrity. However, it is now time for the Assembly to put that role on a proper footing.

The first thing to note about the report is the recommendation that the Commissioner for Standards should be appointed by open

competition. A person who is employed for the purpose of enforcing standards among public representatives, who is also chosen by public representatives, should be appointed in a manner that gives the public confidence. That cannot be the case if a full and open competition is not in place.

Secondly, the report recommends that the powers of the commissioner must be laid down in law and that a Bill should be presented to the House and, hopefully, passed during the current mandate. Indeed, other Members have referred to that. That is a tight time frame, given that there is less than a year left until the 2011 election. However, I hope that a Bill is achieved in the lifetime of this Assembly, and my party will do all that it can to make that happen. In the interests of openness and transparency, it is required that the commissioner's duties and responsibilities be defined clearly in law.

I also welcome the report's other recommendations. The commissioner cannot currently initiate an investigation unless or until a complaint is made against a Member. The report recommends that that be dispensed with and that the commissioner be entitled to investigate on his own initiative. It also recommends the provision that power be given for the Clerk to the Assembly/Director General to report wrongdoing to the commissioner. Both those recommendations will strengthen the hand of those who are there to protect the public interest.

Throughout the expenses scandal at Westminster, it has been said by many that sunlight is the best disinfectant. That is undoubtedly the case, and the implementation of the report will go a long way to pouring sunlight on the conduct of Members on expenses through the power of the Clerk to the Assembly/Director General to refer Members and other aspects of the report. As I said, the time frame for the proposed Bill is ambitious, and the House's authorities will have an immense amount of work to do if it is to be achieved. I wish them well, and I look forward to examining the Bill when it comes forward.

Mr B Wilson: I welcome the report. I welcome the new Chairman of the Committee, and I pay my regards to the previous Chairman, Declan O'Loan, and the Committee Clerk and staff, who put so much work into the report.

The report's most important aspect is its recommendation that the Assembly should appoint its own commissioner of standards, who would be independent and not subject to any political pressure. At present, there is widespread public concern at the actions of politicians, and that was highlighted again last week by the Laws case. There is great public disillusionment with politicians and with the democratic process. That is a threat to the future of our democratic system. There is a widespread feeling that those who hold public office are not sufficiently brought to account when they misbehave or, if they do misbehave, are let off lightly when they are judged by their peers. Therefore, it is important that the commissioner is fully independent and free from all political influences.

The appointment process must also be open and transparent to regain public trust in the Assembly. The Committee, therefore, agreed that the post of commissioner must have a statutory basis to ensure that he or she will be truly independent of the Assembly. That is essential, and it will allow the person who is appointed to act completely objectively in investigating any complaints. That should increase public confidence in the decisions of the statutory commissioner.

I strongly support recommendation 3, which allows the commissioner to initiate his or her own investigation into the conduct of a Member, and recommendation 9, which gives the commissioner statutory power to call witnesses and documents. Again, those will greatly increase the power and independence of the commissioner and should help to restore public confidence in politicians and the political process.

However, I feel that the recommendations should have gone further. In the light of the evidence that was given by the Chairperson of the Committee on Standards of Conduct at the National Assembly for Wales and Sir Christopher Kelly, the Chairperson of the Committee on Standards in Public Life at Westminster, I feel that we should have recommended changes to our Committee on Standards and Privileges. Such changes would also have increased public confidence. I believe that we should have reduced the number of members. The present Committee is too large, and decisions could be perceived to have been taken along party lines.

The Welsh Committee has only four members, one from each of the parties.

5.45 pm

Mr Ross: I have two issues. First, did the Member raise that and argue it during his time on the Committee? Secondly, it would be a radical reform, and, when it was done at Westminster, there was a radical problem with how it worked, and therefore they needed radical solutions. Does the Member accept that the system that we have in Northern Ireland has worked fairly well, the Committee has dealt well with any complaints, and conclusions have been well reached? Therefore, there is not a radical problem with our system that needs some sort of radical change, and it would be better just to observe how things are done elsewhere and perhaps keep it in our mind and review it at a later time.

Mr Deputy Speaker: The Member has an extra minute.

Mr B Wilson: I thank the Member for his intervention, but my main concern is the public's perception of the Committee, and that would be improved if there were laypeople on it. The idea of our judging our peers is certainly not —

Mr T Clarke: Will the Member answer the previous question? Did he raise those issues in the Committee? If not, why not?

Mr B Wilson: We did not complete the debate on this issue. As Sir Christopher pointed out in his case for lay members —

Mr Ross: Will the Member give way?

Mr B Wilson: Sorry, I do not have time.

There must be a proper process, and robustly independent people must be appointed to investigate complaints of wrongdoing and to ensure that the process is transparent. Sir Christopher also pointed out that the Committee on Standards and Privileges at Westminster had accepted the principle —

Mr Ross: On a point of order, Mr Deputy Speaker. The Member has insinuated that there was no debate on this issue at the Committee. That is not accurate. Will the Deputy Speaker give a ruling on whether it is in order for a Member to say something that is not accurate?

Mr Deputy Speaker: That is a matter for the Committee to take up after the debate. It is not a matter for the House or for me.

Mr B Wilson: Sir Christopher pointed out that the Standards and Privileges Committee at Westminster had accepted the principle of lay members but had not yet implemented it. He argued that many people believe that, even if MPs who misbehave are brought to book, they will not be dealt with in an adequate manner. On the other hand, the Committee's treatment may seem to be unduly lenient to someone who has not seen the evidence and is going only by what they have read in the press, which may not always be accurate.

The presence of lay members on the Committee would reassure the public that it is not a question of Members being soft on each other. I believe that Sir Christopher's case for lay members is strong, and the Committee should have included it in its recommendations. I hope that we can revisit the issue. Having said that, I fully support the Committee's recommendations. They are a good start towards the restoration of public confidence in politicians and the political system. That confidence would be increased with the introduction of lay members to the Committee.

Mr Savage: I rise as a member of the Committee on Standards and Privileges to not only support but recommend to the House the Committee's report on the inquiry into enforcing the code of conduct and guide to the rules relating to the conduct of Members and the appointment of an Assembly Commissioner for Standards. The Committee has taken evidence from a wide range of sources, and I commend my Committee colleagues and the Committee Clerk and staff for the completion of the comprehensive report.

The report contains 16 recommendations, including the appointment of an Assembly Commissioner for Standards. It is important that we as public servants allow ourselves to be open and transparent, subject to rigorous, detailed and extensive scrutiny. Over the past two years, the role of public servants has been brought into absolute disrepute by the poor conduct of a few. That is regrettable. The reality is that the actions of the few have led to the public perception, aided and abetted by the media, that we all have our snouts in the trough.

That “A plague on all your houses” perception only serves to do deeper and more long-term damage to the body politic. It is essential that we as public servants open ourselves up for scrutiny as a confidence-building measure. The report, as laid before the House today, is the first step along the long road of rebuilding and regaining the trust and confidence of the electorate to do the job that we were elected to do.

In ‘The Road Not Taken’, Robert Frost refers to two roads and the decision that one has to make in deciding which road to travel down. He wrote:

*“I took the one less travelled by,
and that has made all the difference.”*

In its report, the Committee is taking the road less travelled by in a bid to earn back the public’s trust and confidence, which, as we all know, will make all the difference, come election time. People must be answerable.

I commend the report to the House. Thank you, Mr Speaker, for allowing me to speak in the debate.

Mr O’Loan: I strongly support the report. I chaired the Committee during the deliberations that led to the report, so I have a paternal interest in it. I hope that the Assembly will endorse it.

I thank the Committee for the manner in which it approached those deliberations. It did so with great seriousness and was heavily engaged and involved. I also thank the Committee Clerk, who, skilfully and knowledgeably, gave us his advice and the necessary information. He was greatly aware of the importance of the issue and of how it was being handled in other places in a rapidly changing environment. All the information about what was happening in that arena and what might be thought of as good practice was expertly placed in front of the Committee.

The issue is critical. There has been a huge loss of credibility among elected representatives because of breaches of what the public see as the fundamental standards that ought to exist among elected representatives. The abuse of the expenses system at Westminster has been the most outstanding example of that. There is no question that that has coloured the image that the public hold of all of us as elected representatives.

Since October 2009, the Assembly has had a new code of conduct in place. The Committee rightly felt that it had to consider anew the mechanism that is in place to enforce the code. The report’s 16 recommendations and the indications of where it might go further offer a substantial and coherent process by which to ensure that the new code will be properly enforced.

I want to comment on some of the recommendations. There is not enough time to do justice to all or, indeed, any of them. The report recommends that the following should remain the same: the existing architecture by which the Commissioner for Standards investigates and brings recommendations to the Committee; the Committee making the ultimate decision on whether the code has been breached; and the Assembly’s role in determining any sanction. However, the Committee strongly considered that issue and any alternatives. Although I certainly share the Committee’s view that to give that power entirely to an individual outside the Assembly would not be the best way forward, for Members to continue to have a major role in policing themselves puts a great burden on them and on the entire Assembly. I hope to return to that point.

It is good that the report recommends that the commissioner can initiate his or her own investigation and that, if there are any potential breaches of the Members’ financial services handbook, they can become part of an investigation.

The necessity or otherwise of an appeals mechanism was discussed earnestly. I support the recommendation that there should not be a formal appeals mechanism and that, essentially, no practical or desirable appellate jurisdiction could be found. If that is to be the case, it is important that the Assembly ensures that there is proper and full procedural fairness in its business. That has major implications.

The report’s recommendations that the appointment, powers and independence of the Assembly Commissioner for Standards should all be set out in statute moves the commissioner’s role onto an entirely new and proper footing. The recommendation that there should be open and transparent competition for the post means that whoever is appointed becomes the Assembly’s own commissioner in a way that has not been the case previously.

I think that that is the right place to move to. The recommendation that we should get on with creating and passing a Bill during this mandate is important, and I hope that we will do that.

Two other matters were referred to that need to be implemented in order to complete the architecture. Two lay members with full voting rights need to be appointed to the Committee, and the number of elected members on it possibly needs to be reduced to five. If we do that — I urge the Committee to go in that direction — the Assembly will have a system for the enforcement of its code of conduct that will stand up to comparison with that of any legislature anywhere.

The Deputy Chairperson of the Committee on Standards and Privileges (Mr W Clarke): Go raibh maith agat, a LeasCheann Comhairle. I begin by thanking all the Members who took part in the debate. The issue that we are discussing is an important one, and that fact has been reflected in the contributions that we heard. I welcome the consensus that we as public representatives must be able to show leadership and demonstrate that we are capable of taking responsibility for having effective means of holding one another to account. The Committee's recommendations will, if implemented, improve public confidence in the disciplinary process for Members.

Other Members have already done so, but I, too, wish to place on record my thanks to all those who contributed to the Committee's inquiry. It can be time-consuming work responding to consultations and appearing before the Committee to give evidence, and the Committee certainly appreciates not just the effort involved but the quality of the submissions received. I will also take the opportunity to thank the Interim Commissioner for Standards and the director for standards and special projects, Tom Frawley and John MacQuarrie respectively, who have assisted the Committee for a number of years now with what, at times, can appear to be a thankless task. Let me assure them that the Committee is very grateful for their diligence and professionalism. I also thank all members of the Committee, including its previous Chairperson, Declan O'Loan, for their hard work on the report. As others have, I thank the Committee staff for all their hard work.

As the Chairperson said, the report consolidates much hard work that has gone before.

Last year, the Committee introduced a new rigorous code of conduct, which has gone a long way to building public confidence in our political system. The report under discussion recommends how best to maintain that code of conduct — a code that is essentially a live document and open to modification. I welcome the recommendation that the Committee should continue to have responsibility for proposing amendments to the code. The Committee has consistently stated that, if new issues arise, it will not hesitate to ensure that the code is amended to reflect those issues. We have done that before, and we will do so again if necessary.

I also welcome the recommendation that the roles of investigating complaints, determining whether complaints are breaches and imposing sanctions should be the respective separate roles of the commissioner, the Committee and the Assembly. Christopher Kelly told the Committee that natural justice required that there be a separation of the roles of investigator and decision-maker. The Committee felt that it was important to ensure that its proposals were consistent with the principles of natural justice, and I am satisfied that that is the case.

Of course, the report's most important and significant recommendations are those on the Assembly Commissioner for Standards. I welcome the recommendation that the commissioner should have statutory powers and statutory independence. There can be no clearer signal that the Assembly is resolute in its efforts to have in place a robust and impartial mechanism for having complaints against Members investigated. Those recommendations will give the public great assurance on where we stand.

Given that we are talking about standards in public life, it is right and appropriate that the commissioner should be appointed by means of an open and transparent competition, consistent with principles of best practice. The Committee will work with the Assembly Commission on that and has agreed that it will also consult the Commissioner for Public Appointments. In the end, however, it will be the Assembly that will appoint the commissioner. Appointing the commissioner by Assembly resolution is an important means of giving him or her the support and legitimacy to get on with what will be a challenging role.

Of course, it is not just the Committee on Standards and Privileges that has worked hard on forming proposals. The Assembly Commission has also played its part, and I thank the Commission for submitting evidence to us and for agreeing to provide the funding for the office of the commissioner.

6.00 pm

As the Chairperson said, it is crucial that the commissioner has the resources to carry out the role. The Committee recommends that the Assembly Commission considers the funding of the Assembly Commissioner for Standards as a priority. However, I should point out that the required resources are unlikely to be significant, particularly in the context of the importance of the commissioner's role.

I turn now to the points raised by Members. Alastair Ross made the important point that the commissioner must be truly independent, and he talked about safeguards in relation to the opportunity to give further evidence once the commissioner's findings have been made known. He also referred to the Floor of the House as the final appeals system. He said that this Assembly has not been subject to the same scandals that have occurred at Westminster, but he felt that we were all tarred with the same brush.

Paul Maskey's contribution mainly focussed on the appointment of two lay members to the Committee. He talked about revisiting that issue in the future. He also said that the House should set the standards and should not wait for other legislatures to legislate and then follow suit. He thought that we should be at the forefront in that regard.

Leslie Cree talked about transparency and the independence of the whole process. He emphasised the importance of holding an open and transparent competition. I agree that that is crucial. The Committee heard evidence from Felicity Huston, the Commissioner for Public Appointments for the North of Ireland, on the principles of best practice when making an appointment. Any appointment must be made on merit and in a fair and open way. I truly endorse that.

In his contribution, Brian Wilson mentioned the reduction of the number of Committee members to take politics out of the equation and to have, in his words, a "more reflective" Committee. George Savage talked about regaining the

public's trust following the expenses scandals. I truly endorse that also. We have a big job of work to do, but the report goes some way towards that. Declan O'Loan also talked about the abuse of the expenses system in Westminster. Again, that had a massive, negative impact on every devolved legislature; everybody's reputation was tarnished. As George Savage mentioned, members of the public see politicians as pigs at the trough, and they become so disillusioned with politics that they switch off. Anything that goes some way towards improving that perception truly must be welcomed.

A number of Members, including Alastair Ross, Paul Maskey and Brian Wilson, raised the issue of the independence of lay members appointed to the Committee. The Committee's report addresses that issue. The Committee on Standards in Public Life has said that:

"the inclusion of lay membership on the Committee would be a useful step in enhancing public acceptance of the robustness and independence of the Assembly's governance arrangements in relation to the conduct of members."

The Committee on Standards and Privileges' report recognises the rationale behind that proposal.

I wish to make it clear that the Committee is absolutely committed to introducing a system for overseeing the conduct of Members that is seen to be both robust and depoliticised. The Committee recognises that altering its composition by appointing two independent lay members and by reducing the number of elected members could contribute to that aim. For that reason, the Committee has already begun to consider the detail of how it might appoint and hold to account independent lay members. However, as has been mentioned, the Committee simply wishes to explore further some of the practicalities with its counterpart Committees in other legislatures before taking a final decision on how such an approach could work in the Assembly. It is looking, in particular, at the House of Commons at present. I hope that that rounds up the main points.

In conclusion, I stress that by accepting the recommendations in the report and appointing a statutory Commissioner for Standards, the Assembly is giving the clearest indication yet that it is serious about transparency, integrity and accountability. We will not shy away from rigorously implementing the code of conduct.

The recommendations in the report will ensure that there is public confidence in how Members are held to the high standards that the code demands. I, therefore, commend the report to the Assembly. I look forward to working with the new Chairperson, and I wish him well in the position. Go raibh maith agat.

Question put and agreed to.

Resolved:

That this Assembly approves the report of the Committee on Standards and Privileges on its inquiry on enforcing the Code of Conduct and Guide to the Rules Relating to the Conduct of Members and the appointment of an Assembly Commissioner for Standards.

Motion made:

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

Adjournment

Eel Fishing in Lough Erne

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

Mr Elliott: The difficulties of eel fishing in Lough Erne, County Fermanagh, have been around for some time. Eel fishing may be a fairly unknown profession to many members of the public, but it is important to the small dedicated team that continues to fish for eels in Lough Erne. In many ways, eel fishing is a family tradition that has been passed down from generation to generation in that community. However, the numbers participating in eel fishing in Lough Erne have dwindled over the past number of years. At present, only 17 fishermen have licences for eel fishing on Lough Erne and only 12 are actively partaking.

Eel fishing has been the subject of monitoring and reports for a number of years. The Erne eel enhancement programme was set up as far back as 2001, and a sizeable report was published at that time. In 2005, a report on Lough Erne fishing management referred specifically to eels, and most of what was said in that report was broadly accepted by eel fishermen. However, an EC regulation now requires eel management plans to be provided for all inland loughs that have eel catchments. Lough Erne is transnational, because the border between Northern Ireland and the Republic of Ireland passes through it; therefore a cross-border management plan must be devised by the relevant Departments in Northern Ireland and in the Republic of Ireland.

I understand that most fishermen in Europe are allowed to continue to fish for eels but that the management plans will reduce the number of eels they can catch to ensure that more silver eels escape to the sea in order to try to boost eel numbers in Europe. However, the eel fishery in Lough Erne will be closed altogether, and I understand that eel fishing will be also stopped in the Republic of Ireland.

That situation is different to the one faced by Lough Neagh fishermen. Although Lough Neagh has a different management structure and plan for developing eel fishing, I do not think that the size of catch permitted there has been hindered. However, the management plan, which the Department has submitted to the UK Government and which has possibly been agreed in Europe at this stage, will signal the end of the road for eel fishermen on Lough Erne, County Fermanagh. I am sure that the Minister of Culture, Arts and Leisure will tell us more about that in his winding-up speech.

One particular issue of concern is the estimated pristine eel escapement of approximately 147 tons, as was suggested in a recent report on the north-western river basin. Last year, for the first time, a mechanism called trap and truck was used to catch the silver eels and bring them out to sea before they got to the turbines at Ballyshannon. However, only approximately 7.5 tons were caught at that stage. Therefore, the figures provided seem to be skewed and out of context. I am told that there is no potential for Lough Erne to produce anything close to the figures that have been suggested in the reports.

The second issue of significant concern is how, in the past, the hydroelectric power station at Ballyshannon has damaged almost all the eels that go through it on their way out to sea. Silver eels go out to sea when they are between 10 and 20 years old. However, because there is no easy option by which silver eels can get out to sea, they become caught at the power station in Ballyshannon. It is suggested that most, if not all, eels have been damaged to the extent that they are of no use when they do get out to sea. The trap and truck mechanism is being used for the first time, but it should have been going on for years. Unfortunately, it has not been, and we are where we are. There is a concern that the Electricity Supply Board (ESB) in the Republic needs to do more than just trap and truck to get the silver eels out to sea.

There is concern around the elvers returning from the sea to Lough Erne. I want to know how the Department of Culture, Arts and Leisure (DCAL) monitors the process of the elvers getting from the sea to Lough Erne and the silver eels getting from Lough Erne to the sea through the trap and truck process. I want to know whether DCAL is confident that all eels caught in those processes get to their respective destinations. Fishermen are hugely

concerned that DCAL is not properly monitoring the processes and that, therefore, there may be other outlets whereby eels can be sold to another buyer.

I want to know whether DCAL has had discussions about the fishermen of Lough Erne importing elver eels from other parts of Europe to try to increase and build up that stock. If not, would DCAL be open to such discussions, and would the Minister open negotiations to establish how many elvers a year it would take to build up the stock to the required numbers? Fishermen from Lough Erne have established a contact in mainland Europe who is willing to support that scheme, which is similar, but on a smaller scale, to the process that is used in Lough Neagh. The fishermen are keen to develop that.

Those are the main concerns. Eel fishing is a livelihood, and the fishermen depend significantly on the income that it generates. It has been in those families for generations, and the fishermen will not give it up easily. I am keen for the Minister of Culture, Arts and Leisure to have further discussions to try to establish whether there is a mechanism for reopening eel fishing in Lough Erne and, if so, how that could be managed.

6.15 pm

Lord Morrow: Thank you, Mr Deputy Speaker. You caught me a bit by surprise; I did not realise that it was my turn to speak. However, I support the Adjournment debate topic. I listened with interest to what my colleague from Fermanagh/South Tyrone Tom Elliott said, and I totally agree with his sentiments.

It is ironic that this debate is taking place today, because I understand that the closure of the Lough Erne eel fishery is a result of an EU directive that will come into effect today; I am not 100% sure of that, but I think that it was due to take effect from 1 June. Those of us who are concerned by the closure have to ask why the Lough Erne fishery has been singled out for such treatment. That area of water provides a full-time income for a small number of eel fishermen, yet they are the only people to face such drastic action.

There are three eel fishery basins in Northern Ireland; the north-west, the Neagh/Bann and the north-east. Those are all subject to EU eel management plans. It has been concluded

that eel fishing in the Neagh/Bann basin is sustainable and will continue at current levels, subject to close regulation and monitoring. At least, that is what the paper that I was reading today said. That paper also states that the catchment in the north-west basin, which includes the cross-border Lough Erne fishery, is not sustainable. Therefore, it has been decided that it should close as a commercial eel fishery. In the north-east river basin, there are no eel fisheries, so the only fishery to suffer is the one at Lough Erne.

The Lough Erne fishery is a cross-border operation, yet is it not strange that the rule applies only here in Northern Ireland and does not apply to the southern side of the border? There are 17 eel fishing licences for Lough Erne. As a result of the directive, those licences will all be lost, yet I understand that not one will be sacrificed in the Republic of Ireland.

Additionally, as far as I am aware, there will be no compensation package for those eel fishermen even though it is their livelihood. For most of them, eel fishing is a family trade as well as a tradition, and it will be erased by one ill-conceived sweep of a pen.

The eels in Lough Erne traverse the border on a regular basis. Eels do not recognise borders, so it seems strange that only the northern side of the border is subject to the directive. I am not saying that eels should or should not acknowledge borders, but I am just making a point. Under the new directive, those eels will be able to be caught in Southern Ireland only, which will give those fishermen the monopoly on eel fishing in Lough Erne. That will be to the financial and practical detriment of Northern Ireland eel fishermen and will destroy livelihoods.

It is interesting to note that representatives from DCAL and Agri-Food and Biosciences Institute (AFBI) met the Toome Eel Company and the Lough Neagh Fishermen's Co-operative Society, which owns and manages the Lough Neagh fishery, in developing the Neagh/Bann plan. That plan provided scientific evidence that the conservation target is being met due to prudent management of the fishery, and that was found to be satisfactory. No such management strategy was offered for the Lough Erne fishery, despite it operating on a far smaller scale. Although everyone agrees that there has been a reduction in eel stocks,

completely wiping out eel fishing on the northern side of Lough Erne smacks of being draconian and strikes me as being blatantly unfair.

As I said, there are 17 licence holders for the northern section of Lough Erne, but it is important to note that not all of them are operative. Not surprisingly, those fishermen feel that they are being abandoned and sacrificed on the altar of political expediency to benefit the Neagh/Bann plan and to allow the Republic of Ireland to have free rein over eel fishing on Lough Erne.

Northern Ireland is now the only region in the United Kingdom where eel fishing is permitted. England, Wales and, as of last year, Scotland have banned eel fishing. That would suggest that Northern Ireland is in a somewhat privileged position that should be nurtured rather than wiped out. When I say that Northern Ireland is the only region in the United Kingdom where eel fishing is permitted, I do not include the ban in place at Toome.

However, try telling that to those who have had their eel fishing destroyed in Lough Erne. That, too, is being trimmed, and in relation to Lough Erne is heading towards the Republic of Ireland. It seems strange that that measure has been taken as a result of an EU directive, yet what applies to Lough Erne does not apply across the border. I believe that I have that right, and I look to the Minister for an explanation.

In comparison with Neagh/Bann, the tonnage of caught eels in Lough Erne is low when put beside the amount of eel that would be caught in Lough Erne under the system that operated there. Set beside the Bann/Toome system, it is very small. Of course, we are being told that the eel is an endangered species, and that that is why it has virtually, if not entirely, disappeared in other regions of the United Kingdom. If the eel is an endangered species, surely to goodness the lack of eel fishing in Scotland, Wales and England has replenished the stock sufficiently to allow a small fishery in somewhere such as County Fermanagh to continue to operate.

Can Erne's turnover really be the linchpin that affects that species? Surely it is not beyond reason to assume that a small eel fishery on Lough Erne can be permitted to carry on. As has been said, eel fishing is a family tradition. A number of eel fishermen now know nothing else, and cannot turn their hand to anything else, yet

they find that they are being deprived of what has been a family tradition for many years.

Why can a degree of sensible proportionality not be introduced to ensure the livelihood of the eel fishermen of Lough Erne, rather than this drastic and draconian action? If the issue is the preservation of the eel, which I recognise is important, surely this should have been done differently to ensure that the livelihoods of those fishing on the Erne could have continued. Surely such bans could have allowed eel stocks to be replenished, because they are all understood to spawn in one area, which is in the Sargasso Sea, which lies, I understand, in the middle of the north Atlantic.

Mr Deputy Speaker: Bring your remarks to a close.

Lord Morrow: Yes. As an Assembly, we need to look to the Minister today to ensure that those fishermen are appropriately compensated. However, I am aware that that is not entirely the responsibility of DCAL, and suggest a full Executive approach. I will bring my remarks to a close. There are other things that I would like to say, but I think that my eight minutes are gone.

Mr Gallagher: It just crossed my mind as Lord Morrow was speaking that slipping back and forward across the border in the interests of survival is not confined to the eel population.

The issue of the eels in Lough Erne is a classic case of bureaucracy going mad. We have a decision arrived at by pen-pushers in Europe, relayed to pen-pushers in Westminster, and, unfortunately, relayed to the Department of Culture, Arts and Leisure in Northern Ireland, as I understand. None of them really bothered to go down and talk to the people on whom the decision is impacting, namely, the eel fishermen on Lough Erne.

The River Erne, for those of us who know it well, has for a long time had a wonderful asset of fisheries, both salmon and eel. There have been eel weirs, particularly on the lower River Erne, for hundreds of years. Indeed, there is still a footbridge to the eel weir at Belleek. That is a reflection not just of the activity, but of its importance to the local economy. For well over 100 years the place was famous for its eel exports to Europe. The rights of the current licence holders on the Erne were established in the 1960s by the Government in Northern Ireland. Over the decades since then, the

number of licence holders has fallen. About 10 years ago, there were 27, but there are now 17. It is confidently expected that, before another 10 years has passed, the number of licence holders will have dropped below 10. Under the current arrangements, as Mr Elliott said, licences are surrendered when the holders cease activity or retire.

What do those figures tell us? They tell us that the numbers of eels being caught are dropping and will continue to drop. That should be reassuring to the people in Brussels who have concerns about the conservation of the eel population. Despite the downward trend, however, the EU and DCAL — and, it is suspected, to some degree or another, the ESB — have contributed to the closure of the eel fisheries on the Erne. We are told that it is about conservation, and that is fair enough. Everyone who lives in Fermanagh, in Northern Ireland and much wider afield understands the importance of the conservation of our fish stocks. However, the local fishermen have indicated their willingness to take part in conservation measures, act responsibly and play their part in implementing conservation programmes on behalf of any agency that is interested in working with them.

The fishermen have a number of questions about the close down that have not been satisfactorily answered by any of the parties that appear to be involved in it. They have not answered the question as to why eel fishing in Lough Erne is to be closed down. Lough Neagh has been mentioned as the only other waterway in Northern Ireland where commercial eel fishing takes place, but there is a completely different arrangement there. The conservation programmes that are in place around Lough Neagh are, at least, acknowledged and allowed by the Department of Culture, Arts and Leisure, and, possibly, even supported. However, it is worth noting that no such offer was made to those who earn their livelihoods on the River Erne. As I understand it, there has been no offer to compensate them for the loss of business; there has been only a diktat that, on the decided date, commercial eel fishing will end. The close down will result in a considerable financial loss to the area and a serious financial loss to those who are directly involved. The licence holders' representatives who spoke to me gave me no indication that they have had any offer of compensation.

There are further questions about the closure, which was sudden, and was like the turning off of a tap. No one seems, in the interest of conservation, to have thought about a phased closure. I fail to understand why some agreement along those lines was not promoted by some of the interested parties on the government side. I understand that the decision goes back to a report that was commissioned by the ESB. Its interest in the river is legitimate, and that has also been mentioned. The ESB has an important interest in fishing on Lough Erne. There is a power station at Cliff and Cathleen's Falls, and Tom Elliott mentioned how, when the eels are going out to sea in the autumn, huge numbers are mangled when they are sucked into the turbines.

Given that the Electricity Supply Board (ESB) was an interested party, the Department of Culture, Arts and Leisure should have asked for an independent study to be carried out. That would have been fairer all round.

I want to put it on record that local fishermen seriously contest some of the findings. Even at this late stage, the least they deserve is that the Department of Culture, Arts and Leisure carry out a review of the decision, particularly given the way in which fishermen's incomes and livelihoods have been affected. Some of the fishermen concerned have young families.

6.30 pm

Mrs Foster: I congratulate my colleague on securing the Adjournment debate. It is important that the issue is brought to the Assembly. I am convinced, as are the Members who have spoken, that the eel fishermen in County Fermanagh have been the victims of yet another example of inept European Union regulation, the implementation of which could have been much better.

On 18 September 2007, the EU agreed a regulation to establish measures for the recovery of the stock of European eels. In December 2008, the UK submitted 15 eel management plans for approval by the Commission. Three of those plans concerned river basins located in whole or in part in Northern Ireland. Eel fishermen from my constituency consider that the consultation by DCAL officials was inadequate during the formulation of a recovery plan for their area. I acknowledge that the Minister of Culture, Arts and Leisure and his predecessor facilitated

meetings with officials and the fishermen concerned. Indeed, one such meeting took place in my constituency office. However, the fishermen feel that they were not sufficiently consulted about what was to happen to them. We are, after all, talking about their livelihood.

Reference was made to the fact that the fishermen have not yet seen the scientific data prepared and submitted by the Agri-Food and Biosciences Institute (AFBI) as part of the north-west plan. My party colleague Diane Dodds MEP, who has been working assiduously on the matter and liaising closely with the eel fishermen affected, requested that information from AFBI, which directed her to DCAL. Mrs Dodds made that request to DCAL as late as 15 April 2010 and awaits a reply.

The European Commission was expected to approve the UK eel management plan in late January 2010, but that approval was delayed because of a technicality. Officials from DCAL knew about the delay. I spoke to some of them at the time, and they were acutely aware of the discontent among the eel fishermen in County Fermanagh. The officials were also aware that the fishermen were expressing grave concerns about the process through political representatives such as me, Mrs Dodds and others. The officials from DCAL chose not to intervene in the north-west plan, and, despite the concerns, the European Commission approved the plans on 4 March 2010. Consequently, the fishermen were told that their fishery would not reopen in May 2010. The description of that as a devastating blow is not an overstatement. It was a bitter disappointment to those of us who thought that we could salvage their way of life.

I hope that the Minister will explain why his officials did not take the opportunity to seek a solution to the problems after the EC vote was delayed on 28 January 2010. Those problems had been well rehearsed with him at various meetings and through a range of written communications.

As Lord Morrow said, apart from the experience of Lough Neagh, the Lough Erne eel fishery is the only fishery, not only in the UK but in Europe, that has been closed to secure a recovery in its stock, we are told, for environmental reasons. The fishermen are devastated that their livelihood is being taken away from them through no fault of their own.

Those fishermen have many questions that deserve answers. They have been keen to be involved in the formulation of a recovery plan but feel that their overtures in that respect have not been listened to as openly as they would have liked. Even at this late stage, however, they are keen to seek a solution and resolution. The use of the European Fisheries Fund is one possible option to provide financial assistance to what is not only a traditional fishery but part of County Fermanagh's social and economic heritage. I urge my colleague to consider that possibility in conjunction with DARD officials and to pursue those recovery options so that something good can come out of it.

After a meeting with the fishermen in January, the Minister said that his officials would seek to review the arrangement surrounding the conservation fishery that the Republic's Electricity Supply Board operates. I will be interested to hear how successful DCAL has been in that respect, particularly given that, as Mr Gallagher said, there is a belief among fishermen that the ESB's hydro schemes have had an impact on the fishery's decline.

DCAL has advised us that the recovery plan may not be reviewed before 2012. I know from listening to fishermen who have experience of recovery plans for other fish stocks that they fear that 2012 really does not hold much promise. As far as I am concerned, that emphasises the fact that DCAL needs to be proactive in seeking a solution with the fishermen to determine whether there is something that we can do.

On a final note, I want to offer some glimmer of hope to constituents who may read the Hansard report of today's debate. The European Parliament's Committee on Fisheries is making arrangements to take evidence from the eel fishermen from Northern Ireland and the Republic of Ireland who have been affected by the ban. That is some acknowledgement that County Fermanagh's eel fishermen have been unfairly disadvantaged by an unjust European regime. It is unjust compared with the recovery plans that have been agreed for eel fisheries elsewhere. I hope that that acknowledgement will be reflected by urgent action at local level. I look forward to hearing what the Minister has to say in that respect.

Ms Gildernew: Go raibh maith agat, a LeasCheann Comhairle. A small number of

eel fishermen on Lough Erne continue to be affected by the phasing-out or closure of the Lough Erne eel fishery. Of the 17 licence holders, the youngest is around 50 years of age. When a phased-out approach was suggested a while ago, it was fairly acceptable to the fishermen on Lough Erne. They could see that conservation concerns had to be taken into consideration, and a phasing-out would allow them to plan for the future and deal with the transition period between having an active eel fishery and not having one. However, we have almost moved from boom to bust, although we accept that the boom in the eel fishery has not been that wonderful for a number of decades.

I will try to put the situation into context without repeating what other Members have said. The European eel stock has been in rapid decline for a number of decades, and it does not show signs of recovery. A number of causes have been suggested, including changes in ocean climate; habitat loss; predation; hydroelectric turbine mortality; overexploitation; pollution; and parasites. Several of those factors have had an impact on some of the other fishery stocks that our fishermen target.

I want to concentrate my comments on the eel mortality due to the hydroelectric turbines. The ESB hydroelectric power plant at Ballyshannon has probably had more of an impact on the Lough Erne fishery than has been suggested in the past. Other Members have called for an independent survey or more work to establish the precise eel mortality rate at the ESB power station at Ballyshannon, into which the Lough Erne river system feeds. It is my understanding that the level of mortality that ESB admits to is probably a gross underestimation. In the turbines, eels are killed — mangled, as Tommy Gallagher said, and that is a good way to describe it. We need to consider not just those that are killed but the eels that are damaged to the point at which they are no longer fit for the 4,500 mile journey to the Sargasso Sea. Bruising and internal injury may leave them unable to swim that distance to get back to their spawning grounds. It is a worry that those Kaplan-type turbines are in use not just in Ireland but in other parts of Europe, the United States and the world. That might create a lot of the problems that we have and provided the reasons why Council Regulation (EC) No 1100/2007 was brought into being.

We are aware of the attempts by the Lough Neagh Fishermen's Co-operative, led by Rev Oliver Kennedy and others, to maintain an active eel fishery. That co-operative has had to import elvers into the Lough Neagh system to keep the fishery going. In other parts of Europe — France, for example — large quantities of juvenile eels are taken out of the system and exported. At least in our systems, there is a natural recycling of those eels. They stay in a natural river basin, and they contribute to eel stocks for generations to come. Other member states of the European Union have been able to take out vast numbers of eels and export them to other parts of the world with no natural recruitment or ability for young eels to come back into the system.

More research must be done on the decline in eel stocks and conservation. We recognise the importance of the eel for biodiversity. It is a species in serious decline. We have to look more closely at the causes of that decline and what we can do to stop it. Given that the River Erne spans the border, I have spoken to Minister Eamon Ryan about this issue. Much more could be done by ESB, which plays a part and has a responsibility. The Minister of Culture, Arts and Leisure will have to say that eel stocks are in decline and outline what is being done to protect them. However, we could do so much more to protect eel stocks by ensuring that ESB does all that it can to conserve them and is more honest about the impact that the hydroelectric plant has on them. I ask the Minister whether measures have been introduced to mitigate the impact of the many other factors that make for a decline in eel stocks. The recruitment issue is obviously of major concern to him; however, other factors have also had an impact on eel populations over the decades.

Other Members have spoken about fairness. The Lough Erne fishery was active, and a very small number of people became involved with a view to phasing it out. That has been removed from them, and we want to be fair to the fishermen who are still there and to do what we can.

6.45 pm

It is interesting that there is all-party support on this issue in the Assembly. We all want to do what we can to help the fishermen in the Lough Erne catchment basin. We also recognise that the eel stock is being depleted and that

we need to look to the future. I said in the Chamber earlier today that without fish there will be no fishermen. In this case, if there are no eels we will not have eel fishermen. However, that is not just because of the actions or over-exploitation in the Erne system, other things must be considered. It is important that they are all factored in, so that the Minister has all the available facts in order to make the decisions that he must make.

Mr McHugh: Go raibh maith agat, a LeasCheann Comhairle. I welcome the opportunity to speak in the Adjournment debate, which was secured by Tom Elliott. At this point, nearly everything has been said. I will make a few points that I have picked up on during the debate.

I have spoken to local fishermen, and, as can be seen by which Members are taking part, eel fishing is a parochial issue. However, it has wider connotations for the Minister, in that this sort of issue will continue to arise in all parts of the North and in Europe, because, as Tommy Gallagher said, the pen-pushers work away at such matters every day of the week, and when they get the bit between their teeth they will keep at it until they achieve their purpose, whether or not the matter in question has been fully looked into.

I have spoken on many regulations, and this one does not seem to have the full facts. There are missing links and missing figures regarding what happens to the eels from the time that they leave the Erne for the Sargasso Sea or on their way back. To be honest, very little, maybe nothing, is known about that. Some figures have been compiled, but those who are imposing the regulation have not done enough research and cannot put their hands on the full figures in the way that they have been able to on other issues, such as sea fishing. That is why we should ask that the ban be held until something is done to resolve all the anomalies yet to be investigated.

The Department of the Environment's regulation is not something that we are asked to implement in full; we have discretion. It is for us, as an Assembly, to decide whether to implement the regulation in the way that it is written or to do things differently, as has happened in Lough Neagh and in the South. Sometimes we tread on the people least able to defend themselves; perhaps that is happening in this instance. We are talking about 17 fishermen: local, traditional workers who are unable to defend their position.

Strong lobbying measures were taken by people in defence of their counterparts in Lough Neagh, and there seems to have been quite a difference.

As Tommy Gallagher said, the Ballyshannon dams create two points at which a lot of damage can be inflicted on elvers making their way out of Lough Erne. It is a common belief that little injury can happen to fish. However, a fish can be as seriously injured as any other living thing. It may be that the slightest injury will end their lives, so perhaps we should have that concern rather than entertain the notion that they can continue their migration. The ESB has never accepted that it has greatly interfered with nature by erecting a barrier — in the form of those dams — to eels or other fish, including salmon, making their way to their natural spawning areas. I have not been able to find any figures for the period before the dams were erected. There seem to be figures from the 60s onwards but not far enough in the reverse direction to give us some idea of what happened in those early years.

Fishing has carried on for generations, and there are local fishermen who tell me that there is any amount of eels in Lough Erne; its waters are teeming with them. Therefore, someone, somewhere, has got it wrong. Those to whom I have talked, not just in the Enniskillen area but right up to the border, have a fair idea of what is happening in those areas.

There is a bit of flexibility with respect to the regulation. The local fishery in Lough Erne is the only one that is being closed at the moment; everyone else seems to be able to continue working. I think that there has been pressure from the South to get this closure. Other measures were being taken that the South could not control, which is part of the reason why it applied such pressure to have the regulation implemented on our side of the border.

The fishermen work on a very small scale. Therefore, I would like to know exactly how many eels those 17 fishermen lift. Perhaps other Members have the figures, but I imagine that the number would not be great. Elvers are very small, thread-like creatures, and the adult fish are quite large. However, the fish being lifted are the same size as those lifted 20 years ago, and it is curious that big fish are being lifted if they are all supposed to have disappeared. If the regulation continues, what will happen to the

adult fish in the next 20 years? Will they simply die naturally? If so, that will have an impact on the other stock in the lake.

Full investigation is required, and I ask the Minister to carry out a full and proper investigation. He should look for the full information and demand that those on all sides who produced figures in support of the regulation should stand by them by producing proper and full figures. That has not been done. Time will tell, but, unfortunately, time is not on the side of the families involved. I say to the Minister that this is an opportunity for the Assembly to do things slightly differently and not just rubber-stamp the regulation, as we normally do with much of what is handed to us from Brussels. We do not always look into those matters.

Nature has been bypassed. As Tommy Gallagher said, very little is known about the damage that happens to fish in both directions. However, we know that turbines cause an enormous amount of damage. I have been told that as many as 50% of those fish could be damaged. It is just as important to try to do things right on behalf of a small number of people as it is for a large number of people, but that is for the Minister to decide.

The Minister of Culture, Arts and Leisure

(Mr McCausland): The debate is about eel fishing in Lough Erne, and men have been fishing for eels in Lough Erne for centuries. Therefore, it is very sad that, due to the rapid decline in the European eel stock, this historical way of life for fishermen in Lough Erne has come to an end.

I will outline the background to the closure of the traditional eel fishery in Lough Erne. The rapid decline in European eel stocks has been happening since around 1980, and it shows no signs of recovery. A number of causes have been suggested: changes in ocean climate, habitat loss, predation, hydroelectric turbine mortality, overexploitation, pollution and parasites. However, international scientific advice indicates that the European eel stock is now outside safe biological limits. The decline has happened despite measures taken by individual countries to conserve stocks and protect the eel's natural habitat, including minimal landing sizes, licensing of eel fishermen, regulating the construction of weirs and dams and stocking with baby eels.

The result is that the eel is now the most endangered common migratory fish in Europe.

Following lengthy consultation, on 18 September 2007, the European Commission adopted Council Regulation 1100/2007, which aims to establish measures to ensure the recovery of the European eel stock. It requires member states to develop eel management plans for each of their river basin districts to meet the specific conservation target for silver eel escapement.

Tommy Gallagher told us that that was something the pen-pushers in Europe had passed on to the pen-pushers in the United Kingdom, before it was passed down to the pen-pushers in Northern Ireland — all the responsibility lay with these pen-pushers. I suggest respectfully that, if we are to allocate and apportion responsibility, we should go back to the start: at the end of the day, this was a European diktat. For those who are pro-European, that may create some difficulty. For Euro-sceptics, it creates no difficulty, in so far as they are happy to apportion blame and responsibility to Europe. Nevertheless, that is where the issue emanates from; the regulation is a European diktat.

The regulation demands that it be demonstrated that at least 40% of the adult eels from each river basin are escaping to spawn, compared with the best estimate of the potential escapement in the absence of human activity. As part of the overall UK submission, Northern Ireland submitted three eel management plans. There are no eel fisheries in the north-east catchment, which covers Antrim and Down, and the plan for that area reflects the fact that the conservation target will be met in due course by natural means. It suggests that no other practicable measures can be taken.

The Neagh/Bann plan includes the Lough Neagh eel fishery, which is the largest wild eel fishery in Europe. The Neagh/Bann eel management plan provides a scientific rationale that the conservation target is being met through regulation and prudent management of the fishery, including the stocking of baby eels into Lough Neagh from elsewhere over the past 20 years.

Turning to Lough Erne, DCAL's historic policy, informed by concerns for the status of the stock, was to phase out commercial eel fishing in Lough Erne. No new licences were issued, so, if a fisherman stopped fishing, the total

number of licences decreased. In 2008, 17 licences were issued to fishermen who retained the entitlement to fish for eels in Lough Erne, although not all of those 17 were actively fishing.

The EU regulation requires member states to prepare an eel management plan jointly for river basins that extend from the territory of one member state to another. The north-west plan, which covers the cross-border Erne catchment, was, therefore, developed in conjunction with the authorities in the Irish Republic. Collaborative scientific work indicates that, even with no fishing effort and no turbine mortality, the eel regulation conservation target would still not be met. A suite of all possible measures is required in order that the UK and the Irish Republic can demonstrate to the EC that every effort is being made to at least try to reach the target.

In September 2008, officials from my Department met Erne eel fishermen in Enniskillen to discuss the eel regulation and the development of the north-west plan. Fishermen were asked to submit comments on the north-west plan. Six of the 17 licence holders attended the meeting. Three formal consultation responses were received in writing, and all respondents acknowledged the crisis in eel stocks and the need for action. The north-west plan recommends that traditional eel fishing in the Erne catchment should be replaced by a conservation fishery, to be run and funded by the Electricity Supply Board in the Irish Republic. The hydroelectric power station at Ballyshannon uses two turbines to generate electricity. These turbines have been shown to cause a high rate of mortality for eels trying to migrate to the sea from Lough Erne.

7.00 pm

The conservation fishery, which was established on a pilot basis in 2009, traps live silver eels that are attempting to escape to the sea to spawn. The eels are then transported in tanks by road to the seaward side of the hydroelectric station and released to continue their migration. Under the terms of the north-west plan, ESB must also undertake research into best practice on the safe passage of eels through hydroelectric power stations and other barriers and implement solutions to achieve that.

DCAL encouraged Lough Erne eel fishermen who were interested in tendering for the conservation fishery and provided assistance where possible. A series of letters was issued

and open meetings held in Enniskillen to achieve that. As a result of that engagement, a number of DCAL eel fishing permit holders formed a group to tender for the conservation fishery. Unfortunately, that group's tender was not successful in 2009.

It was expected that the eel management plans would be approved or rejected by the EC at a meeting on 30 June 2009. In the event, only the plans submitted by the Irish Republic, including the trans-boundary north-west plan, were considered and approved. The requirements specified in an eel management plan must be implemented immediately after the plan is approved by the EC.

The Irish Republic opted to ban all eel fishing in its jurisdiction in recognition of the state's inability to meet the 40% escapement target, even with a complete ban on all eel fishing throughout the country. My predecessor, however, decided that eel fishing on Lough Erne should continue until the north-west plan was approved by the EC as part of the United Kingdom's submission. I continued to adopt that approach.

The EC approved the United Kingdom's plans, including those submitted by Northern Ireland, on 4 March 2010. The commercial eel fishing season in Lough Erne could not, therefore, reopen in May. As a result of my intervention, however, the Lough Erne eel fishermen were able to fish throughout the 2009 season in the traditional way. That extension to enable them to fish in 2009 was in spite of suggestions from some quarters that we should stop it immediately and not proceed with allowing them to continue in 2009. We allowed them to continue in 2009 by intervention, which was of benefit to the fishermen.

Efforts have continued to assist fishermen whose livelihoods have been affected by the closure of the Erne fishery.

Mr Deputy Speaker: Will the Minister bring his remarks to a close?

The Minister of Culture, Arts and Leisure: My officials have participated in an initial review of the conservation fishery. The value of the knowledge and experience of the former Lough Erne fishermen has been stressed. My officials have been exploring the possibility of accessing the European Fisheries Fund administered by DARD. Unfortunately, it has not yet been possible to establish any grounds for

eligibility, but that matter is ongoing. There is no precedent at the moment for the payment of compensation, but we are looking at the potential for doing that through the European Fisheries Fund. I will finish there, Mr Deputy Speaker.

Adjourned at 7.03 pm.

