

# Official Report (Hansard)

Tuesday 9 November 2010  
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Wilson, Sammy (East Antrim)  
Vacancy (Foyle)\*

\* Vacancy due to the resignation of Mark Durkan on 9 November 2010

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# Northern Ireland Assembly

Tuesday 9 November 2010

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

*Members observed two minutes' silence.*

## Assembly Business

### Resignation of Mr Mark Durkan

**Mr Speaker:** I wish to advise the House that I have received a letter from Mr Mark Durkan notifying me that he has resigned as a Member of the Assembly with effect from today. I have notified the Chief Electoral Officer, in accordance with section 35 of the Northern Ireland Act 1998.

## Ministerial Statement

### North/South Ministerial Council: Transport Sectoral Format

**Mr Speaker:** I have received notice from the Minister for Regional Development that he wishes to make a statement to the Assembly.

#### The Minister for Regional Development

**(Mr Murphy):** Go raibh maith agat, a Cheann Comhairle. In compliance with section 52 of the Northern Ireland Act 1998, I wish to make the following statement on the ninth meeting of the North/South Ministerial Council (NSMC) in transport sectoral format, which was held in Armagh — not Newry, as suggested in the statement — on Wednesday 20 October 2010. The Environment Minister, Edwin Poots MLA, has approved the report, and I make it on his behalf. The Minister for Transport, Noel Dempsey TD, chaired the meeting. The Executive were represented by the Minister of the Environment, Edwin Poots MLA, and by me.

Ministers discussed progress on the Dublin to Belfast rail link and welcomed the continuing upward trend in passenger numbers following the reconstruction of the viaduct at Malahide. The objectives of both operating companies remain focused on rebuilding passenger numbers while protecting revenue. We also noted the intention to provide an additional Enterprise halt at Lisburn, subject to the extension of platform 2, and that Iarnród Éireann is investigating an option to commence its early morning commuter service from Newry, subject to additional fleet being introduced in 2011.

The Council also noted the operation of the Golden Trekker tourism promotion designed to encourage overseas tourists to visit and to help to boost the local and all-island economy. We welcome the approval of funding under the invest to save project aimed at improving the

reliability of the Enterprise service. Ministers discussed the Enterprise rail seminar report and noted that officials will discuss the issues raised with the two operating companies, which will be invited to respond in a presentation to the next North/South Ministerial Council transport sectoral meeting.

Ministers welcomed the opening of the new dual carriageway from Beechill to Cloghogue in July. That brings the entire route between Belfast and Dublin to motorway or dual carriageway standard.

Ministers also noted that the M1 service areas at Lusk and Castlebellingham were opened in September. Ministers noted that development work has been continuing on the A5 north-west gateway to Aughnacloy and the A8 Belfast to Larne dual carriageway, including consultation with landowners and other interested parties. Ministers agreed a payment schedule, including the estimated cumulative Irish Government contribution on reaching each milestone in the project.

Ministers noted arrangements in both jurisdictions for the testing of compliance with technical, safety and vehicle regulations among HGV and freight operators. Ministers welcomed the Road Safety Authority's reform of the commercial vehicle testing system. Ministers also noted the level of existing co-operation by enforcement agencies and that plans for a series of cross-border enforcement operations are in place that include spot checks on buses and coaches.

Ministers welcomed co-operation on road safety strategies and enforcement actions in border areas, which include work with the GAA, the Young Farmers' Clubs of Ulster and other sporting organisations. Ministers also welcomed the planning that is under way for a joint Christmas road safety campaign. We also noted that the Road Safety Authority is targeting border areas with its programmes, a call to action and wrecked.ie, which was piloted in Donegal and is being rolled out with specially trained community workers and the Garda Síochána.

Ministers discussed the mutual recognition of penalty points and noted that although it is a complex matter, officials are planning ahead to establish what actions can be undertaken to move forward. Ministers also noted that operating arrangements for the mutual

recognition of driver disqualifications are working well.

Ministers discussed progress on reducing blood-alcohol limits in both jurisdictions and noted that harmonisation of blood-alcohol concentration levels in both jurisdictions is pending the outcome of the North report's recommendations. Ministers also noted that officials continue to explore areas of mutual interest and the sharing of information, where appropriate, on the procurement of breath-testing equipment.

Ministers noted the continued promotion, through the National Sustainable Transport Office and the Travelwise initiative, of walking, cycling, public transport and car-sharing to businesses by commuters and to schools. We welcomed the success of the all-island bike week 2010, which involved joint planning by officials and included linked events, such as the cycling grands prix in Belfast and Dublin. Ministers also welcomed the success of the cross-border challenge, promoted by Travelwise and An Taisce's Green-Schools travel programme, which was held during walk to school week.

The Council welcomed the continued development and success of the car-sharing scheme for the north-west region, including the establishment of the website, the value of initial promotional efforts and the growth of the number of participants. The Minister also welcomed the ongoing co-operation and advice from the Electricity Supply Board (ESB) to assist the Department of the Environment (DOE) and the Department for Regional Development (DRD) in submitting a bid to the Department of Transport's Plugged In Places initiative, which provides funding for electrical vehicles infrastructure. A key aspect of the DOE/DRD bid is the potential to link plans in both jurisdictions.

The Council noted that construction on the Knockaginny Bridge and the Annaghroe Bridge has been completed and that both bridges were opened officially on 20 October 2010. Ministers also noted that Louth County Council's environmental impact assessment on the proposed Narrow Water bridge is expected to be completed in November. The question of funding construction work can be addressed when statutory planning processes have been brought to conclusion.

Ministers also noted that a report on the evaluation of a pilot scheme relating to cross-border community-based rural transport was delayed due to the complexity of some issues. However, it has now been completed and will be presented to the next NSMC meeting in transport sectoral format. Go raibh míle maith agat, a Cheann Comhairle.

**The Chairperson of the Committee for Regional Development (Mr Cobain):** I thank the Minister for his statement. I seek reassurance on continued funding for works on the A5 and A8. I noted that it has been agreed that the Irish Government will make contributions on reaching each milestone. Given the size of the project, I understand why it would be carried out in that way. Can the Minister reassure the House that, in light of the huge financial pressures that the Republic's Government are under, there is no possibility of the agreed amounts being defaulted?

**The Minister for Regional Development:** The Chairperson will know that contractors have been appointed for the A5 project. The funding schedule has been agreed and the Government in Dublin have already paid around £9 million into it. We have agreed the ongoing payment process, each stage of which is marked by a key milestone as both projects develop. We have agreed and reaffirmed that at every opportunity with the Minister for Transport in the South and, indeed, with the Taoiseach on a number of occasions. They have continued to confirm their support for those schemes and their commitment to continue to fund them.

**Miss McIlveen:** Will the Minister expand on the Plugged In Places initiative, particularly the size and type of the network that is envisaged; the support and advice that is provided by ESB; and the potential for linking the plans that he referred to in his statement?

**The Minister for Regional Development:** The bid for the Plugged In Places initiative was submitted to the Department of Transport on 29 October. As the Deputy Chairperson of the Committee will be aware, it is a joint bid by us and the DOE. It is supported by a diverse consortium, including local councils and representatives of the energy, motor and IT industries. A number of weeks ago, representatives from Renault and Nissan were at Parliament Buildings to sign a memorandum of understanding to the effect that they would

assist us in that work. A large number of organisations is willing to work with the bids once the scheme is operational.

It is vital that we do not get left behind. The objective is to create a network of connection points. It is yet to be determined where they will be, but they will be across the North. We will ensure that they link up with the network that is being planned and developed across the South so that people can avail themselves of that network when they are travelling throughout the island. That is why we are working with councils in the border areas in particular. We are working with Newry and Mourne District Council, Derry City Council and Fermanagh District Council to ensure that we have connectivity and that it is not solely a Belfast-based organisation. The interest and support that we have had from all organisations, North and South, councils, the private sector and car manufacturers and suppliers has encouraged us. The bid has been submitted, and we are hopeful that it will be successful and that we will be able to design the network, put it in place and link it with the southern network.

**Mr Leonard:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement. Part of his statement correctly relates to the importance of infrastructural development and tourism, and I think of improvements to the Coleraine to Derry line and to the A5. Can the Minister assure the House that he and his colleagues in Dublin will continue to work on the importance of infrastructural developments and tourism to promote tourism to all of Ulster and, indeed, all of Ireland?

**The Minister for Regional Development:** There is such recognition in the work of the North/South meetings in the transport sectoral format. In my answer to the Chairperson of the Regional Development Committee, I reconfirmed the commitment from the Dublin Government to support infrastructural development financially. However, the Programme for Government recognises the need to rebalance infrastructure for the north-west region. We have planned investment in the A6, the A5, and in the Derry to Belfast railway line. The initiative for the Golden Trekker that was taken this summer to attract tourists has a spread across the island and co-ordinates with the similar initiative in the South. That is all about supporting economic development, much of which can be



through tourism. Figures released this week show that the hospitality sector continues to be a growth industry for us and continues to do well. A central part of the Programme for Government is growing the economy, and infrastructural investment and support for tourism development and tourism projects help to sustain that.

**Mr McDevitt:** I acknowledge the work of the Government and the Executive on the issue. Does the Minister agree that a move to an hourly Enterprise service is long overdue? Can he confirm whether there is funding under the invest to save initiative, which is mentioned in his statement, to make the necessary investment in the retrofitting of diesel stock that would allow us to move urgently to an hourly Enterprise service?

**The Minister for Regional Development:** The invest to save initiative identifies a range of options. At the higher level, there is about £700 million of investment to reduce the journey time between the two cities to about 90 minutes. The lesser options, which are probably more affordable in the current climate, include the fitting of engines to ensure more reliability. There is a strong desire to move to an hourly service. It will require more vehicles, and there will be an additional revenue cost, because a subsidy is paid to Translink and to Iarnród Éireann to run the train service. Therefore it will require more revenue funding from the Executive, possibly in the order of £500,000. We will have to bid for that from the Executive or find it in our own budget. The Minister for Transport in the South, the railway companies and I share a desire to improve the service and to make it more reliable and frequent. In doing that, we will continue to grow the number of passengers who use it.

**10.45 am**

**Mr Bresland:** I thank the Minister for his statement. Will the Minister provide more details on the payment schedules and milestones for the A5 and A8 projects?

**The Minister for Regional Development:** As I said, the contractors for the A5 were appointed in December 2009. The Department expects to issue draft orders this month, after which there will follow a period in which interested parties can formally make comments and objections to the Department. After consideration of those comments, I expect that there will a public

inquiry in mid-2011, with an anticipated start date for the A5 project of 2012-13.

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

I welcome the Minister's statement. On the issue of road safety, the Minister is aware that most of the serious accidents and fatalities on our roads occur in border areas. Will the Minister elaborate on the enforcement actions and strategies that will be put in place in those areas, particularly coming up to Christmas?

**The Minister for Regional Development:** There will be action on a number of levels. The DOE and the relevant authorities in the South are planning initiatives relating to the safety of vehicles. They have already carried out some such initiatives in the border areas, involving, in particular, the coaches that transport people back and forth across the border, and Minister Poots indicated that that work will be stepped up. There has also been a great deal of co-operation between the police services in the North and the South on maintaining the safety of those who travel by car, and that will continue. As mentioned, some of the schemes, such as wrecked.ie, which was piloted in Donegal, are aimed at border areas. There will also be a joint campaign in the run-up to Christmas, which can traditionally prove to be a dangerous time on the roads, with the onset of winter and an increased tendency for people to drink and drive. Therefore, co-operation is quite good. More initiatives are planned and those will be rolled out over the coming period.

**Mr I McCrea:** In his statement the Minister referred to the joint Christmas road safety campaign. Will he assure the House that the planned campaign will get the message across? Shock and awe campaigns do not always work. Campaigns should be about getting information and messages across. What investment will be put into that campaign?

**The Minister for Regional Development:** I am unsure of the figures for the Christmas campaign. However, the Minister of the Environment should be able to provide the Member with the detail on those joint-funding arrangements.

I agree with the Member: sometimes campaigns are criticised for not being forceful enough, whereas at other times people say that they are a little too much and are off-putting. As time



goes on, those involved in the campaigns have tried to refine the messages to ensure that they have the most effect. Those campaigns are not just focused on the Christmas period, but Christmas is a particularly dangerous time on the roads, and, unfortunately, there are quite a lot of fatalities during that period. The figures in the North have been coming down and there is satisfaction that the campaign seems to be working. However, the Member will know that one bad weekend can have a serious impact on that.

I also referred to work that is ongoing with organisations such as the GAA, which impresses the value of road safety on its members, particularly young men who live in rural and border areas. The Young Farmers' Clubs of Ulster is also involved in that campaign, again, focusing on young males in rural areas who have a higher than average involvement in road accidents and fatalities.

There are broad campaigns that are targeted at the general public and more specific campaigns that work through organisations that are already active in rural areas. This year, there has been a downturn in the number of fatalities and injuries on the roads. I hope that that continues and that the general progression is downwards.

**Mr Elliott:** I thank the Minister for his statement. Given today's financial constraints and the reducing number of vehicle movements on the A5, does he accept that there are much more cost-effective ways of providing an efficient road in that area than building a whole new motorway-standard road?

**The Minister for Regional Development:** The general trend of traffic movements is upwards, even with the economic downturn. I am always amazed at people arguing against infrastructure investment in the constituencies that they serve. The case has been made for the A5, the investment is planned, the contractors have been appointed and we are going through the statutory processes. There will be a public inquiry in the new year, and any observations or objections that the Member, or anyone whom he represents, wishes to make can be made then.

As far as I am concerned, as far as the Government in Dublin are concerned, and as far as many people whom I have met along the route from Derry through Omagh and towards Aughnacloy are concerned, the need for the road is well established. The economic well-being of the north-west depends on good infrastructure

connections to ensure that it does not remain isolated or suffer underinvestment. The case has been well established and the intention is to proceed as outlined in the plans.

**Mr Dallat:** I thank the Minister for his statement. I want to focus on rail transport again. I am sure that the Minister will agree that the all-Ireland rail network includes the Derry to Belfast route. What efforts have been made to establish that route as part of the Trans-European Network so that funding can be obtained to ensure that cross-border rail transport is not simply from Belfast to Dublin but from Derry to Dublin?

**The Minister for Regional Development:** There is sometimes a misunderstanding about what sort of European money is available to support cross-border networks. A bid for European funding will be made for the work that has already been done and has been planned on the relay for the Derry to Coleraine route.

There is strong support at our North/South meetings for growing and improving the rail network and for trying to get the best value from it, but the Member will know from his time on the Regional Development Committee that rail is a very expensive form of transport. Nonetheless, it is a necessary one, and we want to ensure that it continues to be sustainable. That is why I lifted the ban on investment in the Derry to Coleraine part of the track, which had been in place under previous Administrations. We have developed a project for a £12 million track-extension work in relation to that. Some of that will involve a bid for European assistance, but it is limited. Some people think that the connection from Dublin to Cork was built by Europe; that is not the case at all. There is some funding from Europe, but the vast bulk of the funding will be put up by the individual Administrations responsible for the construction of railway lines.

**Mr McElduff:** Go raibh maith agat, a Cheann Comhairle. Ba mhaith liom mo bhuíochas a ghabháil leis an Aire as a ráiteas ar maidin.

I thank the Minister for his statement. Will the Minister give an indication of the timeline for completing the vital A5 north-west gateway to Aughnacloy, which local campaigners have described as a road to opportunities for the north-west? Will he also give assurance that families who are inconvenienced are properly consulted and that proper compensatory

arrangements are arrived at where that is absolutely necessary?

**The Minister for Regional Development:** In relation to the second part of the Member's question, that work is ongoing. Last week, there were public displays in a number of areas along the proposed route. I am told by Roads Service that those were well attended and that feedback on the engagement between Roads Service and interested parties was positive.

That work continues not just in those public displays, but on a one-to-one basis between affected landowners and Roads Service and its consultants. So there is a very strong determination that, where people's land is affected, they are properly compensated and issues such as access and ease of movement around farm areas are dealt with as best as possible. That is why, even when a preferred route is identified, there is still some flexibility and movement for assisting in some of the land issues. A closer study of the preferred route may throw up areas of difficulty that have not been anticipated. So, even within the preferred route, there can be some flexibility.

As I said in answer to an earlier question, construction is anticipated to start in 2013. It is due to finish in 2015. From my discussions with people in the north-west — in business, industry and communities — I have no doubt that there is a strong desire to see proper connections between the north-west and the rest of the island.

**Mr A Maginness:** I thank the Minister for a detailed, comprehensive and interesting report. I note that:

*"Ministers noted that development work has been continuing on the A5".*

I want to ask about that. I wrote to the Minister on Friday about a decision by Mouchel, a civil engineering consultation company working on the A5, to make staff in Holywood in Northern Ireland redundant, despite the fact that they are working on the A5. Mouchel's staff in Glasgow and other parts of Britain will then be used to work on the A5. Has the Minister made any representations about that and is he disturbed, or outraged as I am, about such a report? What action will he and the Southern Government take in relation to Mouchel and its contract?

**The Minister for Regional Development:** I advise the Member that no representations

had been made to me previously about that. He is aware that there are European guidelines in relation to the awarding of contracts, but we nonetheless broke up the A5 contract into three chunks to make it more attractive and accessible to local contractors. As a result, we have three sets of contractors involved in the construction part, including F P McCann, P T McWilliams and Graham-Farrans in the three different sections. The ethos of the A5 contract has been to support local economic activity through the substantial infrastructure investment that we are making.

I am disturbed to be made aware of Mouchel's approach, and I will take it up with Roads Service. I will endeavour to discuss this with Mouchel. As I have said, the spirit of the contract has been about using the infrastructure investment to support local economic activity.

**Mr G Robinson:** What steps are being taken by Translink to rebuild passenger numbers on the Enterprise rail link, and at what cost to the Northern Ireland public purse?

**The Minister for Regional Development:** There are a whole range of measures. The invest to save report identified a range of options, including, as the top line, some £700 million of investment, which I do not think is available, even with the best will in the world, to either Department, North or South. However, there are plans to invest in the frequency of the service, which will have some revenue costs and consequences for the Department. Also, engineering work will be carried out to improve the reliability of the engines.

As I said in the statement, there are plans for investment at Lisburn to create an additional stop if we can extend the platform there. That is intended to be a pilot venture, to see whether it catches on and improves passenger numbers and increases demand for services at Lisburn. Also a consideration for Iarnród Éireann, which has a morning service from Dundalk to Dublin, is whether it should start that service in Newry. From my own experience, I know quite a number of Newry people who catch that early morning service to work in Dublin. That will be a welcome development.

**11.00 am**

There is a range of investments, and I do not have the costings for each and every one. Some of them are on a smaller scale than others. A

report submitted by the Centre for Cross Border Studies identified a range of suggestions, some expensive and some just to do with cleanliness and hygiene on the service and the ambience on the train. We have asked Iarnród Éireann and Northern Ireland Railways to come back to the next North/South sectoral meeting on transport and to present to us, on the basis of that report, the steps that, they think, they can take in the interim to improve the service.

## Executive Committee Business

### Debt Relief Bill: Final Stage

**The Minister of Enterprise, Trade and Investment (Mrs Foster):** I beg to move

*That the Debt Relief Bill [NIA 9/09] do now pass.*

I am sure Members will agree that this is a timely measure, given the financial difficulties faced by so many today. Until now, there has been a gap in the legislative provision to assist individuals burdened by debt that they cannot pay. Relief is already available to those who can afford the £310 deposit and £115 court fee to petition for bankruptcy. Bankruptcy will protect them from action by their creditors for a full year, at the end of which they will be fully released from further liability for most types of unsecured debt. However, the current law does nothing to assist those who cannot afford the £425 needed to petition for bankruptcy. They are left to suffer the stress of being burdened by debt and the consequent creditor pressure. This new debt relief legislation will give individuals in those very difficult circumstances access to relief from debt similar to that afforded by a bankruptcy order but at a much lower cost. It will do so by enabling the Official Receiver to make debt relief orders with similar effect.

The key to the scheme's success will be partnership. It will involve partnership between my Department and the organisations already providing debt advice. As Members are aware, my Department already provides substantial funding to three such organisations to enable them to provide advice to those in debt. They provide an excellent and much needed service. The Bill will add to their ability to help their clients and to tackle debt and poverty. Debt advisers will be able to recommend the scheme to clients in appropriate cases and to electronically complete applications on their behalf and submit them to the Official Receiver.

The Bill has been subject to detailed scrutiny by the Enterprise, Trade and Investment Committee, and I thank the Chairperson and members for their careful consideration of it. I am satisfied that the Bill strikes the right balance between meeting the needs of those it is intended to assist and safeguarding the interests of wider society, including the business community. The legislation is for people who

would not be able to pay their debts in any event, for the simple reason that they do not have the money to pay them. The Bill will not give people carte blanche to run up debt and not repay it, and the scheme will be carefully managed to ensure that it is focused on and limited to applicants who genuinely cannot pay their debts.

The Bill will make an important difference to many people's lives and, overall, will make a major contribution to tackling the problem of personal debt in Northern Ireland.

**The Chairperson of the Committee for Enterprise, Trade and Investment**

**(Mr A Maginness):** I thank the Minister for moving the Final Stage of the Debt Relief Bill. The Committee welcomes the Bill, which will provide a much needed solution for those who can neither fund an individual voluntary arrangement nor afford the cost of petitioning for bankruptcy. Those individuals are currently unable to free themselves from a lifetime burdened by debt that they have no reasonable prospect of being able to pay.

The Committee considered the principles of the Bill to be the provision of a debt relief solution to debtors with relatively low liabilities, no realisable assets and little or no disposable income with which to make contributions to creditors. The Committee had three specific areas of concern relating to the Bill: the timelines for investigations to be carried out and the making of debt relief orders; the time limits between which debt relief orders can be made for an individual; and the 15-year upper time limit of debt relief restriction orders. The Minister and her officials addressed those concerns to the satisfaction of the Committee at Committee Stage. I thank the Minister for attending to those concerns.

During its prelegislative scrutiny, the Committee recognised the importance and urgency that needed to be attached to the legislation and registered its disappointment at the time that it would take to bring the Debt Relief Bill to the Assembly. I assure the Minister and the Assembly that the Committee will make every effort to ensure that its scrutiny of the subordinate legislation associated with the Bill is swift and thorough. I encourage the Minister to provide similar assurances in bringing subordinate legislation to the Committee.

As I said, the Bill will provide a much needed remedy. That is especially the case during these difficult times for so many businesses and individuals. It is, therefore, incumbent on the Assembly to ensure that there are no undue delays in providing that remedy.

**Mrs McGill:** Go raibh maith agat, a Cheann Comhairle. I apologise for the absence of Jennifer McCann. She has dealt with the Bill right through its passage and had intended to be here to speak to it today. Unfortunately, however, she was called to another meeting.

Debt has become a major issue of concern for many people, particularly given the economic climate in which people now find themselves. In these times of increased financial difficulty, many low-income households that are already in poverty, particularly low-income families with children, will feel the effect of debt most. They already struggle to make ends meet. There are many children here living in poverty who will not have the same life chances as others. That will affect their physical and mental health, their education and their lifetime opportunities as they are forced to go without. A knock-on effect will be that more and more people will be forced to borrow, which will spiral them into more and more debt.

The recent comprehensive spending review statement by the British Chancellor, the projected cuts in welfare benefits and public sector spending and the resulting job losses will no doubt spiral even more of the most disadvantaged people into even more debt. Therefore, the Bill has to be welcomed. We are disappointed that the exceptional circumstances provision was not added at clause 2, but we welcome the Minister's commitment to undertake a thorough review of the debt relief scheme. However, we ask that she do that within a year instead of within three years.

**Mr Irwin:** I welcome the fact that the Bill has reached Final Stage. It is good news for those who, when it is enacted, will be able to avail themselves of the protection that it affords. As I said at earlier stages, it is timely legislation. I trust that it will be operational as early as possible. I thank the Minister and the Committee for their work on the Bill, which will be of benefit to those who need debt relief the most.

**Mr Cree:** As a member of the Committee for Enterprise, Trade and Investment, I have long been in favour of the Bill. As the Chairman

said, there were specific areas about which the Committee had concerns. However, I am glad to say that the Department worked proactively to clarify any concerns that Committee members had.

For those who find themselves with debts that they have little or no realistic chance of paying off, there is no doubt that it is a distressing state of affairs. Debt really can be a vicious circle, particularly for the most vulnerable. That is exactly why the Assembly should introduce reasonable protections such as the Debt Relief Bill. The current economic situation in Northern Ireland has no doubt made what were already difficult conditions for some almost impossible. With falling property prices, record levels of personal debt and the inevitable fiscal squeeze that faces us, the number of people who find themselves in difficulties may increase in the near future. That is why I welcome any planned moves by the Assembly to help those whose life has been shattered by the lead weight of debt.

I have never believed in the anomaly that anyone who wishes to petition a court for bankruptcy is expected to pay £345 just to do so. I look forward to application fees for the debt relief scheme being set considerably lower. A similar protection scheme that became operational in England and Wales last year is already showing positive results. I have every confidence that we will see similar outcomes in Northern Ireland when our debt relief scheme becomes operational early next year. However, I hope that the Department has been keeping and will continue to keep an eye on such schemes across the water, so that it can learn from those experiences in anticipation of Northern Ireland's scheme becoming operational.

I believe in giving credit where credit is due, so it is only right that I express my gratitude to the Minister for bringing forward the Bill and for working so effectively with the Committee throughout. The Ulster Unionist Party strongly supports the Bill.

#### **The Minister of Enterprise, Trade and**

**Investment:** I thank the Chairperson and other members of the Committee who spoke about the Bill. It is important legislation that shows that the Assembly can deliver for vulnerable people. I thank the Committee very much for the way in which it proactively worked with departmental officials.

I will address one of the Chairperson's points. Once the Bill is passed, six pieces

of subordinate legislation must be brought forward, and the necessary ICT systems need to be put in place to allow debt advisers — the intermediaries — to communicate with the Official Receiver. Therefore, we now need to move ahead with that ICT work and the subordinate legislation. I have given a commitment to move ahead on those as quickly as possible.

We decided that we wanted to keep the scheme as simple and straightforward as possible. We wanted to keep down administration costs so that the application fee to which Mr Cree referred can be kept to a minimum and to make the task of assessing eligibility as easy as possible for debt advisers acting as intermediaries. That is why we kept the scheme as simple as we could.

I commend the Bill to the House. The Bill will make a difference to many vulnerable people, and I hope that the whole House supports it.

*Question put and agreed to.*

*Resolved:*

*That the Debt Relief Bill [NIA Bill 9/09] do now pass.*



## **Unsolicited Services (Trade and Business Directories) Bill: Final Stage**

### **The Minister of Enterprise, Trade and Investment (Mrs Foster):** I beg to move

*That the Unsolicited Services (Trade and Business Directories) Bill [NIA Bill 12/09] do now pass.*

As I said at Second Stage, the Bill re-enacts, with amendments, the provisions of the Unsolicited Goods and Services (Northern Ireland) Order 1976 about charges for entries in business or trade directories.

The Bill is a technical measure that consolidates the law on unsolicited services related to trade and business directories, with amendments to remove anomalies and burdensome or unnecessary provisions. The Bill is drafted to ensure that the law in Northern Ireland continues to have the existing safeguards for businesses against certain deceptions and scams in the publication of real or pretended directory products.

The Bill will bring the law in Northern Ireland into line with that in Great Britain. It will also ensure that the relevant Northern Ireland law complies with article 9.1 of the European Commission's directive on electronic commerce by removing a potential obstacle to contracting by electronic means in the directory publishing field.

I thank the Chairman and members of the Committee for Enterprise, Trade and Investment for their careful scrutiny of the Bill and Members generally for their support in its progress.

### **The Chairperson of the Committee for Enterprise, Trade and Investment**

**(Mr A Maginness):** I thank the Minister for proposing the Final Stage of the Unsolicited Services (Trade and Business Directories) Bill. The Committee considered the principles of the Bill to be, first, to re-enact, with amendments, certain provisions in the Unsolicited Goods and Services (Northern Ireland) Order 1976 governing the circumstances in which businesses may be charged for publications about them in directories. Secondly, the Bill will update legislation to facilitate electronic commerce by introducing equivalence between paper-based and electronic methods for contracting an entry in a directory.

**11.15 am**

The Bill represents a clear-cut technical amendment to existing legislation, and, following

thorough scrutiny, the Committee had no significant concerns about it. The Minister will know that two additional Bills are in Committee. I thank her and her Department for the constructive relationship that they developed with the Committee during the scrutiny of the Bills that will be discussed today, and I look forward to continuing that relationship as the Committee considers those remaining Bills.

**Mr Irwin:** As a recently appointed member of the Committee for Enterprise, Trade and Investment, I confess that I had no part in discussions on the Bill. Nonetheless, I welcome the fact that it enjoyed widespread agreement among Committee members and that, as a result, it has progressed relatively quickly. I thank members and the Minister for their proactive work on the Bill, and I welcome the aims that the Bill seeks to address, especially in an age when electronic communication is to the fore. I support the Bill and hope that it is enacted in the shortest possible time.

### **The Minister of Enterprise, Trade and Investment:**

As you can see, Mr Speaker, this is a technical Bill, which is intended to lift burdens on directory publishers and advertisers. At the same time, it will ensure that, as far as possible, advertisers and trade directories are protected from scams.

Before the Bill receives Royal Assent, my Department intends to write to organisations that represent business interests in Northern Ireland to advise them that it is about to become law. In addition, the Department will outline the changes that the Bill will make in that area and to highlight the existence of scams associated with unsolicited business directory offers. I am grateful to the Chairperson of the Committee and, indeed, to members for their remarks. Although the Bill is technical in nature, it is important that it become law, as it will update the unsolicited services law in Northern Ireland to reflect the twenty-first century commercial realities of the trade and directory publishing industry. I commend the Bill to the Assembly.

*Question put and agreed to.*

*Resolved:*

*That the Unsolicited Services (Trade and Business Directories) Bill [NIA Bill 12/09] do now pass.*

## **Additional Paternity Leave Regulations (Northern Ireland) 2010**

**Mr Speaker:** The next six items of business are motions to approve statutory rules on paternity pay and paternity leave. There will be separate debates on each of the statutory rules. However, during the first debate, Members will be allowed some latitude to address the broad policy issue that is clearly common to all the motions. I hope that Members will find that helpful.

### **The Minister for Employment and Learning (Mr Kennedy):** I beg to move

*That the Additional Paternity Leave Regulations (Northern Ireland) 2010 be approved.*

To understand the regulations properly, we must consider them as part of a larger set of 12 associated statutory rules, which, together, will effect significant amendments to employment rights for working fathers. In the initial debate on the six sets of regulations, which require Assembly approval to allow them to continue in operation, I intend to provide Members with the broad background to the proposed changes, which will establish the policy context that underpins all today's deliberations on additional paternity leave and pay.

After the debate on the first set of regulations and subject to the Assembly's approval of them, I will seek the Assembly's approval of the five associated sets of regulations, which are also subject to what is commonly referred to as confirmatory procedure. Of the remaining six statutory rules, which will not be debated today but will form part of the overall legislative package, five are subject to negative procedure and one is a straightforward commencement Order that is not subject to Assembly proceedings.

Additional paternity leave and pay emerged as a policy proposal after the publication of the United Kingdom Government's 2004 document 'Choice for parents, the best start for children: a ten year strategy for childcare'. Initial public consultation on a range of measures took place in 2005 and informed the drafting of the Work and Families Act 2006, which provided the legislative framework for additional paternity leave and pay. The corresponding Northern Ireland legislation is the Work and Families (Northern Ireland) Order 2006, which was developed in light of local responses to public consultation. That consultation was the first of four public consultations to take place in

Northern Ireland between 2005 and 2010, all of which shaped the design of the right. Throughout the process, Northern Ireland consultees generally endorsed the principle of maintaining parity with Great Britain, as that is the approach that was adopted for comparable rights for working parents.

It is also important to clarify that additional paternity leave and pay will be administered on a UK-wide basis by Her Majesty's Revenue and Customs, mirroring arrangements already in place for statutory maternity pay, statutory adoption pay and ordinary statutory paternity pay. The right will give eligible employees, usually fathers of newborn or newly adopted children, the right to take up to 26 weeks' leave from work where their partner has returned to work at least 20 weeks after the start but before the end of maternity or adoption leave. Maternity and adoption leave are for a maximum of 52 weeks.

The right will also give eligible employees an entitlement to additional statutory paternity pay for the duration of any unused portion of their partner's statutory maternity pay, maternity allowance or statutory adoption pay. Entitlements will apply to parents of children due to be born on or after 3 April 2011 and to adoptive parents notified of having been matched with a child for adoption on or after that date. That means that the parents of premature babies — those due on or after 3 April 2011 but born early — will also benefit.

Additional paternity leave, which is the main focus of this statutory rule, can be started from 20 weeks after the child is born and must be completed by the child's first birthday or one year after placement began in the case of adoption. The 20-week restriction is intended to ensure that mothers or adopters are not placed under pressure to return to work early. That is of particular relevance to new mothers, given the recognised health benefits associated with breastfeeding during the first six months of a baby's life. Eligible employees will have to give notice to their employer at least eight weeks before the leave starts, including a signed declaration from the employee and their partner confirming eligibility and stating the intended start and end dates for the leave.

The regulations make special provision to deal with the rare and very difficult circumstances of the death of the mother or adopter. In such



situations, employees who have not already completed their period of leave will be able to start their leave at any point from the date of death. Employees who have not already completed their leave can remain on leave until the child's first birthday or the first anniversary of the placement. Different notification requirements apply in that circumstance. As with other statutory arrangements, employers are free to go beyond the statutory minimum leave requirements in an effort to attract and retain employees.

As a whole, the pay and leave package is expected to have a positive impact from an equality perspective, in that the new right supports working fathers in their family life and provides both parents with additional choice and flexibility in balancing their responsibilities at work and in the home. There are also benefits for children. Research has shown that, when mothers work during the first year of their child's life and fathers play a greater role in the child's upbringing, there can be strong beneficial effects on the child's cognitive development.

I will now turn to the regulatory impact of the measures, which must also be a key consideration, given the prevailing economic circumstances. Although it is important to ensure that parents in Northern Ireland are afforded the same rights that apply to the rest of the United Kingdom, it is, of course, equally important to recognise the particular challenges that employers and, in particular, small and medium-sized enterprises face in acting on their responsibilities as employers in the current economic climate.

The projected set-up and administration costs to employers are relatively small and, across all employers, amount to an overall total maximum of £125,000 in the first year and up to £270,000 per annum from then on. It is unlikely that individual small employers will experience a high frequency of cases and, as a result, will not face the same administration costs, as there will be little need for them to establish dedicated administrative systems. Costs to Her Majesty's Revenue and Customs to operate the right in Northern Ireland are estimated at £35,000 in the first year and a maximum of £80,000 per annum thereafter.

I assure the House that my Department fully appreciates the difficulties that small employers in particular face in meeting their

legal responsibilities, and we are committed to working with relevant government agencies and stakeholder bodies such as Invest Northern Ireland, the Federation of Small Businesses and the Labour Relations Agency to ensure that the SME sector is prepared for the introduction of the new arrangements.

I will deal separately and as succinctly as possible with the provisions of the other regulations as the remaining motions on additional paternity leave and pay are moved during today's debates. However, I have attempted to set out for Members the key general features of the right to additional paternity leave and pay as well as the specific issues that relate to the Additional Paternity Leave Regulations (Northern Ireland) 2010.

I am very grateful to the Committee for Employment and Learning and the Examiner of Statutory Rules for their scrutiny of this statutory rule and, indeed, all the statutory rules that will be considered today. I am also grateful to the Committee for its recommendation that the Additional Paternity Leave Regulations (Northern Ireland) 2010 be confirmed by the Assembly. I hope that I have provided the House with sufficient explanation of the regulations and will, of course, respond to Members' points during my closing remarks.

#### **The Chairperson of the Committee for Employment and Learning (Mrs D Kelly):**

The Committee considered the SL1 background note for this and the other five confirmatory statutory rules that are under consideration this morning at its meeting on 8 September and considered and agreed this and the other five confirmatory statutory rules in principle at its meeting on 22 September.

With your indulgence, Mr Speaker, I will outline the Committee's consideration of the statutory rules at the outset and will not repeat it for each statutory rule. I will also outline the Committee's view on the additional paternity leave and pay arrangements now rather than repeat it with each motion. The statutory rules all work towards a common purpose. As the Minister indicated, the statutory rules introduce a new entitlement for fathers in particular to take six months' leave from their work to care for a child if the child's mother or primary adopter returns to work without taking their full entitlement to maternity leave or adoption leave. Some of the leave can be paid.

The Committee notes the Department's consultation process, equality and regulatory impact assessments, the financial implications and the operational date of the regulations. The Committee is tremendously supportive of the regulations and the flexibility that they provide for modern families. On behalf of the Employment and Learning Committee, I support the motion.

**Mr McClarty:** Like the Chairperson of the Employment and Learning Committee, I welcome and support the regulations and congratulate the Minister on bringing them to the House.

**Mr Lyttle:** I, too, welcome and support the six statutory rules that the Minister will bring before the House for confirmation today and the primary legislation for which they are necessary. That will enact improved paternity leave and pay arrangements for families in Northern Ireland.

**The Minister for Employment and Learning:** I am grateful to the Chairperson of the Committee and to the other Members for their positive contributions. I welcome their remarks and thank them for their assistance.

I remind the House that the regulations introduce a new entitlement for employees who are fathers or partners of mothers or adopters to take additional paternity leave in the first year of their child's life or the first year after the child's placement for adoption. The policy objective is to provide working parents with greater choice and flexibility around balancing work and home responsibilities at the time that a child is born or placed in adoption. I commend the regulations to the House.

*Question put and agreed to.*

*Resolved:*

*That the Additional Paternity Leave Regulations (Northern Ireland) 2010 be approved.*

**11.30 am**

## **Additional Statutory Paternity Pay (General) Regulations (Northern Ireland) 2010**

**The Minister for Employment and Learning (Mr Kennedy):** I beg to move

*That the Additional Statutory Paternity Pay (General) Regulations (Northern Ireland) 2010 be approved.*

These regulations implement the powers in the Work and Families (Northern Ireland) Order 2006 to introduce a new entitlement for eligible employees who are the partners of mothers or adopters to receive a new statutory payment of additional statutory paternity pay from their employer. Additional statutory paternity pay is payable to eligible employees who are taking time off to care for their child during their partner's maternity or adoption pay period — 39 weeks — where the partner has returned to work before exhausting their statutory pay entitlement. The current weekly rate of pay is £124.88, or 90% of the employee's average weekly earnings if that amount is lower.

Employers can recover most or all of their additional statutory paternity payments from Her Majesty's Revenue and Customs. The proportion that they can recover depends on the size of their annual National Insurance liability, so small employers are more likely to be able to recover the full cost of payments made. Additional statutory paternity pay is payable from 20 weeks after the child is born or placed for adoption, provided the mother or adopter has returned to work. However, the regulations make special provision for the tragic situation of the death of the mother or adopter. In that situation, payment can be paid from the date of death.

To claim additional statutory paternity pay, eligible employees must give notice at least eight weeks before the pay period starts, and that must include a signed declaration both from the employee and their partner confirming eligibility and the intended duration of leave during which additional statutory paternity pay will be payable by the employer. As with the leave arrangements, employers are, of course, free to go beyond the statutory minimum pay requirements where they consider that that will be of benefit to the recruitment and retention of employees. I commend the motion to the House.

**The Chairperson of the Committee for Employment and Learning (Mrs D Kelly):** On behalf of the Committee, I support the motion.

**The Minister for Employment and Learning:**  
I am grateful to the Chairperson of the Committee, and I commend the regulations to the House.

*Question put and agreed to.*

*Resolved:*

*That the Additional Statutory Paternity Pay (General) Regulations (Northern Ireland) 2010 be approved.*

## **Additional Paternity Leave (Adoptions from Overseas) Regulations (Northern Ireland) 2010**

**The Minister for Employment and Learning (Mr Kennedy):** I beg to move

*That the Additional Paternity Leave (Adoptions from Overseas) Regulations (Northern Ireland) 2010 be approved.*

These regulations implement the powers in the Work and Families (Northern Ireland) Order 2006 to introduce a new entitlement for employees adopting children from overseas to take additional paternity leave in the first year after the child enters Northern Ireland. For the purposes of these regulations, adoption from overseas means the adoption of a child who enters Northern Ireland from outside the United Kingdom in connection with or for the purposes of adoption that does not involve the placement of the child for adoption under the law of any part of the United Kingdom. The regulations make provision comparable with that in respect of domestic UK adoptions, made by the Additional Paternity Leave Regulations (Northern Ireland) 2010, but with appropriate modifications, reflecting the differing processes governing adoptions from overseas.

**The Chairperson of the Committee for Employment and Learning (Mrs D Kelly):** On behalf of the Committee, I support the motion.

*Question put and agreed to.*

*Resolved:*

*That the Additional Paternity Leave (Adoptions from Overseas) Regulations (Northern Ireland) 2010 be approved.*

## **Additional Statutory Paternity Pay (Adoptions from Overseas) Regulations (Northern Ireland) 2010**

**The Minister for Employment and Learning (Mr Kennedy):** I beg to move

*That the Additional Statutory Paternity Pay (Adoptions from Overseas) Regulations (Northern Ireland) 2010 be approved.*

Mr Speaker, we seem to be moving from here to paternity with some ease and without so much as a pregnant pause. *[Laughter.]*

These regulations, made under provisions inserted into the Social Security Contributions and Benefits (Northern Ireland) Act 1992 by the Work and Families (Northern Ireland) Order 2006, make provision for additional statutory paternity pay in respect of adoptions from overseas. An adoption from overseas is defined in these regulations as the adoption of a child who enters Northern Ireland from outside the United Kingdom in connection with or for the purposes of adoption, which does not involve the placement of the child for adoption under the law of any part of the United Kingdom. The regulations mirror the Additional Statutory Paternity Pay (General) Regulations (Northern Ireland) 2010, with appropriate modifications reflecting the differing processes governing adoptions from overseas.

**The Chairperson of the Committee for Employment and Learning (Mrs D Kelly):** On behalf of the Committee, I support the motion.

**The Minister for Employment and Learning:** I am grateful for the Kennedy and Kelly show. *[Laughter.]* I thank the Chairperson of the Committee for her assistance and the Members of the House for their co-operation.

*Question put and agreed to.*

*Resolved:*

*That the Additional Statutory Paternity Pay (Adoptions from Overseas) Regulations (Northern Ireland) 2010 be approved.*

## **Additional Statutory Paternity Pay (Weekly Rates) Regulations (Northern Ireland) 2010**

**The Minister for Employment and Learning (Mr Kennedy):** I beg to move

*That the Additional Statutory Paternity Pay (Weekly Rates) Regulations (Northern Ireland) 2010 be approved.*

These regulations set out the weekly rate for additional statutory paternity pay under part XIIZA of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, as amended by the Work and Families (Northern Ireland) Order 2006. The rate is set at either £124.88 or 90% of average weekly earnings, whichever is lower, and is the same rate that is applicable to ordinary statutory paternity pay, statutory adoption pay, maternity allowance and all but the first six weeks of statutory maternity pay.

Additional statutory paternity pay is payable by the employer to the employee. However, the employer is entitled to a reimbursement from Her Majesty's Revenue and Customs for most or all of the money paid. The extent of reimbursement depends on the employer's national insurance contributions liability. Small employers making fewer national insurance contributions will stand to be reimbursed for all statutory payments made.

**The Chairperson of the Committee for Employment and Learning (Mrs D Kelly):** On behalf of the Committee, I support the motion.

**The Minister for Employment and Learning:** I am grateful to the Chairperson of the Committee.

*Question put and agreed to.*

*Resolved:*

*That the Additional Statutory Paternity Pay (Weekly Rates) Regulations (Northern Ireland) 2010 be approved.*

## **Employment Rights (Northern Ireland) Order 1996 (Application of Article 112BB to Adoptions from Overseas) Regulations (Northern Ireland) 2010**

**Mr Speaker:** The final motion in this group deals with employment rights.

**The Minister for Employment and Learning (Mr Kennedy):** I beg to move

*That the Employment Rights (Northern Ireland) Order 1996 (Application of Article 112BB to Adoptions from Overseas) Regulations (Northern Ireland) 2010 be approved.*

These are technical regulations that ensure that the right to additional paternity leave is available where a child is adopted from outside the United Kingdom and the adoption does not involve the child's placement or adoption under the law of any part of the United Kingdom.

**The Chairperson of the Committee for Employment and Learning (Mrs D Kelly):** On behalf of the Committee, I support the motion. However, I make a cautionary note to the Minister that not all future legislation will go through so smoothly.

*Question put and agreed to.*

*Resolved:*

*That the Employment Rights (Northern Ireland) Order 1996 (Application of Article 112BB to Adoptions from Overseas) Regulations (Northern Ireland) 2010 be approved.*

**Mr Speaker:** I ask that the House take its ease as we move to the next business.

## **Private Members' Business**

### **Local Government (Disqualification) Bill: Further Consideration Stage**

**Mr Speaker:** I call Ms Dawn Purvis to move the Further Consideration Stage of the Local Government (Disqualification) Bill.

*Moved. — [Ms Purvis.]*

**Mr Speaker:** Seven amendments have been selected for debate. Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in my provisional grouping of amendments selected list.

There are two groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment Nos 1, 2, 6 and 7, which deal with the delay in disqualification taking effect and some technical adjustments to the Bill. The second debate will be on amendment Nos 3, 4 and 5, which deal with commencement and interim arrangements.

I remind Members intending to speak that, during the debates on the two groups of amendments, they should address all the amendments in each particular group on which they wish to comment.

Once the initial debate on each group is completed, any subsequent amendments in the group will be moved formally as we go through the Bill, and the Question on each will be put without further debate.

Before we proceed, I remind Members that this is the Further Consideration Stage of the Bill and that they should be talking about the amendments. I will allow some latitude. However, Members are wrong if they think that that latitude can be spread. As far as possible, Members should keep to the amendments only, which Further Consideration Stage is about. If that is clear, we shall proceed.

#### **Clause 1 (Disqualification)**

**Mr Speaker:** We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2, 6 and 7.

Amendment Nos 1, 6 and 7 are technical amendments. Amendment No 2 would reduce the period during which a person could hold



office both as a councillor and as an Assembly Member from 60 days to 14 days.

**Ms Purvis:** I beg to move amendment No 1: In page 1, line 2, at beginning insert "Subject to subsection (2),".

*The following amendments stood on the Marshalled List:*

*No 2: In page 1, line 4, leave out "60" and insert "14". — [Mr Kinahan.]*

*No 6: In clause 3, page 1, line 11, leave out "and 'local government' have" and insert "has". — [Ms Purvis.]*

*No 7: In the long title, leave out "from" and insert "for". — [Ms Purvis.]*

**Ms Purvis:** Amendment No 1 would insert language into clause 1 to harmonise and clarify the language in subsections (1) and (2). Members will recall that those subsections came about as amendments to the Bill during Consideration Stage, and that the final product was a somewhat awkward mix of language. In conversations with the Department of the Environment following Consideration Stage, officials indicated that they consider the amended clause to be slightly in conflict, although the Department does consider the legislation's objectives to be clear. During Consideration Stage, I opposed the amendment that created this awkwardness of language, in other words, the 60-day time frame on disqualification. That amendment was not well thought through and reflected a lack of understanding of the new regulations for filling vacancies on local councils. Rather than promoting a clear and efficient process for replacing those on local councils who have dual mandates, the provision has the potential to create complications, uncertainty and the possibility for a long, drawn-out process to fill some seats. Nevertheless, that is now part of the Bill.

In anticipation of Further Consideration Stage, I was unable to identify a legislative means that would adequately improve the situation without removing the 60-day time frame altogether. Therefore, we must now consider how to make the provisions work properly so that they do not cause unnecessary complications and delays for local councils. I have tabled amendment No 1 to improve the language in clause 1. Amendment No 1 links subsections (1) and (2) so that it is clear that the disqualification created by

subsection (1), a simple disqualification at the point of taking office, is subject to the 60-day time frame created by subsection (2).

Amendment Nos 6 and 7 are technical amendments, which, again, were suggested by the Department of the Environment to clarify some language in the Bill. I am happy to table those amendments to ensure that the language in the Bill is as clear as possible. Amendment No 6 removes a reference in clause 3 to local government, which I am informed is not terminology used in the Local Government Act (Northern Ireland) 1972. Amendment No 7 modifies language in the long title to disqualify Assembly Members "for" being a councillor rather than "from" being a councillor.

I am advised that that is more in keeping with the relevant legislative language and mirrors that used in clause 1.

#### 11.45 am

I commend my colleagues in the Ulster Unionist Party for their efforts in tabling amendment No 2. I look forward to hearing their comments, and I imagine that that amendment is an attempt to revise subsection (2) of clause 1 so that the delays created by the 60-day time frame are as manageable as possible for local councils. Given the 60-day time frame and the co-option regulations, the possibility remains that the local council seats of individuals with dual mandates may not be filled for three months after an election. Indeed, that timeline is potentially even longer for independents, depending on how quickly a willing replacement is found from the list of nominees. Although that may not have been the intention of those who supported that change to the Bill at Consideration Stage, it remains a possibility and one that political parties and local councils —

**Mr Weir:** The Member may be wrong in that assertion. The 60-day period is the period before resignation can take effect. There are regulations in co-option legislation that indicate a 28-day time frame when the clock starts ticking. On that basis, the assertion that there could be a vacancy for three months is not accurate. The maximum period in which there could be a vacancy is 28 days.

**Ms Purvis:** Actually, due to the disqualification at the end of the 60 days, there is potential to add on another 28 days to those 60 days. That is where the conflict arises, so the potential is

there. I hope that that will not happen, certainly not with any frequency or regularity. Rather, I hope that the timeline is used to ensure that disqualifications and co-options take place as quickly as possible, as its proponents insist will be the case. I would again like to acknowledge the efforts of Mr Kinahan and Mr Beggs to rein in that timeline a bit more. I look forward to hearing from them on how they envisage amendment No 2 working in practice.

I remind colleagues in the Chamber that at the heart of this legislation is the quality of our democracy and the level of leadership that we are willing to demonstrate to offer the people of Northern Ireland a system of representation that is as transparent, efficient, open, accountable and effective as possible. I commend those Members who have most recently stepped down from council positions in order to move our democracy closer to the principles and objectives of this legislation. I have no doubt that those who served in local government for a long time have strong regard for that role and that it is not an easy decision to step away from it. I hope that we can work together to ensure that this version of the Bill, which is ultimately created by this Assembly, makes that progression permanent, fully reflects our commitment to responsive, transparent government and is well written and well crafted.

**The Chairperson of the Committee for the Environment (Mr Boylan):** Go raibh maith agat, a Cheann Comhairle. On behalf of the Committee for the Environment, I welcome the Further Consideration Stage of the Bill. I will outline the Committee's position on the amendments in the first group.

At Consideration Stage, the Committee tabled an amendment that would allow a 60-day period to elapse before disqualification took effect. I thank Mr Weir for tabling that amendment on the day. That amendment aimed to ensure that there was time to fill all council seats before councils held their annual general meetings. The Committee is pleased that that is now part of the Bill. We fully support the sponsor's amendment No 1, which links that provision to the disqualification process identified in the first part of clause 1.

Having been convinced of the need for a period of 60 days to allow for the replacement of MLAs who had also been elected to council seats, the Committee cannot support amendment

No 2, which would considerably reduce the period before disqualification to 14 days. The Committee is concerned that that would provide insufficient time to fill all council seats vacated by newly elected MLAs in the event of simultaneous local government and local general elections. However, the Committee supports amendment Nos 6 and 7, which are technical.

That concludes what I have to say on behalf of the Committee for the Environment on the first group of amendments. With your indulgence, I will speak a wee bit as a Sinn Féin MLA for Newry and Armagh. On behalf of the party, I support amendment No 1 and the technical amendments, but I have issues with amendment No 2. There had been some confusion originally about the aim of the Committee amendment. The intention was that a 60-day period would give people an opportunity to make a decision. However, we are where we are.

In the absence of hearing what Mr Kinahan has to say, Sinn Féin fully supports disqualification and wants to move the process forward. We support amendment Nos 1, 6 and 7 and do not support amendment No 2. Go raibh míle maith agat.

**Mr Ross:** I, too, will be brief in my comments. As the Chairperson of the Committee said, amendment Nos 1, 6 and 7 are fairly non-contentious, and we can support them.

Amendment No 2 is in the name of Mr Beggs and Mr Kinahan. As the Chairperson said, there was discussion in Committee about the issue that the amendment deals with. We felt that 60 days was more appropriate, so that the entire process could be gone through and that parties could, if they so decided, run their own processes for co-option. Sixty days is more appropriate, so we will not be supporting amendment No 2.

**Mr Kinahan:** I stand, once again with great pleasure, to speak on the excellent private Members' Bill that Ms Purvis has put together through extremely hard work. Sadly, that is being put at risk by some low deeds by the DUP.

The first group of amendments attempt to put in place an end to dual mandates, which allow people to be elected as Members of the House and as members of their local councils. The last time the Bill was debated, I was especially appalled by the duplicity of the party on my left



when it tried to change the Bill's subject matter from dual mandates. It was typical smoke and mirrors, typical obfuscation, typical bluster, petty point scoring and, in many cases, blatant misinformation. They were trying to move the debate on to double-jobbing and away from dual mandates, which are about holding two paid elected positions.

**Mr Speaker:** I remind the Member to focus on the amendments as far as possible.

**Mr Kinahan:** I am just getting there. Amendment Nos 1, 6 and 7 are technical and are easy for all of us to agree, and the UUP supports them.

Amendment No 2, which my colleague Mr Beggs and I have tabled, is designed to put teeth into the Bill in as short and as sharp a way as possible. As the party to my left tries to hide the ill of dual mandates under the heading of "double-jobbing", the amendment tries to tie up all the chances for delay that have been put in by the DUP. At the moment, that delay sits at 60 days; the DUP would probably go for 60 months or even 60 years if it could. The amendment is a way to tidy up the DUP's fudge into a nice neat 14 days.

The amendment allows for those who feel that it is necessary to run as candidates for both the Assembly and a local council to do so in the knowledge that they must organise themselves for the occasion. That is especially important if the candidate is an independent, so that he or she can stand down from the council within 14 days of signing on in this institution.

If, as it has been argued, an independent needs more time to organise a successor, he or she can delay the process quite easily by not signing on here and, therefore, not taking up a salary until everything is in place.

Our amendment is designed to ensure that the public are fully aware of what is happening with the people whom they elect into office. After two months, there is a danger that any co-option will go ahead unnoticed. That is not in the interests of the electorate, and it is not in the interests of democracy. To allow so-called big hitters to go down the electoral ladder and pull unknowns into councils and then to let them away in the smoke after 60 days is not acceptable.

I call on all the other parties to not fall in with the DUP tricks and to support amendment No 2 so that the Local Government (Disqualification)

Bill really works and manages to stop Assembly Members running for local councils.

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

**Mr Kinahan:** No, I am just about to finish. The Member will have his own time in a second.

As a House, we voted to end dual mandates, and it falls on all Members to show the public that they meant it. I support amendment Nos 1, 6 and 7, and I ask all Members to support Mr Beggs, me and the Ulster Unionist Party by backing amendment No 2. That is what the public want.

**Mr McGlone:** Go raibh maith agat, a Cheann Comhairle. Like other Members who have spoken, I will be brief. I compliment Ms Purvis on her initiative and leadership in bringing the Bill to the Assembly.

I listened intently to Mr Kinahan. However, the SDLP feels that 60 days is a reasonable time frame within which council affairs can be regularised. That would include, for example, the process of a councillor coming in, another being replaced, and simple matters that may not have been factored in, such as how a person being absent from a council's AGM could affect the d'Hondt process where it exists or is operable.

For that reason, and with the best of goodwill, we do not think that 14 days allows sufficient time for a council's normal, proper housekeeping to take place. Therefore, the SDLP cannot, unfortunately, support that amendment. Although I understand entirely, and agree utterly with, the motivation behind the amendment, it just does not allow enough of a gap to regularise normal council matters. Amendment Nos 6 and 7 are technical, and the SDLP supports those.

**Dr Farry:** As with others, I think that amendment Nos 1, 6 and 7 are fine. The key issue for this section of the debate relates to amendment No 2. I formally declare my membership of North Down Borough Council.

With your indulgence, Mr Speaker, perhaps I could make clear that I have decided, with much regret, that I will not go forward for re-election to that council in 2011. I took that decision based purely on the strength of candidates coming through my party, particularly my local association, and the desire to ensure that new people get opportunities, rather than on any support for this legislation, which fundamentally

breaches the freedom of Back-Bench MLAs to choose to serve their community as councillors.

We will not be supporting the amendment either. Sixty days is better than the original alternative that we were faced with and all its potential difficulties. Our approach to the amendment is one of pragmatism and of making slightly better what we feel is a flawed situation, as opposed to any fundamental principle that it is right even to tinker with that. I have a major difficulty with the notion of having resignations of people who stood for election in May, whether they resign seven, 14 or 60 days after that election.

I fully support the notion of the co-option legislation that we have for the Assembly and local government, for genuine circumstances when people who, for career, family or health reasons, feel the need to step down from the bodies that they are serving on. That is why the legislation is there. Also, in a divided society, it is important that we have the guarantee of co-option, rather than by-elections, to reflect the balance across the community in what is still a deeply divided society. However, there is a world of difference between applying the co-option legislation in that scenario and people stepping down a matter of weeks after they have gone to the electorate, asked for their vote and been elected, with the electorate having assumed that they were electing someone to a full four-year term on a council.

I appreciate that, to an extent, parties dominate elections here, but in many respects we still vote for individuals, and individuals standing under a party label. People vote for the individual, particularly when individuals move between parties. The whole rationale as to why they stay in the Assembly is based on the fact that they were voted in as an individual, as opposed to the party label.

## 12.00 noon

The notion of voting for the individual is central to our democracy. It is the height of cynicism for people to be going forward to the electorate and then stepping down a matter of days or weeks afterwards. People will feel very let down by that. They will say that they voted for person x and all of a sudden are ending up with person y. I do not think that that is the correct way to go. We have already seen a situation in the fourth year of this Assembly term —

**Mr Speaker:** I remind the Member to focus on the amendment.

**Dr Farry:** Sure. I was making the parallel between the reaction of the public and the media to the fact that we have had more than 10 co-options here. People were quite rightly asking MPs who are also MLAs to step down as MLAs. In turn, people are now pointing out that we have Assembly Members who do not personally have a mandate. That has happened in the fourth year of this Assembly term, so just think what will happen to the credibility of a council in the first few weeks of its term.

As regards AGMs, 60 days rather than 14 days is helpful in this respect, because not every council will move to have an AGM within its first 14 days, but every council will have an AGM within the parameters of the first 60 days. Even though the individuals concerned may then be leaving the council with others taking their place, the party balance will definitely be respected within that first 60-day period and will facilitate that turnover.

We also have to factor in the party processes for finding replacements. Legally, the process is based on the nominating officer, but, in practice, virtually every party goes through its internal democratic processes of seeking nominations from candidates. Most parties, including the Alliance Party, also have a process whereby candidates are approved centrally before they go forward to selection. There are then selection meetings in local associations, and those are usually signed off by the party's nominating officer. Although those processes can be moved reasonably quickly and efficiently — much more efficiently than some parties have sought to portray when excusing the time that has been taken to sort out the MLA/MP dual mandate — they do, nevertheless, take weeks to work through. Even though we have the additional 28 days from the point of the resignation, it is important to have the 60 days plus 28 days to ensure that parties have that full opportunity and that individuals, who may not have thought that a vacancy was going to arise in a local area, have the potential to put their name forward for selection and to canvass support among local members of the association beforehand. I think that that is the only fair way to go. For those reasons and out of a sense of pragmatism, we will oppose amendment No 2.

**Mr Weir:** I declare an interest as a member of North Down Borough Council. I am saddened to hear that Stephen Farry will not be running for council again. He has been a great servant to North Down Borough Council.

As we are talking about local government, it would be wrong not to note the very sad news overnight of the death of Councillor Lawrence Walker from Castlereagh, who has been a great servant to local government. I am sure that all Members join me in saying that our thoughts are with his wife and family at this very difficult time.

I turn to the amendments. Dawn Purvis has tabled three technical amendments: amendment Nos 1, 6 and 7. It may be a somewhat unique experience as regards this Bill, but I will not castigate her for those amendments. As has been indicated, they are fairly technical, and I do not see any particular problem with them.

The hub of the debate has been amendment No 2. We were castigated for a lack of knowledge of co-option. The point has been made fairly well by Patsy McGlone and Stephen Farry that amendment No 2 perhaps shows a lack of knowledge of the way in which local government works, particularly as regards the AGM. My party and I have made no secret of our concerns about the Bill. However, I think that the 60-day period was proposed in Committee to deal with a specific issue and to try to make it workable. As has been indicated, it is not simply the case that, within a 14-day period, someone resigns and their place is taken the next day. The technical position is that the person contacts the chief executive of the council. The chief executive of the council then contacts the electoral officer, and the electoral officer contacts the party nominating officer. Then there is a 28-day period during which the party has to find a replacement internally. Any prospective candidate has to go through various regulations. Then the electoral officer is notified, and they in turn notify the chief executive of the council.

**Ms Purvis:** If an elected local councillor is about to be disqualified, that seat will be filled by the party nominating officer. Is it true that that seat counts towards d'Hondt if it is the council's AGM, if it is committee places or chairperson or vice-chairperson places? Is it true that there does not need to be a named person in the seat and that it is a party seat?

**Mr Weir:** No. At that point, there is still a vacancy, and it does not necessarily count. D'Hondt provides a degree of protection in certain respects, but there have been arguments in local councils that d'Hondt has not been applied uniformly. Ultimately, there would still be a vacancy. If a resignation has not been filled, it still counts as a vacancy. As Patsy McGlone —

**Dr Farry:** Leaving aside my personal views on d'Hondt, does the Member agree that the use of d'Hondt in councils is patchy and is not uniform across councils and that there is no statutory basis for the use of d'Hondt in councils? Therefore, the only way in which councils can take decisions is on the basis of those who are present and voting at the time.

**Mr Speaker:** I remind Members that we are straying from the amendment to the type of system that might be used in councils. I ask Members to focus on the amendment.

**Mr Weir:** I appreciate the attempts of both Members to distract me. I will listen to your wise words, Mr Speaker.

The problem is that, because of the timescales outlined by Patsy McGlone, if disqualification occurs within 14 days, most council AGMs will probably take place after that 14-day period but within 30 days of the election. Therefore, there will almost certainly be a vacancy, depending on what system is used. Some councils use one form of d'Hondt, some use another, and some do not use d'Hondt at all but have some slightly looser arrangements or simply a winner-takes-all situation. With any type of calculation, that will be a vacancy that is not filled at that point, unless a vacancy occurs within 14 days and is filled within that time. However, if that were to happen, it would completely negate any opportunity for democratic selection within parties, because it would simply have to be an imposed system. I appreciate that the sponsor of this legislation may be keen on such Stalinist tendencies and on a name appearing from on high, but most of us have a desire for democratic accountability.

**Mr Kinahan:** I am slightly taken aback by the last comment about Stalinist tendencies. Does the Member not feel that most parties can organise themselves well enough so that the person to follow up is in place?

**Mr Weir:** Taking on board that position, you would be selecting somebody before the election to replace somebody who has been elected, before they have been elected. That may be some crumb of comfort, given that Mr Savage was sent to the Gulag last night. However, ensuring that there are people waiting on the bench is not a particularly democratic way forward.

The Member raised an important point about parties running people as smokescreens. The idea that we are deceiving the electorate in some way is not attractive. It is my understanding that that is not how things work in the Ulster Unionist Party. No matter what happens with the legislation, can the Member give us a cast-iron guarantee that, in the spirit of their desire not to create a smokescreen for the electorate, none of their candidates who are running for next year's Assembly elections will also run for the council elections? I will be more than happy to give way if the Member is willing to give me that guarantee.

**Mr Kinahan:** We will follow the legislation. That is why we proposed 14 days in our amendment.

**Mr Weir:** Whether the timescale is 14 days or 60 days, my understanding is that the Ulster Unionist Party has already lined up members to replace its candidates who run for the Assembly and councils, are elected and must, therefore, step down within the 14-day or 60-day period. Therefore, it ill behoves the Member to lecture us on smokescreens.

**Mr McFarland:** On a point of clarification, surely that is to do with a party member running, say, for the Assembly and council elections in 2011. If a party member runs in both elections and is likely to be elected to the Assembly but is worried that he might not be, surely the party will, by that stage, know that, if that member is elected, he will stand down from council and, therefore, it will need someone else to stand in. The argument that time is needed to have selection meetings simply does not stand up.

**Mr Weir:** With respect, everyone knows that that will not be the case. People will not run for election with cast-iron certainty that they will be elected. My point is that we are being lectured by the Ulster Unionist Party on the timescale, yet it does not intend to follow through in that spirit.

As others have highlighted with regard to amendment No 2, what was suggested by the

Committee and accepted at Consideration Stage was a sensible position to try to make that workable and to allow that window so that no party is disadvantaged, for example, at a council AGM. It seems to be a sensible way forward. As I have said, I have more profound problems with the legislation. At least, that is a solution that cracks a particular problem. Those of us who have experience of local government —

**Mr Givan:** I am grateful to the Member for giving way. He has rightly highlighted the Ulster Unionist Party's hypocrisy on the issue. Does he agree that parties can take decisions and actions without the need for legislation? The DUP took action to deal with MPs who were also MLAs without legislation being imposed by Westminster. Likewise, the Alliance Party took that action. Sinn Féin and the SDLP have not done the same.

**Mr Speaker:** Order. I must also insist that interventions deal only with the amendments.

**Mr Weir:** Obviously, although I agree with the spirit of the Member's remarks, I appreciate the shot across the bows from the Speaker. I will not get involved in that.

**The Chairperson of the Committee for the Environment:** Will the Member give way?

**Mr Weir:** I am tempted to say yes, provided that the intervention is germane to the amendment. I am happy to give way.

**The Chairperson of the Committee for the Environment:** My point relates to the amendment. The AGM issue came up in discussions in Committee, which is why the Committee suggested the timescale of 60 days. I want to clarify that for the House.

**Mr Weir:** Broad discussion took place in Committee on the time frame during which any disqualification would take effect. We sought advice. Different drafts were put forward, and that one was adopted by the Committee.

Without risking the opportunity for other interventions that may or may not have anything to do with the amendments, I am happy to indicate that my party is content with the three technical amendments. However, it will oppose amendment No 2.

**Ms Purvis:** I thank all parties and Members who support amendment Nos 1, 6 and 7. As I have said throughout the process, I recognise that



the legislation is a real inconvenience to parties in the Chamber. However, that does not change the fact that it is the right thing to do and that now is the right time to do it.

The Committee Chairperson, Cathal Boylan, welcomes and supports amendment Nos 1, 6 and 7, although he does not support amendment No 2. I welcome the fact that Danny Kinahan and Roy Beggs have made some attempt to rein in the time frame of 60 days. I refer to Mr Kinahan's comment that the amendment is designed to give the Bill teeth, tidy up the fudge of the party to his left and reduce the time for inaction.

The electoral process is riddled with opportunities for bad behaviour. This is no exception. However, legislation cannot control personal choice; it can only guide it. I hope that the Bill is used as a positive opportunity by parties to bring in new candidates and new blood. If it is not, it is my hope that voters will deliver appropriate punitive measures.

I welcome all parties' support for the amendments that I have tabled. I take on board Mr Weir's concerns about council AGMs and other comments that were made, such as those from Mr McGlone.

I remain convinced that co-option legislation provides sufficient time for vacancies to be filled. The easiest way for the issue to be resolved is for parties to decide that running one person for one level of elected office is sufficient.

### 12.15 pm

I welcome Mr Farry's decision to step down from North Down Borough Council. I am sure that it was a wrench for him, and I am sure that he will be sadly missed by his council colleagues in North Down.

I will finish by offering my sympathy to Councillor Lawrence Walker's wife and family at the sad news of his death today.

*Question, That amendment No 1 be made, put and agreed to.*

Amendment No 2 proposed: In page 1, line 4, leave out "60" and insert "14". —  
[Mr Kinahan.]

*Question put and negatived.*

## Clause 2 (Commencement)

**Mr Speaker:** We now come to the second group of amendments for debate. With amendment No 3, it will be convenient to debate amendment Nos 4 and 5.

Amendment Nos 3 and 4 are mutually exclusive amendments, setting out different options for delaying commencement of the Bill. Amendment No 5 provides for interim arrangements to have effect prior to commencement of clause 1. It is consequential to the amendments providing for a delay in commencement, so, if neither amendment No 3 nor amendment No 4 is made, I will not call amendment No 5.

**Mr Weir:** I beg to move amendment No 3: In page 1, line 7, leave out

*"the day of the first local general election to take place after Royal Assent."*

and insert "1st May 2014."

*The following amendments stood on the Marshalled List:*

No 4: In page 1, line 8, leave out "Royal Assent" and insert

*"the making of the first order to be made after Royal Assent under section 50(10) of the Local Government Act (Northern Ireland) 1972." — [Mr Weir.]*

No 5: After clause 2, insert the following new clause:

*"Interim Arrangements*

*2A.—(1) The Department of the Environment shall make regulations under section 36 of the Local Government Act (Northern Ireland) 1972 reducing allowances payable to councillors who are members of the Assembly.*

*(2) The regulations shall have effect from the end of the period of 1 year after Royal Assent until the commencement of section 1." — [Mr Weir.]*

**Mr Weir:** As Members are aware, this is a matter of grave interest to the House. We had a fairly robust debate, to put it mildly, at Second Stage and Consideration Stage. There is no point in rehearsing a lot of those lines again.

I will put the three amendments into context. As a party, we have major concerns over the Bill. In fact, we question the need for it at all. Our view is that it is an awful lot better to be in a situation in which parties are left to self-

regulate. The DUP has taken steps and actions to do that. Consequently, we are not greatly in favour of the Bill as a package, and we feel that many of the arguments that have been used in its favour have been spurious or weak. However, in a spirit of trying to reach some degree of consensus and secure a compromise position, I tabled these three amendments. The amendments deal with the arguments that have been made, which have some degree of traction.

As the Speaker indicated, amendment Nos 3 and 4 are, effectively, alternatives, either of which we would be happy to see made. I will come to the detail of those amendments in a moment. Amendment No 5 is a consequential amendment. Should either amendment No 3 or amendment No 4 be made, we will move amendment No 5. If amendment Nos 3 and 4 fall, amendment No 5 will become an irrelevance, because it would relate to interim arrangements for a period that would not apply.

I will now speak to amendment Nos 3 and 4. It is our view that, if there is an argument for stepping directly outside the two positions on the RPA, that argument is much stronger when the RPA is in its current position. Consequently, our hope is that we will see the RPA move ahead by 2014 or 2015, and that hope is reflected in amendment Nos 3 and 4.

I will take the amendments in reverse order. Amendment No 4 may confuse people because it is technical, but advice was given to link it directly to the implementation of the RPA. The RPA is a somewhat nebulous concept, so the amendment would link it to the creation of new local government boundaries for councils and, therefore, tie it into RPA directly. However, I was also aware when I tabled the amendments that there may be some in the House with genuine concerns either that the RPA did not happen or did not happen in that sort of time frame. Amendment No 3 seeks to ensure that there is a commitment to put the provision in place before the election in either 2014 or 2015 and gives a specific date. Amendment Nos 3 and 4 deal not merely with the when but with the how.

Without exception, the five main parties have taken steps on a cumulative basis. They have not removed all their people on one date. If dual mandates in local government are to be removed, they need to be phased out. We have suggested a three-year period — three and a half years if counted from today — in which

that could be done. Then there would not be a situation in which on one day there were 50 Members of the House on councils and the next day there were zero. There should be a period during which dual mandates can be phased out. That is precisely the approach that has been taken by all parties; they have all begun to remove people. We have removed our Ministers and most of our MPs, and the other parties, to be fair to them, have followed suit in a range of ways. That allows the new arrangements to be phased in so that we do not face a capacity gap in local government in 2011 with the sudden removal of a large amount of experience. It may not be ideal, but it is a reasonable compromise.

The other issue that was raised is a consequential amendment to amendment No 5. We have said, as have others, that the job of a local councillor is complementary to that of an MLA. Frankly, many of those who come through the doors of our offices do not particularly distinguish whether we are councillors, Assembly Members, MPs or MEPs. There is an argument that there is an overlap between the jobs that could lead to public concern that, in effect, although being a councillor is only a part-time job with a part-time wage, people could be paid twice for the same work. Consequently, if the need for a phase-in period is accepted, during that period MLAs who chose to stay as councillors would not be paid twice for the same post and would get reduced remuneration, if it were felt that there was some degree of overlap. Alternatively, because the phraseology is about reducing payment of allowances, it could be removed altogether. That was the approach of the Conservatives at Westminster when they tabled an amendment to remove the salary of any MLA who was also an MP. They did not put a bar on the dual mandate but on what was seen to be a dual wage. Amendment No 5 would have the same effect. It would require regulations to be brought forward by the Department of the Environment. In order to ensure that that happens within a particular time frame, subsection (2) of the new clause indicates that it would have to be brought in within one year of Royal Assent — in effect in 2011. It would kick in between 2011 and 2014 or 2015, depending on which amendment was accepted. Although not ideal — I suspect that we will soon hear that it is not ideal to the sponsor of the legislation — it is a genuine attempt to reach a compromise on which the House can pass legislation on which it can unite. Further

Consideration Stage is the last chance saloon for compromise.

I commend the amendments to the House. We must ensure that the process is managed and regulated so that there is no capacity gap and that people are not specially rewarded for remaining in office. Therefore, I am happy to propose the three amendments.

**The Chairperson of the Committee for the Environment (Mr Boylan):** Go raibh maith agat, a Cheann Comhairle. I want to outline the position of the Committee for the Environment on the three amendments in this group.

Amendment Nos 3 and 4 serve to delay the commencement of the Bill substantially. The Committee agreed the commencement of the Bill as drafted, so that, after receiving Royal Assent, it should commence on the day of the first district council general elections thereafter. For that reason, I do not believe that the Committee supports either of the amendments.

Amendment No 5, in the event of either of the other two amendments being made, would introduce measures to reduce the allowances of anyone serving as both an MLA and a councillor in the interim period before the Bill is enacted. As I said, the Committee agreed the commencement of the Bill as drafted and did not discuss the possibility of reducing allowances should there be any delay.

**Mr Weir:** I appreciate the fact that, given past discussions, we cannot infer that the Committee will support the issue. Will the Chairperson confirm that, because of the timing of our processes, the Committee has not had the opportunity to discuss the amendments directly and, therefore, it has not given a direct opinion on them? At best, the Committee's opinion can be inferred from previous discussions.

**The Chairperson of the Committee for the Environment:** I take that point on board. I was just about to say that the Committee has no position on amendment No 5. That concludes the Committee's position on the amendments.

I now wish to speak as a Sinn Féin member. Mr Speaker, you said that it is difficult not to stray across the line, and I hope that you can give me a wee bit of latitude in that respect. The legislation is connected to a bigger picture and the perception of people outside the Assembly

about double-jobbing, which we must accept in the round.

Sinn Féin will not support the amendments. The RPA has been discussed, and it is a wee bit rich of Members on the far side of the Chamber to blame others for not bringing forward or holding up legislation, because the RPA turns that into a joke. This Bill would have complemented everything that we tried to do in the restructuring of local government. It is hard to listen to such blame, given past insults and criticism about who held up what legislation.

The Bill is good legislation. I beg your indulgence, Mr Speaker, and seek some latitude. In the Chamber yesterday, we debated a reduction in Assembly running costs. The Bill allows us to offer people an opportunity to enter local government. Graduates cannot get jobs, and we are always asking ourselves what we can do for them. Mr Ross —

**Mr Speaker:** Order. The way in which the amendments are framed gives us slightly more latitude. However, I must remind the Member to return to the subject of the amendments.

**The Chairperson of the Committee for the Environment:** The legislation will —

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

**The Chairperson of the Committee for the Environment:** Yes, I will.

**Mr Ross:** I take the Member's point. However, will he acknowledge the fact that ending the practice of holding two public offices at once will cost ratepayers more money? Additional Members will have to be paid. Amendment No 5, which was tabled by my colleague Mr Weir, will reduce the allowances given to a councillor who is also a Member of the House, whereas the Member's proposition will cost the taxpayer more, not less.

**The Chairperson of the Committee for the Environment:** That depends on better delivery, which has to be looked at. Mr Ross wants to reduce the number of elected representatives but increase the workload, like his colleague, the Minister of the Environment, who wants to reduce the number of planners and increase their workload. However, that depends on service delivery.

I return to the amendments. Sinn Féin cannot support them. If we are serious about getting



proper legislation through the Assembly, this is such a Bill. It gives a start to local government reform, and it offers people opportunities. It will offer opportunities to graduates who wish to go into public office and political life to learn the trade.

After the debates that we have had recently, it is about time this Assembly stood up and took a decision. Sinn Féin fully supports the disqualification and fully supports commencement of the legislation in 2011. There should be no misperception about double-jobbing. On behalf of my party, I do not support the amendments.

### 12.30 pm

**Mr Speaker:** The Business Committee has arranged to meet immediately upon the lunchtime suspension. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm, when the next Member to speak will be Danny Kinahan.

*The sitting was suspended at 12.31 pm.*

*On resuming —*

### 2.00 pm

**Mr Kinahan:** I speak with great pleasure on the second group of amendments. We have heard that the Bill is designed to end dual mandates. Shame on those who try to justify them. During this morning's part of the debate, I was pleased to hear that the DUP is not keen on having people waiting on the bench to replace others, which, as its members said this morning, is not the democratic way forward. It is necessary to point out that many of the changes in the House have taken place because of the stance that my party has taken.

In the rather ineffective debate about the cuts, which brought us all in during recess, we heard that the party to my left deplored the petty point-scoring and brouhaha of Commons debating, but we saw that during the previous debate on this subject. We will probably see it again today, although I hope not, but I make the point that that is exactly the type of thing that the electorate hates seeing.

We heard last time how being a councillor helps in the Chamber. It certainly helps to understand one angle of what representing the electorate is about, but it does not justify hogging two mandates, two salaries, two elected positions and two amounts of taxpayers' money. Shame on those who argue for that. It is good to see the amendment —

**Mr Ross:** I thank the Member for giving way. The DUP amendments do neither of those things. They would delay when the legislation kicks in and they directly address the issue that the Member just raised about claiming two lots of allowances. One of our amendments states that, if someone is a councillor and a Member of this House, the allowances for being a councillor would be greatly reduced. The Member is criticising the DUP, but our amendments address some of the concerns that he has just raised.

**Mr Kinahan:** I am glad that the Member raised that matter. Of course, people could go on taking those two salaries until the action that they have suggested is taken. At the same time, the Member is talking about greatly reducing the allowances, which would be delayed for a year.

**Dr Farry:** Will the Member give way?

**Mr Kinahan:** This could take a long time.

**Dr Farry:** I am grateful to the Member for giving way. He pointed out the problems with dual mandates from his perspective, but why is his party waiting until the law is passed before sorting out the matter internally? Why, if it is such a bad thing, do UUP members not take the law into their own hands, so to speak, and step down with immediate effect? Why wait until the Assembly bans the practice before taking action?

**Mr Kinahan:** I am glad for that intervention, too. It is interesting to see how the Alliance Party has changed its position today. We are in that process: I stood down the moment I could, so it is happening and we are doing what we say. I praise the party to my left for its third amendment. It is absolutely right.

Amendment No 3 seeks to delay the effect of the Bill until 1 May 2014, which is in three and a half years' time. I do not think that the electorate will put up with three and a half more years of two salaries, of putting off finding successors, of double doses of taxpayers' money, unless the other DUP amendment is passed, and three and a half more years of someone not doing their council or Assembly job as well as it should be done. However, I do not know what else we should expect. The DUP has form when it comes to prevaricating on dual mandates. In 2006, the Transitional Assembly's report on institutional issues stated that it was agreed that multiple mandates should be phased out. Indeed, Peter Robinson stated:

*"Every political party wants to have this issue resolved."*

It appears that some want it resolved quicker than others. If we agreed to the DUP amendments, it would happen a full eight years after Peter Robinson made the comment on the need for the resolution of dual mandates.

In 2006, the First Minister went on to say:

*"Parties will have to develop and broaden their bases. It will be in their interests to encourage other people to come forward within their systems."*

In light of the DUP's amendments, we can only assume that it has failed to do just that. Amendment No 3 illustrates that the DUP has not broadened its base or encouraged other people to come forward.

Amendment No 4 is even worse. I think that the electorate will love this. It would put off

implementation for not just three or four years but a possible eight years or more, depending on how long the findings of the Local Government Boundaries Commissioner can be delayed. That is a total disgrace. I sometimes wonder whether trying to stay in power clouds judgement, and whether the parties that promote such amendments as amendment Nos 3 and 4 feel that they are more important than the electorate. That type of arrogance lost Mr Robinson his Westminster seat, and it is the £5 pieces of land, £300 pens —

**Mr Speaker:** Order. I have repeated myself many times this morning and will do so again this afternoon. I must insist that I would prefer Members to stick to debating the amendments. Do not try to give us a history story, just stick to the amendments.

**Mr Kinahan:** Thank you very much, Mr Speaker. I was just getting going.

This is a time of severe fiscal constraint and economic difficulty. It is a time when taxpayers expect value for money and their elected representatives to do the right thing. Yesterday, the First Minister called on the Assembly to reduce its costs. Today, his party is arguing that MLAs should be allowed to continue as councillors and retain the dual income from both positions until 2014 or beyond, again, depending on the DUP's final amendment.

**Mr Ross:** Do you mean amendment No 5?

**Mr Kinahan:** Thank you, amendment No 5. The public, quite rightly, will not understand those two positions. The public will, quite rightly, see that as talking out of two sides of your mouth at the same time. The electorate will remember the greed of two mandates, shame of two mandates; greed of two elected positions, shame of two elected positions; and the greed of accepting two lots of taxpayers' money. I take on board the fact that the DUP amendment makes an effort to get there, but I think that it is something that the party should think twice about.

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

**Mr Kinahan:** I have just finished. Thank you.

**Mr McGlone:** Go raibh maith agat, a LeasCheann Comhairle. Thanks very much, Mr Deputy Speaker; sorry, Mr Speaker. I have been corrected by a Member to my left. Sorry about that.

Amendment No 3 would bring the Bill into effect on 1 May 2014, and I have a point to make on that. We see too much legislation delayed and not implemented or enacted by Departments. It would be a poor reflection on us, as Members of the legislature, to delay the Bill coming into effect for potentially another three and a half years. Most people just want to get it done and dusted and move on. Therefore, the SDLP is not in favour of any further procrastination on the matter. Just get it moving, get it on, get it done and get it dusted.

Mr Weir outlined that amendment No 5 is a consequential amendment that depends on the success or otherwise of amendment No 4. We do not, therefore, intend to speak about amendment No 5 at this stage of the debate. Speaking from the SDLP point of view, let us get on with the business: get it done and dusted.

**Mr Givan:** I am grateful to the Member for giving way. The Member said that we should get on with it and get it done. Does the member agree that there is no need for legislation to make political parties take that approach if that is what they have already decided to do?

**Mr McGlone:** I accept that that is the case, but the reality is that we are dealing with the legislation before us. Therefore, the Member described a hypothetical situation. We are dealing with the real situation today, and it needs to be done, it needs to be moved on and it needs to be implemented.

**Dr Farry:** I support either amendment No 3 or amendment No 4, depending on how things work out, and amendment No 5. From our perspective, the legislation is misguided. We want Back-Bench MLAs to have the freedom to make their own judgements as to how they can best represent their constituents, and we respect their ability to do that. The degree of conflict of interest that arises is minimal, can be managed and pales into insignificance when compared with other potential conflicts of interest that arise elsewhere.

**Mr Campbell:** I listened to the Member, and I agree wholeheartedly about the limited potential for conflicts of interest. However, does he agree that what Mr Kinahan said about cost is completely spurious when one considers that, on occasion, some MLAs who are also councillors do not get a penny piece? They do not claim travel or attendance allowance or

a salary of any kind, thus saving, rather than costing, the taxpayer money.

**Dr Farry:** The Member's point is factually true: holding a dual mandate does offer the potential of a small saving to the public purse. However, the issues at stake are much bigger than that, so it is probably not the main determinant in taking the matter forward.

The way in which we look at the amendments is governed by a degree of pragmatism. Our preference is for the Bill not to go ahead. Nevertheless, I urge Mr Kinahan not to be confused by the fact that, at the next election, I will be prepared to self-regulate by stepping down from my council voluntarily, out of respect for my colleagues and in appreciation of the fact that people coming through support our view that interfering with choice and the natural democratic process is over the top. In light of that pragmatism and in recognition of the fact that there is a demand to proceed with legislation, however much we may disagree with it in the House, from our perspective, delaying the Bill's implementation makes sense, particularly in light of the amendments that we have already discussed and the potential for cynical moves by parties around elections. Separating the commencement date from the date of the next elections also makes sense for that reason.

It is worth making the point that, potentially, we are being locked into a cycle whereby elections to the Assembly, local councils and, if Parliament goes to its full term, even Westminster will occur at the same time. Therefore, even if we delay the commencement date until 2014 and address some of the problems that may arise in 2011, there will still be potential for problems in the system to arise later. Amendment Nos 3 and 4, which deal with commencement, are pragmatic because they recognise other parties' will to move the matter forward and, at the same time, do not impose the provisions of the Bill straight away.

I was slightly taken aback by Mr Kinahan's lecturing and hectoring of people who happen to be MLAs and councillors, including accusations about the motivations that guide them. In fact, he was extremely disrespectful to his party colleagues who, as I speak, hold dual mandates. If it will be greedy after May 2011, surely it is greedy today. Furthermore, he did not address the point that I made during an

intervention, which came also from the DUP Benches. If it is such a terrible thing, why does the Ulster Unionist Party have to wait for legislation before it is prepared to stand down from council its remaining MLAs who happen to be councillors? The law facilitates doing that today. All they need to do is to submit their resignation letters to the chief executive and the law will take its course.

Moreover, the party has a guaranteed right of co-option, so there is no risk of it losing any seats in a by-election, which, given the way in which things are going electorally for the Ulster Unionist Party, is of particular concern to it. I am simply at a loss to explain why parties are today making pronouncements and preaching about the good life and virtues but are not prepared to act now when the opportunity to do so exists. The excuse was made about needing some sort of process to be in train, but let us make that too much of an excuse. As I outlined earlier, although it may take slightly longer than 14 days, all the procedures that a party might wish to follow can certainly be completed within a two-month period. If the Ulster Unionist Party and, indeed, the SDLP are genuine about thinking that the legislation is so important and that holding a dual mandate is so wrong, two months from today, we can expect every remaining MLA who is also a councillor to stand down from their council. If they are not prepared to do that, they stand guilty in the court of public opinion of rank hypocrisy.

**2.15 pm**

**Mr McGlone:** Correct me if I am wrong, but I remember that, when we last discussed the Bill here, the issue of Mr Farry's position was raised, he said that that would be a matter of his personal choice. When asked if there was a party position on that issue, the Alliance Party Members became rather evasive and, indeed, Mr Farry disappeared out the door before the issue was discussed further. I do not know what has changed in the Alliance Party since then, but believe you me, the SDLP will make its own policy decisions on those matters, as, I am sure, will other parties, without any advice or guidance, inconsistent as it is, from other parties.

**Mr Speaker:** Order. As far as is possible, I ask Members to get back to the amendments.

**Dr Farry:** I appreciate that guidance, Mr Speaker. I will briefly respond to Mr McGlone: our policy on this issue has not changed one

bit. We believe that it is for individuals to make their own choices, which is what I am doing. I am happy to respect the freedom of the SDLP MLAs to make their own choices in the same way that I respect the choices of the Ulster Unionist Party Members. The problem, and the massive hole in their argument, is that they are coming here and proposing legislation to ban dual mandates. They are not respecting anyone else's right to make those choices. They are seeking to impose their views on others.

**Mr Speaker:** Order. I must insist that the Member comes back to the amendments.

**Dr Farry:** Thank you, Mr Speaker. You timed that perfectly, because I got the point in, and I will come back to the matter in hand.

I will turn to the issue of linking the issue of dual mandates to the review of public administration (RPA). I was rather taken aback by a comment that was made earlier by Cathal Boylan in his capacity as Chairperson of the Committee for the Environment. He said that we must put the legislation through in order to give employment opportunities to unemployed graduates. If that is the sum of Sinn Féin's employment proposals, we are in trouble. More importantly, however, if we go down the road of giving the impression that being a member of a council is a job, we will create a massive over-expectation about what is at stake.

**The Chairperson of the Committee for the Environment:** I was only using that as one

example. It is very naive of someone who talks about creating a green new deal and new opportunities to think otherwise. There is an opportunity under the legislation. It is a wee bit rich of the Member, but I will take his comments on board.

**Dr Farry:** I was only jousting with Mr Boylan.

**Mr Poots:** Does the Member not conclude that unemployed graduates have suffered enough?

**Dr Farry:** I was only jousting with Mr Boylan on the first point. I have met Mitchel McLaughlin to discuss his party's proposals. The main point that I want to stress is that being a councillor today is not a full-time job. It is something that people can do while holding down a full-time job. If we are giving the message that people in full-time employment are not welcome to be councillors, we are going to lose a lot of enrichment of local government. Even when the



RPA comes in — I appreciate that we will be in a different context then — no one is proposing that the councillor role will become a full-time post. If it does, the costs will skyrocket, because proper full-time salaries will have to be put in place for councillors. In the current economic environment, no one will contemplate that.

**Mr McFarland:** Will the Member accept that, at a philosophical level in Northern Ireland politics, it is politically unhealthy for parties to have a small number of people having two or three political jobs, regardless of what they are, and that in theory they should start off at council —

**Mr Speaker:** Order. I ask the Member to take his seat. I have already said very clearly that even interventions must relate to the amendments. I am listening to Members very carefully, and some are very shrewd at getting away from the amendments and talking about something else. All Members, including the Member who has the Floor at the moment, need to get back to the amendments.

**Mr McFarland:** I was about to go on —

**Mr Speaker:** All Members are allowed to go on.

**Mr McFarland:** I was about to say that trying to put off an end to dual mandates, and amendment Nos 3 and 4 relate to that, in the hope that people with several jobs will get others — after 60 days, they will stand down and be replaced by new people for a four-year term — is really unhealthy for politics in Northern Ireland.

**Dr Farry:** Thank you, Mr Speaker. I appreciate that I am walking a very thin line and that I need to come back to the amendments. However, Mr McFarland's latter comments were probably more appropriate to the debate on the first set of amendments. I am not sure whether he caught my comments earlier, but I will step down on a voluntary basis to give other people an opportunity. However, that may not be appropriate for every party in every situation.

**Mr Weir:** Does the Member find it slightly ironic to take lectures on double-jobbing from someone who will not even sit on one Committee here and who is probably not even doing the job that he has been elected to do?

**Dr Farry:** I better not comment on that; I will get in trouble with the Speaker.

I have some final comments on amendment No 5, which is probably a constructive way to try and take some of the heat out of the issue. First, even though we are talking about an allowance of £9,000 a year per councillor with the potential for some additional allowances based on special responsibilities, it is important to stress that very few councillors are doing this for the money. There may well be some exceptions. However, being a councillor involves a major commitment, and virtually everyone I have met in local government, whether in North Down or elsewhere across Northern Ireland, do so out of concern for their community and to make a difference. A lot of the faces who are in local government today were in local government well before there was any talk of allowances and before people got money purely for attendance. They served through some extremely difficult periods. Let us not denigrate councillors and label them as greedy or money-grabbers. That is not the case.

I concur with Mr Weir's comments that people do not distinguish between the two roles when someone is an MLA and a councillor and there is some sort of overlap in the two roles. One advantage is that people in such a position can work at an issue from both ends, by talking to central government and local government officials, rather than having to pass it to other people. However, fundamentally, there has been recognition of the overlap, in the same way that allowances for people who are MPs and MLAs have been reduced. We look forward to the SDLP sorting that issue out: that is just a quiet reminder.

In light of that dual mandate overlap, allowances have been reduced, and, if dual mandates are to continue, albeit for a short period, it is appropriate that there is a rationalisation of the councillor allowance in light of the fact that MLAs also have access to the office cost allowance. That is a fair and reasonable way to try to alleviate the very misguided point about greed. However, I recognise that that has been put out in the wider community. Thank you very much for your indulgence, Mr Speaker.

**Mr Ross:** I echo the comments of my party's Chief Whip by paying condolences to the family of councillor Lawrence Walker. He was a servant to local government and a true gentleman, and he will be missed. Our thoughts are with his family today.

I will not speak for too long because Question Time is coming up. I listened to Danny Kinahan's earlier and most recent contributions in which he talked about the shame of dual mandates; drawing two salaries from the taxpayer; and the smokescreens involved when one person stands and another person takes their seat. I could not help but look to his right and see members of his party who have held dual mandates for over a decade. I listened to other Members ask him whether, because the Ulster Unionist Party is opposed to dual mandates as a point of principle, its members will not be standing in both council and Assembly elections. His party was silent on that. Therefore, I echo other Members' comments: it is very hypocritical for the Ulster Unionist Party to take that position in the Chamber today.

I also listened to some other parties around the Chamber talk about dual mandates. Since we debated the matter previously —

**Mr Speaker:** Once again, I encourage the Member to come back to the amendments.

**Mr Ross:** I will heed that encouragement to get round to the specifics of the amendments. However, I welcome the fact that the SDLP has made some progress by stepping down one of its MPs from the House. Two thirds of its House of Commons team still has to do so, and Sinn Féin has made no movement on that.

When discussing the specifics of the amendments, Mr Kinahan got very —  
[Interruption.]

**Mr Speaker:** Order.

**Mr Ross:** Mr Kinahan got very upset and angry about the fact that the DUP had tabled a number of amendments. However, the normal legislative process is that a Bill is introduced in the House, parties can table amendments to it, change bits of it and it then comes out the other end. That is normal parliamentary process, and I do not understand why Mr Kinahan gets so angry and upset about that.

The amendments that we have tabled are consistent with the arguments that we made in the House at previous stages of the legislation. Generally, we have been sceptical that legislation is needed to achieve the Bill's aims. Indeed, in the steps that this party has taken towards ending dual mandates, we are far ahead of some of the other parties.

**Mr Beggs:** Does the Member recognise that his party ended the dual mandate between its MPs and MLAs only when the then Leader of the House of Commons —

**Mr Speaker:** Order. I must insist that interventions are very much to the amendments. At the Bill's Final Stage, the debate can widen out, but at Consideration Stage we talk about the amendments.

**Mr Beggs:** Will the Member agree that the reason why legislation is necessary, and why amendments are needed to bring it into being shortly, rather than on the long finger, is that it has so taken so long and others have avoided it until legislation has come into being?

**Mr Ross:** I thank Councillor Beggs MLA for his intervention, and I note that Councillor Beggs is perhaps waiting for the legislation before he stands down from Carrickfergus Borough Council. Perhaps, if this were a point of principle for Mr Beggs, he would have stood down from Carrickfergus Borough Council already, as would his colleagues. I will not take that sort of lecture from the hypocritical Mr Beggs and his colleagues.

Our position on this has been consistent: we have said that, eventually, we want to phase out dual mandates. We think that there should be a phased approach. I remember saying, at the Bill's previous stage, that I do not see individuals holding both positions in public office at local council level and Assembly level in the future. The issue that this party has had is that we want to see that phased in, and the amendments that my colleague Mr Weir has tabled reflect that position. We can phase out dual mandates between local councils and the Assembly over the next number of years, and this party has adopted a pragmatic position on that.

It also addresses some of our issues and concerns that, if all MLAs, who are senior members on local councils, were withdrawn at once, it would create a leadership issue on local councils. We prefer a phased approach to ensure that local councils can build up the capacity of some of their members and put them into leadership roles.

Amendment No 5, which was also tabled by my colleague, will only come into play if the previous amendments are made and the legislation is delayed for a few years to allow the phased

withdrawal of dual mandates. It addresses some of the concerns that we have heard in the Chamber today and previously about the fact that, in the public's eyes, Members are being greedy for drawing two wages and holding two offices. The amendment takes away that issue, because Members who are members of a local council will not get their full pay for that. That is consistent with the approach to Members of the House of Commons who are also Members of the Assembly, who do not get their full wage for being Assembly Members. That is consistent with what happens elsewhere, and it addresses the concerns that have been raised in this House about the issue.

**Mr Speaker:** Unfortunately, I must interrupt the Member as we move into Question Time. If the Member wants to finish after Question Time, I am happy enough for him to do so.

**Mr Ross:** I could finish now.

**Mr Speaker:** Order. I am asking the House to take its ease, because I am moving out of the Chair and the Deputy Speaker is moving in. The Member is quite free to come back after Question Time and finish what he is saying.

*The debate stood suspended.*

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

2.30 pm

## Oral Answers to Questions

### Finance and Personnel

**Mr Deputy Speaker:** Questions 1, 2, 5 and 11 have been withdrawn. Mr McGlone is not in his place for question 3.

#### Presbyterian Mutual Society

4. **Mr Storey** asked the Minister of Finance and Personnel to outline the likely timescale for resolving the issues surrounding the Presbyterian Mutual Society.

(AQO 460/11)

#### The Minister of Finance and Personnel

**(Mr S Wilson):** The spending review, which was announced on 20 October, confirmed that the Government's contribution to the proposed Presbyterian Mutual Society (PMS) solution will be available in the 2011-12 financial year. However, a number of local and EU agreements are required before payments can be made. Executive and Assembly agreement to the overall package can be secured as part of the Budget process. The Department of Enterprise, Trade and Investment (DETI) will take the lead on the Assembly legislation necessary to seek EU state aid approval for the loan. I hope that that work will be progressed as quickly as possible. We are working towards resolving all the issues for the 2011-12 Budget. However, I remind Members that any delay in establishing and agreeing the Budget will have a knock-on impact on the PMS solution.

**Mr Storey:** I thank the Minister for his answer about an issue that is of grave concern to a considerable number of people in Northern Ireland. One of the outstanding matters is that of small investors. Will the Minister outline today what further steps can be taken to ensure that those investors get 100% of their moneys back?

**The Minister of Finance and Personnel:** A lot of the Assembly's attention has been focused on the small investors, who make up around 66% of those who have money in the PMS. Although we want to try to ensure that as much money goes back to all the investors as quickly as



possible, most of the Members who have raised the issue in the Assembly have been particularly concerned about the small investors. What can be done to ensure that those investors get all their money back as quickly as possible? Obviously, the bigger the mutual access fund, the more money there will be to give to small investors. The Government at Westminster have put up £25 million, as have the Executive, and the Church has committed £1 million. Obviously, if the Church could provide additional money to increase that mutual access fund, there would be an ability to give much greater sums of money back to small investors.

**Mr O'Loan:** I am very keen that a fair solution be found for PMS savers, particularly, small personal savers, as the Minister and the Member who asked the question said, and long-term savers with the society. Nonetheless, does the Minister agree that the solution must be proper, fair and proportionate to all members of the community whom we serve and that it must reflect the Assembly and the Executive's position vis-à-vis that of the Treasury? Does he also agree that there have to be concerns about what is in the public arena on the potential risk to the Assembly, the Executive and their future finances?

**The Minister of Finance and Personnel:** From the question, I am not too sure whether the Member is supportive of sorting out the PMS issue or whether he is actually trying to throw objections into the pot. Maybe we will get some clarification about that from his party at some stage. On the one hand, it appears publicly to support the savers, but, on the other hand, it seems — by the tone and nature of that question — to raise some doubt about whether that should be done.

I assure the Assembly that we have gone through a long process with the Treasury. It has looked closely at the figures for the liabilities, the value of the assets and what is likely to be raised from those assets over a 10-year period. The indications are that the £175 million loan that we will take out, which will not impact on the capital programme for the Assembly as it will be over and above what we have been allowed to raise through loans for capital projects, will be not only serviced but paid back. From the surplus, we will be able to reimburse the money that will be put up for the mutual access fund. That is the intention. The quicker the property market picks up, the quicker that

money can be paid back. It is on that basis that we have proceeded.

**Mr Deputy Speaker:** As I said, question 5 has been withdrawn. Mr Fred Cobain is not in his place for question 6.

## Budget 2010

7. **Mr Buchanan** asked the Minister of Finance and Personnel when he intends to provide the Executive with a draft Budget paper for consideration.  
(AQO 463/11)

**The Minister of Finance and Personnel:** We are at question 7 and I have answered only one question. I am going well today. Perhaps there is not as much interest in the Budget as I thought there was going to be.

I made it quite clear that I would have liked to have seen the end of the process by the beginning of January 2011. It was my intention to have a paper with the Executive by now. However, that has not been possible. Despite the fact that there were extensive talks over the summer, for which I made myself available, the Executive have asked for extra time in which to discuss some of the strategic issues and to talk to me about departmental issues. A paper has been prepared for the Executive Budget review group, which it has now had sight of. I hope that that paper will be approved by the Executive Budget review group or, at least, be amended and brought to the Executive, so that I can have Executive approval by 17 November. I could then bring the draft Budget to the Assembly on 18 November. That would mean that the process could be finished by around the middle of February 2011. The timetable is still very tight. However, that is the kind of revised timetable towards which we are now working.

**Mr Buchanan:** I thank the Minister for his response. What would the implications be for the House should the Executive fail to agree a draft Budget?

**The Minister of Finance and Personnel:** In the eyes of the general public, the House would be seen to have failed in its primary duty to make available for next year the resources that are required to run Departments, hospitals and schools and to finance industry, capital projects, community groups, and so on. In other words, if we do not agree a Budget, we will be inviting economic anarchy. In an election year, it would

not look well for the House if we were not able to give constituents the certainty that they are demanding from Members all around the Assembly. People want the uncertainty to be removed, and there is only one way that that can happen. People may not like the outcome, and they may not like certain aspects of the Budget that is eventually agreed. However, at least they will know. That is the important thing.

**Mr McDevitt:** I agree with the Minister that we do indeed need to agree a Budget. Does he agree that the potential impact on welfare cuts could take £0.5 billion out of our economy, which would not be spent in shops and would hit the most marginalised? What effect does he think that that would have on the budgetary process here and on the North in general?

**The Minister of Finance and Personnel:** The Member knows very well about welfare cuts, because Ministers from his party have had to oversee some of the welfare changes that have been made. Sometimes that was done reluctantly, by Ministers who were not very happy about it.

We have to be very careful that the welfare changes do not leave us out of step with the rest of the United Kingdom, because that would be an immediate hit to our Budget. It would also lead to something that I believe that the Treasury would love to introduce; namely, the regionalisation of benefits. One thing of which we can be absolutely sure is that the regionalisation of benefits will not be to our advantage. Much as we may not like the changes that are coming in welfare reform, there is a far, far greater danger in us moving out of kilter.

The Member is quite right that welfare cuts will remove expenditure from, and have a deflating impact on, the Northern Ireland economy. The point that I made in response to Mr Buchanan's question is that the uncertainty that would be created by us not agreeing a Budget very quickly would have a further deflationary impact. People tend to be cautious about their spending in times of uncertainty, and the activities of the Assembly could remove further spending power from our economy.

**Mr O'Dowd:** Thank you, a LeasCheann Comhairle. Does the Minister agree that we need to agree the right Budget? Does he also agree that it is only right and proper that Executive members take further time to discuss

and to analyse the options that are open to them and that, as a result of those discussions, we acquire a Budget that manages the economy and not a Budget that manages the cuts?

**The Minister of Finance and Personnel:** I love the phrase that Mr O'Dowd used:

*"Does the Minister agree that we need to agree the right Budget?"*

We have to agree a Budget. Do not forget that the discussions did not suddenly arise on 20 October. We were well aware of the situation before then. Indeed, in July, I predicted the outcome within a few percentage points. We have lost a lot of time having discussions on the strategic picture that we should have been putting in place for the Budget.

The Member's question may be an attempt to justify further procrastination, delay and unwillingness to make the tough decisions that will have to be made. Let us face it: no one will like some of the decisions that will have to be made in the Budget. However, money will not fall from heaven, whether we wish it or not. Therefore, we have to be serious and get a Budget in place that we can at least debate and discuss, and the implications of which people can see.

**Mr Deputy Speaker:** Before calling Dr Farry, I remind Members on both sides of the House that they must not shout across the Floor. All remarks should be made through the Chair.

**Dr Farry:** Will the Minister expand on the answer that he gave to Mr O'Dowd and confirm that, if the Executive sought to defer difficult decisions to the far side of the election, it would be a betrayal of the people of Northern Ireland? Will he also confirm that any decision to try to defer difficult choices would lead to inefficient use of resources, which is not in anyone's interests?

**The Minister of Finance and Personnel:** Deferring decisions until after the election is not an option. By the time of the election of new Members to the House, we will be well into the next financial year. If decisions were deferred, schools, hospitals, trusts, boards and a whole range of people would not have any money to carry on their activities. We need to have that money voted on so that those activities can continue. The normal running of the public service and of the private sector's public sector contracts requires us to set a Budget before

the beginning of April. Given the lead-in period and the fact that greater preparation has to be undertaken because the Budget will be tighter than this year's, it was my view that we should give Departments three months in which to plan. As I have said, we will not meet that three-month target. At best, Departments will have six weeks to make those plans. Indeed, if some of the Members opposite have their way, we may not even have six weeks. That would be a disaster.

**Mr Deputy Speaker:** As Mr John McCallister is not in his place, I call William Humphrey.

## Comprehensive Spending Review 2010

9. **Mr Humphrey** asked the Minister of Finance and Personnel for his assessment of the potential value of further negotiations with Her Majesty's Treasury in relation to the outcome of the comprehensive spending review.  
(AQO 465/11)

**The Minister of Finance and Personnel:** Mr Deputy Speaker, I hope that you will keep some of them in after class for not turning up today.

As far as the potential for further negotiations on the Budget with the Treasury is concerned, there were significant contacts with the Treasury in the run-up to the Budget in the period until 20 October. Those contacts were not just by the First Minister and the deputy First Minister, me and the Minister of Enterprise, Trade and Investment. I have had at least three meetings with Finance Ministers from the other devolved Administrations in the United Kingdom — Scotland and Wales — to discuss putting forward the case for the regions and the particular difficulties that we face.

### 2.45 pm

The block grant is not open to negotiation. We did not know the final figure with total assurance until 20 October because our block grant is determined by the allocations that are made to all the Departments in Whitehall. Those Departments get their allocations, and we then get our percentage, which is based on population and on the allocations that are made to those Departments. Therefore, strictly speaking, the calculation is done by a computer.

There are, however, some areas at the margins at which negotiations can be had about end-year flexibility, which is money that has not been

spent by the end of the year and is available in the pot. The question is about the access that we should have to that money. There has been some discussion about additional bids that received Barnett consequential — for example, money spent on the Olympics, which is a one-off event and is not normally included. The discussion concerned what our allocation should be on the basis of that.

Those discussions will be ongoing, and the First Minister and the deputy First Minister indicated that they want discussions about that. However, we are talking about changes at the margin.

**Mr Humphrey:** Does the Minister believe that all parties in the Executive realise and appreciate the gravity of the cuts to the United Kingdom Budget and the effect that they will have on the comprehensive spending review for Northern Ireland.

**The Minister of Finance and Personnel:** I do not know whether they understand the gravity of the cuts. What worries me is that there appears to be a lack of understanding about the gravity of not dealing with the amount of money that is available to us. The important thing is that we know what our budget is and that there may be some limited room for discussion with the Treasury, although that will not make a significant difference to the available pot of money. Therefore, we have to get on with making the wisest and best-informed decisions about distributing the money that we have and ensuring the good running of Northern Ireland.

**Mr A Maginness:** Will the Minister enlighten the House about the assertion by the Secretary of State for Northern Ireland, Mr Patterson, that the Chancellor of the Exchequer is honouring the deal that the Labour Government entered into for an investment strategy worth £18 billion between 2005 and 2017? In Mr Patterson's explanation, he said that Justice Department funding and an Executive contribution is included in that figure. Will the Minister clarify whether Mr Patterson is right or wrong?

**The Minister of Finance and Personnel:** I can unequivocally say that Mr Patterson is wrong in some figures that he gave. Some figures are not only open to challenge but are clearly wrong, because the Assembly accounts show that they are.

First, how much of the £18 billion has been spent? We claim that it is £9.1 billion, and if

one looks at the capital programme for the past five years, the sum spent comes to £9.1 billion. The Secretary of State claims that the figure is £9.8 billion. We assume that the only way that he arrived at that figure was by adding in capital spending for policing and justice. That could not have been part of the £18 billion, because policing and justice powers were not even devolved at the time of the settlement.

The second issue is about the money going forward. We know what the allocations are, because we can add it up. If you add the £9.1 billion, the money that will be allocated, and the capital receipts and borrowing that we can have, that takes us up to £13.7 billion by the end of this comprehensive spending review period. Maybe the Government are planning to give us over £2 billion per year to spend on capital projects in the last two years of the 10-year period. I do not know. That is untested. I cannot say yea or nay, but that is not much help to us now, because the demand for capital investment is now.

**Mr McLaughlin:** Thank you very much, a LeasCheann Comhairle. The Minister referred to the end-year flexibility stocks. My understanding is that some £375 million that was available was removed at just the stroke of a pen. Will the Minister confirm that there is engagement and negotiation on that, given that that access was part of the restitution discussions? Will he also give us some indication of the impact of the withdrawal of that facility from the Department?

**The Minister of Finance and Personnel:** First of all, the figure is about £316 million, I think. Of course, that money was allocated to Northern Ireland and not spent. Most of it was not spent during the period of direct rule, because in the past couple of years, we spent nearly up to the last 0.3% of our Budget. There has been no accumulation of end-year flexibility in the past two or three years.

We believe that that money still belongs to Northern Ireland, because it was allocated for purposes in Northern Ireland, so there are ongoing discussions with the Treasury about that. We have raised the matter at official level, ministerial level and Prime Minister level, and we will continue to do that because we believe that that money should be available to us.

We still do not know whether the Treasury will replace it with something else, because that is still under discussion. What impact does

that have on Northern Ireland? It was always a useful pot of money to have the ability to draw down on. It was never drawn down on all at once, but just to draw down on when we got into financial problems, and, of course, it is £316 million that is not available to our Budget. We are not unique in this. All the devolved Administrations have lost it, but we are the devolved Administration that had the biggest amount of money in the pot.

## Infrastructure Investment

10. **Mr Easton** asked the Minister of Finance and Personnel for his assessment of the potential to fund economic infrastructure investment through the sale of revenue-generating assets.  
(AQO 466/11)

### **The Minister of Finance and Personnel:**

Departments and public bodies hold a number of revenue-generating assets, such as car parks and retail premises. Obviously, receipts from the sales of those assets could help to fund infrastructure investment. However, we have to bear in mind that we are in a depressed market, which affects the value of those assets. Therefore, the value for money of any sales, including the implications of the loss of revenue from them, would need to be carefully considered before we decided to dispense with those assets.

However, I am on public record as saying that that is something that the Executive should be looking at, and, indeed, we are looking at it. We have already had a report from the assets realisation team about some of the potential assets that we may be able to gain money from through sales.

**Mr Easton:** I thank the Minister for his answer. Will the Minister update us on what is happening with the Hillsborough Agreement sites?

**The Minister of Finance and Personnel:** The Hillsborough Agreement sites are under the control of the Office of the First Minister and deputy First Minister (OFMDFM), which will have the details. As far as I understand, the last time that we talked about it, they were working through the process of their disposal, looking at things such as contamination and planning possibilities on those sites, with a view to having them sold when the market best lends



itself to that. The Member will be aware that some Departments are interested in some or part of those sites for education facilities, for example in Omagh, and in other places.

**Mr McCarthy:** What is the Minister's view on the redirection of cash from the current budget to the capital budget to help to meet the shortfall and to make the construction industry, which is on its knees, more viable? That would undoubtedly help our tradesmen and tradeswomen to get back to work.

**The Minister of Finance and Personnel:** I thank the Member for that question. The capital budget was hit much more severely than the current budget. The current budget has been reduced by about 8% and the capital budget by 40%. Therefore, at least on the surface, it appears as though there is potential to move some money from the current budget to the capital budget. However, Ministers are already telling me about the problems that reductions in the current budget will have on their delivery of services. It is a judgement that the Executive will have to make, and it is one that I have some sympathy with. The question is: how much do we take from the current budget? How much can we afford to take? There are projects that show a good return, and we should be considering such a movement.

**Mr Deputy Speaker:** Questions 11 and 12 have been withdrawn.

### **Comprehensive Spending Review 2010: Local Government**

13. **Mr Hilditch** asked the Minister of Finance and Personnel for his assessment of the impact of the comprehensive spending review cuts on local councils.

[R] (AQO 469/11)

**The Minister of Finance and Personnel:** Following the conclusion of the spending review by the Chancellor of the Exchequer, the allocation that Northern Ireland will receive in the block grant is now known. We know that current spending will be reduced by 8% over the four-year period. As far as what happens as regards councils, it is up to each Department, once it receives its allocation, to decide where its savings will be made. It will be up to the Minister of the Environment to make his decision on the basis of his Department's allocation as to where he believes that the

savings should be made. That, of course, will have implications for some district councils should that be where he decides to make savings.

**Mr Hilditch:** I thank the Minister for his answer. Does the Minister agree that, with the February timeline for the rates process being imminent, as much information as possible from central government should feed its way down to local government in that process?

**The Minister of Finance and Personnel:** The Member makes a very important point. It is not just, as I pointed out, about what block grant goes to councils. Budget decisions about the level of rates will also have an impact on the revenue that is available to councils. Again, the Member's question illustrates the dilemma that we are in. The longer that we take to decide on the process and the longer that we take to make decisions will impact on a whole lot of spending centres, including every local district council, which are going to find themselves in a position of uncertainty because they do not know what rate revenue will be, they do not know what the block grant will be or about some of the other grants that may be available for urban regeneration projects, etc.

### **Comprehensive Spending Review 2010: Employment**

14. **Lord Browne** asked the Minister of Finance and Personnel for his assessment of the likely impact of the comprehensive spending review on employment and GDP growth.  
(AQO 470/11)

**The Minister of Finance and Personnel:** I think that I am going to make it right through the book today.

The substantial cutbacks will, of course, have an impact on growth and employment in Northern Ireland. Members have made that point in some of their questions. If there is less money available for consumers to spend because of welfare reforms, if there is a reduction in employment as a result of some of the spending cuts, if people are more cautious in their spending due to there being less confidence, and, as said in relation to a previous question, if there are reductions in capital spending, which will have an impact on much of the private sector, there is bound to be an impact on growth.



I made representations very early on to the Chancellor that the particular problems of places such as Northern Ireland, where we were still on the downward part of the economic cycle and were heavily dependent on the public sector and where the banking system was much more fragile than other parts of the United Kingdom and, therefore, was not helping the private sector, meant that all those things would have an impact on our economy. However, we have to bear in mind that more than £11 billion will still be spent in Northern Ireland by the Executive, and, therefore, we are not about to implode either.

3.00 pm

## Health, Social Services and Public Safety

### DHSSPS: Comprehensive Spending Review

1. **Mr Wells** asked the Minister of Health, Social Services and Public Safety when he will be in a position to outline the impact of the comprehensive spending review on future funding for his Department.  
(AQO 472/11)

**The Minister of Health, Social Services and Public Safety (Mr McGimpsey):** The outcome of the UK spending review and its impact at block level means that difficult decisions will have to be made. However, the block has benefited from the protection afforded to health in England. That provides an opportunity for the Executive to do the same here. I will not be in a position to outline the impact of funding for my Department until the Executive agree the budget allocations for my Department. However, what I can say is that by the end of the Budget 2010 period, it will take £5.4 billion per annum to provide a safe and fit-for-purpose Health Service, which is £1.1 billion more than the current budget before any cuts are made. The extent to which my budget falls short could mean that radical changes to the delivery of services will be necessary.

**Mr Wells:** The Minister will be aware that the Committee for Health, Social Services and Public Safety was deeply concerned that although all of the other Committees in the Assembly received information very quickly after the budgetary adjustment was announced in

February, the Health Committee did not hear the final allocation until the end of May 2010, which was well into the new financial year. Will he assure the Committee that it will receive the details of his Department's budget at exactly the same time as all other Departments?

**The Minister of Health, Social Services and Public Safety:** My Department recognises that every pressure that we bid for must be delivered by savings, and we are looking at many hundreds of service lines. Therefore, the amount of resource that is allocated to my Department is crucial. The indications are that we are looking at a need to protect against inflation, we need to protect against demographic pressures, and we are aware that our elderly population is the fastest growing population in the UK. We also have to protect against other pressures. However, I do not see that protection coming forward, and I am looking at a gap of £600 million less than that which is provided in England. Therefore, I have to say to Mr Wells and to the House that, reluctantly, radical changes to the delivery of services may be necessary. If we are looking at radical changes to the delivery of services, sadly, we are looking at possible redundancies and closures.

**Mr Gallagher:** In the face of comprehensive spending review cuts, will the Minister continue to hold to his position of defending the salaries of directors and deputy directors of trusts? Presumably, he believes that they are all doing a good job, but will he accept the views of other Members, as well as the views of many members of the public, that if they are all doing a good job, we should have a much better Health Service? Will he look at that?

**The Minister of Health, Social Services and Public Safety:** I have to say that that final sneer against the Health Service — that we would have a much better Health Service and that, in other words, our Health Service is not as good as it should be — means that I have to remind Mr Gallagher, as I have done in this House over and over again, that I have reduced the number of senior executives and managers from 188 to 80. I am the only Minister in this House to have completed the review of public administration. No other Minister has done that. My Department is the only Department that has done that. I have reduced the number of health trusts from 18 to six, and I have reduced the number of health boards from four to one. That

means that there are considerably fewer senior executives and managers employed. Our costs in that area are now down to 3·1%: in England, that figure is over 5%. Our figure is the lowest that I am aware of. As for the aspersion and the sneer at the end of the Member's remarks about the Health Service, bearing in mind the resources that are available to the Department and to the Health Service, I think that we have a first-class Health Service.

**Mr McCallister:** Will the Minister promise to continue to make the case for protecting the Health Service in Northern Ireland like other parts of the United Kingdom?

**The Minister of Health, Social Services and Public Safety:** Thank you, Mr Deputy Speaker.

**Mr Deputy Speaker:** Minister, please resume your seat. I remind Members again that shouting across the Floor will not be tolerated. Please continue, Minister.

**The Minister of Health, Social Services and Public Safety:** Of course I will continue to fight to defend the health budget, bearing in mind that the average uplift for health in real terms over the past three years has been 0·9%. Bear in mind, too, the following quotation:

*"We advocate increased funding in excess of the Barnett formula to ensure those in the province receive a standard of care that matches the best found elsewhere in the United Kingdom... It is estimated that more than 20% extra spending per capita on health care is required to achieve the same level of service as in England."*

Who said that? It was the DUP. Where did it say that? It said that in its 2005 election manifesto, which is still extant and available on the party's website. It is one of the party's 15 key priorities for health. In 2005, the DUP advocated a 20% rise in spending. I have had to fight to get 0·9%.

Members need to understand where the Health Service is going. Looking at the resources that are available for the future, I repeat that radical changes to the service will be required. I regret to say that staff reductions and site closures are now a real possibility. Again, that is contrary to the DUP manifesto, which talked about training and employing more staff. That is the position in which I am now being put. Folk here need to understand that.

## DHSSPS: Capital Budget

2. **Mr McNarry** asked the Minister of Health, Social Services and Public Safety for his assessment of his Department's likely capital budget position following Budget 2010. (AQO 473/11)

**The Minister of Health, Social Services and Public Safety:** Under ISNI II (investment strategy for Northern Ireland), my expected capital budget for the next four years is £1·3 billion. However, early indications show that my capital budget will fall far short of what is required to maintain and develop the health and social care estate. I must warn Members that without an adequate budget settlement, hospital buildings will fail and people will come to harm as a result.

**Mr McNarry:** I thank the Minister for his answer. I am sure that the House understands well the difficulties that he faces, as he has explained them to us. Can he tell me what his top priorities are for capital projects in the next four years? Does he agree that the redevelopment of the Ulster Hospital should feature in those priorities?

**The Minister of Health, Social Services and Public Safety:** I have a number of important priorities, which include the radiotherapy satellite centre at Altnagelvin, the Omagh Hospital and development of a maternity hospital at the Royal Group of Hospitals. However, from where I am sitting, the key and most urgent of my priorities is, of course, the ward block at the Ulster Hospital, for which £130 million is needed. The reason for that is the state of the current building. Members will be aware of that because I have referred to it on a number of occasions. The building has concrete cancer and wiring problems that threaten health and safety. If that ward block is not rebuilt, the estimated bill for temporary wiring to make its wiring safe will be £28 million. Other issues relate to drainage, sewerage, and so on. The Ulster Hospital is a 600-bed key acute hospital. My very real concern is that the ward block building might start to fail, which would call into question the Ulster Hospital's ability to deliver its current service in the acute network.

**Mr McGlone:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his detailed answer. I express an interest with regard to my constituency. The Minister's

Department has been involved in the development of the policing college, which, as we know, is part of the implementation of the Patten proposals. His Department's investment in that capital project could contribute significantly to development of the local economy and provision of jobs and services in the region. Therefore, I ask the Minister for his analysis of his Department's provision for that project.

**The Minister of Health, Social Services and Public Safety:** As we go into the Budget 2010 process, which is what we are doing at present, I will not be in a position to comment on the Ulster Hospital's ward block or Altnagelvin, let alone Desertcreat, until capital figures are actually confirmed to me.

We have an involvement in Desertcreat. It is anticipated that the Health Service will spend around £30 million developing a portion of that site for the Fire and Rescue Service. However, as I look at the scenario for the capital budget going forward, I cannot confirm with any certainty that I will be able to deliver that over the Budget 2010 period.

**Mr Givan:** In the Minister's priorities, where does the development of the Lagan Valley Hospital site, which is in excess of £50 million, rest within his Department? Could it be affected by a reduction of his capital budget?

**The Minister of Health, Social Services and Public Safety:** In my projections for the investment strategy for Northern Ireland budget and the capital budget, I saw Lagan Valley Hospital having a very bright future. I still see it as having a very bright future, but it requires funding and investment coming forward. I do not see that taking place right now. Neither do I see the revenue stream coming with that. Every build requires a revenue stream, not least in places such as Desertcreat. I will be able to answer with certainty once we get a settlement of the budget. Until then, I am in no position to tell the Member where the redevelopment of Lagan Valley Hospital will stand. He will be aware that we will open the new midwifery-led unit in Lagan Valley Hospital in February. As far as my plans were concerned, that was to be the start of a new beginning for Lagan Valley Hospital as a local hospital.

**Mr McElduff:** Go raibh maith agat, a LeasCheann Comhairle. Will the Minister outline when building work will commence on the new local enhanced hospital proposed for

Omagh, bearing in mind that he has pledged his commitment to the project as part of an essential three-legged stool under the Developing Better Services model west of the Bann?

**The Minister of Health, Social Services and Public Safety:** The answer is exactly the same as that in respect of Desertcreat and Lagan Valley Hospital. It will depend on the amount of capital that is allocated to my Department. The Omagh hospital is one of the four top priorities that I have talked about. They are, the Ulster Hospital, Altnagelvin Area Hospital, the Royal, and Omagh hospital. It was not a three-legged stool; it was a four-legged stool. It may be three legs west of the Bann. I am saying to the House: do not saw off any of the legs. If you do so, do not come back looking for Omagh hospital.

**Mr Deputy Speaker:** Question 3 has been withdrawn.

## Public Health Agency

4. **Mr Savage** asked the Minister of Health, Social Services and Public Safety what progress the Public Health Agency has made in engaging with local communities.  
(AQO 475/11)

**The Minister of Health, Social Services and Public Safety:** Since its inception in April 2009, the Public Health Agency has made significant progress in engaging with communities. Community engagement is a central element of how the Public Health Agency conducts its business, and it has, therefore, invested significantly in supporting communities and in building capacity at a local level to ensure active participation and engagement in promoting positive health and well-being and tackling health inequalities. It funds around 600 projects, and engagement is focused on four levels: engagement and the delivery of services; strategic engagement in the planning of services and shaping of agency priorities; personal and public involvement; and relationships locally with health and social care trusts and local commissioning groups.

**Mr Savage:** I thank the Minister for his answer. Does he agree that the Public Health Agency's approach of engagement with local communities is working and that this is the best way of

informing the public about health and social care issues?

**The Minister of Health, Social Services and Public Safety:** I agree with Mr Savage's remarks. The Public Health Agency is part of the restructuring that I did with the Health Service when I reduced four boards to one; 18 hospital trusts to six; and 180 managers, senior executives and chief executives to 80. At that time, I set up the Public Health Agency. It is about engaging local communities and the local population in issues concerning their own health, such as obesity, smoking, alcohol, drug misuse, teenage pregnancy, mental ill health and suicide. That is the engagement that the Public Health Agency is about, and the agenda, I believe, has the potential to arrest the increases in demand that we are seeing in our community.

It is a fact that health inequalities are, to a large extent, within areas and communities of disadvantage. The issue is not simply one of public health; it involves other Departments, including the Department of Education. However, the Public Health Agency looks to co-ordinate a response in that area.

**3.15 pm**

**Mr D Bradley:** Go raibh míle maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. How much of the Public Health Agency's funding is devoted to anti-smoking campaigns?

**The Minister of Health, Social Services and Public Safety:** I will write to the Member about the amount of funding that we are devoting to anti-smoking campaigns. It is an important question, because smoking causes lung cancer, which is the single biggest preventable illness in our society. We are losing around 2,400 people annually to it. Those are all lives that would not be lost if we could ban tobacco completely.

**Dr Farry:** The Minister has rightly spoken about the importance of public health work in tackling health inequalities and addressing funding pressures. In light of the importance of public health work in prevention and early intervention, to what extent is the Minister prepared to try, as far as possible, to direct funding, albeit in a very tight atmosphere, towards those organisations, including community and voluntary groups, that work on the front line of prevention and early intervention?

**The Minister of Health, Social Services and Public Safety:** That is, in fact, where the Public Health Agency directs its attention. The focus is very much on communities in greatest need. That is where its activity is. As I said, around 600 projects are being taken forward by community organisations, which is proof that the Public Health Agency is engaging exactly along the lines that Mr Farry referred to.

### **DHSSPS: North/South Bodies**

**5. Mr Gardiner** asked the Minister of Health, Social Services and Public Safety what efficiencies have been achieved through the North/South bodies that fall under the remit of his Department.  
(AQO 476/11)

**The Minister of Health, Social Services and Public Safety:** Under the Belfast Agreement, my Department co-sponsors one North/South implementation body, the Food Safety Promotion Board. The 2010 Food Safety Promotion Board budget was reduced by 6%, in line with guidance issued jointly by the Department of Finance and Personnel and the Department of Finance in 2009.

**Mr Gardiner:** I thank the Minister for his reply. Given the difficult economic climate, will he consider any further efficiencies in North/South bodies so that front line services can be protected?

**The Minister of Health, Social Services and Public Safety:** All areas are clearly up for scrutiny. The 6% reduction was in line with guidance issued by the Department of Finance and Personnel. Because the Food Safety Promotion Board was set up by treaty, it would be a matter for the Executive to determine that sort of reduction, but, if we can save money in that area or in other areas, I will look to do that.

**Ms S Ramsey:** Given the difficult economic climate, which the Minister's party colleague mentioned, will the Minister now take the opportunity to publish the North/South feasibility study so that we can see where we can save money through co-operation on health across the island as a whole?

**The Minister of Health, Social Services and Public Safety:** The North/South feasibility study is not my property; it is the joint property of the Dublin Government and the Executive, and Executive approval would be required for



its publication. The Member is aware of the ongoing areas of North/South collaboration. Those areas are already covered in the feasibility study, which has been published on websites, so nobody is under any illusion about what is in it. I am not going to set up a further bureaucracy, another body and another secretariat to start looking at other areas, which is what that study proposes. Those areas have already occurred to us — areas on which we can co-operate to promote well-being and benefits on both side of the border. Mutual benefit is the key, and I already promote a number of areas along those lines.

**Mr Bell:** How many of the 920 of the Minister's staff in the £50,000 to £100,000 pay bracket work for the North/South bodies? Is it not unacceptable in these times of financial austerity that, this week, the Minister is advertising a job at grade 3 that pays £160,000, which is more than the pay of the British Prime Minister?

**The Minister of Health, Social Services and Public Safety:** It would be better if Mr Bell were to direct his question to the Department of Finance and Personnel, which sets Civil Service pay. I do not set Civil Service pay, so his question is not for me to answer. *[Interruption.]*

**Mr Deputy Speaker:** Order.

**The Minister of Health, Social Services and Public Safety:** The Member refers to 920 staff. Here we are talking, almost exclusively, about consultants in our hospitals. We have a core of consultants who, in many areas, are second to none. None of them, as far as I am aware, works for North/South bodies, although I might stand corrected on that. I will look at the Member's question and write to him in due course.

### DHSSPS: Efficiency Savings

6. **Mr Lunn** asked the Minister of Health, Social Services and Public Safety whether there are any opportunities to make efficiency savings in his Department.  
(AQO 477/11)

**The Minister of Health, Social Services and Public Safety:** There is always room for efficiencies to be made in any Department, but efficiency savings need to be put in context in the DHSSPS. My Department has already made 3% efficiencies a year over the past three

years. In addition, it is the only Department to have completed fully the review of public administration reforms. That is on top of cuts to the health budget on three occasions over the past two years, despite the demand for elective services across health and social care increasing by more than 20%. Without an adequate budget settlement, it will be difficult to ask for further efficiencies to be made at this time. To do otherwise will have a devastating effect on the service that we are trying to provide.

**Mr Lunn:** I thank the Minister for his answer and I fully acknowledge the efforts that he and his Department have made in achieving efficiencies already. I ask him for an assurance that, in future, his efforts will be directed towards making back-office savings rather than cuts to front line services.

**The Minister of Health, Social Services and Public Safety:** As far as back-office savings are concerned, if Mr Lunn were apprised of what I have been doing over the past three and a half years to restructure the Health Service, he would see that I have done exactly that. I have reduced dramatically the number of so-called back-office jobs.

The service, however, requires a degree of management and leadership. That is essential. It also requires administrators and secretaries to do essential tasks. If a consultant were compiling a list of patients for his clinic, should he write out the letters or get a secretary to do it? Of course he gets a secretary to do it, and that saves the consultant time. Similarly for a ward sister, and similarly right up and down the Health Service.

We have made efficiency savings, but let me remind Mr Lunn, since he was one of those who voted on three occasions to cut the health budget, that the real-terms uplift for health services over the past three years has been 0.9%, set against a rise in demand for hospital services of around 20%. Anyone who knows anything about mathematics will know that those figures will create huge problems. We are in that situation now. Without an adequate budget settlement that protects us against real-terms inflation, demographic pressures and demand pressures, the Health Service that we deliver in Northern Ireland will continue not simply to be not as good as that in the rest of the UK but will bear little relationship to it.



**Mrs D Kelly:** I commend the Minister for defending many of the back-room service staff, who are often the backbone of the service and provide assistance to professional care staff, saving them time and generating efficiency.

Has the Minister any intention of reducing the funding of merit awards for consultants? Has he assessed whether there is any opportunity to raise income from the private work of consultants who use Health Service facilities?

**The Minister of Health, Social Services and Public Safety:** The Health Ministers of Scotland, Wales and Northern Ireland sought to have merit awards reviewed earlier in the year, but the then Secretary of State for Health in London was not of a mind to proceed with that review.

The new Health Secretary, Andrew Lansley, agrees that the merit award should be reviewed, and that review is under way. It is a national award set in London. I do not have the power to change or overturn it, but I have decided that no new merit awards will be made until the review is completed and we have a chance to examine it.

Consultants are under contract to work a set number of hours a week, and that is what they get paid for. If they want to work more than that number of hours, whether in private work or something entirely different, that is a matter for them. They are free agents. Any use of Health Service facilities would attract a charge, and their patients would pay that. A consultant, like anybody else in work, contracts to deliver x amount of hours for a set rate of pay. That is what they get paid for; they do not get paid for anything more than that.

## Suicide

7. **Mr W Clarke** asked the Minister of Health, Social Services and Public Safety whether he has requested a meeting of the ministerial subcommittee on children and young people to discuss the recent increase in suicides. (AQO 478/11)

**The Minister of Health, Social Services and Public Safety:** Suicide occurs among all age groups, with most such deaths occurring in people aged between 35 and 54 years of age. The ministerial subgroup on children and young people is not the most appropriate Committee for co-ordinating cross-departmental action on suicide prevention. Many influencing factors can impact on suicide, including poverty,

unemployment, drug and alcohol misuse, and social deprivation. As those issues cut across government, I have called a meeting of the ministerial co-ordination group on suicide prevention to consider what further action is required.

**Mr W Clarke:** Go raibh maith agat, a LeasCheann Comhairle. Does the Minister agree that more resources need to be dedicated to young people? I acknowledge his point that suicide happens most among an older section of the community, but there is a real issue in my constituency, where three young people have lost their lives through suicide in the past weeks. Resources need to be dedicated particularly to support, engagement and outreach.

**The Minister of Health, Social Services and Public Safety:** Mr Clarke will be aware that we have the Protect Life strategy to deal with suicide directly, and that strategy is managed through the suicide strategy implementation body (SSIB). It has a very broad membership; it includes other Departments, churches, the voluntary and community sector, trusts, and bereaved families. It is provided with a budget, and it advises on that strategy and takes it forward. I have increased funding to that body — I think that it has been doubled over the past three years — but this is an issue about what is effective. It is for the suicide strategy implementation body to help me to determine what is effective. It supports and offers success in many projects.

I have never stood in the way and used a money argument on this issue because it is too important. We are talking about young people. Yes, historically, the standard profile or age cohort for suicide is between the ages of 35 and 54, but the tragedy for us, as Members are aware, is that suicide has been occurring among young men between the ages of 16 and 24 over the past years. We want to make an impact on that, and that is specifically where the Protect Life strategy came from. We embrace all the projects and ideas that we can, and, as I said, I will not use money as an argument in that area.

**Mr A Maginness:** I thank the Minister for his answer and acknowledge the work he has done to tackle this very serious problem. The Minister has introduced an effective series of measures and an effective strategy. However, aside from additional funding, which he said he would bring

forward if necessary, can anything else be done to help to reduce the level of suicides in our society?

**3.30 pm**

**The Minister of Health, Social Services and Public Safety:** That is a very difficult question with which many people wrestle. The Member is well aware that suicide is strongest among the younger male cohort in areas of disadvantage. Education and employment play important roles. It is increasingly clear that other factors include drugs and alcohol. As we have seen recently, paramilitarism plays a role as well because it promotes drugs. All of those are factors. The single thing that I would do if I had the power would be to ban drugs because that would make an impact. I am not saying that that would cure the problem, but it would make a huge impact. It would be a bit like the effect that banning tobacco would have on lung cancer rates. If drugs and paramilitarism did not exist, we would see a very appreciable change in that cohort of young people, particularly young males.

**Mr Gallagher:** On a point of order, Mr Deputy Speaker. The Minister, in his reply to my supplementary question earlier, suggested at least twice that I made sneering comments. I would like to think that I do not make disparaging comments about anybody in the House or pejorative remarks about anybody outside the House. The Minister's remarks were uncalled for. I ask the Speaker to read the Hansard report, reflect on it and get back to the House. The Minister should also reflect on some of his comments in his answer to me today.

**Mr Deputy Speaker:** The Member's point has been made.

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

## Private Members' Business

### Local Government (Disqualification) Bill: Further Consideration Stage

#### Clause 2 (Commencement)

*Debate resumed on amendment Nos 3, 4 and 5, which amendments were:*

No 3: In page 1, line 7, leave out

*"the day of the first local general election to take place after Royal Assent."*

and insert

*"1st May 2014." — [Mr Weir.]*

No 4: In page 1, line 8, leave out "Royal Assent" and insert

*"the making of the first order to be made after Royal Assent under section 50(10) of the Local Government Act (Northern Ireland) 1972." — [Mr Weir.]*

No 5: After clause 2, insert the following new clause

#### *"Interim Arrangements"*

2A.—(1) The Department of the Environment shall make regulations under section 36 of the Local Government Act (Northern Ireland) 1972 reducing allowances payable to councillors who are members of the Assembly.

(2) The regulations shall have effect from the end of the period of 1 year after Royal Assent until the commencement of section 1." — *[Mr Weir.]*

**Mr A Maskey:** Go raibh maith agat, a LeasCheann Comhairle. I will speak quite briefly.

**Mr Deputy Speaker:** I apologise, Mr Maskey. Mr Ross has to finish. He was interrupted prior to Question Time.

**Mr Ross:** Mr Maskey will be relieved that I will not keep him waiting for too much longer. If I had been given an extra five seconds in the minute and a half that I had before Question Time, I probably would have finished my speech.

The position of my party is well known from previous stages of this legislation. We would like

to see a phased withdrawal of the dual mandate system. In that interim period, it would be right and proper that Members who wish to serve on local councils as well as in this House have their allowances greatly reduced. A debate could be had about the level to which those allowances should be reduced. That would be the best way to end dual mandates between councils and the Assembly.

**Mr A Maskey:** Thank you, a LeasCheann Comhairle. I thank the Member for honouring his one commitment that he would not keep me waiting for long.

Very simply, my party wants to see the legislation passed and taking effect from next May. That is very reasonable. I commend Dawn Purvis for introducing the Bill. It has put a very important focus on the need to bring to an end dual mandates at that level. My party will not support amendment Nos 3, 4 and 5.

As I have previously acknowledged in the House, it is important to recognise that DUP Members have, to some extent, moved to end some of their overlapping and multiple mandates and salaries. That is good and it is welcome. However, that party now says that it supports the end of the dual mandates of councillors and MLAs but not until 2014. We feel that there is no longer any justification for extending the practice of dual mandates beyond May 2011.

The DUP is a large political party. It has quite an array of MLAs and councillors and a strong, popular electoral base. We see no reason, justification or understandable rationale for it wishing to retain dual mandates or double jobs for people holding down councillor and MLA posts when there are so many talented people in the party who could undoubtedly take up those roles.

I listened recently to the DUP leader outlining how to reduce costs and bureaucracy and advising people, including those in a public sector that is often under pressure, that they will have to feel the pain. For him then to say, "yes, that's OK, but we are going to keep two jobs" is a regrettable and open contradiction.

**Mr Weir:** In the wider context, I appreciate the Member's point. To be fair to the party opposite, it has been, unlike some others in the House, fairly consistent on this issue. However, on the issue of finance, does the Member accept that, if passed, amendment No 5 would reduce rates

bills? Salaries would be reduced because, were a replacement to come in they would be paid at full salary. Whatever other arguments are used, from a purely financial point of view, amendment No 5 would save costs.

**Mr A Maskey:** I thank the Member for clarifying that. I was coming to amendment No 5. Although it seeks to reduce allowances, it does not say by how much or from when. We are concerned that the party opposite may declare a commitment that sounds good — I do not by any stretch want to misrepresent Mr Weir or impugn his integrity — but his party has failed to deliver on previous commitments.

**Mr Weir:** I understand that there is always scepticism about any commitment by any party. The difference is that this is not a commitment. If passed, there would be a legislative requirement to act within a specific time frame. The Bill refers to the Department of the Environment, responsibility for which may well pass out of DUP hands. The Member opposite may be the Minister of the Environment this time next year. He may be bringing forward that proposal. I will not say which of the three Members facing me would volunteer for the job.

Although the commitment on a time frame may pass outside my party, it will be enshrined in legislation. I understand scepticism about a manifesto commitment or one made in a public speech, but, if put in place, the commitment in amendment No5 would be in legislation.

**Mr A Maskey:** I appreciate the Member's contribution, and I do not want to be too cynical, but, on this occasion, flattery will get you nowhere. *[Laughter.]*

Mr Deputy Speaker, I repeat that I do not want to impugn Mr Weir's integrity. I accept entirely his personal commitment on this matter. However, his party made commitments that were not met. Amendment No 5 talks about reducing allowances, but not by how much. There might have been a better chance of winning sympathy for the amendment had it stated that there would be no allowances and no overlap of any payment. That might have made it a little more attractive.

**Mr Weir:** I think that the word "reduction" was suggested, but a reduction could be to zero. That would be in whatever proposals the Department of the Environment brought forward. The amendment does not commit to

a figure, but it leaves the question of overlap open. Alternatively, as happened at Westminster, anyone who was an MP and an MLA received no salary at all, and amendment No 5 is open to the same interpretation.

**Mr A Maskey:** I admire the Member's valiant efforts. Again, given the history of the Department of the Environment — or maybe I should say of the Minister — we are left underwhelmed by those commitments.

I will go back to the essence of the debate, amendment No 3. For the DUP to say that it is prepared to end double-jobbing, but not until 2014, does not demonstrate commitment. Given the array of talent that the DUP has at its fingertips, there is absolutely no reason why the party cannot end double-jobbing now.

**Mr Weir:** Flattery will get you nowhere.

**Mr A Maskey:** We will see how the votes tot up.

Delaying the legislation until 2014 is no longer rational or justifiable. It is important to point out that we have a lot of work to do in the Assembly. A lot of people criticise the Assembly for not doing enough, and, to some degree, there is truth in that. I would argue, however, that that is due largely to political commitment and has nothing to do with numbers or the effort that people are willing to put in. There has been a record of failing to honour commitments, and we feel that the failure to end dual mandates is an example either of a failure to honour a public commitment or of an inability to deliver. Whichever is the truth, I am not sure. Nevertheless, it is important to restate that we do not think it is justifiable to extend double-jobbing for councillors and MLAs beyond next May. There is plenty of time to serve notice on all parties to replace Members, whether in local government or the Assembly.

More importantly, each mandate that is exercised is very important in its own right. We do not see a difference in status between councillors, MLAs, MPs, MEPs or, for that matter, TDs. As far as we are concerned, all elected offices are important in their own right. In fact, they are and should be complementary. There may be conflicts of interest, and, for Ministers who are councillors, they have been legion. However, to diminish the role of local government or the Assembly by allowing Members to carry out both tasks is very unfair on Members because they must try to conduct

two jobs and, more importantly, it is very unfair on the electorate because, as we all know, there are great responsibilities involved in taking office.

Even though we have not delivered RPA, which is another problem, a lot of hard work is required at local council level. Those of us who have been privileged enough to be councillors know that great demands are placed on us. That is the privilege and commitment that we take on. Nevertheless, huge demands are placed on councillors, and, increasingly in local government, with people expected to work much more professionally. A lot of time and effort is put into working in local government. Therefore, to expect to be served by a person who splits their time and energy between a local government post and the Assembly is unfair on the electorate, whether it is voting people into the Assembly or a council.

People argue that the electorate vote for candidates anyway, and often they do, because they have faith in most representatives. Consequently, they are prepared to vote for those with more than one mandate. However, at this point in our political development, there is no longer a need to retain a dual mandate, particularly at local government and Assembly level. There is no longer any rationale or justification for doing so, so we ask all parties to agree to send a clear message to the wider public that, in these difficult and austere times, when it is important that we manage our time and efforts, we are acting as one and will carry out one job per representative. In a very important way, we can start by doing that now at local government and Assembly level.

On behalf of my party, although we support the Bill, we oppose amendment Nos 3, 4 and 5.

**Ms Purvis:** It will come as no surprise to hear that I oppose amendment Nos 3, 4 and 5. I have to say that I have been very impressed with the creativity and determination that Mr Weir demonstrated in trying to find ways to prevent the Bill from being implemented. If he were to use his formidable powers for good, the world might be a much better place.

### 3.45 pm

Amendment Nos 3 and 4 offer different roads to the same objective, which is, in my opinion, to wreck the Bill and make it ineffective by delaying its implementation for as long as possible. Amendment No 3 is essentially



the same amendment that Mr Weir tabled at Consideration Stage but by different means. It would delay the implementation of the Bill until the local elections that are expected in 2015. Amendment No 3 may mention 2014, but there are no elections planned for 2014, and after next year's local elections, the following elections will be in 2015, which would be the first time that the disqualification can be applied under amendment No 3. That might not be certain, even in a new mandate.

Fortunately, Mr Weir's amendment to delay implementation was not accepted for debate at Consideration Stage. This new attempt at wrecking the Bill has made it to the Chamber after being sweetened with an incentive in the form of amendment No 5, which instructs the Department of the Environment to reduce the allowances of those holding dual mandates for a year up to the 2015 local elections. As other Members, including Alex Maskey, said, amendment No 5 gives no context for such a reduction. It does not say by what amount those allowances should be reduced, and nor does it insist that the allowances should be reduced by a meaningful amount, which would, allegedly, remove the incentive for an individual to attempt to hold both levels of office. I have to ask: what is the point of delaying a reduction in allowances for four years? Why wait? Why not do it now?

Advocates of dual mandates in the Chamber have insisted that it is not about money and that the compensation offered for local council work is minuscule. If that is the case, why not reduce such allowances immediately for those with dual mandates or, even better, just remove them entirely? To suggest that reducing the council allowances of double-jobbing MLAs by an undefined amount four years from now is any form of incentive to leave, or any meaningful penalty for blocking the democratic process, is, quite frankly, laughable.

**Mr Weir:** I am not sure whether the Member has misinterpreted the issue. The purpose of amendment No 5 is to introduce a reduction that would take effect from that point until disqualification. It is not a question of delaying the reduction for four years until 2014. Presumably, it would come into operation in 2011 and take place until 2014, for example. Perhaps that has been slightly misinterpreted.

**Ms Purvis:** I am quite clear about my interpretation. If a reduction in council allowances is to be introduced, it will not be introduced until 2014. There will be a year in the run-up to the election.

**Mr Weir:** That is not what amendment No 5 says. It says that regulations will be brought in within a year after Royal Assent, which, presumably, if the Bill is enacted, would be at the start of 2011. That means that it would be brought in early in 2011. The Minister can bring forward regulations effectively to change council pay at any stage. Indeed, a number of changes to allowances have been made. We do not have to wait until the end of the council term for those changes to take effect. It is not a question of delaying the reductions until then. That is explicitly indicated, because amendment No 5 is a consequential amendment. In fact, because of that, if it were delaying a change until after 2014, it would be an utterly meaningless amendment, because it would reduce allowances for people to whom it did not apply. Amendment No 5 clearly refers to "interim arrangements" in the period between 2011 and the introduction of disqualification in 2014. That should be fairly obvious.

**Ms Purvis:** I am sorry, but it is not fairly obvious to me or to other Members. Amendment No 5 is consequential to amendment Nos 3 and 4, which are clearly attempts to delay the commencement of the Bill. Therefore, the effect of amendment No 5 would be delayed until the commencement of the Bill.

**Mr Weir:** It would not.

**Ms Purvis:** It would. Mr Weir's amendments are an attempt to create the appearance of something being done about the money side of the issue of double-jobbing when, in truth, very little would happen. They would result in a reduction of an undefined amount four years from now, which is pathetic.

Amendment No 4 continues the trend of meaningless reform. It is a shameless attempt to kick the Bill into never-never land. Amendment No 4 ties implementation of the Bill to the implementation of the new boundaries for the transition from 26 to 11 councils. In principle, that is not such a bad idea, and, in many ways, it would be ideal to connect the end of dual mandates with the implementation of other local government reforms as part of the review of public administration. That way, local



councils could try to manage all the changes at the same time rather than face a prolonged period of adjustment and transformation.

However, as the author of the amendments knows very well, the move from 26 to 11 councils has been suspended indefinitely. Everyone in the Chamber knows that, because the DUP's Environment Minister has already said so. In fact, during Consideration Stage, the author of the amendments said that the review of public administration was dead in the water. Therefore, he is attempting to tie the implementation of the Bill to an event that will not happen in the foreseeable future, and we wonder why people are getting more cynical about politics.

The amendments are disingenuous and misleading and create an impression of trying to work to end dual mandates as directed by the legislation. However, in truth, the language in amendment Nos 3, 4 and 5 would make that reform as weak and trivial as possible. It remains a mystery to me why the DUP and the Alliance Party are fighting so hard against the end of dual mandates. When it comes to building policy about the quality of our democracy, we all surely have the ability to see beyond our own individual needs and beyond this immediate moment in time. I urge parties that cannot find sympathy with the Bill to try to invoke a broader perspective, as Cathal Boylan referred to earlier in the debate, and to think beyond their personal ambitions and those of their parties and consider how they want this Chamber to look when they are gone and what qualities, abilities and culture they want it to have. Despite what we may think of ourselves, we are all temporary, and, ideally, the institutions and processes that we create will be lasting.

There is an incredibly important issue of fairness here. Tens of thousands of people in Northern Ireland are desperately in search of work. They come from all walks of life and from a variety of backgrounds, and the recession has left no part of our society untouched. Amendment Nos 3 and 4, which attempt to delay commencement, are scandalous, and it is stunning to me that, in the middle of a recession of historic proportions, anyone in this Chamber who thinks of himself or herself as a political leader would think that it is appropriate to hang on to two or more professional opportunities that are paid for by the public

purse. I find it impossible to understand how any political party can stand opposed to the Bill in the current economic environment or can work to weaken or delay its implementation. There is absolutely no compelling argument in the public interest for retaining dual mandates for another day.

The argument in support of amendment Nos 3 and 4 about the review of public administration and the need to retain experienced members on councils is a smokescreen. There is a notion that we need to phase in the end of dual mandates. The DUP definition of "phase" is more like my definition of "unfazed" — do nothing, do not move, just sit where we are. I seriously doubt that the work of local councils would come to a screeching halt if a handful of dual mandate members in each council stepped down. There are plenty of experienced members on councils who do not hold dual mandates.

The attempts by the DUP through amendment Nos 3 and 4 to delay implementation of the Bill go a long way to show what that party is about, who will come though next from that party, and where it stands on the elections next year. As usual, it is probably frozen by fear. Therefore, I compel Members to reject amendment Nos 3, 4 and 5 and let the Bill stand in its most effective form, which includes its implementation at next year's local council elections.

**Mr Weir:** I rise feeling somewhat the patron saint of lost causes in today's debate, because, despite some reasoned words from various sides of the House, it is fairly clear that there not will be a degree of the consensus and concession that I sought earlier. That does not appear to have been grasped by Members, but if they miss out on the opportunity to grasp something on which there could be a degree of consensus, we will not be moving forward and there may be consequences.

In their opposition to the amendments, a couple of Members argued that, in the current circumstances of so many people being unemployed, we have to have a professional opportunity. The idea of the massed ranks of the unemployed suddenly being massively reduced by a number of posts serving on a council is utterly spurious, when, as everyone acknowledges, it is clear that being a councillor is a part-time job. Everyone who sits on a council, with the exception of retired people, does another job. It is not a question of creating

job opportunities, and some of the Members who raised that showed a complete lack of knowledge of local government. Indeed, given some of the sources that that came from, I am not entirely surprised.

I will deal with the point that came up last, on interim arrangements. I would be perfectly happy if that amount were reduced to zero. The way that the amendment is phrased makes it not, as has been indicated, a commitment that has been thrown out there. If it were accepted, it would be in legislation and be required to be done. The Bill's sponsor has deeply misunderstood what is there. The proposed new clause is entitled 'Interim Arrangements'. It is between the creation of the regulations by the Minister and disqualification.

The Committee of the Environment's brief states:

*"If amendment 3 or 4 is made ... amendment 5 would require that any councillors who are also MLAs would have their allowances reduced in the interim period."*

It is abundantly clear that that is the period that is being referred to. Ms Purvis has not read the amendment particularly well. It makes reference to this coming in within one year of Royal Assent to section 1. Section 1 is not the commencement provision, so this would be brought in in 2011 and have effect between then and any disqualification period.

**Ms Purvis:** Will the Member agree that that is a smokescreen? The legislation is about an end to dual mandates, and you have attempted to give a sweetener to take away from the commencement, which is at the next local government election, not one in five years' time or 10 years' time. This is a sweetener; you thought that you would get other parties to agree to this so that you could get amendment Nos 3 and 4 made.

**Mr Weir:** With respect, I do not see what is so unparliamentary in trying to persuade people to support your position. Indeed, that, perhaps, shows a certain lack of grasp of reality.

Genuine concerns have been raised, and, from these Benches, we have said that we believe that there is complementarity between the work of a councillor and the work of an MLA. In fact, I believe that it is very compatible and fits in well. Unlike a lot of Members who were councillors and became MLAs, I come from the opposite position of having been an MLA for a

number of years before becoming a councillor. We have accepted the argument that there is complementarity between being a councillor and being an MLA, so there is an argument that people are getting paid in some shape or form a second time for doing similar work.

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

**Mr Weir:** To be perfectly honest and realistic, I have heard enough from you today. I will plough on.

**The Chairperson of the Committee for the Environment:** Will the Member give way?

**Mr Weir:** I am happy to give way to the Chairperson of the Committee for the Environment.

**The Chairperson of the Committee for the Environment:** I take the point on board that being on a local council first gives a good standing and prepares people for here.

You said that the posts complemented each another, and that is correct. However, you have to agree that they also create a conflict, particularly for Ministers. I mentioned this point to you before. Members sit on Committees scrutinising legislation and go through the process of looking at the whole issue of legislation. They then go down to the local councils and implement such legislation, so surely there is a conflict.

You were not clear on the job issue, which I made a point about. It is about creating opportunities. We all realise that council jobs are part time. That having been said, there is a lot of hours' work involved in those jobs. Take, for example, jobs in multistores and everywhere else, most of them are part time too. I just wanted to clarify that point.

**4.00 pm**

**Mr Deputy Speaker:** Order. A little reminder: Members must debate the amendments and refer all remarks through the Chair. There should not be references to "you", "you" and "you" across the Chamber.

**Mr Weir:** There have been enough "ewes" for a flock of a sheep.

Bearing those comments in mind, Mr Deputy Speaker, I appreciate the points that have been made. Opposing the amendments on the basis of job opportunities or on the effect that they might have on the recession is fairly weak.

However, from a purely financial point of view, I admit that amendment No 5 would, in the grand scheme of things, have a relatively marginal effect on public finances in these harsh economic times. The amendment would reduce the amount of money paid out by the public purse and ratepayers. However, it is clear that, even if the allowances were wiped out entirely, only somewhere in the region of £500,000 a year would be saved, and I concede that that is not an enormous sum. Therefore, the financial arguments certainly tend to stack up on that side.

**Mr A Maskey:** I thank the Member for giving way. I am interested in amendment No 3 and the fact that the DUP is saying that it wants to end dual mandates but not until 2014. Will Mr Weir explain precisely why it is so important that only its Members — I am not sure how many DUP MLAs are councillors, but he is speaking for his party — carry on in their council posts until 2014?

**Mr Weir:** With respect, I must say that that amendment was not drafted with reference simply to DUP Members. I agree with at least one point made by Mr McGlone, who had no particular problem with parties' self-regulating. That is also where my party comes from. We believe in a phased reduction. However, we need time to do that. Depending on how it is defined, all the parties have had an overlap between councillors and MLAs, and most of them have had an overlap between MPs and MLAs. All the parties have taken the approach of a phased withdrawal rather than of ending every position on the same day. I suspect that the party opposite is probably more proactive than most on the councillor issue.

From a philosophical point of view, the question to some extent is why we need something that imposes exactly the same position on everyone. Why not allow a degree of self-regulation? We have a degree of scepticism about the overall need for this legislation. However, it is clear that others in the House are strongly persuaded of its merits. These amendments are an attempt to bridge that gap by accepting the Bill's principles but indicating that we believe, from a practical point of view, that the practice of dual mandates should be phased out. The amendments, therefore, offer a degree of compromise. In that sense, if we were left entirely to our own devices, we might not feel that there is a need for the legislation at all. It is an attempt to get some consensus among the

parties on the issue. I urge Members to grasp that opportunity.

Amendment No 4 links commencement to the RPA. In principle, that is because we believe the argument that there is, at present, a level of compatibility between councils and the Assembly. Our experience is that it is largely manageable, particularly for Back-Bench Members, to sit on a council and be an Assembly Member. However, that argument will start to shift when the RPA comes in, because it is clear that, when that happens, there will be an added level of responsibility that may make managing a dual mandate impractical. That is why we tabled amendment No 4.

Although we could live with either amendment No 3 or amendment No 4, we tabled amendment No 3 because we were acutely aware that simply linking commencement to the RPA would raise concerns in the Chamber. I want the RPA to be brought in as soon as it can be. However, there is a degree of scepticism about whether that will happen or when that will happen. Consequently, there was a feeling that, although we support it, amendment No 4 could be seen as attaching commencement to something that may not happen or may not happen for a considerable time. Therefore, amendment No 3 ties commencement in with the next mandate. According to amendment No 3, commencement would be in 2014, so all dual mandates would be removed before the 2015 Assembly election, or, as has been mooted on occasion, if there were elections to shadow councils in 2014 under the RPA, commencement would occur before the 2015 election.

As I said, the proposed interim arrangements have, to a degree, been misinterpreted. However, the amendments are a clear indication that we are trying to reach some consensus and to take on board the argument that Members are getting paid twice for the same work. That is the spirit in which the amendments have been tabled.

I conclude, albeit not with a great deal of hope — more in hope than expectation — by urging the House to grasp what I believe to be a compromise bid, which those of us who have concerns about the Bill and those of us who enthuse about it should ultimately be able to live with. I urge Members in all conscience to take account of that and to try to achieve a

degree of consensus on the issue. I am happy to support the second group of amendments.

*Question put, That amendment No 3 be made.*

*The Assembly divided: Ayes 40; Noes 52.*

## AYES

Mr S Anderson, Mr Bell, Mr Bresland, Lord Browne, Mr Buchanan, Mr Campbell, Mr T Clarke, Mr Craig, Mr Easton, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Gibson, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy, Mr McCausland, Mr I McCrea, Miss McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr S Wilson.

*Tellers for the Ayes: Mr McQuillan and Mr Ross.*

## NOES

Mr Adams, Ms M Anderson, Mr Armstrong, Mr Attwood, Mr Beggs, Mr Boylan, Mr D Bradley, Mrs M Bradley, Mr P J Bradley, Mr Brady, Mr Burns, Mr Butler, Mr W Clarke, Mr Cobain, Rev Dr Robert Coulter, Mr Cree, Mr Dallat, Mr Elliott, Sir Reg Empey, Mr Gallagher, Mr Gardiner, Ms Gildernew, Mrs D Kelly, Mr G Kelly, Mr Kennedy, Mr Kinahan, Mr Leonard, Mr A Maginness, Mr A Maskey, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCartney, Mr B McCrea, Mr McDevitt, Mr McElduff, Mr McFarland, Mrs McGill, Mr McGimpsey, Mr McGlone, Mr M McGuinness, Mr McKay, Mr McLaughlin, Mr McNarry, Mr Molloy, Mr Murphy, Mr O'Dowd, Mr O'Loan, Ms Purvis, Ms S Ramsey, Mr K Robinson, Ms Ruane.

*Tellers for the Noes: Mr McFarland and Ms Purvis.*

*Question accordingly negated.*

Amendment No 4 proposed: In page 1, line 8, leave out "Royal Assent" and insert

*"the making of the first order to be made after Royal Assent under section 50(10) of the Local Government Act (Northern Ireland) 1972." — [Mr Weir.]*

*Question put.*

*The Assembly divided: Ayes 40; Noes 53.*

## AYES

Mr S Anderson, Mr Bell, Mr Bresland, Lord Browne, Mr Buchanan, Mr Campbell, Mr T Clarke, Mr Craig, Mr Easton, Dr Farry, Mr Ford, Mrs Foster, Mr Frew,

Mr Gibson, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy, Mr McCausland, Mr I McCrea, Miss McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr S Wilson.

*Tellers for the Ayes: Mr McQuillan and Mr Ross.*

## NOES

Mr Adams, Ms M Anderson, Mr Armstrong, Mr Attwood, Mr Beggs, Mr Boylan, Mr D Bradley, Mrs M Bradley, Mr P J Bradley, Mr Brady, Mr Burns, Mr Butler, Mr W Clarke, Mr Cobain, Rev Dr Robert Coulter, Mr Cree, Mr Dallat, Mr Elliott, Sir Reg Empey, Mr Gallagher, Mr Gardiner, Ms Gildernew, Mrs D Kelly, Mr G Kelly, Mr Kennedy, Mr Kinahan, Mr Leonard, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCartney, Mr B McCrea, Mr McDevitt, Mr McElduff, Mr McFarland, Mrs McGill, Mr McGimpsey, Mr McGlone, Mr M McGuinness, Mr McKay, Mr McLaughlin, Mr McNarry, Mr Molloy, Mr Murphy, Mr O'Dowd, Mr O'Loan, Ms Purvis, Ms S Ramsey, Mr K Robinson, Ms Ruane.

*Tellers for the Noes: Mr McFarland and Ms Purvis.*

*Question accordingly negated.*

**Mr Deputy Speaker:** Amendment Nos 3 and 4 were not made, so I will not call amendment No 5.

**4.30 pm**

## Clause 3 (Interpretation)

Amendment No 6 made: In page 1, line 11, leave out "and 'local government' have" and insert "has". — [Ms Purvis.]

## Long Title

Amendment No 7 made: Leave out "from" and insert "for". — [Ms Purvis.]

**Mr Deputy Speaker:** That concludes the Further Consideration Stage of the Local Government (Disqualification) Bill. The Bill stands referred to the Speaker.



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

*Motion made:*

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

## Adjournment

### Ballymacash Social Housing Scheme

**Mr Deputy Speaker:** Order. Members must resume their seats or leave the Chamber. I remind Members that the proposer of the topic will have 15 minutes in which to speak. All other Members who wish to speak will have approximately seven minutes.

**Mr Givan:** Members who are still in the Chamber will be glad to hear that I will not take anywhere near my allocated time. When I tabled this Adjournment debate around a month ago, a decision had not been made on the Ballymacash social housing scheme. Funding had not been approved for it. I was bringing the topic to the Chamber to try to focus minds and to get the scheme over the line. Subsequently, last week, the Minister approved the scheme for social housing in Ballymacash. It will now go ahead.

I declare an interest as a member of Lisburn City Council. The scheme originated when the council identified land that was surplus to its requirements. A need for social housing had been identified in the area. However, the council had a problem in obtaining land for that purpose. The council carried out a survey, which found that land was available in the Ballymacash area. Ballymacash has the highest housing waiting list of any part of Lisburn. Therefore, it needs that scheme. The council agreed to proceed down that route.

The land had been zoned for recreational and green space. Therefore, the council was limited in how it could dispose of it. It was also landlocked by adjacent Housing Executive land. There was discussion and dispute over how the council's land could be accessed and whether access would have to be through the Housing Executive's land. Therefore, due to a number of issues, there has been delay of several years to get to where we are at present.

I want to pay tribute to Lisburn City Council for its proactive efforts to facilitate the scheme. A

number of councillors have complained. They have sought to misrepresent facts about the zoning of that land. They claimed that the land could have been sold on the open market. That was never the case. It could never have been sold on the open market for private residential property because it had been zoned for a different purpose. Therefore, the only avenue that was open to the council was to identify a social need for housing and to have the conditions that had been put on the land lifted. The council identified that social need. Therefore, the conditions were lifted. That is why we are in the current position. Anyone who misrepresents that is wrong and is misleading people.

That said, the Minister has now given his approval for the scheme, which will create 146 new social housing units. It builds on schemes that have been put in place over the past couple of years by Ulidia, which, I believe, has provided 170 social houses. Those allocations have been completed, so people who required housing have got it. The scheme in Ballymacash is providing a further 146 units, and that will go a long way to addressing the needs in that area.

I thank the Minister for what he has done in getting this over the line. We went to see his predecessor, Margaret Ritchie, about the case, and she did good work in trying to move the Housing Executive on. We have got to the point where it has been signed. It is over the line. We are keen that diggers will be in place as quickly as possible. It is hoped that that will happen around March and that the groundwork can commence. I thank the Minister for making the decision that he has made. Hopefully, people in that area will soon have the housing that they so desperately need.

**Mr Butler:** Go raibh maith agat, a LeasCheann Comhairle. I thank my fellow MLA from Lagan Valley for bringing this to the House. I cannot remember another subject for Adjournment debate that was more or less decided on or before the actual debate. We have got a good result. I thank the Minister. He sent me a letter about it. In fact, I think that he sent the same letter to all the Lagan Valley MLAs. The scheme is good news because it will reduce the amount of people looking for social housing in the Lisburn area and, given the economic downturn, it will be a boost for the local construction industry. The Minister mentioned that in his letter. The local economy in Lisburn will benefit



to the tune of £12 million. That has to be very good news.

I do not want to repeat what Paul Givan said. The issue generated a bit of heated debate in Lisburn City Council. It is not often that I agree with my colleagues facing me in the DUP. We have got the right outcome: 146 social houses will be built in Lisburn. As has been said, the fact that the land belonged to Lisburn City Council helped in getting round the difficulties of sorting out land transactions with the Housing Executive. The land can now be used for social housing.

The Minister will probably get an easy time during the Adjournment debate. I hope that he will not get a hard time from my Lagan Valley colleagues. It is a good news story, and the scheme will go some way to reducing the number of people who are on the social housing waiting list. I hope that there are a number of other schemes. This scheme is primarily in Lisburn, but the Lisburn City Council area also covers the Housing Executive's Dairy Farm district office and Lisburn district office, both of which represent high levels of social housing need. I welcome the Minister's decision.

**Mr B McCrea:** As others have said, the decision has been taken. I received the letter from the Minister, for which I am grateful. It is a bit disappointing that it has taken so long to resolve the issue but, perhaps, that is the way of the world. At least it is done now. On that basis, I am pleased that a decision has been taken. I welcome the provision of the new houses and will be pleased to see work start as soon as possible.

**Mr Lunn:** I welcome the Minister's decision. It has been something that Lisburn City Council took its time over; perhaps, at times, unnecessarily. If we had been able to speed up the process, we would, perhaps, have got a slightly better price for the land. However, the Minister can give us only market value for the land, and that is accepted. The main thing is that the building of necessary housing is going ahead during this financial year, and that is to be welcomed.

**Mr Poots:** I welcome the Minister's decision. It is the right decision. It is a decision that will help to tackle the severe congestion that exists in getting social housing for people in the Lisburn area, which has one of the highest

levels of social housing need in Northern Ireland.

There has been a lack of construction projects coming from the Antrim Street district office of the Housing Executive for a number of years. Therefore, we are glad to see the movements in recent years, and we are glad that one of the housing associations bought around 100 former army houses as part of one of the new cross-community developments that is being taken forward. There have been other movements in the right direction, particularly in the Ballymacash area. We need to see more of those, and the scheme is very important in going some way towards meeting that demand.

#### 4.45 pm

I disassociate myself from the remarks made by Councillor Lunn. A price was agreed for that portion of land, the deal was done, the housing association was in place and, for whatever reason, officials in the Housing Executive dragged their heels for well over a year so that a revaluation had to take place.

Given the lack of building and construction in the area, the people of Lisburn felt that they were getting a raw deal from the Housing Executive for a long time. Had it not been for the intervention of the chairman of the Housing Executive, Brian Rowntree, to whom I pay particular tribute, the scheme probably would not have happened, or, at least, we would not be where we are today. That said, I also pay tribute to the previous Minister for Social Development, Margaret Ritchie, for her work and to the late Councillor Peter O'Hagan, who, unfortunately, is not around to hear that tribute paid to him. It was Councillor O'Hagan who proposed that the land be used for social housing in the first instance and who always played an honourable role in bringing the project about, because he had the interests of the wider community at heart.

All in all, it is to be welcomed that we are where we are. However, the Housing Executive still has a considerable amount of work to do to meet the demand for social housing in the Lisburn area. This should be the beginning of the end as opposed to the end in meeting public demand. We are only at the starting point and nowhere near the finishing point, and there is a lot more for the Housing Executive to do. Ulidia Housing Association has an excellent track record in the area, and we have a lot of confidence in it. I ask the Minister to reflect on that as he reaches

decisions in the future, and I thank him again for his good work on the issue.

**Mr Craig:** I will begin by declaring a couple of interests. I am a member of Lisburn City Council, and I am also the councillor who seconded the proposal to sell the land for public housing. I reinforce Minister Poots's commendation of Councillor Peter O'Hagan. He proposed the whole project and backed it tooth and nail throughout the years. While others criticised the Department and the Housing Executive for dragging their heels in the negotiations on the sale of the land, Councillor O'Hagan spoke to the Minister on a number of occasions and kept the project moving. Like my colleague, I pay tribute to the former Minister for Social Development for her involvement in the project. We all held meetings with her during the project — I had several private meetings with her — and her intervention was always positive when it came to getting it moving.

Although my party colleague paid tribute to the chairman of the Housing Executive, unfortunately, my experience of the Housing Executive during the project was very negative. Ballymacash is an area of great social need — in fact, it is one of the areas of greatest social need in Lagan Valley — yet the Housing Executive, the body that should promote social housing, dragged its heels and failed the people there, time and time again.

The one thing that I find totally regrettable about all this is that it has taken four years to get to the point at which the Minister was able to make a positive announcement on the project. That is four years of people sitting on a waiting list hoping to get social housing in that area. Many people have been on that waiting list for a lot longer than four years, but they are determined to stay on it because of the hope that the Department has now given them. There are a lot of families who have grown up in that area and their children want to live there. It is testimony to the Ballymacash area that people want to live there with their families.

The one unforeseen in all that, which I will pay tribute to and which was referred to by Minister Poots, was Ulidia Housing Association. I came into contact with Ulidia almost seven years ago, when we forced — I emphasise that — the Housing Executive to use land that it owned to provide social housing for that area. The Housing Executive had no intention of delivering

any social housing in the area. It had to be forced to do so. That was a regrettable and disgraceful position for the Housing Executive to be in. Ulidia delivered 175 homes in the Ballymacash area and, thankfully, it seems to have been selected to deliver an additional 146 houses.

Ulidia's conduct has been impeccable throughout. That association has put itself at financial risk to deliver the project on time. While the Housing Executive and others dragged their heels on delivering the project, Ulidia took the financial risk that needed to be taken to deliver the project on time. We need to be honest: if the project had fallen into the next financial year, the money to deliver it may not have been there. I pay tribute to Ulidia for the risks that it took so that social housing could be delivered in Lagan Valley.

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

**(Mr Attwood):** Given the consensus on this matter, I think that I will retire at the top and take a bit of the glory. I acknowledge what a number of Members have said about the many people who contributed to getting the scheme over the line. I will speak about that shortly. I will make sure that the wife and family of my former colleague Peter O'Hagan receive a copy of the Hansard report so that they can be affirmed, as they will be, in their conviction that Peter was a great servant to the Lisburn area and to politics in Northern Ireland generally. I thank all the Members who acknowledged his contribution to the scheme, going back a number of years. In a personal capacity, I welcome that, and I am sure that his family will feel the same.

I will comment on a number of matters that were raised. I was down there last week with the three DUP MLAs from the area for some publicity for the scheme. It is clearly going to be a very useful scheme for the Lisburn area, as it is very close to the town. It is a part of the country that I am not very familiar with. What struck me more than anything is that one twentieth of all the people in housing need are on the waiting list in that neighbourhood and district, and one tenth of all those in housing stress in Northern Ireland are on the waiting list in that district. That is why the scheme, for all the reasons that were outlined, is going to be the most substantial scheme in the Department for Social Development's (DSD) Housing Executive's budget line during this year, perhaps

subject to one or two developments later in the year. It is going to be the single largest scheme. Given the length of the housing waiting list and the level of housing stress in that district, this will be very useful in addressing all that.

I also acknowledge the role of Lisburn City Council. There has been a lot of toing and froing in respect of this scheme over the past while. As Paul Givan indicated, the council was proactive in bringing this matter to a conclusion. My speech, drafted by officials, says that the cheque to the council will be in the post by the end of January. I read that out with a little caution, but, nonetheless, that is the ambition of the Department.

I also acknowledge the role of Minister Poots — not just Edwin Poots, the MLA for the area, as an advocate of the scheme — but in his role as Minister of the Environment, and also for the contribution of the Planning Service to the planning application.

The scheme is for 124 family houses and 22 apartments. It is an investment of close to £20 million, as Mr Butler said. With any sort of fair wind, and without any challenge to the procurement process, this should be on site by the end of the financial year. I reassure Members and people in the neighbourhood that, whatever the budget line might be in respect of housing, the consequential costs — into next year and the following year if necessary — will be secured, other things being equal.

I also make an appeal. I will imminently be making an announcement in respect of social clauses and DSD spend, and that includes housing association spend. I have to check this matter to find out where in the contractual process this particular scheme lies with relation to Ulidia and its obligations. If it is too late in the scheme to insert such conditions into the contract, I will urge people to make representations to Ulidia to ensure that this £18.4 million scheme has in it appropriate social clauses. I intend to drive social clauses into housing association contracts, and generally across the spend of DSD, for the recruitment of people from the long-term unemployed list. I will be making announcements on that matter, as decisions in respect of it were made this morning.

I want to acknowledge someone else. I look to Mr Craig to confirm this: the chairperson of Lisburn North community group, Jimmy Millar,

was with us last week when we took some photographs near the scheme, and he made an impact on me. He has been chairperson of that particular group for 22 or 23 years. Without going into any of the details, that is not an easy undertaking over that length of time, given the profile and character of some of the stuff that goes on in estates across Northern Ireland, including in the Lisburn area. He demonstrates that, whatever about the political input and the Ulidia input, there are men like Jimmy Millar. I do not know him from Adam, but I know the likes of him in every town and townland across Northern Ireland who, because of years of unpaid and unacknowledged private work, have been able to help communities to stabilise and regenerate. I would appreciate it if these comments could be passed on to Jimmy Millar. He made an impact on me, including some personal comments that he made about my political profile, which I will not share with the Assembly. *[Laughter.]*

I also make the point that, as one of the Members said, if this matter had been delayed any further, it might not have gone on site this year. Given the financial circumstances, it might not have been funded in future years. This scheme demonstrates why there needs to be security around the housing budget in the future. Given the stress that will be added to people and communities already stressed in Northern Ireland because of the ferocity of benefit cutbacks and the pressures on the revenue and capital budgets generally, we cannot have a situation where communities like this one in Lisburn should have to wait longer than they would otherwise have to for social housing and affordable housing provision.

The points that Members have made about the scheme are why we must protect the housing budget line so that the figures of 40,000 people on housing waiting lists and 19,000 people in housing stress do not rise, and those people do not wait a day longer than necessary.

### 5.00 pm

In this neighbourhood, those people will be rehoused in the next couple of years. The lesson to learn from that is that people in other neighbourhoods should not have to wait either. That is why I agree with Mr Butler's comments about other schemes, including ones in my constituency such as the Dairy Farm and Lisburn district offices, as well as other district offices across Northern Ireland.

I have one little point of caution: because of the magnitude of the contract, it has to go through the Official Journal of the European Communities. As has been outlined, Ulidia is well able to accelerate that, consistent with due process, in order to ensure that we have a select list from which to tender by January. Timelines are tight, but given Ulidia's good offices and good standing in contract management, the anticipated start date of March is on course. If there is any further uncertainty, delay or doubt, I will work with constituency Members to ensure that that start date is honoured.

I thank all Members who contributed. I also thank Margaret Ritchie, because she, as Minister, made sure that this scheme matured after years of delay and doubt. I acknowledge all the people — Peter O'Hagan, the chairperson of the Housing Executive, the local residents and representatives, and all others — who contributed to this good news story.

*Adjourned at 5.02 pm.*







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