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Assembly Business

Ms Ruane: On a point of order, a Ceann Comhairle. Can you clarify that the motion before the House on the NCA is a private Member's motion; it is not, in fact, a legislative consent motion or, indeed, an Assembly consent motion under Standing Order 42.

Mr Speaker: Yes. The description of a motion has to be precise, and I have to satisfy myself about that. It is neither a legislative consent motion nor an Assembly consent motion. It is, in fact, a private Member's motion. On that basis, I considered whether it was legal and within the competence of the Assembly, and I have so decided.

Ms Ruane: Further to that point of order, a Ceann Comhairle, can you confirm that there is no such motion under Standing Orders as an Assembly consent motion?

Mr Speaker: I do not know the minds of Members: how would I? I dealt with the motion as presented and agreed at the Business Committee. I am satisfied that it is competent; that is as far as my responsibility goes. If anything else is put before me, I will give it the same due consideration. I do not intend to take any further points of order on this matter or to go into detail about the terms of the motion, the relevance under Standing Orders or the procedural approach. I have ruled that this motion is competent. It is now a matter for the Assembly to decide in due course. Let us move on.

Mr Flanagan: On a point of order, Mr Speaker. First, let me take this opportunity — the first I have had to do so — to congratulate you on your recent appointment. I wish you well in your new role. Secondly, I apologise to you for remarks that I made during a debate here last Tuesday evening, which you have deemed, in your infinite wisdom, to have been a challenge to the Chair. I fully accept your ruling and I certainly will not challenge it. I offer my sincere apologies for the comments that you deemed to be a challenge to the Chair.

Mr Speaker: I thank you for that, Mr Flanagan, and for presenting yourself in person to deliver it. I will give careful reflection to the decision that I announced yesterday and be in touch with you later today. Thank you very much for coming here this morning.
Public Petition: Railway Street Addiction and Rehabilitation Unit, Ballymena: Withdrawal of Funding

Mr Speaker: Mr Daithí McKay has sought leave to present a public petition in accordance with Standing Order 22. The Member will have up to three minutes in which to speak.

Mr McKay: Go raibh maith agat, a Cheann Comhairle. Over 2,200 people have put their name to this petition to prevent the cut to the service at Railway Street in Ballymena. The cut from the Department of Justice is not a 5% cut, a 10% cut or a 20% cut; it is a 100% cut in DOJ funding to the service, which prevents crime, drug addiction and, indeed, human misery. It is a non-judgemental service that can respond to members of the public who walk in off the street. That will not be sustainable after the cuts take effect.

The decision to withdraw funding, with no consultation with service users, was a cruel act. To offer hope, to bed in the service over 14 years and then to walk away is disgraceful. This is about the removal of a life-saving service to people who are often seen as the undeserving recipients of health care.

There is something wrong somewhere when so few questions are asked about the cost of incarceration in prison. Railway Street has consistently demonstrated that, given access to good-quality treatment, crime will fall and health outcomes will improve. Indeed, there are obvious benefits to the public purse. The cuts to Railway Street can in no way be made without there being severe consequences for patients, their families, criminal justice agencies and other Health and Social Care professionals. All will struggle to cope with the void that will be created. However, I welcome the fact that some small amounts of funding have been extended to the end of this financial year, but the service clearly needs to be protected beyond 31 March. I urge the Justice Minister to listen to what the families, the victims of drugs and the communities where I come from in north Antrim are saying. This is a relatively small amount of money, and it makes a big difference to their lives.

Mr McKay moved forward and laid the petition on the Table.

Mr Speaker: I will forward the petition to the Minister of Justice and send a copy to the Committee for Justice. Thank you very much, Mr McKay.

Executive Committee Business

Off-street Parking (Functions of District Councils) Bill: Final Stage

Mr Kennedy (The Minister for Regional Development): I beg to move

That the Off-street Parking (Functions of District Councils) Bill [NIA Bill 40/11-16] do now pass.

I do not intend to address the content of the Bill to any great extent. This is a single-clause Bill with a single aim: to put in place one aspect of the Executive's vision for stronger and more responsible local government in Northern Ireland. The Bill will provide the new district councils with the powers to provide and operate off-street car parks and to carry out enforcement of parking contraventions in them. That will be achieved largely by providing councils with certain existing powers of my Department that are contained in the Road Traffic Regulation (Northern Ireland) Order 1997 and the Traffic Management (Northern Ireland) Order 2005.

Designated park-and-ride and park-and-share car parks will remain the responsibility of my Department.

Each of the 11 new councils has confirmed that it wishes the traffic attendants employed by my Department to continue performing their enforcement activities on behalf of the councils until at least the expiry of the present contracts in 2016.

The Bill was introduced in the House on 13 October 2014, and its Second Stage took place on 21 October. I am grateful to Members for the contributions that they made to that debate, and I place on record my thanks to the Chairman and members of the Committee for Regional Development for their cooperation in completing their scrutiny of the Bill by 9 December 2014. That was within the 30 working days provided for in Standing Order 33(2). Without that cooperation it would not be possible for the Bill to come into operation on 1 April 2015.

That the Members of the House were content with the content of the Bill was indicated by the fact that no amendments were tabled at Consideration Stage on 13 January or at Further Consideration Stage on 26 January. I am happy to respond to any comments that Members may wish to make during the debate.
Mr Clarke (The Chairperson of the Committee for Regional Development): I welcome the opportunity to contribute to this debate in my capacity as Chair of the Committee for Regional Development. First, I apologise to Members that the full Committee report on the Bill was not available in advance of Consideration Stage. This was due to a tight timeline in getting the report printed. I am aware that Members received a manuscript copy of the report at Consideration Stage and have now been provided with full copies well in advance of today’s debate.

The Committee is content with the principles of the Bill. However, as will undoubtedly be expressed by others today, Members had a number of concerns that arose during Committee Stage. I hope that the Minister will address those concerns today and provide Members with the assurances that the Committee believes are necessary.

It was difficult to pinpoint the precise value of the assets that were being transferred, which ranged between £233 million in 2010 to approximately £65 million at today’s values. They are, nevertheless, very substantial and it was key to the Committee that these valuable public assets were and are protected. The Committee did not wish to impose the “restrictive conditions” that the Minister so unhelpfully referred to during the Second Stage debate. That was a reference that contributed to a great deal of confusion and concern at local government level. I will reiterate what the Committee has recorded in its report:

“The Committee is strongly supportive of local economic regeneration. In considering how it might amend the Bill, in order that local retail outlets be protected and supported, the Committee was agreed that, where car park spaces are used for local regeneration, spaces should be replaced either by a more efficient car parking arrangement or in another location that is conveniently located to the Primary Retail Core”.

This provision is provided for in planning policy. The Committee seeks a strong assurance from the Minister or his relevant Executive colleagues that the retrospective scheme of transfer is amended to strengthen the references to existing planning policies and to protect local economic regeneration accordingly.

Local authorities had an expectation that, when the transfer of car parks was first mooted, the revenues from car parking tariffs and penalty charge notifications (PCNs) would be sufficient to cover the cost of maintaining the networks of car parks in their respective areas. In receiving oral evidence, the Committee was alarmed to learn that this was not the case and that other transferring functions, such as planning, would also be offset against any excess revenues from the car parks. There remains a significant concern among local councils that, ultimately, responsibility for off-street car parking will be a financial burden for ratepayers since the revenue potential of car parks is being reduced by the transfer of other functions and the current or future tariff policies of the Executive.

The Committee is keen to ensure that there is no financial burden on the ratepayer and is seeking an assurance from the Minister that the transfer of all functions remains rates-neutral not just at the point of transfer but also for the foreseeable future, subject to any changes in car parking charges and PCN tariffs implemented by the respective local authorities. In providing this assurance, the Minister needs to ensure that there is no ambiguity and that his message, for once, is loud and clear that there will be no financial burden imposed on ratepayers as a result of assets and functions transferring to local authorities.

Almost every council made reference to the poor condition of the car parks being transferred. Indeed, representatives from the Committee saw these conditions when they undertook site visits. Flooded, potholed surfaces with no visibly marked-out spaces are not the fit-for-purpose car parks that the Department was trying to sell to the Committee or local government. The Committee is therefore seeking an assurance from the Minister that all car parks will be brought up to an acceptable standard, preferably in advance of the point of transfer. Where this is not possible, the Minister should provide the Committee and the relevant local authorities with a timeline for the upgrading of car parks to a specification and standard that is acceptable to local authorities.

10.45 am

I referred earlier to the Committee undertaking site visits to a range of car parks. At one such car park, in Enniskillen, the Committee was advised that departmental officials had been out that day and verbally informed council officials that they were retaining a strip of spaces on one side of what they deemed to be a public road. Curiously, they did not want the comparable strip that bordered the other side of the road; they just wanted the strip on one side of the road. That was indicative, the council...
believed, of inappropriate, ineffective and inefficient communication from the Department. Unfortunately, that is something that the Committee is experiencing more and more, and it is a problem that has lead us to explore the application of section 44 of the Northern Ireland Act to try to prise information from the Department.

Unfortunately, local authorities do not have that option and have implored the Committee to seek, on their behalf, the timely delivery of all information relevant to the transfer of functions, which ranges from maps of the sites to be transferred and financial histories in respect of claims and revenues of each car park to the very basic issue of what car parks would actually transfer. The Committee, therefore, seeks further assurance from the Minister that all financial, legal and other relevant information is, or has been, communicated to all local authorities as a matter of urgency.

I referred to the difficulties that the Committee and local government have had in respect of getting information from the Department. Whilst I started this speech on a positive note by stating that we were supportive of the Bill, I must finish it by being critical of the Minister and his Department during the process.

Members will be aware that the Minister requested, in correspondence dated 30 September 2014, that the Committee complete its scrutiny of the Bill in accordance with the statutory period defined in Standing Order 33(2), namely 30 days. Mindful of their obligations to properly and appropriately scrutinise primary legislation, members agreed, reluctantly, to accede to the Minister’s request, subject to their right to seek an extension under Standing Order 33(4) should there be a need to do so. A prerequisite to that was that the Department would cooperate with regard to the turnaround of papers and information requested by the Committee to ensure that the normal 10-day period could be circumvented.

It is unfortunate that, despite initial assurances from the Minister that it would cooperate with the Committee in that respect, the Department chose to ignore that agreement and reverted to type. Two letters to the departmental assembly liaison officer, dated 8 and 21 October 2014, specifically asked for information within a period of five working days. The turnaround time was 10 and 13 days respectively.

I am aware that further primary legislation will soon be laid in the House, which should come to the Committee following Second Stage. I hope that the Minister and his officials will bring that in good time and allow the Committee to carry out proper scrutiny of the clauses in the Bill. I further advise the Minister that the Committee will take the necessary time to conduct its statutory scrutiny and will not be bound by impossible timelines defined by his officials, particularly given their uncooperative approach to working with the Committee.

Mr Lynch: Go raibh maith agat, a Cheann Comhairle. First, I concur with much of what the Chair said. My party is also content with the principles of the Bill.

Our decision to go out and engage with the people in local councils who are going to assume responsibility for off-street parking was not only a useful but a very informative exercise. The meeting in Enniskillen, which is in my area and was referred to by the Chair, was attended by people from Omagh, Fermanagh and mid-Ulster. The engagement at that meeting crystallised many of the issues that are at the heart of the matter, particularly for myself. Those issues included a lack of information from the Department, not being furnished with maps or drawings that would give an understanding of exactly what was being transferred, financial figures based on tariffs and information on the condition of car parks. I hope the Minister can tell us today how many of those blockages have been resolved.

I want to touch on a number of the key issues that arose during our engagement. Sinn Féin does not support any restrictions being placed on the transfer. All councils and the representatives we have spoken to work for the greater potential for their particular town centres. One of the core principles of local government is to have greater powers of responsibility, and we argued throughout the passage of the Bill that greater powers should be given to local councils. Local representatives will have a much greater say in shaping how local town centres develop and how local services are delivered.

It was best put by Càthal Mallaghan, of Mid Ulster District Council:

“The council recognises the strong relationships between parking provision and high street footfall and how making it easier to park will support local shops, local jobs and tourism.”

As I said, we argued that the Bill will contain no conditions. I think that it was referred to by the Chair and clarified by the chief executive of Mid Ulster District Council, Mr Anthony Tohill, who
said that restrictions already existed in planning legislation:

“The restrictions covered are exactly what I have read from what I assume to be the Committee’s possible intentions on this, which are to protect car parking and ensure that it is retained in town centres. That is exactly what is in the planning legislation and exactly what is in our current area plans.”

The second issue is that councils identified legal issues of entitlement that needed to be resolved. Minister, councils need to know exactly what is being transferred. None of us would sign up for even a simple house transaction if all legal issues were not resolved. That is what your legal advice would inform you of anyhow. Have these legal issues been qualified? If not, can the transfer go ahead within the time frame?

Take the example of Castle Park car park in Enniskillen. The Chair referred to it, and I know the car park very well. When we met the council, it had no details of the legal title or claims history associated with the car park. A road runs directly through it. On one side, you have Translink. One side is classified as on-street parking whereas the remainder is off-street.

The difficulty for councils sorting out such issues was a lack of information requested from the Department. There were no title maps to do any proper analysis. Other problems associated with this car park, which my colleague Declan McAleer will go into in greater detail, include poor markings, subsidence, poor surfacing and it being prone to flooding.

Councils have good arguments for upgrading car parks. It was obvious from the slides that we were shown that little had been spent on many of these car parks in many years. The estimated cost to upgrade this car park — I know that car parks have been upgraded in recent times — was approximately £70,000.

I will leave it at that and hope that the Minister can clear up a lot of the issues that I raised.

Mr Dallat: I join others in paying tribute to the Clerks of the Committee who arranged the outside meetings and provided us with an opportunity to see and hear at first hand what the challenges are. We have certainly heard some of the downside of it, but I want to focus on the opportunities.

If it is simply a transfer of car parks to local councils, the exercise will have failed, but, if it is seen as an opportunity for the new councils to focus on the regeneration of the towns and villages that they now have an increased responsibility for, it will work. Councils will need to have enough autonomy to influence how those car parks are operated. At the same time, they will need to retain the technology that allows users of a car park to use, for example, apps on their mobile phones.

I hope that they do not get bogged down in traffic wardens’ uniforms and things like that but will see this as a powerful tool to put life back into many of the towns and villages that have suffered in recent years from the onslaught of supermarkets and out-of-town shopping centres in the larger urban areas. I believe that our new councils will seize the opportunity. There are interesting models where this has been done in different parts of the world. For town centres that are full of empty spaces, dereliction and so on, adjusting or abolishing car parking charges or whatever could well be the magnet that brings people back to those places.

I do not want to be negative at all, but I want to endorse a fear that, in some cases, the transfer of the car parks could be an added burden on ratepayers. We have already heard that many ratepayers face increased charges as a result of historical facts. It is important that that does not happen. We saw car parks that are badly in need of upgrading. I suspect that there are also towns where past investment in car parks has been very poor. I was intrigued that one town with a multisite car park, which I will not name, was complaining that it needs to upgrade it and that would cost £1·25 million or something. I know that Coleraine would be very happy if it had a multisite car park. It has been trying to get one for years and never quite managed it for all sorts of reasons.

There is an opportunity here for the super-councils, as they call themselves, to really make an impact and justify the enormous outlay on regurgitating the councils as they were. I sincerely hope that, at the end of the day, ratepayers will have something that they can be proud of and that will operate in the different towns and villages to the benefit of the people who live there, not just the people who use the car parks but the traders and businesses who depend on decent car parking as a way of wooing people into those towns and villages.

Mr Beggs: I, too, welcome the fact that we have reached the Final Stage of the Bill, which will see the transfer of ownership of off-street car parks to the new super-councils in April of
this year. We have to remember that this is the transfer to local government of assets to the value of tens of millions of pounds. That is the right thing to do. Local government is best-placed to make the best use of those assets and determine how best they will be used in the future. I hope that they will exercise that authority carefully and with their local communities in mind.

Having listened carefully to some of the comments of others who have been so critical of this process, I am actually wondering how they are going to vote at the end of the debate. Is the Bill the right thing to do? I think that it is, and I hope that everybody in the House will support it despite their comments. Parking has been a big issue in many town centres for years. Town centres are vital to local communities, yet many of those town centres are experiencing difficulty. They are under threat from online retailers and out-of-town shopping centres.

We are entering a new era of local government with our super-councils. I believe that local people, who will be able to take on board the views of local traders, local residents and local officials who may see issues arise much more quickly, will be able to react with the support of their local councils to deal with the needs in those communities.

So I, with the Ulster Unionists, support the Bill and the transfer of the powers over off-street car parks to those councils. We will have a greater level of local accountability and a faster decision-making process to react to local needs.

Many have wanted these powers to be devolved for some time, so it is good that we are finally reaching the last stage of the legislative process that will enable that to happen.

11.00 am

Councils will be able to decide what mechanisms to use in the future. They will be able to look to tailoring new schemes to suit their area, perhaps in the run-up to Christmas. They may identify a lack of activity in their town centre and look to innovative ways to try to attract additional custom and address their community's needs. Town centres are very important to communities, and it is important that we keep the heart of our town centres. I think of recent innovative schemes. Last Christmas, the Minister came up with the idea of the five-hours-parking-for-a-pound scheme, which brought more activity to our town centres at the same time as raising money when appearing to give a discount. By presenting better value for money, it was possible to bring about wins on all sides. I hope that, in future, councillors, working with traders and with their communities, will be able to think of such things and bring about benefits.

Councils will have to look at how best to balance the pressures: how to keep down costs yet meet the community's needs; and how to ensure that car parking spaces close to town centres are available for those who wish to use them, to ensure that there is a degree of turnover. Some Members spoke about cost difficulties. I have no doubt that it would be wiser to meet the cost of some car parks in east Antrim rather than charging for them, because there are so many vacant parking spaces in some of our town centres. Perhaps councils can examine that and keep a smaller number of pay-and-display charging spaces. They can also decide to provide more free parking, if they wish. Local councillors can now make that decision, and it is much better that the responsibility lies with them.

As we move to the future, local government will also have wider town centre regeneration powers, including community planning, the development of town centres and even developing area plans. Putting all these things together creates a much better method of enabling local government, local councillors and local people to make adjustments to their town centres for the benefit of all.

There will be challenges. Some may be attracted to selling off car parks. Remember, though, that these are community assets, and I caution those who may take control and wish to make a quick buck by simply selling them on. It is important that councillors look to the long term and do not take any decisions for a short-term advantage.

So, with the final approval of the Bill —

Mr Clarke: Will the Member give way?

Mr Beggs: Certainly.

Mr Clarke: The Member raised an interesting point, and that is why there was confusion at Committee Stage. In the Minister's words, we were talking about restrictive conditions, whereas we were looking for protection for the very point that you just made about the opportunity for individual sell-offs. Some Committee members argued for a form of
protection, not to restrict councils from selling but, should they want to sell a car park, its places would have to be replaced by an additional number of places somewhere else, so they would not just sell a valuable asset.

Another point, if you will bear with me while I am on my feet, is that this is only enabling legislation. It should be put on record that one council that we visited that day said that, as it stands, it will not accept the transfer of car parks.

Mr Beggs: Thank you for your intervention. I believe that we have to trust local people. They will be accountable to their ratepayers, to local traders and to democracy. It is much better that they face the challenges. We have to accept that, on some occasions, the best long-term result may be to sell off some small car parks. Who knows? So, why should we put in protection? Are we not going to trust local government? Are we not going to trust those given the authority by their community to make these decisions? The Ulster Unionists believe in delegating that authority so that decisions can be made quickly and without unnecessary bureaucracy: you either trust your local councillors or you do not. I am not quite sure what the Member is saying, but I fully believe that local government is best placed to make those decisions.

With the final approval of the Bill, the control of off-road car parking will be in the hands of local people, who should best know their communities. It is not just about the traders: we have to think of the residents in our town centres and the customers who use the town centres. With that authority comes great responsibility for council officers and councillors, and I hope that they will use the power carefully and wisely. It can be an important tool in helping to regenerate our town centres and to improve local communities. I, and the Ulster Unionists, therefore support the Bill to devolve off-road car-parking powers back into the hands of local councils, as occurs in most other parts of the world.

Mr Lyttle: I welcome the opportunity to speak on the issue. I also believe that the transfer of powers to councils to operate off-street car parks and their enforcement can be an important tool to assist them with their enhanced regeneration and economic development roles. The work of the Committee on this issue was robust. I agree with other Members that the Committee was content with the principles of the Bill, as long as the Department acted on the recommendations that the Committee report sought to raise and, indeed, the concerns that were raised throughout the process. One concern, which has been raised today already, related to the fact that assets needed to be protected from being sold on for revenue-raising purposes. It is my understanding that, during Second Stage, the Minister for Regional Development did state that many town or city-centre car parks have already been identified as key sites in the development of regeneration projects for commercial centres.

(Mr Principal Deputy Speaker [Mr Newton] in the Chair)

The Committee considered an amendment to restrict the selling on of car parks to protect regeneration and retail provision in towns. However, there was opposition to that from a number of councils during the evidence stage. Instead, as has been said, the Committee seeks strong reassurance from the Minister that the respective scheme of transfer will include reference to existing planning policies on the replacement of car-park spaces being used for local regeneration and that spaces should be replaced, either by more efficient car parking arrangements or in another convenient location.

There was also concern with the transfer of functions being rates-neutral. There still seems to be significant concern among local councils that ultimate responsibility for off-street car parking could be somewhat of a financial burden. It is important to get reassurance on that issue for ratepayers. It was evident from many inspections that were conducted and from written and oral evidence taken by the Committee from local authorities that the physical condition of car parks is inconsistent across local authorities. That is another important issue for the Department to address. Committee members raised the issue of the need for improved communications and information provision. It is crucial that, for transfer to go smoothly, timely information is given and maps and financial histories are made available to local authorities.

I believe that this power will, if well utilised, help to drive good local authority car park planning and economic regeneration for ratepayers in our community. I look forward to further progress being made.

Mr McAleer: Go raibh maith agat, a LeasCheann Comhairle. I commend the Chair and the Deputy Chair of the Regional Development Committee and, indeed, the members who spoke today, who accurately
reflected the discourse that went on during our investigations.

I thank Paul and the other members of Committee staff for helping us with the fact-finding when we went out and about to meet representatives from the different councils.

I do not want to go over old ground, but we found that a common thread in all of our deliberations with representatives of the councils was that they do not want any restrictions to be placed on the transfer of car parks. I am glad to note that that is not the case and that no amendment on that has been tabled. Councils also made the point that restrictions could impede future development. Representatives from Belfast City Council, for example, said that restrictions could impede its place shaping. Representatives from Mid Ulster District Council said something along the same lines and felt that restrictions could undermine and complicate the council’s different master plans.

The issue of the future financing of car parks was also raised, and some of the council representatives made the point that DRD has access to in-year monitoring funds for the upkeep and maintenance of car parks but that would not necessarily be the case for councils in the future. Some felt — it has mentioned in the House — that there is a lack of clarity about the financial history of some of the car parks and about boundaries, titles and a whole range of other things.

One of the issues that stressed the benefits of going out and meeting people and seeing how it affects them, was the finances. Representatives from Mid and East Antrim District Council said that they remained unclear and felt that there was no transparency about the cost of the transfer of functions. They also suggested that, with the downward trend in the cost of car parking, the cost of the transfer would not remain cost-neutral when the councils took over. That point became crystal clear when we went out and about, particularly when we met representatives from Mid Ulster council, who made the point that, in the current proposed model, the surpluses will be top-sliced from councils so that they could pay for other transferring functions such as planning. So, for example, if planning cost £300,000 per annum to run, it would be run at a deficit, and that would need to be top-sliced from the surpluses from the car parks. That made us think that the car parks will not just be a cash cow for the councils and that it is a more complicated issue.

The point was also made that, whilst councils will have control of car parks, if they decide to reduce the current tariffs, it could result in a deficit that would have to be footed by them, which would have an impact on ratepayers. NILGA also identified the issue of no restrictions.

A second key issue that the Committee raised with officials was about the regulations. There are a number of regulations relating to car parking devices, the conditions for the removal of vehicles, the release of vehicles and penalty charges, and it was suggested that an amendment might have been required to ensure that there was consultation with councils on this. The Department assured us that it would consult with councils in respect of these and that an amendment was not necessary.

There was broad agreement among most of the councils about the transfer of car parks but widespread opposition to restrictions. There were also quite a few requests by councils for more clarity on the Bill and queries about the financial models and the regulations. I would appreciate it if the Minister would pick up on some of those issues in his comments.

**Mr Kennedy:** I am grateful to the Members who have contributed to the debate. I believe that the Bill will make a significant contribution to the reform of local government here.

I want to touch on the issues that have been raised by Members. Much has been said by Members about the condition of off-street car parks and the councils’ desire to see them upgraded prior to transfer. I remind the House that, during my closing speech at Second Stage, I advised:

"The Executive did not agree that assets would be brought up to an improved standard prior to transfer". — [Official Report, Vol 98, No 6, p9, col 1].

I also stated that my Department had not been given any additional funding by DFP to resurface or upgrade car parks in advance of their transfer to councils, and that, of course, remains the case. I believe that the car parks that we are transferring are fit for purpose. They are inspected regularly and used daily, and that will continue up to the point of transfer. Any defects that are identified in the run-up to 1 April will be prioritised and repaired as the Department's resources permit. I understand that some councils have carried out their own condition surveys, and my Department has already agreed to carry out some repair works before 1 April. I have asked officials to carry
out a special public-liability inspection of car parks prior to the handover and to complete any maintenance work identified prior to 31 March.

11.15 am

In terms of the potential disposal of car parks, some Members said that there might have been a need to prevent councils from disposing of off-street car parks that are to be transferred to them. As I said before, one of the principal aims of local government reform is to create stronger and more responsible local government, and I think that any such restriction would have been counterproductive to that aim and might have meant that a council could not act in the best interests of its ratepayers; for example, where a developer wishes to invest in a town centre and use a car parking site for redevelopment or where it is proposed to redevelop a car park for a social housing project. Some members of the Regional Development Committee had suggested that the Bill should be amended to include a restriction. It has, however, been confirmed that such an amendment would be outside the scope of the Bill. This is a very straightforward, single-clause Bill, as Members have said.

Members raised the issue of the transfer schemes. My Department will produce transfer schemes provided for under section 122 of and schedule 8 to the Local Government Act (Northern Ireland) 2014 to transfer formally the responsibilities for land, buildings and equipment to each of the new councils. A sample transfer scheme is presently under consideration by the Departmental Solicitor’s Office and will shortly issue to the councils for comment. However, detailed information on each car park in a new council area has been provided to every new council.

Mr Lyttle said that transfer schemes might include a reference to existing planning policies or replacement of car parking spaces to ensure that, where car parking spaces are used for local regeneration, they be replaced either by more efficient car park arrangements or another location that is conveniently located to the primary retail core. The Department’s legal advice is that the provisions of the Local Government Act 2014 do not confer any powers to include a restriction on subsequent use by the transferee of the assets transferred in a scheme under the Act, and, consequently, I cannot give that reassurance.

Let me deal with the issue of rates. Concern was expressed that the transfer of all functions should remain rates-neutral, not just at the point of transfer but for the foreseeable future, subject to any changes in car parking charges and penalty charge notice tariffs implemented by the councils. I refer Members to the statement made by the Minister of the Environment on 22 April 2013, when he said:

“functions that are to transfer from central to local government should be ... cost-neutral to the ratepayer at the point of transfer.” — [Official Report, Bound Volume 84, p109, col 1].

That will be the case for off-street car parks at the point of transfer. From that point onwards, it will be up to councils to decide whether functions will be provided at an increased cost or to the benefit of ratepayers.

My Department is transferring assets valued at almost £43 million to councils. Those assets currently generate a surplus in each of the new 11 council areas totalling almost £6 million. However, the financial settlement for all the transferring functions is the responsibility of the Department of Finance and Personnel. I understand that the final allocations that will be paid to each of the new councils in connection with the transfer of responsibility to local government for planning, off-street car parks, economic development and water recreation sites were provided to councils on 20 January this year. So, the provision for car park maintenance in the budget to transfer to councils is based on actual expenditure in 2013-14 on all aspects of maintenance. It is uplifted by inflation to the 2015-16 level, where applicable, and includes capital expenditure, whether budgeted for or not. Those figures were subjected to independent review commissioned by the councils.

I will deal very quickly with the specific contributions of Members. The Chairman of the Committee indicated unhappiness with the engagement with the Department. I regret that. It is not in the interests of either not to seek fully to respect or cooperate with each other. If there are issues that need to be addressed, we should do that, but I do believe that the officials sought to provide all the necessary information as quickly as possible to facilitate the work of the Committee. It is important that the Committee fulfils its scrutiny role. It has done that: it produced a detailed report within the confines of the 30 days. It was necessary to ask for that to be done because of the time pressures that were outside my control — the introduction of the measure in time for new local government to take on responsibilities by 1 April.
I say to Mr Lynch, yes, it is important that any legal issues are sorted out. All title information and boundary maps have been shared with councils over recent months. That is the basic information that will be included in the transfer schemes to be signed off by the Department. Mr Lynch mentioned the specific case of Castle Park car park in Enniskillen, the condition of it and issues around it. I understand that flooding impacted on part of that facility. My officials have met local council officials to discuss the concerns. Obviously, those negotiations and discussions will continue as necessary, and it is important that they do so.

As John Dallat said, huge opportunities come with the increased responsibilities. It is a comparatively minor and straightforward power for my Department to transfer to councils. Nonetheless, locally elected councillors will have the ability to decide whether to charge, to reduce charges or to amend charges at set times. The five hours for £1, which was referred to by my colleague Mr Beggs, has been very successful. It has been met with a very good response from the management of town centres and Chambers of Trade around Northern Ireland. There are opportunities that we can all avail ourselves of and which can be to the benefit of local government, too.

I hope that I addressed most of Members’ issues. We will scrutinise the Hansard report, and, if we need to get back to Members on any issues, I will happily do so.

It only remains for me to thank Members for their positive contribution, not so much today but overall, to the Bill throughout its Assembly passage. I commend the Off-street Parking (Functions of District Councils) Bill to the House.

Question put and agreed to.

Resolved:

That the Off-street Parking (Functions of District Councils) Bill [NIA Bill 40/11-16] do now pass.

Inquiry into Historical Institutional Abuse (Amendment of Terms of Reference) Order (Northern Ireland) 2015

Ms J McCann (Junior Minister, Office of the First Minister and deputy First Minister): I beg to move

That the draft Inquiry into Historical Institutional Abuse (Amendment of Terms of Reference) Order (Northern Ireland) 2015 be approved.

This order was laid in draft before the Assembly on 9 January 2015. The order will amend the terms of reference of the inquiry into historical institutional abuse, thus enabling the inquiry’s time frame to be extended by one year. The chairperson of the inquiry, Sir Anthony Hart, has made a compelling case for a one-year extension to the inquiry time frame, most notably on the basis of the inquiry panel’s experience of the first module. The first module spanned 11 weeks, 41 sitting days, had 79 witnesses, with over 19,000 pages of documentation and over 100,000 documents. The experience of module 1 meant that Sir Anthony was in a position to better calculate how many sitting weeks in will take to call all witnesses who wish to give evidence from every institution and every individual that the panel will or probably will investigate.

The First Minister and deputy First Minister agreed with Sir Anthony that the inquiry must be allowed to:

"provide every opportunity for those impacted by the allegations of institutional abuse to be heard in an open forum."

The inquiry terms of reference stipulate:

"The Inquiry and Investigation will conclude within a two year six month period following the commencement of the legislation establishing its statutory powers."

They go on to say:

"If additional time is required the Chairman will, with the agreement of the Panel, request an extension from the First Minister and deputy First Minister which will be granted provided it is not unreasonable."

To extend the time frame of the inquiry by one year, as requested by Sir Anthony, the inquiry terms of reference must be amended to stipulate:
“The Inquiry and Investigation will conclude within a three year six month period following the commencement of the legislation establishing its statutory powers.”

This order will accomplish that.

The process by which the inquiry’s terms of reference can be amended is set out in its primary legislation. Section 1(3) of the Inquiry into Historical Institutional Abuse Act 2013 states:

“The First Minister and deputy First Minister acting jointly may at any time amend the terms of reference of the inquiry by order after consulting the chairperson if a draft of the order has been laid before, and approved by resolution of, the Assembly.”

A one-year extension will extend the timescale up to 18 July 2016 to complete the public hearings, with a report to the First Minister and deputy First Minister by 18 January 2017. The report will be laid before the Assembly as soon as is reasonably practical after its publication by Sir Anthony.

A targeted consultation on the draft order that focused on the historical institutional abuse victims and survivors groups was carried out over an eight-week period from 8 August to 3 October 2014. However, all late responses were accepted. As well as victims and survivors groups, the consultation paper was distributed to the Human Rights Commission and Amnesty International. All respondents were broadly supportive of the draft order and the one-year extension. Respondents’ comments were shared with the inquiry and, subsequently, with the OFMDFM Committee. The draft order was listed without comment in the report of the Examiner of Statutory Rules of 16 January, and the OFMDFM Committee approved the draft order at its meeting on 21 January. I believe that this subordinate legislation is necessary to allow the inquiry into historical institutional abuse to properly carry out its work. I therefore commend the order to the House.

11.30 am

Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister): The Committee has closely followed the progress of the historical institutional abuse inquiry since it was established through an Act of the House in 2012. The Committee first became aware of Sir Anthony’s request for a one-year extension to the inquiry time frame during a briefing from officials in June last year. Following the briefing, the Committee wrote to the Department to seek its views on the implications of the extension, particularly for victims who fall outside the remit of the HIA inquiry.

Members were able to pursue the matter further on 25 June, when the First Minister and deputy First Minister, accompanied by junior Ministers, appeared before the Committee to discuss Programme for Government commitments and the work of the Department. At that meeting, I expressed concern for those victims who fall outside the scope of the terms of reference for the HIA inquiry and who may, as a result of the extension, be required to wait until 2017 at the earliest before anything can be put in place to assist them. The deputy First Minister advised that that represented a further issue to be considered by the Executive, and the First Minister added that the issues were being scoped out.

In fairness, junior Minister Bell is probably in the lead, as the person whom I have heard most often articulating the view that anybody who was abused and who falls outside the remit of the inquiry should take their complaints to the Police Service of Northern Ireland and/or social services. That is correct, but you may question why some victims get an inquiry and others do not. The Executive will finally have to take a position on that issue. I can put it in no more stark terms than this: as we stand, it could be that an abuser abuses person A in an institutional setting one morning and then, after lunch, abuses person B in a domestic dwelling in the afternoon, but only person A has access to a bespoke, multimillion-pound inquiry. Person B, suffering the same fate and abuse, can go only to the police and social services. As I said, at some point, the Executive will have to decide whether that is fair and equitable. So while it is vital that Sir Anthony and his team have enough time to complete their work, the potential impact on those who fall outside the current inquiry cannot and should not be ignored.

The Committee is aware of two separate scoping exercises, the first relating to victims of alleged abuse in the Magdalene laundries and the second relating to issues arising from mother-and-baby homes like the one in Tuam. In May 2013, the Committee was first told by the Department that Ministers had appointed a senior civil servant to draw up a scoping report.
on the Magdalene laundries and similar institutions to see what further action could be taken. In December 2013, the Department advised that Ministers were giving serious consideration to the options that had been laid out before deciding the way forward. A briefing on the matter was scheduled for 4 February 2014, but that was postponed at the request of the Department.

Since then, the Committee has tried unsuccessfully to obtain an answer to the question of what options are being considered with regard to the Magdalene laundries following that scoping exercise or, indeed, following the scoping exercise relating to the mother-and-baby homes. The most recent communication to the Committee advised that, as the two are not mutually exclusive, Ministers are considering the options from both scoping exercises together, but, again, there is no clear time frame as to when the matter might be moved forward.

The Committee formally considered the policy proposal to extend the inquiry time frame by a year at its meeting on 14 January. Members were pleased to note that the Department had undertaken a focused consultation on the draft order and noted that all respondents were broadly supportive of the draft order and the proposed extension. The Committee also noted that the one-year extension would cost an estimated £4 million, but also welcomed the fact that the 2015-16 Budget includes an estimated £4 million, but also welcomed the proposed extension. The Committee also noted that the one-year extension would cost an estimated £4 million, but also welcomed the fact that the 2015-16 Budget includes a baseline allocation for the inquiry that places its funding on a more stable footing. Members may be aware that, previously, the HIA inquiry did not have a budget line but depended instead on in-year monitoring rounds for funds. At a meeting, the Committee indicated that it was content for the draft rule to be made.

I have to put it on record, however, that I was disappointed to learn that the draft order was first laid in the Business Office before the Committee had an opportunity to consider and comment on the policy proposal at its meeting on 14 January. I would have liked to say that I trusted that this was simply the result of an administrative oversight by officials and not a presumption of the will of the Committee. Unfortunately, that trust does not exist. In that regard, I note the comments on the previous piece of business from the Chair of the Committee for Regional Development on cooperation between his Committee and departmental officials.

The Committee considered the draft order at its meeting on 21 January and noted that the Examiner of Statutory Rules had no comments to make. The Committee recommended that the draft order be affirmed by the Assembly.

At this point, I would like to make some personal comments. Let me be clear in closing as Chairperson that, on behalf of the Committee, I support the motion.

I want to say that victims and survivors have waited a very long time for this inquiry. Therefore, we should not underestimate how big an ask it is of them to seek their support for this extension. As junior Minister McCann made clear, the report is unlikely now to be considered by the Executive before 2017. Given the form of OFMDFM, it is not unreasonable to assume that it may be under consideration for 12 months, taking us into 2018. It could well be that, as a result of that, there is a further scoping exercise that could take us to 2019. The inquiry covers abuse that began in 1922. If you were abused in 1922, you could wait 97 years — 97 years — for a final conclusion from OFMDFM. Of course, if you have to wait 97 years, you will almost certainly be dead. Be in no doubt that people will pass away who are waiting for the outcome of this process.

I know that some victims and survivors would therefore like Sir Anthony to make an interim report. He was very clear in his evidence to the Committee, as this inquiry was being established, that he did not feel that it was an effective use of his time to bring forward an interim report, but I think that this extension changes that position. It is reasonable to ask the Department to consider asking Sir Anthony to bring forward an interim report in line with the original time frame for the actual report, which is the end of January 2016.

His report, when it finally comes, is to make recommendations across a number of findings. Should there be an apology and, if so, by whom and what should the nature of that apology be? He is to make a conclusion as to whether there were institutional or state failings in duties towards children in care and whether those failings were systemic. He is to make recommendations as to whether it would be appropriate to have a memorial or tribute to those who suffered abuse. He is also to look at the requirement or the desirability for redress to be provided by the institution and/or the Executive to meet the needs of victims. According to the terms of reference, the nature and level of any potential redress, which could be financial and/or services is a matter that the Executive will discuss and agree following receipt of the inquiry and the investigation report. There is a sequence here.
As I understand it, victims signed up to the HIA inquiry on the basis that the report would be completed by January 2016. As I said, it is a very big ask to make of them to consent to a further extension. If that is to happen, I put it to the junior Minister that it is only fair that Sir Anthony be asked to produce an interim report in January 2016 in line with the original timeline and that this report should make specific recommendations to the Northern Ireland Executive based on the evidence that Sir Anthony has received in chairing this inquiry on actions that the Executive will be likely to have to decide upon when he finally reports in 2017, specifically to give guidance on whether they have to consider whether an apology should be made and particularly the question of reparations and compensation. If this request is not reasonable, I ask junior Minister McCann to tell me why that is and, much more important, tell the victims and survivors of institutional abuse why that is an unreasonable ask.

Mr Moutray: I do not want to say much in relation to this motion today, only that, ideally, we would not need this extension. I feel that we must listen to the clear advice from the chairman and accede to his request for it. The chairman is in the best position to be able to project what time is required to ensure that all victims and survivors can be given the opportunity to have their testimony heard. He has based that judgement on his experience of previous modules, and I am satisfied that his expert judgement in this matter should prevail. I am confident that Sir Anthony Hart would not have made the request unless he felt it absolutely necessary. I agree with him that we should not deny the victims and survivors their opportunity to speak to the inquiry. Therefore, I support the motion.

Ms McGahan: Go raibh maith agat. Like the previous Member, I will not talk for very long, but I support the extension of one year to the HIA inquiry to submit its report. We recognise the suffering endured by all those who were subject to abuse in institutions. I acknowledge the frustration of victims at the delay in the publication of the report’s recommendations on reparations and compensation, but I think that it is important that justice takes its course, and it should not be impeded by any deadlines that could impact on the consideration of all the relevant evidence for the inquiry report to make its recommendations and findings. I support the statutory rule.

Mr Attwood: As with previous Members who spoke, I support the extension as proposed under the paper, for the simple reason that there is an inquiry process in place, and the best advice of the chair of the inquiry is that he needs more time. Remember that it was in 2009 that victims of institutional abuse began to more actively campaign in respect of the experience that they had during all those years. Here we are, five years later, and it seems to me to be reasonable to allow an extension of time for the inquiry, given the amount of effort that has been invested in creating the inquiry and all the monumental efforts, emotional energy and commitment of victims and survivors to having the truth and accountability of their experience stated in a public fashion and then recorded in a public report.

Like the Chair of the Committee speaking in his party capacity, I want to make a number of comments. First of all, and I will put this to the junior Minister, it seems to me that if the circumstances around the inquiry have changed, which they clearly have because Justice Hart has made the request to the Office of the First and deputy First Minister, does it not follow that there has to be an assessment about whether other decisions that have been taken heretofore should also be changed in the new circumstances that have arisen?

It seems to me that, rather than adopt a defensive approach to say that the inquiry now has to have a longer time to finish its proceedings and thereafter some further time to report to the First Minister and deputy First Minister and hold that template, if there has been a change of circumstances around the inquiry, has there not been a change in circumstances more generally? Is there not now an obligation on the First Minister and deputy First Minister to stand back and say, “If there has been a change in circumstances, what consequences does that have in respect of other matters?”

I think that it is time to reboot this process — to borrow the more popular phrase at this time. What does that mean? It has a number of dimensions. The first is that, noting the position heretofore in respect of an interim report, it seems to me that the change of circumstances that we are discussing this morning now require further assessment of a request to Justice Hart for an interim report.

11.45 am

So far, victims and survivors have travelled far at an unfortunately slow pace, but far nonetheless, with the inquiry process. However, they are now saying, to use their words, that there is now an unnecessary,
prolonged and agonising wait on the historical institutional abuse inquiry. Given that the needs of victims and survivors should get our primary attention, and if victims and survivors are now saying that about their overall sense of where the process is at, it seems to me to be appropriate, in response to that sense, to adopt a new approach to the overall issue of addressing institutional abuse. That is why it is now necessary, in order to respond properly, to seek further advice on whether an interim report will be available. I say that because, under the new time frame, it will be January 2017, which is two years from now, before a report goes to the First Minister and the deputy First Minister. Thereafter, they will have to assess that report.

You could draw conclusions from how things are assessed in the Office of the First and deputy First Minister, including the current impasse in respect of the appointment of members to the Victims’ Commission, where two people’s names went forward and there was no question about the validity of the process, yet, on the far side of that, the First Minister said that we have to increase the salary band to attract new candidates. That seems to be a strange commentary on the process, and even on those who went into that process. When the report goes into the Office of the First and deputy First Minister, under the current time frame of January 2017, how long will it take before conclusions are reached and how much longer will the victims and survivors have an agonising wait on the outcome of the HIA inquiry, not just of the report from Judge Hart?

Therefore, I ask the junior Minister in those circumstances, mindful of the issues around the Office of the First and deputy First Minister but more mindful of the needs of victims and survivors, to consider whether there is a need for an interim report. If it so transpires that the First Minister and the deputy First Minister do not feel that the matter should be pressed at the moment — I encourage them not to go in that direction — I think that it is necessary for them, with the knowledge of the inquiry and its chair, to scope out financial redress. If there is a further delay in the report going to the First Minister and the deputy First Minister, and then a further delay in the Office of the First and deputy First Minister as to what might happen, I think that, in response to the victims and survivors, we now need to show good authority by interrogating the issue of financial redress in real time without prejudice to the outcome of the inquiry process. It will do no violence to the inquiry process and no violence to the issue generally if we now begin to scope out the issues of financial redress, and, in doing so, have the understanding of Judge Hart, given the terms of his mandate.

There was a report in the newspapers — I think at the weekend but certainly in the last number of days — in which it was confirmed that the Catholic Church in Ireland had disposed of 44 properties with a net sale value of €44 million as part of the its contribution to the financial redress arrangements arising from the Ryan report and other reports in the South. It is highly likely that Judge Hart will address the issue of financial redress, and I think that we need to anticipate that in one way but, in any case, give certainty to the victims and survivors by having the First Minister and the deputy First Minister now address the issue of financial redress. Without prejudice, look at best models, look at good authority and borrow from the experience of other jurisdictions, including the rest of Ireland, to see what that might be. Otherwise, there will be an unnecessary, prolonged and agonising wait on a financial redress package in response to institutional abuse. It seems to me that that does not stretch OFMDFM very far, but it gives some confidence to victims and survivors.

I agree with Mr Nesbitt’s comments. It has been five years since the campaign to deal with institutional abuse became more visible and public. However, it has not concluded on how the issue of victims of clerical abuse outside institutions will be addressed. Whilst the First Minister gave some answers on the Floor in recent weeks, that is another example of when we must create certainty.

As the Stormont House Agreement is taken forward, legislation is drafted and tabled where it is needed, victims and survivors see some concrete product from the agreement in addressing the past in a comprehensive way, albeit noting the gaps in detail and policy proposals in the agreement, the narrative of this place and other legislatures, over the next 18 months or two years, will be about how to deal with the past. Are we going to say to victims of clerical abuse outside the institutions that we will not deal with that issue in that environment? Will we say to victims of institutional abuse that we are on hold, pending the Hart report, even though there will be a narrative, a lot of attention, media comment and victim and survivor input into the wider issues of how we deal with the past in respect of the actions of the state and terror organisations? We are in an environment in which it is better to show good authority now rather than defer and delay, in the context of all the narrative that will arise for dealing with the past generally.
I ask the junior Minister, whatever her response today might be — I can anticipate that — to go back to the Office of the First and deputy First Minister and ask those Ministers three questions. First, is there not now a need to look again at the issue of an interim report? Secondly, independent of that and without prejudice to the inquiry, is there not an urgent need to scope out redress so that, on the far side of this report, if there is work to be done, it can be done more expeditiously? Thirdly, in the context of dealing with the past generally, will there still be no answer for victims of clerical abuse outside the institutions on how their issues will be interrogated?

Mr Lyttle: On behalf of the Alliance Party, I consent to the request for an extension to the inquiry. I also use this opportunity to express the concern of many victims and survivors at the length of the inquiry and, as Members mentioned, the lack of interim reporting or progress on the scope of redress and compensation for victims and survivors.

Victims wish to ensure that the process delivers truth, justice and redress in a timely manner for those who suffered abuse as a result of the actions and inactions of state and non-state agencies. The report will not now be published until 2017, and it appears that, at this moment, no consideration is being given to the question of reparation, including compensation, until that point in 2017. That is a significant length of time for victims and survivors waiting to hear any information about redress. As Members said, many victims are at an advanced age, and there is genuine concern that some may not live long enough to avail themselves of compensation for abuse suffered.

Victims participated in the HIA inquiry proposals on the basis that an inquiry report would be submitted to the Executive in January 2016. At the time, there were concerns and misgivings that the issue of redress would be deferred until the end of the inquiry process, but victims participated so that the inquiry that was so urgently needed could get under way.

As many Members have made clear today, if the Executive and Assembly agree to an extension of the inquiry, a clear commitment should be given to a parallel process to consider redress and reparation. Indeed, an interim report should be submitted in accordance with the original timetable of January 2016.

I also take the opportunity to seek an update from the Office of the First Minister and junior Minister McCann on inquiry participant and witness aftercare. I continue to receive reports of significant trauma being incurred by witnesses and participants and a gap in aftercare for those participants. I recognise the work of survivors and victims of institutional abuse to fill those gaps for victims and survivors who are showing the courage to participate in the inquiry process and need significant support thereafter.

I also seek an update from the Minister on the impact of the recent judicial review and, indeed, clarity, if further clarity can be given, as to whether witnesses who want to contribute with evidence on the heinous Kincora abuse allegations will be able to do so without prosecution under the Official Secrets Act 1989.

The victims of non-institutional abuse remain outwith the scope of the inquiry. I seek an update from the junior Minister on what OFMDFM is doing to deliver truth, justice and redress for them.

It has been a challenging privilege for me, as it has for many Members, to meet and work with the victims and survivors of institutional abuse. I acknowledge the ongoing courage that they show in contributing to the inquiry, and I encourage them to persevere. I hope that OFMDFM will give them the commitments and assurances that they need to retain confidence that the process will deliver the truth, justice and redress that they deserve.

Mr Poots: Some Members complained this morning about the time it has taken to conduct the inquiry, but we need to recognise that the time taken to conduct the inquiry is not because it is being drawn out. Sir Anthony is conducting the inquiry very well, and we need to recognise that and express our appreciation of the work that he is doing. He has taken on the very difficult role of listening day in, day out, to how people were abused as children. We need to recognise that he is doing an excellent job and give him our support. It is the scale of abuse that is holding the inquiry back. There has been so much abuse and there are so many victims who need to tell their story: that is causing the delay.

I move on to the argument over an interim versus a final report. I can see the argument for an interim report, but, again, we need to take counsel from Sir Anthony on that, because it may delay the final report. It may be helpful to some and unhelpful to others.

Mr Spratt: I thank my friend for giving way. We are all sympathetic to calls for an interim report, but the extension, as you well put it, is a result
of more and more victims coming forward and, indeed, the Kincora issues being thrown onto Judge Hart as well. All of us would have wished that to take place in another place. If the judge were now to do an interim report, he may be four to six months writing it and bringing it forward, something that would disadvantage people who have, if you like, psyched themselves up to come forward to give evidence for the final report. Does my friend agree?

12.00 noon

Mr Poots: The Member has articulated the issues that would arise as a consequence of going for an interim report. It is not, therefore, something that can be identified as wholly advantageous. This is by no means a perfect process, and nobody suggests that it is. It is a process in which people do their best to deal with a problem that arose, as Mr Nesbitt indicated, in some cases, right back as far as 1922. However, it is incredibly important that the Executive and the Assembly ensure that we do our utmost to support the victims of this kind of abuse. That said, it is important that OFMDFM looks at the support that it provides to the support groups — the people who are down there daily with the victims, giving them support — and ensures that those people and organisations are adequately supported for the work that they do and that the statutory sector has the requisite people available to the individuals who have given evidence.

There can be absolutely no doubt that it is desperately traumatic for individuals to relive what has happened to them, maybe 50 or 60 years ago, in some cases, or perhaps longer. Many of those people, many older people, are having to go through something that they have sought not to think about and are having to be questioned in fairly considerable detail about those circumstances. There is absolutely no doubt that the trauma that is being caused to individuals, although it is necessary that it is done this way, is extensive. Therefore the groups who support those people need to be supported, and we need to have the appropriate statutory people in place.

Mr Attwood raised the issue of financial redress. It is important that discussions start with people on that issue. Let me be very clear: the victim makers should be the victim payers. Those who engaged in daily abuse and the orders and groups of people who allowed this to happen day after day after day are responsible for their actions and should have to pay for them. Victims deserve some form of redress for that. Those discussions need to be opened up, and they need to be had.

As for what is going on in Banbridge, some people should look at themselves and examine themselves in terms of openness, honesty, transparency and integrity. Some people who have been witnesses to the inquiry — people who have been accused of various things — are being far from honest. They are cold; they are calculating; they are menacing; and they still seek to bully the victims. That adds to the trauma that has taken place. I commend Father Tim Bartlett, who came to Banbridge and was open, honest and transparent. Unfortunately, the De La Salle order, in particular, has been anything but; its behaviour has been disgraceful thus far. People need to examine how they are doing this. Wrong has been done; wrong has been perpetuated. For individuals to string this out and engage in all sorts of transparent denials only adds to the troubles of people who have already had their life destroyed by those individuals and brings further trauma upon them. That is wholly wrong.

Ms J McCann: I thank colleagues and fellow Members for their comments today. It is particularly encouraging to see the support here for the inquiry into historical institutional abuse. I take the opportunity to acknowledge the courage and dignity of victims and survivors as they participate in the public hearings at Banbridge Courthouse. I recognise that issues and concerns have been raised by Members about certain matters and will try to deal with them now.

First, I assure the Chairperson of the Committee that the fact that the draft order was laid before the Committee could consider its policy position was an oversight on the part of officials. I wanted to make that very clear. I am very aware of the people who fall outside of or are excluded from the current inquiry, particularly those who were over 18 and in institutions. Ministers have received a scoping exercise that was initiated when the issue of the Toome baby came to the fore. We are looking at that at the moment. We have also had ongoing discussions about those who were over 18 and are not included in the current inquiry. Other Members, including Mr Attwood, talked about victims of clerical abuse outside of institutions. Again, we are looking at that to see how we can deal with those issues. Mr Attwood also talked about dealing with the past, and a proposal was put to the North/South Ministerial Council to have an initiative that would look at how to support all victims of sexual abuse and at how people can feel safe about coming
forward and reporting abuse to the appropriate authorities.

(Mr Speaker in the Chair)

The main issue raised by Members was about how the delay was having an effect on people who are now particularly elderly. I await that report. Another issue was the interim report. I am fully aware of the concerns of individual victims and survivors and of organisations. I met Survivors and Victims of Institutional Abuse (SAVIA) yesterday on the issue of an interim report and on redress. I endeavoured then to say that I would be in contact with my fellow junior Minister, Jonathan Bell, to look at the issue. Members will be aware — members of the Committee in particular — will be aware that Judge Hart was very much not in favour of doing an interim report, because he felt that it would delay the final report. We have to take on board what Judge Hart says, but I assure the House today that we will be open to looking at how we can address the concerns that victims and survivors have raised with me as a party member and yesterday as junior Minister.

Mr Nesbitt: I thank the Minister for giving way. I want to address the issue of an interim report and the concerns rightly raised by Mr Poots and Mr Spratt that it potentially creates another delay and puts a burden on Sir Anthony. I propose something more by way of a heads-up, with Sir Anthony alerting the Executive that he may come forward with a view about an apology or a memorial, about whether the abuse was systemic or about whether there should be reparations. Perhaps I can put an alternative to the junior Minister: if she feels that an interim report is not the way forward, another way of giving some comfort and assurance to victims and survivors would be to say that, although Sir Anthony is bound by the statutory timelines by which he must finish his inquiry and present his report, the Executive will bind themselves to timelines for considering the report and reacting to any recommendations that he may make.

Ms J McCann: First, I assure the Member that foremost in my mind is the need to provide the assurances and comforts that victims and survivors need.

As the Member will understand, I cannot give any commitment today. However, we have listened to the concerns of victims and survivors about the time the process has taken, and we will have further conversations. My first port of call will be a conversation with colleagues. I cannot, however, give any commitment today to do a, b or c.

Mr Spratt: I thank the Minister for giving way. We are all concerned about the thoughts of victims, including those who have already given evidence. Does the Minister agree that it is important that the Executive and the Department are not seen to interfere with a judge-led, independent inquiry?

Ms J McCann: The Member makes a valid point. That is why I say that there can be no commitment and that nothing can be done by anyone other than the judge. You are totally right. The judge stated that, until the inquiry completes its work, it is not likely to be in a position to make any recommendations. I am just saying that we are taking on board the concerns that have been raised.

I will go through a couple of other points. Chris Lyttle raised the issue of the judicial review. Obviously, the judicial review is being appealed, so I cannot go into that in any detail today. You also mentioned support services for victims. Again, over some time, I have had meetings with and spoken to victims and survivors, who have expressed concerns about the level of support. I hope that that service is now in shape and is fit for purpose and that those people are making use of it. There is also a small grants scheme, which was initiated in the Department and has allowed SAVIA, for instance, to open a centre where people can come together and get support from one another. I visited the centre, and it seems to be working well. I cannot emphasise enough that our Department is trying its best to ensure that we can directly help victims and survivors as much as possible.

You mentioned Kincora and will be aware of the debate in the Chamber on that issue. We are seeking for that inquiry and the people who would go before it to have the same protections for victims. We were disappointed that the Home Secretary decided not to include it in the Westminster inquiry, but we hope that the inquiry here will have the same power to compel witnesses and everything else. We are working towards ensuring that people are not prevented from getting the truth.

I conclude by saying again that, in asking us for an extension, the judge has made a very compelling case. He wanted to ensure that everybody who wanted to be heard at the inquiry was heard. That is very important and is the reason why we agreed to an extra year. It is not fair that people who wanted to tell their story were not able to do so. Mr Poots talked
about the difficulties that victims have experienced during the inquiry: I have been down there and witnessed the difficult situation at first hand. As you say, it is very difficult for people who have buried issues for years to come to speak to the inquiry. We are trying our best to ensure that everybody feels safe and supported so that they can come forward. We have made an attempt to ensure that the support services are there for people when they go to the inquiry and that there is aftercare, which is an important part of this. I know from speaking to people that sometimes they might not need the support that day but would certainly need it in a week's time or whenever.

12.15 pm

Again, I assure Members that we will do all in our power to ensure that there is a service available and that there is no undue delay in the inquiry's recommendations coming forward. We are acting on the good guidance of Judge Hart, who asked for this year. All the other issues that I have listened to today I will look at. I will take them back to discuss them with colleagues in OFMDFM, and we will see how we can progress this. Thank you for your debate.

Question put and agreed to.

Resolved:

That the draft Inquiry into Historical Institutional Abuse (Amendment of Terms of Reference) Order (Northern Ireland) 2015 be approved.

Private Members' Business


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

Mr Ross: I beg to move


The issue of the National Crime Agency (NCA) and why it needs to come into operation in Northern Ireland is nothing new and has been debated in the Assembly before. However, given the fact that the Westminster term is coming to a close and there is a short window left for legislation to be passed, it is my estimation that this is probably the last opportunity for the House to signal its consent for the NCA to operate fully here in Northern Ireland.

Established to fight serious and organised crime, the NCA works with local enforcement agencies in fighting what are often international and complex criminal networks that seek to operate within our borders. In recent days, the NCA has had successes in catching criminals intent on smuggling huge sums of money out of the United Kingdom, arrested individuals involved in a £1.2 million counterfeit operation and brought action against a couple in Sussex involved in child cruelty cases. The fact that the NCA is not yet operational in Northern Ireland means that criminal gangs are potentially escaping justice and that Northern Ireland is not as well equipped to tackle serious organised crime as elsewhere in the United Kingdom.

I am sure that Members will have noted comments from the PSNI Chief Constable, who stated that there would be gaps in our law enforcement ability for as long as the absence of the National Crime Agency continued. The PSNI has said:

"It is the PSNI view that if the NCA is unable to operate fully in Northern Ireland, this will
have a detrimental impact on our ability to keep people safe."

For those who do not believe that this is an issue of great importance, I ask them to consider the assessment that up to 150 organised crime gangs are operating in Northern Ireland in drug dealing, fuel laundering, illegal dumping, cybercrime, child abuse and human trafficking. The PSNI needs support in tackling gangs across borders, and the House should give it the support that it requires.

The NCA are the UK's leading experts in combating cybercrime, child exploitation and large-level criminality. The PSNI needs to be able to tap into the resources of the NCA and, in return, the NCA can ease the burden on the PSNI by releasing officers to work on local crimes. This helps the police locally to cope with the current budgetary pressures and releases officers back into community policing.

One of the key arguments for the NCA is around the area of civil recovery, allowing the NCA to target the assets of local criminals.

Since the NCA came into existence, there has been no capability in Northern Ireland for civil recovery of criminal assets. That is shameful and sends out the wrong message to criminals. Those involved in making money from illegal activity should know that they will be caught and that, when they are, they will lose everything that they have accumulated.

I doubt that anyone in the Chamber would wish to construct an argument that suggests that criminal gangs and organised criminals should not be brought to justice, but there are those who have raised particular areas of concern around accountability. Accountability is important. Indeed, it would be a very foolish legislature that would create a powerful body without having accountability mechanisms in place. Over the past number of months, detailed work has been undertaken by the Department of Justice in Northern Ireland, the Home Office and Home Secretary, the NCA, the Northern Ireland Office and the PSNI. The PSNI again is on record as saying:

"It remains our view that the NCA should only work in Northern Ireland alongside the PSNI, so that operational control ultimately remains with the Chief Constable and nothing proceeds without agreement. There must be complete transparency for PSNI of the NCA's intelligence, investigations and operational activity. Through such arrangements, the Chief Constable can be held accountable for NCA operations via the Policing Board."

Most Members will be alive to the issues around accountability mechanisms and their importance for many Members. The National Crime Agency is, of course, a UK-wide body established by legislation at Westminster, but a number of assurances and clarifications have been arrived at, following intensive work between the devolved Department of Justice, the PSNI, the Home Office and some of the interested parties. In this regard, it was extremely useful that the Minister shared with the Justice Committee, on Wednesday past, a paper outlining his revised proposals for the parties in the Northern Ireland Assembly.

For example, in relation to the code of ethics, NCA officers do not have to just read and understand the PSNI code of ethics. The director general of the NCA has made a commitment to seek to make NCA officers operating in Northern Ireland bound by the code. The director general (DG) will also be required to attend the Policing Board and report on the delivery of his annual plan. The DG is on record as saying that there is an implied obligation to provide information and answer questions asked by the Policing Board and that the board itself would have a statutory responsibility to monitor the performance of the NCA in carrying out the annual plan as it relates to Northern Ireland.

It is now also proposed that it would be laid down in statute that the director general:

"shall supply the Board with such information and documents as the Board may require for the purposes of, or in connection with, the monitoring of the performance of the NCA in carrying out its Annual Plan as it relates to Northern Ireland."

That is effectively mirroring section 33A of the Police Act 2000. Section 59 of the same Act places a general duty on the Chief Constable to report to the board with certain exceptions. Section 60 enables the board, having considered a report, to instruct an inquiry into a matter because of its gravity or exceptional circumstance.

The proposal now is to include in statute words to the effect that:

"the DG shall, whenever so required by the Board, submit to the Board a report on any matter connected to the performance of the
There have also been clarifications around the fact that the NCA must secure PSNI agreement to an operation. Once this request has been made, the Police Service of Northern Ireland must carry out a community impact assessment that the NCA must have regard to. It is also proposed that the Department of Justice or the Home Secretary may, after consulting the ombudsman and director general, refer a matter to the ombudsman for investigation if it is in the public interest to do so. A similar power will be given to the DG to call in the ombudsman. These, of course, mirror the arrangements for the police in section 55 of the Police (Northern Ireland) Act 1998.

I believe that this highlights the accountability mechanisms called for by Members during previous debates on this issue, most notably back in October 2014. I urge Members to support the motion this afternoon and take the vital step to ensure that Northern Ireland does not become the easy option for criminal gangs and organised criminals. I commend —

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

**Mr Ross:** I will give way; yes.

**Mr Allister:** Just before the Member finishes, could he explain why paragraphs 14 and 15 of schedule 3 to the Crime and Courts Act 2013 are not to be extended to Northern Ireland. Paragraph 15 would give the Minister of Justice the right to direct the PSNI to assist the NCA. Why should that power not be given, particularly since, under the legislation, it is a duty of a member of the PSNI to cooperate with NCA officers? Therefore, why are we not extending paragraph 15 of schedule 3? Why are we not applying it? Can any light be shed on that?

**Mr Ross:** I appreciate the Member's intervention. He will know that there have been a number of negotiations on how we can get the NCA operating in Northern Ireland, and there are various areas in which the legislation will be implemented here slightly differently from the rest of the United Kingdom. It would be good to get to the point at which we get agreement in the House to have the NCA operational in Northern Ireland. I think that the PSNI is confident that it has the ability to work alongside the NCA in protecting the community here.

**Mr Humphrey:** I am grateful to the Member for giving way, and I welcome his bringing the motion forward. We saw terrorist activity in north Belfast at the weekend. I, along with councillor colleagues, spent time on Friday afternoon with youth providers on the greater Shankill. They told us that the drug problem is huge and endemic. Will the Member agree with me that it is not desirable but essential that the powers be fully extended and that the NCA become fully operational in Northern Ireland to deal with the issues of drugs, human trafficking, fuel laundering and criminality that are on a scale that cannot be addressed solely by the resources of the Police Service of Northern Ireland?

**Mr Ross:** I absolutely agree with the Member. I mentioned that one of the biggest areas in which our legislation is deficient is in having the ability to take assets off criminals. Particularly when it comes to drug dealing, fuel laundering and suchlike criminality, it is important that we have the powers in place to allow the authorities to seize the assets of those involved. The other area, of course, in which we need the NCA's expertise is with large-level crime, particularly cybercrime, to ensure that, in particular, our young people and children are safe.

My time is almost up. I hope that today the Assembly will signal its consent for the NCA to become fully operational in Northern Ireland and for ensuring that we have in place the legislation required to keep people here safe.

**Mr G Kelly:** Go raibh maith agat, a Cheann Comhairle. I will start with the basics: the Good Friday Agreement achieved the architecture of a new beginning to policing, and it is Sinn Féin's view that the PSNI is more than capable of policing with the community, which is the core function of policing. It has a duty to do that and to tackle all crime, including serious and organised crime. We support the police fully in that endeavour, with the only caveat being that they are accountable at all times. That was at the core of the policing issue as well.

There has been a long debate, discussion and negotiation on the issue of the NCA, which is, of course, already active in the North. There is cooperation with the gardaí and the PSNI, and NCA expertise is also available to them. Accountability is again the issue at the core of the debate, and changes have been achieved. I find it interesting that the Member who spoke previously went through a list of those changes, particularly on accountability, because unionists wanted to sign up to the NCA before any of that
was agreed. Indeed, they would have signed up to it at that time and have criticised us since for trying to get more out of it. Without repeating what the Member said, the changes that have been achieved are to the Policing Board’s mechanisms, the accountability of the ombudsman, Criminal Justice Inspection and, indeed, the HMIC, and we welcome all of that.

However, under this order, the British Home Secretary can extend the power and remit of the NCA, without reference back to or the agreement of the Executive, the Assembly or even her own Westminster Parliament — she does not have to go back to it either. At any time, and she was urged to do so, the British Home Secretary could have chosen to remove that power or diminish its application, and that she did not is a difficulty. It also opens up a second question, which is to do with the relationship of the NCA with MI5 and other security services. Unfortunately, we have to deal with empirical experience that we have of what used to be called the "secret services", not just in the North but, more recently, in Iraq and Afghanistan. However, let us deal with Ireland. At the moment, MI5 has no arresting arm. The question is this: will the NCA then become that arresting arm? At the moment, when the PSNI takes over any operation, it is accountable under all the accountability mechanisms. That is the safeguard.

12.30 pm

I know that the SDLP will be up after me, but I want to quote from its document to the Stormont House Agreement:

“A second stream of the NCA negotiation is the shadow world of intelligence. There are two primary issues. One is the power of the London Home Secretary, by way of ‘order’ to broaden the role of the National Crime Agency into anti-terror operation. The second is the relationship between the National Crime Agency and the Security Service ... The contention that a Home Secretary ‘by Order’ could expand — and this is not conceded by the SDLP — the role of the National Crime Agency to Anti-terror operations in Northern Ireland without a proper process and proper principles is deeply problematic. Moreover, the National Crime Agency operating in Northern Ireland in association with the security service is a current expression of another concern about accountability around intelligence, policing —”

Mr Humphrey: Will the Member give way?

Mr G Kelly: I will not; I am nearly finished:

“— including the work of the security service.”

I understand that the SDLP has a letter from the British Home Secretary. I suppose the question is: if it can put that in a letter, why did it not just change the Order in Council? I assume that SDLP Members will answer that when they get up. If the party is sincere in what it says, why does it not do that?

Sinn Féin will vote against the motion on the basis that it is an underhand process, which another colleague will deal with shortly — [Interruption.]

Mr Speaker: Order.

Mr G Kelly: It is interesting that the Minister is laughing, but it is not the Minister who is bringing this forward. Maybe he can answer that when he eventually gets up.

The British Home Secretary can change the remit without agreement, and we can and should deal with civil recovery, which I did not get to deal with. Very early on, we asked for a bespoke process, and the Minister has refused to do that.

Lastly, the police say that, in the end, the only argument they have is over resource. If the argument is over resource, let us argue for more resource.

Mr Speaker: The Business Committee has arranged to meet immediately after the lunchtime suspension. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm. The first item of business when we return will be Question Time. The debate will continue after Question Time, when the next Member to speak will be Dolores Kelly.

The debate stood suspended.

The sitting was suspended at 12.32 pm.
2.00 pm

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

Oral Answers to Questions

Agriculture and Rural Development

Mr Speaker: I advise Members that questions 1, 3 and 8 have been withdrawn. Judith Cochrane is not in her place. Tom Buchanan is not in his place.

Circuses: Ban on Use of Wild Animals

5. Mr Agnew asked the Minister of Agriculture and Rural Development for an update on any discussions she has had in relation to a ban on the use of wild animals in circuses. (AQO 7481/11-15)

Mrs O'Neill (The Minister of Agriculture and Rural Development): Go raibh maith agat, a LeasCheann Comhairle. We are very quickly skipping up the numbers.

I hosted a meeting on 21 January 2013 to discuss the issue of wild animals in circuses. The meeting was attended by representatives of the Born Free Foundation, Animal Defenders International and the Captive Animals Protection Society. Since that meeting, I have corresponded with the Born Free Foundation and the Captive Animals Protection Society, and my officials will continue to liaise with all the organisations.

I also raised the issue of the use of wild animals in circuses at the North/South Ministerial Council agriculture meetings on 10 July 2013, 13 November 2013 and 1 October 2014. Minister Coveney and I agreed that officials would investigate the possibility of an all-island approach to the issue of animals in travelling circuses and that the findings and proposals would be reported at a future NSMC agriculture meeting.

My officials met counterparts from the Department of Agriculture, Food and the Marine (DAFM) on 5 September 2013, 19 March 2014, 24 July 2014 and 29 September 2014 under the auspices of the North/South animal welfare and transport working group and discussed the issue in detail. As there are no circuses based here, DAFM agreed to engage with stakeholders who would be directly affected by any proposals on the use of animals in circuses. That stakeholder engagement, which included several circus operators, local authorities and the European Circus Association, has now concluded, and DAFM proposes to introduce a code of practice on the use of wild animals in circuses. My officials continue to work with DAFM officials. We will continue to engage on the issue as it progresses, with a view to having an agreed all-island code of practice.

Mr Agnew: I thank the Minister for her answer and, indeed, for all the work that she has done on the issue. Whilst a code of practice sounds like a way forward, I do not believe that even a well-intentioned circus can meet the needs of wild animals in the conditions in which circus animals are, by necessity, kept, including being transported in cages etc. There have been discussions on an all-island basis, but is there any reason why Northern Ireland cannot itself introduce a ban on wild animals in circuses? If the Minister finds herself in disagreement with her counterpart in the Republic of Ireland, is she willing to act alone?

Mrs O'Neill: I have always said to the Member that I am very open to the possibility of banning the use of animals in circuses, and I still have that position. However, no circuses are based in the North, and when we create legislation we have to make sure that it is relevant and is responsive to a need. Given that we do not have a circus based here and only have visiting circuses from the Twenty-six Counties and, indeed, from across Europe, the best solution that we have at the moment is to develop a very strong protocol so that everybody is clear about their responsibilities. As I said, the work and the discussions are ongoing, and I certainly do not have a closed mind to moving towards banning animals in the future if there was a clearly identified need. I have looked at what is happening in Scotland, where they are also reviewing the situation. I also believe that Wales is moving to the same position as England, moving on ethical grounds rather than welfare grounds, given that there is perhaps a lack of information about the welfare issues.

I hope that the Member is assured that we will keep the issue under review. There will certainly be an ongoing discussion at NSMC level, but, in the meantime, we will move forward with a very strong protocol.

Mr Lynch: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for her
answer. Will she advise what collaborative work has taken place with the Department in the South?

**Mrs O’Neill:** It is vital that we take forward the issue collectively, given that there are no circuses based in the North. A number of travelling circuses are inspected by councils. You will be aware that all non-farmed animals are inspected under the Welfare of Animals Act 2011 and that that is taken forward at council level. On future cooperation, I have outlined quite a number of areas of discussion, including engaging with stakeholders and engaging with the Department. Officials at working-group level are working hard to identify the need and then bring forward recommendations, the first of which, as I said, is around the protocol. However, I do not have a closed mind to moving towards a ban if I have valid reasons for doing so.

**Mr Dallat:** Hands up as someone from a rural area, where the highlight of my year was the coming of the circus to our town. Does the Minister agree that the circuses of Ireland — Duffy’s, Fossett’s and all the others — are about more than wild animals? Will she tell the House whether she has directly communicated with the wonderful people who have brought so much joy and so much happiness to children like me, when I was a child?

**Mrs O’Neill:** I think that we can all admit to enjoying the circus when we were children.

As part of the ongoing engagement, we have to engage with stakeholders. However, none of those circuses is based here. As I said, if I were going to legislate, I would need to have a valid reason for doing so. Given that animals in circuses are inspected and looked after by local council animal welfare officers, I can say that, since the legislation came into play in 2012, only one case has been reported to councils. Therefore, we would need to legislate only if there were merit in doing so and if welfare issues were identified. There is always the argument around circuses as to whether you move forward on an ethical basis, which they are doing in England, on a welfare basis or both. However, I have an open mind to it. I am not trying to be a killjoy and ruin any child’s fun, but this is about making sure that, if there are valid welfare issues, they are addressed. I know that other countries are looking at licensing circuses, and that is another possible option that could be explored over the next wee while. As I said, those discussions are ongoing with my Department and with DAFM in the Twenty-six.

**Mr Lyttle:** I welcome the work that the Minister has undertaken on the issue, and I heed what she said about a code of practice for wild animals in circuses. However, does she not accept that a circus is not a place for wild animals and, indeed, that she should make progress on introducing a ban on wild animals in circuses?

**Mrs O’Neill:** As I said, England has looked at bringing forward legislation. They had originally ruled it out but are now bringing it forward on ethical grounds. That is for any Minister to decide. I do not have the information in front of me that would suggest that we need to move, but I want to engage with the body of work that is ongoing in my Department and DAFM on talking to stakeholders, exploring the downsides and looking at what we can do. The protocol is certainly a step in the right direction, but there are other areas that we can look at around licensing. As I said, I do not have a closed mind to legislating, but I would have to be assured of the merits of doing so and make sure that there was absolute justification for it.

**GAA Clubs: DARD Funding**

6. **Mr Allister** asked the Minister of Agriculture and Rural Development to outline the departmental funding allocated to GAA clubs since May 2007. (AQO 7482/11-15)

**Mrs O’Neill:** Out of funding allocated by my Department under the tackling rural poverty and social isolation framework, five GAA clubs received a total of £31,219 from the rural challenge programme. All the projects focused on community health and well-being initiatives.

Under axis 3 of the rural development programme, my Department has not allocated any funds directly to GAA clubs. However, local action groups have competitively assessed a number of applications under axis 3 where the GAA has promoted a project that also benefits the wider rural community and is separate from its primary activity. To date, 15 such projects, worth almost £3 million, have been funded since May 2007. I would add that similar projects that benefit the wider community have been successful for other sporting clubs, such as sailing, soccer and athletics clubs and the Special Olympics. They have invested over £1 million in community projects on the ground. I take the opportunity to thank all the organisations involved for taking a lead in their community and for addressing specific community needs.
Mr Allister: With our dairy farmers in crisis, our pig farmers in crisis and our beef farmers in crisis, is it not a scandal that something in the order of several million pounds has been siphoned off to the GAA and some other sporting bodies, much of which is modulated money that, in the first place, came out of the pockets of farmers? Three quarters of a million pounds was given to perhaps the richest GAA club in all of Ireland: Tyrone. Is it not a scandal that funds of that nature are being siphoned off when they should go to front-line agricultural needs?

Mrs O’Neill: Perhaps the Member should educate himself better about the merit and benefit of what GAA clubs provide in communities, particularly rural communities. They are very often right at the heart of a rural community. All the projects that have come forward have been assessed in line with the rules and regulations that are set out. They were found to be projects of merit and have been funded accordingly. I thank all the projects that have come forward. One of the benefits of being able to do the work is that it is communities telling us what they need as opposed to Departments telling communities, “Here’s what we’re going to give you”. I very much value the work that has been done with GAA clubs, soccer clubs and all the other groups that I outlined that have benefited from the programme.

As for the crisis in the dairy sector, it is not fair to pit one against the other. I assure you that I am doing everything that I can to protect and work with the farmers in the dairy sector who are having such a very difficult time. I assure you that I am prioritising getting the single farm payment out to farmers. We are exceeding all our targets, and I will continue to do that work. All that work comes out of pillar 1 rural development funding. Rural communities also deserve support. Rural people deserve support for community services, basic services and to help rural businesses to diversify. It goes across that whole range. It is not a case of playing one against the other. Let us support rural communities in their entirety.

Mr Sheehan: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as na freagraí go dtí seo. I thank the Minister for her responses up to now. I am sure that she will confirm that many of those sporting organisations, including the GAA, are not just that: they contribute to health, education, culture and language in their community. Will the Minister confirm that those organisations have gone through an evaluation process and conform with the criteria that are set down, irrespective of their background?

Mrs O’Neill: Absolutely. There is nothing hidden here. Any sporting group that applies goes through exactly the same process. It is assessed by the LAG, which includes members from all political parties, community representatives and other statutory partners.
It is a very rigorous process, which all groups go through.

2.15 pm

Again, I put on record and agree with you about the benefits that these groups provide in rural communities. They are absolutely second to none. As I said, the GAA is at the heart of the community. Those are the groups that provide all the services around health and well-being, trying to tackle isolation and trying to get more people involved in community activities. I am delighted that they have been successful in the past, and I know that plenty of groups in rural communities are looking forward to the new programme opening towards the end of April and into May. Indeed, rural businesses are also looking forward to the programme opening up for the opportunities that there may be there for them.

Mr Deputy Speaker (Mr Beggs): Alasdair McDonnell is not in his place.

Fisheries Task Force

9. Miss M McIlveen asked the Minister of Agriculture and Rural Development for an update on the work of the fisheries task force. (AQO 7485/11-15)

Mrs O'Neill: The fishing industry task force was established last year to examine issues affecting the offshore fishing fleet. It was agreed that, initially, the task force would consider the factors affecting profitability of certain fleet segments and the future challenges faced by the fishing fleet and onshore businesses, particularly the EU landing obligation.

An interim report was requested to detail priority actions to address those issues. The task force included representatives from the catching sector, the prawn processing sector, the pelagic processing sector, fisheries science, fisheries economics, fisheries policy, producer organisations and active fishermen. The task force met five times last year, and I received its interim report on 14 January. The interim report, which is available on our website, contains 12 recommendations, which I shall respond to over the coming weeks. They concern the implementation of the EU fish landing obligation, the launch of the new European Maritime and Fisheries Fund, the assessment of the capacity of the fishing fleet, priorities for fisheries science and policy for dealing with the annual fisheries negotiations.

The task force has made a valuable contribution to date, and there is still much work to be done. I therefore look forward to the task force continuing to work with my Department in the future.

Miss M McIlveen: What discussions have been had in respect of decommissioning or scrap-and-build schemes?

Mrs O'Neill: Yes, the Member will be aware that that is an issue that has been ongoing for some time. The task force will be giving further consideration to the economies of scale that could be achieved from looking at the fishing fleet during 2015. In particular, it will be looking at a report that is due to be produced by Seafish on the impacts of the landing obligation on the catching and processing sectors, as well as an assessment that will be sponsored by my Department on the balance between what fishing capacity is available and, obviously, the fishing opportunities for Irish Sea nephrops. That may lead to a further examination of options to encourage a restructuring process.

Mr McAleer: Go raibh maith agat. Will the Minister give us an update in relation to the inshore fisheries strategy?

Mrs O'Neill: I announced the publication of the DARD inshore fisheries strategy on 19 December 2014. That strategy focuses on the development of inshore fisheries, based on the key challenges facing stakeholders, such as management of fisheries, improving data, increasing the use of technology, enhancing economic returns and safer fisheries. One of the priorities within the inshore fisheries strategy is the creation of a partnership group to inform future inshore fishery policy.

My officials have written to industry stakeholders seeking nominations to serve as members of the partnership, with the aim of convening its first meeting during March 2015. One of the group's early tasks will be to consider in which priority order the key measures within the strategy should be progressed. Given the nature of the work, the group will comprise primarily fishing industry representatives, along with environmental, sea angling and public sector representatives.

Mr Kinahan: The question I was going to ask is exactly the same as that just asked. Will the Minister update us on whether the sea bass stakeholders are included in the fisheries task force? I know they were pushing for it and felt they were being left out.
Mrs O’Neill: I will check that for the Member and come back to him. I am not sure; I do not have that information here.

Fishing Industry

10. Mr McCarthy asked the Minister of Agriculture and Rural Development for her assessment of the current schemes available to help ensure a sustainable supply of labour for the fishing industry. (AQO 7486/11-15)

Mrs O’Neill: I am very supportive of our fishing industry and the contribution it makes to the economy, and I am keen to support the industry through measures geared towards helping businesses adapt to the challenges they face.

The European Fisheries Fund (EFF), which is now closed for applications, has provided funding for projects to encourage new entrants into the industry, as well as enhancing the skills of those already employed in the fishing sector. An example of that was the new entrant training scheme, in which over £32,000 was awarded to Seafish to deliver a number of introduction to commercial fishing courses. Those courses were designed to encourage potential new entrants to the industry, show them what is involved in a career on board a fishing vessel and provide the appropriate skills that would assist them should they wish to pursue such a career. Other examples of such grant awards include £46,000 to provide deck and engineering courses and £75,000 to support fishermen in obtaining their skipper’s ticket.

The new European Maritime and Fisheries Fund (EMFF), to be launched later this year, will provide further opportunities to support the fishing sector and contribute to developing skills and knowledge of the fishing industry. A key objective of the EMFF is the development of professional training, new professional skills and lifelong learning. Specific articles within the EMFF regulations also provide for the promotion of human capital, job creation and social dialogue. My Department will consult the fishing industry to identify the measures required to meet its needs.

Through past support from the EFF and future assistance from the EMFF, I am showing a clear commitment to helping the fishing industry to develop its workforce.

Mr McCarthy: I very much welcome the response from the Minister. Given all that she said — and I welcome everything that she did say — why is the fishing industry finding it difficult to recruit people, particularly young people? It would be a shame, when there is a glimmer of hope in the fishing industry, if it went back because of a lack of young trainees coming in.

Mr Deputy Speaker (Mr Beggs): The Member has asked his question. Thank you.

Mrs O’Neill: It is obviously a very difficult career. It is a very difficult and tough job to be involved in. A lot of the work that we are doing is around giving younger people a taster of what is involved in working in the sector. Hopefully, that will encourage new people to get involved in the industry.

I suppose that it is a wee bit about how we can best forward plan, and there will be opportunities through the new EMFF to allow us to do that. What will complement that work is the work that is being done with the fisheries task force, because obviously that will identify the future needs of the industry and where we need to focus our efforts. So, a range of things across the board will hopefully assist in creating a situation where we have a sustainable fishing fleet and industry.

Mr Boylan: Go raibh míle maith agat, a LeasCheann Comhairle. Will the Minister expand on the support that the European Maritime and Fisheries Fund will offer?

Mrs O’Neill: The current fund is at an end, so the new funding package will support the sector until 2020. The bulk of the funding will go towards supporting the common fisheries policy reform and measures to improve the economic and environmental sustainability of the industry. Important areas, such as technology to reduce fish discards and the modernisation of vessels to improve health and safety, are a welcome inclusion in the funding proposals. So, there is quite a range of areas of work, which will be taken forward in conjunction with the industry and on the basis of identified need in the industry.

Pig Meat Market Price

11. Ms Sugden asked the Minister of Agriculture and Rural Development for her assessment of the impact that the current differential pig meat market price between Northern Ireland and Great Britain is likely to have on the growth objectives for the pig sector as outlined in the 'Going for Growth' report. (AQO 7487/11-15)
Mrs O’Neill: I am aware of the difference in the prices paid to pig producers in Britain compared with those paid to producers in the North and that a growth in the differential has coincided with a wider downward trend in European pig prices. Whilst that price differential is a commercial matter and my Department has no remit to intervene, I am aware that the current fall in pig prices is placing our pig sector under considerable pressure and is limiting growth opportunities. Pig farming plays a significant role in the agricultural economy here, and it is important that we work to help the sector be sustainable and build resilience against market volatility.

The Going for Growth action plan sets ambitious targets for the local pig sector, and I am hopeful that the sector will meet them. I recently met with local pork processors to discuss access to new trade markets, including China and Australia. My officials are working to secure access to those markets, which will hopefully mean greater returns for the pig sector. It is also hoped that that will mitigate price fluctuations and contribute to growth in the sector.

In addition, a key recommendation in the Going for Growth action plan was to have the farm business improvement scheme, which is being developed under the new rural development programme. That will also assist our local pig sector in taking advantage of current and future market opportunities.

Ms Sugden: I thank the Minister for her answer. Does she have any plans to appoint an independent veterinary expert to provide strategic oversight of the health of the pig herd to ensure effective growth?

Mrs O’Neill: I am happy for the Member to write to me to talk about that. It is an issue that has been raised on a few occasions in the past.

I am keen to do everything that we can to protect the interests of the pig sector. We are actively pursuing additional markets, which will obviously help with the price issue. Export growth is what we are targeting. We are disappointed that we have not had the visits from the Chinese officials recently, but we are hopeful that those will happen over the next number of months. I have assured the industry that, if needs be, I will go to China and seek political meetings, if doing so will improve the situation and speed up the time frame of those inspections.

We are also looking towards new markets. Australia is another market that the local industry is very interested in. So, I suppose that, in trying to create new market opportunities, working alongside the industry through the advisers we have on the ground, I think that a combination of issues will hopefully see the industry through what is a difficult time.

Mr Byrne: Given that people involved in pig production have two major bottlenecks, the price of pig meal feeds and the pressure from the banks, can the Minister give any reassurance or encouragement to the pig men in relation to talking to the feed suppliers and, indeed, the banks to give them some space?

Mrs O’Neill: I met the banks just before Christmas to ask them for some compassion and flexibility, initially in relation to the dairy sector, but, obviously that is relevant right across the board, with the pig sector in difficulties too. Whilst I cannot do anything about the market issues that lead to price, we can chase after new markets, as I said. Alongside that, it is about what we can do in-house to assist the industry. I assure the Member that we will continue to do that.

Mr Irwin: Given that pig prices in Northern Ireland are running at about 20p per kilo less than the current UK price, does the Minister accept that that leaves our producers at a big disadvantage and that it is, therefore, unacceptable?

Mrs O’Neill: I am aware of the difference between the price paid for pigs in Britain and here in the North and of the fact that that gap has grown, with local processors dropping their prices by quite a greater degree against the standard pig price. As I said, the price that farmers are paid for their produce is a commercial matter, and the Department does not have a remit to intervene on that issue. Nevertheless, as I have always made very clear, I believe that farmers should receive a fair price for their produce. I encourage all elements of the supply chain to work together to mitigate fluctuations and to facilitate sustainability in local farming, particularly in the pig sector.

Mr Cree: The Minister has touched on this issue, but will she provide an update on the progress of the audit from the Chinese authorities on the pig industry?

Mrs O’Neill: I had a recent meeting with the pig industry on 19 January. I advised them that we were initially expecting the visit to be last week
but that that had been postponed. So, we have engaged with the Chinese officials at a political level in China to try to secure that engagement. We have been told that it will certainly be over the next number of months. We were also delighted to host a delegation from Australia in looking towards opening up that market for us, so we are coming at it from a number of angles.

Certainly, the industry here is greatly disappointed that Chinese officials have not been here yet for the inspections, given that producers are all in a state of readiness and are very happy to open their doors to show the safe and secure practices that they have. We are hopeful of securing access to those markets. I will do all that I can at a political level to encourage the Chinese visit as soon as possible. Obviously, I will keep the industry up to speed on any developments.

**Ballykelly: Public Transport**

12. **Mr G Robinson** asked the Minister of Agriculture and Rural Development whether she has had any discussion with the Minister for Regional Development on improving public transport infrastructure in relation to the relocation of her departmental headquarters to Ballykelly. (AQO 7488/11-15)

**Mrs O'Neill:** I can advise the Member that, as I reported previously, I have met Minister Kennedy to discuss transport issues at the site. A transportation assessment is being undertaken at the site and is expected to be completed by the end of this month. My officials will continue to liaise with colleagues in DRD to consider all the transport implications of the move of my Department to Ballykelly.

**Mr G Robinson:** Will the Minister agree that a rail halt at the very welcome relocation of DARD headquarters to Ballykelly would be a big benefit to the travelling workforce?

**Mrs O'Neill:** Yes, absolutely. I think that it would be a tremendous asset. I suppose that it comes down to costings, affordability and timings on the track. It has been raised with me, not least with Cathal Ó hOisín, in the past. We have discussed it with DRD and with Minister Kennedy, and officials are continuing to do that piece of work. I look forward to getting the report at the end of the month, which will give us a bit more detail on whether it can be progressed and how. I agree that it would be a tremendous asset in assisting the move to Ballykelly.

**TB Reactors: Discrepancies**

**Mr Buchanan:** First, I apologise for missing question 4. I was meeting the Minister for Employment and Learning and was not able to be here.

T1. **Mr Buchanan** asked the Minister of Agriculture and Rural Development to explain the apparent discrepancies in the 2013 TB reactor figures, given that, in April 2014, the figures showed that there were 8,271 reactors, while in September of the same year, they showed that there were 8,392 reactors, and earlier this year, they showed that there were 7,502 reactors. (AQT 2041/11-15)

**Mrs O'Neill:** I do not have the figures with me, so I will have to pick it up with the Member in writing. I cannot respond to those figures, because I do not have them.

**Mr Buchanan:** How can we have any confidence in the system currently being used in the battle against TB when there is so much discrepancy in the figures for only one year?

**Mrs O'Neill:** You are suggesting that there is a discrepancy in the figures. I will need to take a look to analyse them further, but I can assure you that we have a very firm, EU-supported programme in place for TB eradication, and I assure you that I am committed to trying to eradicate the disease. The Member will be aware that there is no simple solution or quick fix. It is not a simple disease to solve, but, the work of our EU eradication plan and that of the TB strategic partnership group — the Member will be aware that I established it, and, on it, the
key industry representatives come together on
the next approach that we have to take —
means that we are certainly not taking our eye
off the ball when it comes to eradicating the
disease. We have seen the figures come down
year on year — nowhere near as fast as we
want, but at least we have that downward trend,
and I hope that it continues.

As I said, I can give the Member an assurance
that we are working very hard to get ourselves
into the position of eradicating the disease,
which will open up new markets to us for the
trade opportunities that we are trying to explore.

**Flooding: South Belfast**

T2. Mr Spratt asked the Minister of Agriculture
and Rural Development what discussions she
and her officials from Rivers Agency have had
with the Minister for Regional Development and
Northern Ireland Water about the Glenmachan
project in the South Belfast constituency to
alleviate the flooding problems in Sicily Park
and the Greystown area. (AQT 2042/11-15)

Mrs O'Neill: There is quite a large volume of
work being done in south Belfast around Sicily
Park, Upton Park and all the other areas. I am
just trying to get you the specifics on the area
that you referred to. At Orchardville, Rivers
Agency has completed maintenance and
upgrading work, and it continues to monitor the
situation. In the Sicily Park and Greystown
areas, Rivers Agency is working in partnership
with NI Water on the development of a scheme
to upgrade existing infrastructure. Subject to
securing agreement with landowners, it is
hoped that we will be able to commence the
first phase of that scheme in the summer.
Rivers Agency has also taken on responsibility
for three privately owned urban drains in the
Sicily Park area and at Upton Park, and
investigations by NI Water, Transport NI and
Rivers Agency are ongoing.

I hope that that covers the area that the
Member is talking about. If not, I am very
happy to provide him with an up-to-date
position. There is certainly quite a lot of work
going on in south Belfast, and a lot of it is being
taken forward right across the structures —
NI Water, DRD, my Department and Rivers
Agency — but I am happy to give the Member
any other detail that he needs in writing.

Mr Spratt: I thank the Minister for her answer. I
ask her to instruct her officials to have urgent
talks with officials of Balmoral golf club on the
river that runs through its park. They are being
treated in a most disgraceful way at present by
both DRD and Northern Ireland Water. That
will cause serious problems to the business,
which employs some 80 people. The issue
must be very sympathetically looked at by
everyone concerned.

Mrs O'Neill: NI Water is leading on the scheme
for the Sicily and Greystown areas. It is in
negotiation with Balmoral Golf Club, to which
the Member referred, regarding the storage of
floodwater in the club grounds. I am told that
the negotiations are at an early stage and that,
subject to agreement with the club, NI Water
hopes to commence the scheme in the
summer. I will take on board what you said and
ensure that I relay it to my officials for their
engagement with the project.

**Horse Mussel Beds: Strangford Lough**

T3. Mr Lunn asked the Minister of Agriculture
and Rural Development for a progress report on
the restoration of the modiolus or horse mussel
beds in Strangford lough. (AQT 2043/11-15)

Mrs O'Neill: The work is ongoing. I am trying
to get you an update on horse mussels. I do
not have the detail, so I will write to you with
more detail. The restoration plans are in place,
and Europe is happy with our approach. Ulster
Wildlife is also happy. It is about trying to
protect the horse mussel and create a situation
in which it is sustainable for the future. It is also
about trying to sustain those pot fishermen who
have been working that area for such a long
time. It was always about trying to get a
balance in how we take it forward. If there is
anything else to add to that, I will certainly
provide it to the Member.

Mr Lunn: I thank the Minister for that positive
response. Will she advise us on possible
European action against us for infraction? Are
we on course to avoid that or, if not, how much
is it liable to cost?

Mrs O'Neill: We are on course to avoid that if
we have not already avoided it. Europe was
content with the plan that we produced and
forwarded. As I said, the plan commanded
support across all those people who had an
interest in the horse mussel and in Strangford
lough. I believe that we have avoided the
potential scenario of facing fines.

**Farmers: Banking Arrangements**

T4. Mr McCallister asked the Minister of
Agriculture and Rural Development whether,
following her meeting with the Ulster Farmers' Union and local banks before Christmas, any progress has been made with regard to banks dealing with overdraft facilities or even capital holidays for farmers, particularly as she will be aware of the pressures from a huge drop in milk pricing and other sectoral cuts to the single farm payment. (AQT 2044/11-15)

**Mrs O’Neill:** As the Member rightly said, I met the six main banking organisations along with the Ulster Farmers’ Union (UFU) in December. It was a very positive engagement, and there was a positive meeting. The UFU and I asked for flexibility, a bit of sympathy and certainly a more proactive approach from the banks to their farm customers on the difficulties that they face.

As regards follow-up, the banks were then, as I said, to go and proactively have that engagement. Over the last number of weeks, I have written to them to ask for an update on where we are at and any progress that they have made.

The Member referred to capital payments. I suppose that there are arguments for and against that. Some farmers would like that, but I suppose, in the longer term, that it can sometimes increase penalties and fees further down the line. That is not to say that it will not suit everybody, because, for some farmers, it will suit them very well at the time. It is about options, so my role in engaging with the banks was about their being open and flexible about working with the industry.

Through the College of Agriculture, Food and Rural Enterprise (CAFRE), we are planning a series of meetings with local bank representatives to help farmers to deal with cash flows. That is positive because, given the volatility, managing cash flow is a key issue that farmers need to deal with. I am very happy that we will be able to do that work along with our CAFRE advisers and local banks.

**Mr McCallister:** I am grateful to the Minister for her reply. She, quite rightly, identified issues about cash flow. I also draw her attention to an investigation by the Competition and Markets Authority into banking. Has she had any input into that, given the importance of the agrifood sector in Northern Ireland? If not, will she endeavour to do so?

**Mrs O’Neill:** Yes. I have not been invited to give any evidence, but I am certainly willing to do so. The Member is absolutely right: this is about fairness in the supply chain and us supporting farmers through a very difficult time. If the situation arose, I would be very happy to go along to that inquiry and give evidence on its local impact. Maybe I could take that suggestion up from the Member today. This is about championing the fair treatment of farmers and ensuring that that fairness exists across the supply chain.

I welcome the moves from DEFRA in England this week around giving the groceries adjudicator additional powers. That is something that we all welcome. The industry had said from the start that it was concerned that it did not have enough teeth. Having the power to impose fines on supermarkets will enhance what it is able to do. It is something that is very valuable for the industry, so we will watch that with keen interest and will feed into the discussions on the development of that legislation.

**Mr Deputy Speaker (Mr Beggs):** Edwin Poots is not in his place.

**Young Farmers’ Scheme: CAP Support**

T8. **Mr Milne** asked the Minister of Agriculture and Rural Development for an update on the support that will be made available to young farmers under the CAP reform measures. (AQT 2048/11-15)

**Mrs O’Neill:** The young farmers’ scheme is a mandatory component of the direct payment support framework. That scheme is going to be financed by reserving up to 2% of the direct payments budget ceiling for this purpose. I am delighted that we are able to bring forward the young farmers’ scheme. We all know about the age profile of the farming industry and how we need to change that. Over the course of the CAP discussions, and with the fact that we have been able to announce the young farmers’ scheme, a considerable number of young farmers — over 2,000 — have enrolled in our CAFRE courses. That shows that quite a number of young farmers out there are heads of holdings and are working in partnership with their family farm business. I am delighted that we will be able to provide that support for those young farmers.

While I am on my feet, I just want to say that this week we will be publishing further guidance in relation to firming up and giving people the information that they absolutely need in deciding whether they are a young farmer and the types of evidence that the Department will be looking for. It is really about providing more
information and the last wee piece of the jigsaw for those young farmers to make the decisions when it comes to making their claim for single farm payment in May.

Mr Milne: Mo bhuíochas leis an Aire as na freagraí a thug sí dúinn go dtí seo. I thank the Minister for her answer. Will young farmers also qualify for support under the proposed farm business improvement schemes?

Mrs O’Neill: Yes, they will benefit from grant aid. We are still working on the ins and outs of the more detailed aspects of the farm business improvement scheme, but we hope to open it up later this year. The grant aid that we will provide to all farmers is 40%, but in order to support and enhance the investment and efficiency around farms, particularly from young people, we will increase that grant aid to 50%, so it will be an additional 10% for young farmers. I know that that has been very much welcomed by young farmers’ clubs, and, from engaging with young farmers, it is something that they are very keen to explore and hopefully be able to bid into in the future.

Mr Deputy Speaker (Mr Beggs): Oliver McMullan is not in his place. As the next period of Question Time does not begin until 2.45 pm and we have completed our topical questions, I can only suggest that we take our ease for a few moments until 2.45 pm.

2.45 pm

Culture, Arts and Leisure

Football Funding

1. Mr Newton asked the Minister of Culture, Arts and Leisure when she plans to announce which clubs have been successful in obtaining Northern Ireland Football League (NIFL) funding to upgrade their facilities. (AQO 7491/11-15)

2. Mr Easton asked the Minister of Culture, Arts and Leisure what discussions she has had with the Minister of Finance and Personnel for the release of funding for capital projects for Irish League clubs. (AQO 7492/11-15)

Ms Ni Chuilín (The Minister of Culture, Arts and Leisure): Go raibh maith agat, a LeasCheann Comhairle. With your permission, Mr Deputy Speaker, I will take questions 1 and 2 together.

The Executive endorsed a proposal to provide £36 million for the subregional stadium development for football as a priority area of spend in the next comprehensive spending review (CSR) period. My Department has developed a strategic outline case for the subregional programme and, following the Assembly’s approval of the 2015-16 Budget, that programme will now proceed and commence its next stages. No decisions have been taken as yet on which stadia will develop from that funding. Programme-specific details such as eligibility criteria, funding strands, funding limits, funding timelines etc are being finalised. Plans for consultation with key stakeholders are being processed and, once finalised, the subregional programme will be formally launched. I am optimistic that the remaining funding will be approved in due course to allow construction work to start in 2016-17.

Mr Newton: I thank the Minister for her answer. Does she envisage that NIFL will have any role to play in the distribution of the moneys?

Ms Ni Chuilín: No. I have heard plenty of rumours. People have raised concerns that, if the Northern Ireland Football League is allowed to dictate the level of resource and investment, that will not only undermine the IFA but will have an impact on groups that are not affiliated to it.

Mr Easton: I thank the Minister for her answer so far. Does she agree that this could be a real game changer for clubs right across the Irish League and possibly Bangor Football Club, if it is able to apply for those grants? It will make all the difference to the infrastructure and enable supporters to come and view the games.

Ms Ni Chuilín: I congratulate the Member on getting a pun in about it being a game changer. The subregional development and the investment that we are looking at thereafter will not only have a huge impact on the facilities that people go to to enjoy games, but I believe that, with the proper investment, it will help attract more people to the games and provide better opportunities for families to come together to enjoy them. I know that some of the complaints across the board about a lot of sporting facilities, particularly in soccer, are about toilets and being able to access food and car parking. The basic amenities that you come to expect are sorely lacking. This will have a huge impact on the clubs that receive it in this stage and in other stages that I hope to bring forward in the future for those to apply and succeed thereafter.
Mr Eastwood: Aside from upgrades of facilities, can the Minister tell us how much money has been given to clubs for general grounds maintenance and pitch maintenance?

Ms Ní Chuilín: The Member will appreciate that I do not have those figures to hand, but I am certainly happy to supply them to him. I can give him the figures from 2011 until the current date. If he needs any additional information, he can write to me and I will happily get that for him.

Mrs Dobson: When will the Minister be in a position to give details of funding that may be available for Portadown and Glenavon football clubs?

Ms Ní Chuilín: I anticipate that the next lot of questions about funding for soccer will be constituency-based. As I said to Mr Easton and Mr Newton, when the IFA, in conjunction with DCAL, brings forward the subregional programme, I anticipate that not only the two clubs that the Member mentioned but clubs that Members have mentioned previously and clubs that other Members have yet to mention will apply to that fund.

Mr B McCrea: Minister, this is part of an outworking of the arrangement that included the GAA and the IFA. Do you have any plans to extend it to rugby to see whether we can get subregional stadiums for that sport as well?

Ms Ní Chuilín: The Member is aware that I am in good discussions with the three large governing bodies. The subregional money for soccer is the remainder of the money that was awarded for the development of Windsor Park. I know already that development of the management and facilities, through the strategies that the GAA, Ulster Rugby and the IFA will bring forward, will run not only into the next Assembly mandate but into the following one. The good thing about the three sports is that they are growing. They are certainly much more inclusive than they were previously, in that they include women, young people and children with disabilities, and because there has been an increased demand for them, there has been increased investment. However, in this period and, in response to this question, I am dealing primarily with subregional facilities for soccer.

Mr Deputy Speaker (Mr Beggs): I advise Members that questions 5, 8, 10 and 13 have been withdrawn.

Sports Stadia: Public Transport Links

3. Mr Lunn asked the Minister of Culture, Arts and Leisure what discussions she has had with the Minister for Regional Development to improve public transport links to Belfast's three upgraded sports stadia. (AQO 7493/11-15)

Mr Lunn: Go raibh maith agat, a LeasCheann Comhairle. Ceist uimhir a trí.

Ms Ní Chuilín: Go raibh maith agat. Thank you very much. I have had no direct discussions with Minister Danny Kennedy with regard to improving public transport links to Belfast's three upgraded sports stadia. However, as part of the planning process for each proposed new stadium, Transport NI was a consultee and has provided comments and support where appropriate, which has been very helpful.

With regard to Windsor Park, I understand that the IFA met the Regional Development Minister on a few occasions regarding the creation of pedestrian links between the Adelaide Halt train station and the stadium. A planning application has also been submitted for those works on behalf of DRD and Translink. With respect to Casement Park, the GAA submitted an events management plan along with its planning application for the redevelopment, highlighting that Translink was agreeable to sitting on the event management board for Casement. The Ulster Council of the GAA has also committed to providing a public transport fund of £30,000 annually for the first two years of the stadium to encourage public transport travel amongst its supporters. That is to be welcomed. Finally, in relation to the Kingspan Stadium at Ravenhill, engagements with DRD, Translink and the Irish Rugby Football Union Ulster Branch and their respective team members were undertaken in order to deliver the current park-and-ride arrangements.

Mr Lunn: I thank the Minister for her answer. She knows that there is already a problem in trying to get people away from the Kingspan Stadium. When Casement eventually becomes a reality, transport will clearly be a major problem there with the increase in its capacity. Does she agree that this is a matter that needs to be addressed now, rather than later, when the problem actually arises? Perhaps she should be talking to Minister Kennedy and even to Minister Durkan about the taxi service.

Ms Ní Chuilín: I thank the Member for his supplementary question. He may be aware that some comments were made in the 18
December 2013 judgement by Judge Horner in relation to some aspects of Casement Park. I intend to talk not only to Minister Mark H Durkan but to Minister Kennedy, as I anticipate that there will be an application from the Ulster Council of the GAA for the revamping of Casement Park. Already, I know that the sponsored work programmes, which are made up of the three sporting bodies’ officials, also have an obligation to liaise with the officials of other Departments when problems arise. That means that such problems are dealt with as quickly as possible and, if they cannot be dealt with, an action plan is formulated to get the issues resolved. Traffic is certainly one of the aspects that has caught the imagination and exercised some people to the point where they may feel that, as a result of traffic problems, the shine has been taken off the facility that was developed in their community.

Mr Dunne: I thank the Minister for her answers. Can she give us an update on progress on the new entranceway at Boucher Road to improve access to Windsor Park? How will that reduce the impact of increased traffic on the Lisburn Road and Tates Avenue entrances?

Ms Ní Chuilín: As I said in my answer to Mr Lunn, the IFA — and Belfast City Council, in relation to Olympia Leisure Centre — has been talking to Minister Kennedy as well as to DRD. It is crucial that those discussions are ongoing, as they have had a helpful outcome in identifying problems. Certainly, the IFA had to submit a very detailed traffic management plan as part of its planning application in order to get planning approval in the first instance. In fairness to the IFA, it has not left it at that. It is constantly looking at opportunities to improve the situation. Indeed, other events on the Boucher Road, albeit not sport-related, have been used by the IFA, along with the PSNI and others, to see how traffic was managed when big crowds were coming into and leaving the vicinity. I am happy with the discussions thus far. They will be kept under constant watch to make sure that residents are not put out by cars being parked in their street, preventing them from getting in and out of their own home. It is very important that residents are not disturbed.

Mr Sheehan: Go raibh maith agat, a LeasCheann Comhairle. Can the Minister inform the Assembly of the current status of the Casement Park project?

Ms Ní Chuilín: The Member will be aware that there was a judicial review in December of last year. I believe that there is a strong resolve within the Ulster Council of the GAA. In fact, it voted unanimously on Saturday in favour of bringing forward the redevelopment of Casement Park. I have met you and many other elected representatives from west Belfast who are urging DCAL and the Executive to maintain their support for the redevelopment. I have also met lots of residents, community and voluntary groups, sporting groups and businesses. Indeed, all the sporting groups, not all of which were from the GAA community, encouraged me by saying that the development is needed.

The update is this: I anticipate that the GAA will bring forward its plans for another planning application. We will just need to take it from there. I am certainly supportive and will do everything that I can to assist the GAA with that.

Mrs Overend: Has the Minister designated any other areas for use as park-and-ride facilities to improve traffic flow during major matches?

Ms Ní Chuilín: Are you talking about Casement Park or Windsor Park, or both?

Mrs Overend: Both.

Ms Ní Chuilín: Park-and-ride facilities have been identified for Windsor Park, and that work will be ongoing. It has been acutely tested as part of not only the planning approval but, as I explained to Mr Dunne, the review of it thereafter. Windsor Park will hold up to 18,000 people, while Casement Park could have 32,000-plus people. In any new application on behalf of Casement Park, traffic management will be critical to planning approval. Greater detail than was provided in the first application, which was identified as being weak on areas of traffic management, will be needed to secure planning approval.

Derry City: Financial Support

4. Mr Elliott asked the Minister of Culture, Arts and Leisure whether her Department, or any of its arm’s-length bodies, has committed to provide any financial support for the refurbishment of League of Ireland club Derry City’s home ground. (AQO 7494/11-15)

Ms Ní Chuilín: I thank the Member for his question. The Executive endorsed a proposal to provide funding of around £36 million for subregional stadium development for football as a priority area of spend. The subregional programme is a logical channel for any potential
funding application, and the Brandywell stadium is one of a number of eligible venues across the North. DCAL has developed a strategic outline case for the subregional programme, and, following the Assembly's approval of the 2015-16 Budget, the programme will proceed and commence its next stages. I am optimistic that the remaining funding will be approved in due course, allowing construction to commence in 2016-17.

Mr Elliott: I thank the Minister for that clarification. I noted in recent press reports that Derry City are looking for money to expand and for their stadium. Has the Minister any idea whether that money may be subject to a move away from the Brandywell so that Derry City can re-enter the Irish League in Northern Ireland?

Ms Ni Chuilín: It is up to Derry City where they play, who they play with and who they play for. It is not a matter for me. I did anticipate that many Members would rise to their feet asking for support for their own club, as your party colleague did. I am glad, however, that the Member supports the application for investment for the Brandywell.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a freagra. I hope the fact that Derry City beat Ballinamallard United 2-0 last night had nothing to do with the type of question just asked.

Does the Minister agree that, whatever development is done at the Brandywell stadium, it is important that it is seen to be part of the Foyle valley gateway, which was a catalyst project in the One Plan?

3.00 pm

Ms Ni Chuilín: I agree with the Member. We have invested in the Foyle valley gateway. I have met officials from Derry City Council and Derry City Football Club, as well as a host of other sporting and community groups. The Foyle valley gateway is an ambitious plan, and the One Plan is even more ambitious than that. What I liked about all those plans, particularly the One Plan, is that they set out a direction of travel for investment by the Executive in the north-west. As I said earlier, I anticipate that Derry will put forward an application to the subregional programme.

Mr G Robinson: Has any financial support been committed to the upgrade of the grounds at Coleraine Football Club and Limavady United Football Club?

Ms Ni Chuilín: Not as yet, but I would expect that the Member and other Members who have been lobbied heavily in their constituencies would support clubs in making applications to the subregional programme.

Stadia: Financial Assistance

6. Mr Hilditch asked the Minister of Culture, Arts and Leisure what assistance is available for designated stadia in Northern Ireland. (AQO 7496/11-15)

Ms Ni Chuilín: I thank the Member for his question. The subregional programme is one of the channels for any potential funding applications for IFA designated venues. The Executive endorsed a proposal to provide funding of around £36 million for subregional development for football as a priority area. DCAL has developed strategic outline business cases for the subregional programme. As I said in a previous answer, the programme-specific details for eligibility and funding strands and limits have yet to be determined, and no decisions have been taken on the specific stadia that will benefit from this.

Mr Hilditch: I thank the Minister for her answer. It is a timely question, because I learned this morning that a club in my constituency may be interviewed under police —

Ms Ni Chuilín: Caution.

Mr Hilditch: Yes, so it is a very timely question. Will designated stadia throughout the Province receive any priority because of the government regulations under which they have to act?

Ms Ni Chuilín: I understand, as does the Member, that there is a need for designated stadia, particularly for health and safety reasons, which I know that he supports. The gap has now been created where individual clubs want to meet, if not exceed, their health and safety standards but are not financially in a position to do so. I have heard not only what the Member but what others have had to say about this. I imagine that, when it comes to subregional funds or any other funds in DCAL vis-à-vis Sport NI, people and clubs will approach us about getting health and safety standards met through those funding streams.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her answers
so far. Given her previous comments on plans to develop subregional facilities, will she outline the current status of the IFA governance situation?

Ms Ni Chuilín: I thank the Member for his question. He will be aware that, some time ago, an independent review of governance was completed, and recommendations were accepted by the IFA board. I am pleased to say that the IFA has implemented those recommendations, which gave DCAL the assurance that appropriate governance has been and continues to be maintained and fully meets DCAL’s needs. I am satisfied that the IFA has made significant progress against all those recommendations. That informed my decision to allow the IFA to proceed with the release of the construction notice for Windsor Park, which enabled construction to proceed. Had I not been satisfied of the governance procedures, as the IFA was fully aware, Windsor Park would not even have started.

Mr Cree: The Minister will know that, because regional stadia funding was returned, the Executive have agreed to consider favourably any in-year bids, provided they have the money. Has the Minister drawn up such a list yet, or is she considering that issue?

Ms Ni Chuilín: Well, I have not drawn up a list of clubs. Certainly, I know what the financial portfolio and the needs are around the subregional stadia and, indeed, the continuation of the stadia. Bear it in mind that the money that was returned also included money for Windsor Park. I have met and discussed this with Simon Hamilton, the Minister of Finance and Personnel. There is a process well under way to draw down those moneys. The Finance Minister anticipates a bid from my Department to make sure that the money to complete the stadia and commence the subregional stadia is available.

Creative Industries: Investment

7. Ms Maeve McLaughlin asked the Minister of Culture, Arts and Leisure to outline the investment provided to the film and creative industries in the north-west. (AQO 7497/11-15)

Ms Ni Chuilín: I thank the Member for her question. Investment by NI Screen and the Arts Council in film and the creative industries in the north-west in the last three years exceeds £4·2 million. That funding consists of production funding, film education, film festival funding and creative industries innovation fund grants and supports my focus on establishing the north-west as a key driver for the creative industries and wider social innovation. In addition, as the Member will be aware, DCAL contributed over £12·3 million to the City of Culture in 2013 for projects and events that focused on culture and creativity. They included flagship projects, such as Portrait of a City and Music Promise. This year, a significant amount of the £1 million resource budget secured in the October monitoring round has been allocated to organisations supporting the creative industries sector in the north-west. That includes places such as the Nerve Centre and its creative learning activities and the FabLab programmes, and organisations such as CultureTECH and others have received funding to help increase their capacity to support skills and development. A number of NI Screen-funded productions such as ‘Dracula Untold’, ‘Game of Thrones’ and ‘Jump’ have also used the north-west as a film location, further boosting the local economy, raising its profile and helping the local tourism industry.

Ms Maeve McLaughlin: Go raibh maith agat. I thank the Minister for that answer and for the investment and the particular role that she herself has played in relation to the City of Culture and investment in the north-west generally. Will she outline how the development of cultural hubs will benefit the communities in Derry and the wider north-west?

Ms Ni Chuilín: I thank the Member for her supplementary question. The cultural hubs are about making sure that it is multi-community and multi-purpose. They can look at things like sport and physical activities, virtual community infrastructure and networks. However, in the main, the principle behind them is making sure that investments, particularly in areas under the responsibility of DCAL, such as libraries, museums, sports and arts venues, are brought together to make sure that they provide an overall wraparound service. Indeed, some venues can be used for other activities. For example, films or discussions could be hosted in libraries, rather than using a theatre or anything else. Particularly in rural areas of the north-west, it is important that those services are available to as many people as possible.

Mr McCausland: The film and creative industries are hugely important for job creation and our economy. Does the Minister recognise the opportunities that arise in her constituency with the arrival of the University of Ulster, with all of the creative energy around that and the potential even to develop some activity in the film and creative industries in that area as the university comes on site?
Ms Ní Chuilín: Absolutely. The investment of the Ulster University at York Road and neighbouring the Cathedral Quarter, one of the most vibrant parts of the city and our constituency — indeed, the Library Quarter as well — has potential to, I suppose, encourage and nurture the creative industries that are currently there and encourage others to invest there. Certainly, we have an opportunity in North Belfast to look at the redevelopment and investment from the university, which I believe will attract other creative industries, crafts and artists to that sector and to that area. That is to be welcomed.

Mrs McKevitt: What support has the Department given to the development of the Irish language independent production sector?

Ms Ní Chuilín: The Member will be aware that programmes, documentaries and training and apprenticeships are being built around the Irish Language Broadcast Fund. It has caused me concern that, at times, the funds seem to be vulnerable in that they end one year and then you get another year's extension. That is an issue, and I have already started the process from last year to try to get those further secured. I have tried not only to have them secured but to point out that, within both the Irish language and Ulster-Scots broadcast funds, there needs to be more local film production and procurement. Local television-, documentary- and film-makers need to make sure that they have opportunities to benefit and that it is not the same people who benefit from one funding stream to another.

Cultural Hubs: Londonderry

9. Mr Devenney asked the Minister of Culture, Arts and Leisure for an update on the plans for cultural hubs in Londonderry. (AQO 7499/11-15)

Ms Ni Chuilín: I thank the Member for his question. I am committed to supporting the development of cultural hubs as part of my Department's focus on north-west development after City of Culture 2013. I want communities to have local access to equipment and support that allows people of all ages to develop new skills and have access to cutting-edge digital technology and encourages social enterprise in the heart of communities.

DCAL has identified over a dozen existing community-based venues across the north-west, including community centres and schools, to be developed as cultural hubs. These venues are in the context of significant need, where provision is inadequate or, at times, non-existent. The Nerve Centre is working with venues to refine equipment and training needs. The programme will roll out until the end of March. Venues will be provided with equipment such as digital technology, software and music-making and film-editing equipment.

Mr Devenney: I thank the Minister for her answer. Does the Minister agree that it is vital that the hubs are situated on sites that every community can use? Would the Minister consider the Ebrington site for one of the hubs, given that it is very much a neutral site?

Ms Ní Chuilín: The Ebrington site has benefited from a lot of investment from all Departments. If the Member is hinting or suggesting that the development of the cultural hubs is being done in a way that denies people access, I would refute that. Some of the cultural hubs that have been developed, not only in the city of Derry but elsewhere in the north-west, are based in communities that all people can access. If the Member has any concerns about a particular group or area, I am happy to meet him or to accept his correspondence and get back to him.

Mr Dallat: Does the Minister agree with me that Derry city is an example to the world of how different communities can share their culture? Does she accept that it is a model for the rest of Northern Ireland to emulate? Orangemen, Apprentice Boys, Hibernians — it does not matter who they are: they have this unique capacity to share their culture. In 2013, they showed the world how it could be done.

Ms Ní Chuilín: I thank the Member for his supplementary. I am a north Belfast girl — I was born and reared there — but I have a lot to learn from the city of Derry. Many people across the island have a lot to learn from the city of Derry. If each of us can take a wee piece of that and bring it into our constituencies, that is a good thing.

Cycling: DCAL Support

11. Mrs Dobson asked the Minister of Culture, Arts and Leisure how her Department supports cycling. (AQO 7501/11-15)

Ms Ní Chuilín: I thank the Member for her question. In the three financial years up to 31 March 2015, my Department, through Sport NI, has provided over £646,000 to promote cycling. In addition, funding to the Sports Institute provides specialist support to talented local

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cyclists in the form of sports medicine, performance skills, lifestyle management, performance analysis and strength and conditioning. This investment has resulted in success at international competitions for local cyclists.

Events such as last year’s Giro d’Italia have boosted a local interest in cycling. I am keen to capitalise on that growing popularity through increased participation. DCAL has also provided £10,000 for VC Glendale cycling club to deliver a cycling training and participation programme for children from the Shankill and Colin areas of Belfast. This is part of DCAL’s World Police and Fire Games legacy.

Mrs Dobson: I thank the Minister for her answer. Is the Minister aware that those competing in the disciplines of mountain biking and cyclo-cross do not receive funding? Will she take steps to ensure parity of esteem in the funding of each cycling discipline?

Ms Ni Chuilín: The Member has raised points that I am not familiar with. I will ask for, and happily furnish the Member with, details of that. However, it is hard to describe parity of esteem between different brands of cycling, particularly when you do not have the detail. So, I will wait and see what they are and make my judgement but keep the Member informed.

3.15 pm

Mr Deputy Speaker (Mr Beggs): That ends listed questions. We move now to topical questions.

Aonach Mhacha Culturlann Project: Armagh

T1. Mr Boylan asked the Minister of Culture, Arts and Leisure for an update on the Aonach Mhacha culturlann project in Armagh of which she is well aware. (AQT 2051/11-15)

Ms Ni Chuilín: I am aware of the project to develop a cultúrlann-type project. As an update, the Member may be aware that £150,000 was earmarked to develop the site, pending the successful outcome of the business case, which we are still working through. That was the indicative figure that we hoped to invest in that area.

Mr Boylan: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a freagra. I thank the Minister for her answer. She is well aware of the time and effort that have gone into this project. Will she give a commitment to keep me updated on the project, because it is vital to Armagh city and district?

Ms Ni Chuilín: To answer the latter part of the supplementary first: I will endeavour to keep the Member updated. I agree with him that it is important that the project is resolved and that construction starts. The Member and those involved in the development of this investment and application are well aware of DCAL’s requirements and they are very positive in proactively working their way through all the elements and additional information required.

Cycling: Development

T2. Ms McGahan asked the Minister of Culture, Arts and Leisure for details on how Sport NI and the governing body will develop cycling in the future. (AQT 2052/11-15)

Ms Ni Chuilín: I thank the Member for her question; I know that she is a keen cyclist. Sport NI has given significant support to cycling, the future development of which is one of the areas of increased demand. Through its work with grass-roots community groups, some cycling clubs and the governing body, Sport NI has taken on board what many people are saying. Some of our athletes who have performed over the years, particularly in cycling, have inspired people to get involved. So, Sport NI and my officials are more than aware of the increased demand around cycling.

Ms McGahan: Go raibh maith agat. I thank the Minister for her answer. Will she ensure that the lack of facilities in rural areas, as well as how to encourage more women into the sport, will be considered?

Ms Ni Chuilín: I certainly will. It may encourage the Member to know that many of the groups and individuals that I have spoken to have been from rural communities. I have absolutely no doubt that Sport NI has received the same if not similar representation. The whole area around rural communities has been highlighted, because our own natural environment is one facility that we have on our doorstep, and we need to use it better. If we can use it through the development of sport and physical activity, all the better.
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CAL Savings: EQIA

T3. Mr Cree asked the Minister of Culture, Arts and Leisure for an update on the full equality impact assessment on the savings proposal she intends to carry out for the current Budget year. (AQT 2053/11-15)

Ms Ni Chuilín: I am not yet in a position to give the Member an update, because we are still looking not only at the responses to the consultation but at the whole equality impact assessment process. The Member is on the Culture, Arts and Leisure Committee, which, in the first instance, will receive the report on the outcome of that, which I expect to see in the very near future.

Mr Cree: I will continue to push my luck. Can the Minister reassure us that she is still wedded to her decision to ensure that libraries do not close as a result of budget cuts?

Ms Ni Chuilín: I reaffirm my commitment to ensure that libraries do not close. I understand that some libraries may face a slight reduction in their opening hours, but my decision is to protect libraries as much as possible. I know that other arm's-length bodies (ALBs) in DCAL are unhappy with that, but my commitment remains to protect libraries as much as possible.

Irish Language and Ulster-Scots Strategies: Consultation

T4. Mr Weir asked the Minister of Culture, Arts and Leisure what level of Executive approval was sought before issuing the consultations on the Irish language and Ulster-Scots strategies, given the cross-cutting nature of some of the issues contained within those strategies. (AQT 2054/11-15)

Ms Ni Chuilín: There is a huge amount of consultation across the Departments. The Member is more than welcome, as is anybody else, to look at the publications, which are on the DCAL website.

Mr Weir: Why were the strategies then issued without approval by the Executive?

Ms Ni Chuilín: The strategies, the consultation and the outworkings of the consultation were all brought to the attention of Executive colleagues. If some people slept in and missed that, that is not my problem.

Festivals: CAL Funding

T5. Mr Newton asked the Minister of Culture, Arts and Leisure how she will ensure adequate funding for community festivals and, in particular, how she expects to fund the Eastside Arts Festival. (AQT 2055/11-15)

Ms Ni Chuilín: The role that festivals play is very important. The Member will know that the work of Eastside Arts is very, very important, and not only to the east of the city. Eastside is one of the cultural partners that have been working together for the last couple of years, particularly around the World Police and Fire Games. It has shown very clearly, as have other groups involved in the arts, creativity and festivals, that with a small investment there is a big outcome. That is the sort of work I hope that not only the Arts Council but local councils, in this case Belfast City Council, will support.

Mr Newton: Does the Minister recognise that the Eastside Arts Festival, as it is now branded, has been developed over the past few years basically on a shoestring, and that, as such, needs investment to ensure that it can catch up with all the other festivals that have a history of success?

Ms Ni Chuilín: I am sure the Member is not suggesting that, because other festivals in other parts of Belfast have used their initiative, got funding for a period of years and built up their performance portfolio and reputation, they should be held back in order to let Eastside catch up. That is not what Eastside Arts is saying. However, I was the only Minister who invested in Eastside Arts. No one else did it. I appreciate and value the work that it does. I will continue to try to make funding available where possible. I encourage the Member to talk to some of his colleagues about what is a great funding opportunity for their Department to fund such a great organisation that gives great outcomes to the community.

Irish Language and Ulster-Scots Strategies: Next Steps

T6. Mr McElduff asked the Minister of Culture, Arts and Leisure what the next steps are following the publication last Friday of her Department’s strategies on the Irish language and Ulster-Scots culture and heritage. (AQT 2056/11-15)

Mr McElduff: Is é mo cheist, cad iad na céad chéimeanna eile don straitéis sin?
Ms Ní Chuilín: I thank the Member for his question. The next steps are that my officials will draw up an action plan for each of the recommendations and commitments that are outlined in both strategies. That will involve other Executive Ministers. If other Executive Ministers, ALBs and public bodies feel that they cannot adhere to the commitments in those strategies, that is a matter for them. However, I am drawing up an action plan for the Irish language strategy and the Ulster-Scots culture and heritage strategy.

Mr McElduff: Go raibh maith agat. I thank the Minister for her answer go dtí an pointe seo. Cén ról a bheidh ag na grúpaí seo? What role will core funded groups have in implementing the Irish language strategy?

Ms Ní Chuilín: I know that Conradh na Gaeilge, which is responsible for lobbying and trying to procure the development of services to protect and enhance the language, will have a pivotal role, particularly in relation to local councils and their responsibility to not only the Irish language but to Ulster-Scots culture and heritage. Some of the other groups that are core funded by Foras na Gaeilge will have a role as well. My first contact with one of the six groups has been through Conradh na Gaeilge, which, at the minute, is trying to liaise with local councils to make sure that they are honouring the commitments they have in the European charter.

Rural Communities: Arm’s-length Bodies

T7. Mr McAleer asked the Minister of Culture, Arts and Leisure how DCAL’s arm’s-length bodies could provide a better presence in rural communities. (AQT 2057/11-15)

Ms Ní Chuilín: The Member was in the Chamber when I spoke about the value of libraries and the commitment I have made to them. Libraries are part of the DCAL family, and we are very keen to ensure not only that the libraries are protected but that people from around the community can use libraries; for example, to show films or have lectures, talks, exhibitions and things like that. Schools and other venues can also be used for that. I have been talking to colleagues about where our resources can provide the best services and outcomes for rural communities, so I am acutely aware of the need to get services, particularly in some of the more deprived rural areas.

Mr McAleer: Go raibh maith agat. I thank the Minister for her answer. I am sure that she will agree that libraries and schools are very much the heart of rural communities. Would she be prepared to consider those as potential locations for such events and maybe have a meeting to discuss those propositions?

Ms Ní Chuilín: Yes, I am prepared to consider that, and I am happy to meet the Member and, indeed, any other Member for that matter.

I will elaborate on my first answer to him: I have had the same discussions with the ALBs. I have had discussions with the arts sector about what it can do to bring exhibitions to libraries. The arts sector is also having discussions with those in some of the higher education and further education facilities about what we can do to make sure that we use the resources that we have to try to bring better services and, indeed, events and initiatives to rural areas. I am happy to meet the Member to see how we can further take that forward.

Irish Speakers: DCAL Staff

T9. Mr McGlone asked the Minister of Culture, Arts and Leisure, given her recently announced consultation on the Irish language, how many people employed in the Department have fluency in the Irish language to deal with that consultation. (AQT 2059/11-15)

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom ceist a chur ar an Aire maidir leis an chomhairliúchán ar Bhille na teangan. An féidir leis an Aire insé duinn cá mhéad duine atá fostaithne ag an Roinn a bhfuil cumas Gaeilge acu le déileáil leis an teanga?

Ms Ní Chuilín: The consultation has not been launched yet. However, currently, there are at least three fluent Irish speakers in the Department. If I need additional resources to deal with the response to the draft Acht na Gaeilge — Irish Language Act — I will bring them in to cope with what I expect to be a big demand.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom ceist a chur ar an Aire maidir leis an chomhairliúchán ar Bhille na teangan. An féidir leis an Aire insé duinn cá mhéad duine atá fostaithne ag an Roinn a bhfuil cumas Gaeilge acu le déileáil leis an teanga?

Ms Ní Chuilín: They are working on the Irish language strategy and the Líofa programme and will be employed directly in that section.
They work in the languages branch of the Department and will be working there.

While those three people are fluent Irish speakers, the Member will know that I also outsource translation, and I will outsource additional translation to outside companies and bodies. If I need to, I can bring in additional expertise as and when it is required.

Mr McCausland: On a point of order, Mr Deputy Speaker.

Mr Deputy Speaker (Mr Beggs): Question Time has not yet been completed.

Jo-Anne Dobson is not in her place. That brings us to the end of the period for questions to the Minister of Culture, Arts and Leisure. We now come to a question for urgent oral answer.

Mr McCausland: When can I raise my point of order, Mr Deputy Speaker?

Mr Deputy Speaker (Mr Beggs): It is normal to raise points of order after Question Time. We will complete Question Time with a question for urgent oral answer. You or any other Member may raise points of order after that.

**Question for Urgent Oral Answer**

**Justice**

**Maghaberry Prison: Recent Incidents**

Mr Deputy Speaker (Mr Beggs): I remind Members that, if they wish to ask a supplementary, they should rise continually in their place. The Member who tabled the question will be called automatically to ask a supplementary first. Two other Members tabled similar questions and will be called immediately after Mr Givan.

Mr Givan asked the Minister of Justice what steps are being taken to restore order in Roe House at HMP Maghaberry following an escalation of tensions over the past number of weeks with ongoing adverse incidents as threats and abuse continue against Prison Service employees.

Mr Ford (The Minister of Justice): The Prison Service has a crucial operational responsibility in delivering a safer Northern Ireland against the backdrop of a dissident threat. I have repeatedly reinforced the difficulties of having separated areas for some prisoners in Maghaberry prison.

The incident in Maghaberry yesterday brought into sharp relief the challenges in that respect.

3.30 pm

In Roe House, at approximately 10.00 am, following a period when staff had been subject to verbal intimidation, several prisoners were instructed either to lock in their cells or move to a communal area. One prisoner who refused to comply was moved to his cell using control and restraint techniques. He was examined by a nurse, who confirmed that he had not sustained any injuries at that time. The Northern Ireland Prison Service (NIPS) remained in control of movement on the landing throughout. Several opportunities were afforded to the prisoners who remained secured in communal areas to return to their cells but were refused. At 6.00 pm, a plan to return the prisoners to their cells was actioned, and it was completed, without the need for any force, shortly after 7.00 pm.

These are very real challenges that operational staff in Maghaberry face. I wish to reinforce my
appreciation of their dedication and professionalism, and my condemnation of any threat or intimidation of Prison Service employees. The incident that occurred yesterday reinforced the fact that there are well-established arrangements to manage disorder by prisoners and to maintain the security of the establishment. It is important to remember that no prison officers or prisoners were harmed. NIPS will continue to pay the closest attention to Roe House and take action to protect staff. A clear example of the action that has been taken is the physical changes on the landing that were introduced for that purpose.

The report by the independent assessment team, which was published at the end of last year, remains the best way of making progress in Roe House. This is not about fulfilling a wish list from republican prisoners but about responding to an independent report on how to normalise the regime on the separated landings within a secure environment.

Mr Givan: The ongoing level of threat and abuse against the prison officers in Maghaberry by republicans is a deliberate, orchestrated campaign to have their demands met. The Minister and the director general are pandering to them by making concessions. Indeed, they unilaterally made compromises on the back of the stocktake exercise. When will the Minister stand firm against the demands that the republican prisoners are making? Will he condemn the graffiti that was put up on the walls yesterday, which stated, “David Black No 2 very soon”? Indeed, what efforts are being taken to support the staff —

Mr Deputy Speaker (Mr Beggs): I think that the Member has had two questions.

Mr Givan: — particularly the officer who was subjected to being surrounded by the protesters yesterday —

Mr Deputy Speaker (Mr Beggs): Order. Order. It is a question to the Minister, and the Member has asked two questions.

Mr Ford: I certainly agree with the Member that there appears to be an orchestrated attempt on the part of some of the prisoners in Roe House to gain control of the landings in general, and that is not being allowed to happen. Yesterday proved that that is not being allowed to happen, by the determined, resolute and appropriate response from prison officers and prison management.

The recommendations in the stocktake report were recommendations to normalise circumstances, and the Prison Service, with my support, took action to implement the aspects of the recommendations that fell to it, while noting that there were also obligations that prisoners had to live up to.

Mr Givan referred specifically to graffiti naming David Black. I have been unable to ascertain exactly what the situation was with that. However, there is no doubt that verbal threats have been made against some prison officers, naming David Black, and there have been threats made to the officers on the landings in Roe House. That must be stood against by all of us. There is no room for any such threats. According to the agreement of August 2010, prisoners have obligations to refrain from such conduct, and that is what they must do.

Mr Elliott: I thank the Minister for coming to the House to answer questions. Does he regret giving concessions to the prisoners in Roe House through the stocktake process? Will he ensure that the prison officers on the ground in there get all the help and support that they require?

Mr Ford: The first question is a nonsense question, because I cannot regret doing something that was not done. Concessions were not made. Suggestions were made in the stocktake report of movement towards gradually normalising the regime in Roe House, and that is what was started. There was an implementation of gradual change, subject to measures coming back. Those measures need to come back from prisoners before any further progress can be made. It is not about concessions being made and regret, because that is simply not the case.

Mr McCarthy: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as na freagraí go dtí seo. I thank the Minister for his answers to date. Does he agree that a full investigation of events yesterday is needed to ascertain all the facts and that we then need to move swiftly to ensure that the good work done by the assessors is implemented so that we can have a conflict-free situation, where people can live their life free from any form of intimidation or threat?

Mr Ford: I certainly agree with Mr McCartney’s suggestion that we need a conflict-free set of arrangements in Roe House. As would be normal in any such event, an investigation is being carried out in the Prison Service, external to Maghaberry, to see what lessons might be
learned from yesterday's events. Certainly, positive lessons can be learned from the way in which it was managed. Other lessons may need to be carried through, and we need to establish the exact facts. That is what I expect to happen in the immediate future.

Mr A Maginness: I thank the Minister for his detailed answers. I condemn any threats or attacks on prison officers and the vile graffiti that seems to have appeared yesterday. Good work was carried out by the assessment team. Will the Minister ask the team to come back to look at the situation and to come up with further proposals to try to ease the situation and get a permanent settlement of the problem?

Mr Ford: I thank Mr Maginness for his condemnation of the threats. I am sure that he speaks for the whole House when he does so.

The role of the independent assessors is ongoing; it is not something that is completed and over with the stocktake role. There will be issues for them to address in the future as they seek to assist in the normalisation of the Roe House regime and to ensure that the 2010 agreement is stuck to by those who are currently not doing so. There will be a continuing role. We look forward to seeing any future recommendations that they make.

Mr Lunn: I thank the Minister for his answers so far. Will he give us an assurance that this prison and all prisons will be run on the basis of safety for all prisoners and staff and the community and not on the basis of what prisoners, politicians or the media attempt to dictate?

Mr Ford: I can certainly assure my colleague that all three prisons are run on the basis that the safety of prisoners, staff, visitors and the wider community is the key issue. There are clearly major difficulties in managing some prisoners, particularly in Maghaberry, but it remains the only way in which prisons will meet the needs of society and be run safely. That will be the case as long as I am Minister.

Mrs Hale: I thank the Minister for his answers today. He will remember that I raised a similar issue last week, and I thank him for meeting me at lunchtime. Will you confirm that, despite staff shortages, the number of prisoners on landings actually increased? What are you doing to remedy the staff shortages at Maghaberry prison?

Mr Ford: Mrs Hale raises the serious issue of staff shortages. Fewer staff are in post in the Prison Service at present than is appropriate. The shift patterns are maintained to some extent by the use of overtime. After a period in which there were virtually no lockdowns because of staff numbers, we saw an increase in November and December. Prison Service management is addressing those issues.

Supervision ratios in Roe House is a particular issue with staffing numbers. My understanding is that staffing ratios have been maintained as they should have been, but I suspect, as I just said to Mr McCartney, that the review of what happened yesterday will identify whether there were specific staffing issues on either of the Roe landings at that point.

Mr Poots: When Sue McAllister was at the Committee, she said that one threat was one threat too many and that the concessions being given to the prisoners would be removed if the threats resumed. Can we be assured in the House today that the concessions given to prisoners will be removed and that we deal with them in a very strong way, as opposed to being lapdogs to the prisoners?

Mr Ford: Yes, Mr Deputy Speaker, I can assure Mr Poots and the rest of the House that Prison Service management, and Maghaberry management in particular, are closely examining appropriate arrangements as they apply today and in the coming days to ensure that there is no repetition of what happened yesterday.

Mr Craig: Minister, there was a very unfortunate incident regarding the protest outside the prison in that a prison officer inadvertently drove into the middle of the protest. I have had a meeting with the Chief Constable and welcome the fact that he is reviewing his procedures. Do you feel it would be appropriate also for the prison itself to review its procedures as to how it notifies its staff of these protests and what routes they should take to the prison?

Mr Deputy Speaker (Mr Beggs): Members, as you can appreciate, there is an excessive amount of interference. I ask that Members ensure their electronic equipment is not interfering with the sound system. Minister, I am not sure if you caught all of that. If you are able to answer, please proceed. Do you need it to be repeated?

Mr Ford: I think I caught enough, thank you, Deputy Speaker. Mr Craig highlighted the issue
of contacting the Chief Constable. He will be well aware that dealing with public order matters outside the prison is an issue for the PSNI. As he is a member of the Policing Board, he is well aware that that is not an issue on which I will comment. The notification of staff is an issue which I imagine will be considered in the review that is being conducted by NIPS as to how the incident was handled yesterday. Clearly, there were matters of significant concern for one member of staff, which were most unfortunate in the way that other members of staff were unable to avoid being caught up in that public order issue.

**Mr Moutray:** Minister, I have been contacted this morning by prison officers’ families who are deeply concerned that they were, in fact, allowed to drive into a hostile protest last night, when going on to night shift. They were verbally abused and, in one case, one had their car attacked. What will you do to assure us that prison authorities will never let this happen again?

**Mr Ford:** Mr Moutray talks in the plural; my understanding is of one prison officer who got caught up in the public order problems outside the prison gate. As I have just said to his colleague, that is an issue, which I imagine will be followed up by the Prison Service in terms of notification. Mr Craig previously indicated his intention: I did not quite catch whether he had spoken to, or intended to speak to, the Chief Constable, which is the appropriate way in which to discuss the policing arrangements.

**Mr Allister:** Does the Minister intend to continue with the folly of the concession of tripling the number of prisoners permitted on the landings at any one time, which contributes to such events? He says that what happens outside is a matter for the Chief Constable, but, as Justice Minister, is he not concerned at the lack of policing that was evident last night?

**Mr Ford:** It appears that even though Mr Craig understands the concept of the operational responsibilities of the Chief Constable, Mr Allister does not. Perhaps I could ask Mr Craig to assist Mr Allister in learning that point. I really do wonder where nonsense like the “folly” of “tripling” numbers of prisoners on the landings come from, because, to me, an increase from three to four prisoners on the landing at a time is an increase of 33%, not 300%.

**Mr Frew:** Minister, in your last answer, you mentioned moving the number from three to four. When you consider the lack of staff and prison officers who are on the landings, moving from three to four is a colossal leap that puts more officers, prison officers and staff under incredible pressure and —

**Mr Deputy Speaker (Mr Beggs):** Can we have a question, please?

**Mr Frew:** — under more threat.

**Mr Ford:** I think there was a question there somewhere, Mr Deputy Speaker. The issue of what was described as a “lack of staff on landings” is an issue where there are concerns about the overall staffing of the Prison Service, but staffing ratios on different landings in different houses in different prisons will vary depending on the time of day, the circumstances, the particular group of prisoners and the number of prisoners who happen to be there. Mr Frew and others can remain assured that staffing ratios are at the highest when dealing with category A prisoners and rather lower when dealing with those prisoners who require less supervision for their safety or the safety of officers.
Assembly Business

Mr McCausland: On a point of order, Mr Deputy Speaker. In relation to the question asked by my colleague Mr Weir to the Culture Minister, is it in order for the Minister to mislead the House in relation to the strategies for the Irish language and Ulster-Scots language and culture? She did not table her strategies for the Executive meetings, and she neither sought nor secured the approval of the Executive for them. Therefore, they have no status whatsoever.

Mr Deputy Speaker (Mr Beggs): I thank the Member for raising the issue. He has put his points on the record. I will ensure that it is drawn to the Speaker's attention if there is any need for him to intervene.

I ask Members to take their ease for a few moments as we change the people at the Table.

(Mr Speaker in the Chair)

Private Members' Business


Debate resumed on motion:


Mrs D Kelly: I am pleased to speak on behalf of the SDLP this afternoon in support of the motion. The SDLP has, over the last number of months, been negotiating hard and long into the evenings with the Department of Justice, the National Crime Agency (NCA) and the PSNI on the accountability mechanisms that, we believe, are necessary to allow the full operation of the NCA in the North of Ireland. We believe that it is the right time for that. Only recently, senior police officers referred to there being up to 160 organised crime gangs in the North, and we believe that it is in the public interest for the full resources available to the law enforcement agencies in the North to be in place for them to go after the criminals. We are pleased with the level of accountability that we have secured. I will touch on some aspects of that shortly.

Today is a day when, once again, the SDLP gives leadership. It gives leadership across the policing architecture and makes its own decision on what is right, and not just for the people whom we represent. The accountability mechanisms that we have secured will win favour with all of the people. I am told by senior police officers and others that many chief constables in GB are quite jealous of the accountability mechanisms that we have secured.

I noted Mr Kelly's earlier comments. I hope he is not too aggrieved that, on this occasion, he did not act as the postman for the NIO in relation to the delivery of letters of comfort to the SDLP from the Home Secretary and the Secretary of State.

At a recent meeting of the Policing Board, Policing Board member Caitríona Ruane asked the Chief Constable about operations against the UVF, particularly in east Belfast. The answer was that the police would be able to go after them harder and faster if they had the support and the resources available through the full operation of the NCA. I hope that today
puts on notice those people who want to destroy our communities and infect our young people with their drugs and their criminality.

So, too, has the NCA been put on notice. It has the support of the broad community in the North, and we want to see results as a consequence of it having, with the police, the full range of powers.

I wish to outline some of the accountability mechanisms, which were not on the table only a matter of weeks ago, in more detail than Mr Ross did. He stole some of my thunder in outlining some of those accountability mechanisms.

One that is most important and which Mr Ross referred to is the code of ethics. We are very pleased that the director general of the NCA will not only be bound by but will be held to account on the code of ethics, which is similar to that of the PSNI. We welcome his intention to see where he can incorporate the best parts of that code of ethics into the operation of the NCA not only here but in GB. That says something about the code of ethics to which our police officers have to adhere.

We are also very pleased with the Police Ombudsman's full range of powers. Not only will he have the full powers available to him in relation to how the NCA operates here, but, if an NCA operative acts wrongly here, or there is a complaint against him, the Police Ombudsman can have that long reach across to GB or wherever that officer may be. There will be no hiding place for them.

We also believe that we have secured a full range of powers, both in statute and in the memorandum of understanding. As detailed in the papers before you, the human rights adviser of the Policing Board will have full powers of inspection and will have the same level of transparency available for her inspection of the NCA. The Policing Board, most especially, will have the full range of powers of accountability and scrutiny, which will include being able to hold the director general to account not only in relation to the annual plan but in how he gives effect to the annual plan.

The SDLP has worked hard. We always said that, if we believed that the time was right and the accountability mechanisms were right, we would lend our support to the operation of the NCA. I believe that that day has come.

Mr Kennedy: This is an important debate. At the outset, I welcome the debate, and I particularly welcome the statement that we have just heard from Mrs Kelly: very clear and distinct support has been indicated — some would say at long last — by the SDLP. It is welcome nonetheless because we bear in mind that it was as far back as 2010 that the then Home Secretary announced the creation of the NCA to lead the UK’s fight to cut serious and organised crime, which the NCA’s website states is one of the greatest threats to the UK’s national security. The National Crime Agency became operational in October 2013, and its website describes it as a new crime-fighting agency with:

"national and international reach and the mandate and powers to work in partnership with other law enforcement organisations to bring the full weight of the law to bear on serious and organised criminals."

Organised crime, of course, covers a diverse range of activities, including child sexual exploitation and abuse; the criminal use of firearms; cyber crime; drugs; economic crime; organised acquisitive crime; plus organised immigration crime and human trafficking. The NCA responds on a 24/7 basis, targeting the criminals and groups posing the biggest risks to the UK. It does this in three ways: by conducting its own operations; by providing operational and specialist support to its partners’ operations; and by providing clear national leadership that ensures that UK law enforcement makes the best use of its collective resources and targets them most effectively.

The NCA builds a single comprehensive picture of serious and organised crime affecting the UK, drawing on information and intelligence from a wide range of sources that drives both the NCA’s and its partners’ operational activity. It has been a great source of concern that the NCA has not been able to operate in Northern Ireland to the same extent as in the rest of the United Kingdom. That denies us the same level of protection as the rest of the kingdom and also risks Northern Ireland becoming a back door for organised and criminal gangs to use as an entry point to pursue their illegal activities in the United Kingdom. The Ulster Unionist Party has been clear from day 1 that this situation is simply not acceptable. We consistently argued that point at Stormont and at Westminster. I pay tribute to my party colleague Lord Empey, who, in another House in another place, has doggedly pursued the issue.

The NCA has a great deal of expertise, which the PSNI should be able to call upon to assist it in the fight against serious and organised crime. There is no question that the PSNI and
Northern Ireland plc need the National Crime Agency. Previous opposition to the NCA operating here as in the rest of the UK was couched in terms of concerns about oversight arrangements, and I trust that those have now been overcome.

Police assessments state that there are at least 140 organised criminal gangs operating in Northern Ireland. Members will know from within their own constituencies that many of our communities have a serious problem with gangs supplying illegal drugs. In my own constituency, there is a major and well-documented problem with fuel smuggling. Fuel fraud costs the Exchequer an estimated £80 million per year in lost taxes, which would be better spent on health, education or, dare I say, roads. There is also conclusive proof of the shocking damage that it causes to the environment and the health and well-being of local residents. There have been recent media reports highlighting the shocking extent of pollution to waterways that has been caused as a result of the illegal activities of criminal gangs through fuel smuggling, so any assistance that the NCA could provide would be very welcome. I have absolutely no doubt that the agency, working with the PSNI —

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

Mr Kennedy: — could make a huge contribution to the welfare of our people in Northern Ireland.

Mr Lunn: I am happy to support the motion. The need for the extension of the NCA into the devolved area is self-evident. The current Chief Constable, his predecessor, the Deputy Chief Constable and all the assistant chief constables have articulated in the strongest possible terms the detriment that is being caused to the fight against organised crime, to the protection of children and to the seizure of criminal assets. In briefings to the Policing Board and in media interviews, they have set out real instances where their inability to work with the NCA on the ground in Northern Ireland has left people exposed. Sometimes, the exposure is direct, where criminality that the NCA could help tackle has not been acted upon as effectively as it could. Sometimes, it is indirect, when resources that could have been deployed to safeguard the public have had to be redirected to fill gaps left by the absence of the NCA.

The NCA's international reach, expertise and specialism in relation to particular crime types, such as major financial crime and the rapidly growing area of cybercrime, offers the PSNI a level of support and all of us in Northern Ireland a level of protection that we need. They have also made clear how the absence of the NCA in operations relating to devolved policing has meant the diversion of PSNI resources into areas where the NCA could have brought its resources to bear. Work that the NCA would willingly do is having to be done by a diminishing number of PSNI officers. If that was an issue two years ago, how much more of an issue is it now, with the PSNI budget suffering reductions of millions year on year?

The police will, of course, work to fill that gap, just as they have pledged to do so in relation to other areas where the reducing budget is putting them under pressure, but they simply should not have to. The NCA is there as a free benefit to be used in the best interests of law-abiding people, so why on earth would we not avail ourselves of it? The PSNI cannot close the gap in relation to civil recovery, nor can any other agency. In the absence of the NCA, civil recovery has been left largely unattended since October 2013. That is an area where effective action can make a real and lasting impact on organised criminals, tackling them in ways that the criminal law struggles at times to do and in ways that the public want to see. We need to get back into it.

4.00 pm

Some will argue that we should not avail ourselves of the NCA because there is no proper accountability in place. Frankly, nobody who has read the papers that the Minister of Justice circulated to parties in recent weeks can credibly argue that the accountability arrangements for the NCA are still not sufficient.

Mr A Maginness: I thank the Member for giving way. He is a member of the Policing Board and has vast experience in that organisation. Does he accept that the additional accountability provisions made as a result of these negotiations and settlement will add to the credibility of the NCA and, indeed, the PSNI in the fight against organised crime?

Mr Speaker: The Member has an extra minute.

Mr Lunn: I thank Mr Maginness for the intervention. I completely agree with him that this can only be of benefit in the overall structure of the accountability mechanisms. At this point, I say to Sinn Féin that, given the Policing Board's role in the future, and, if I may say so, the contribution that the Sinn Féin members, particularly Mr Kelly, Mr Sheehan
and Ms Ruane, who, strangely, are not in their places, have made to it — they should not be too concerned about their ability to scrutinise this new body through the auspices of the Policing Board, as they have done successfully in the last four years.

The package now available reflects an array of measures. With the Policing Board, the ombudsman, Criminal Justice Inspection Northern Ireland (CJINI), Her Majesty's Inspectorate of Constabulary (HMIC) and the Surveillance Commissioner, to name only some — there are too many to list in the time that I have available — nobody could credibly claim that any aspect of the NCA's functions in Northern Ireland have been left uncovered. The Policing Board in particular has been given a powerful role.

It is right to acknowledge the SDLP's contribution in intensive discussions in recent weeks. Proper, realistic engagement has paid off. I commend Mrs Kelly, Mr Maginness and Mr Attwood. They have taken due diligence to heights unscaled in the past. That is good because they are now satisfied and on board — you are very welcome.

Ironically, if we were not to pass the motion, the NCA would continue to operate in Northern Ireland on non-devolved matters without any of these accountability measures. There would be no role for the board, the ombudsman or anybody else. You really cannot argue for accountability on one hand and, on the other hand, vote against measures that deliver that accountability. It just does not make sense.

I am perfectly happy to support the motion. It offers us an opportunity to move on, get past the seemingly endless discussions and stand-offs, get on with the job that we were given to do and allow the PSNI and the NCA to get on with theirs. I support the motion.

Mr Craig: I also support the motion. Indeed, it has been an ongoing debate. I declare an interest as a member of the Policing Board, and it has been an ongoing debate for the board itself.

At this point, it is appropriate that we sign up to the resources of the NCA. As some Members have already pointed out, policing in Northern Ireland is under huge budgetary and resource pressures. At present, we are supposed, allegedly, to have 7,000 police officers in Northern Ireland. The simple truth is that the current figure falls 300 short of that. Recruitment is under way to rectify that situation, if possible and if finances allow. There is a huge question mark over that. Under those circumstances, it is quite clear that any external resources that the Chief Constable could rely on, such as the National Crime Agency, are not only welcome but essential in order to ensure the safekeeping and security of everyone in Northern Ireland.

It is clear from the figures presented to the Policing Board that criminal gang activity is rising in Northern Ireland.

In fact, the figures for drugs seized in the past three to four years show an alarming increase, with the figure almost doubling every year for the past three years. That is a clear indication that, given the lack of the National Crime Agency in Northern Ireland and the lack of an ability to seize the assets of crimes in this country, criminals, unlike their caricatures, who are portrayed as being stupid, are far from stupid. They are clearly exploiting the loophole here at present. That is something that, hopefully, the House will rectify today.

I also want to speak on the need for accountability for the National Crime Agency in Northern Ireland. That issue was raised not only by our colleagues on the other side of the House but by us, and, more importantly, it was also raised by the Chief Constable. Even he could not figure out how, under any circumstances, two law enforcement agencies could act in the one jurisdiction and serious incidents not occur. He has argued from the very start that accountability for the NCA and its operations in Northern Ireland should go through the office of the Chief Constable. The order clearly indicates that that is the case and will be the case. Under those circumstances, it is very simple for me to support the measures proposed here today.

We all know that the PSNI is one of the most accountable police forces on the planet, quite frankly. It is accountable to HMIC, CJINI and the ombudsman's office, and, ultimately, the Chief Constable is accountable to the Policing Board. That same Chief Constable will now also have the responsibility of taking on whatever actions the NCA takes in Northern Ireland. Ultimately, it will be accountable to the Policing Board. I am sorely tempted to say that, as members of the Policing Board, we are going to have an awful lot on our plate in a short time, because we will now be accountable not only for the Chief Constable but for the NCA, and, ultimately, we are also going to be held to account by the Historical Investigations Unit (HIU). There will be no slackness on the Policing Board when it comes to the number of things that we will have to look after.
The Bill clearly opens up a pathway forward, which, hopefully, will see the NCA taking action against the criminal gangs who have moved into Northern Ireland over the past number of years, as well as drug dealers and child molesters. I, for one, welcome not only the Bill but the ability of the Policing Board to scrutinise the NCA and its actions taken to attack those criminal activities. I commend the order to the House.

Mr McCartney: Go raibh maith agat, a Cheann Comhairle. Gerry Kelly dealt with the wider issues of this particular motion. I am very mindful of the fact that Caitriona Ruane made a point of order this morning, and we accept the competency of the motion. However, I want to outline aspects of this important matter that have been brought to the Assembly for a decision that, in my party’s opinion, are questionable and inappropriate.

The established mechanism, as laid out in Standing Orders and based on the principles underpinning the Good Friday Agreement, that permits Westminster legislation to take effect here is a legislative consent motion (LCM). Those structures were designed to ensure effective protections, accountability and the primacy of the Assembly. Indeed, the Minister previously tried to bring an LCM to deal with the role and remit of the NCA in this jurisdiction. The route for bringing that to the House is by Executive approval. In particular, Executive approval is sought if a matter is considered significant, controversial or falling outside the Programme for Government. I contend that many people would see the remit of the NCA as significant and, indeed, controversial. It certainly is not in the Programme for Government. That process may not be to the liking of the Minister and those who rushed to have the NCA in place, irrespective of the impact that it will have on accountable policing, good governance and how the Assembly should do its business. However, that process has been circumvented by the Minister bypassing the Executive and the LCM process.

Mr Ford (The Minister of Justice): Will the Member give way?

Mr McCartney: No, I will not give way. You will have an opportunity and can address all the questions that I will put.

The route chosen is now the one before us, and that is the one that we will vote on today. I want to outline how this has been brought to the Assembly in, in my opinion, a clumsy and damaging manner. The British Government laid an order in their Parliament on 29 January 2015. Paragraph 7.2 of the explanatory notes, which is policy background, states:

“David Ford MLA, the [NI] Justice Minister, laid a motion before the ... Assembly on 27 January ... [The text of the motion reads: —”

Mr Ford: On a point of order, Mr Speaker. Mr McCartney is reading from an early inaccurate draft of the explanatory memorandum, and it is inappropriate that he should make an argument on that basis. The correct explanatory memorandum makes it absolutely clear that the motion has not been tabled by the Minister.

Mr McCartney: The Minister finds himself guilty before I make the case.


Paragraph 7.3 outlines the relevant NCA provisions and states that they are:

“consistent with the ... motion laid before the ... Assembly ... by David Ford MLA”.

Mr Ford: On a point of order, Mr Speaker. I have corrected Mr McCartney. Is it appropriate that he should continue to repeat the inaccurate early version that was subsequently corrected and that is available in the Assembly Library for all Members?

Mr Speaker: The point has been made for the record, and I think that it is appropriate that it should be. I think that it is also appropriate to remind ourselves that we are talking about a private Member’s motion. To allege that the Justice Minister has any direct association with that would, at the very least, require that you demonstrate that. We know who co-signed the motion, and it was not the Minister of Justice, no matter what suspicions or beliefs that you have or any quotation of similar text. Let us deal with the facts and the motion that is before us, please.

Mr McCartney: With respect, I am dealing with the facts. I received correspondence as a member of the Justice Committee, and I am reading from that correspondence. The Minister may have subsequently corrected some aspect, but I am reading from a document that I have in my possession.
I will go on. For the record, last Tuesday, 27 January, at the Assembly Business Committee, the DUP requested that its motion on human fertilisation be replaced by another motion, which is the motion that is now before us, the wording of which is the exact wording in the memorandum that was laid before the British Parliament two days later in the name of the Justice Minister. I will not dwell on the inaccuracy or competency of that order; that is a matter for Westminster. Indeed, on Friday 29 January, the Justice Committee received a letter and a copy of the order and the memorandum that again stated that the Minister had tabled the motion at the Assembly. The Minister did not correct what was an obvious error, if that is what it was —

Mr Ford: The Minister did correct it.

Mr McCartney: — in his correspondence to the Committee. I am told that no documents, explanation or correction have since been provided to the Committee. I am told that the documents are now before the British Parliament and that they have been corrected and amended and that the Minister's name has now been removed.

Mr A Maginness: Will the Member give way?

Mr McCartney: No. No explanation has been offered as to why such an error occurred; there is just reference to the need to withdraw an earlier explanatory memorandum. So that is the trail. I notice that the names of the proposers of the motion do not appear in the explanation. To date, no such corrected document has been sent to the Justice Committee.

Mr Frew: Will the Member give way?

Mr McCartney: No. So much for openness and transparency. Indeed, only last week, at the Justice Committee, in response to Edwin Poots, the Justice Minister stated that he did not like taking regulations directly to the Assembly —

Mr Speaker: The clock was stopped, but you do not get extra time for points of order. The clock was stopped, and I was quite generous in interpreting what was left. You have made your point, and it is on the record. I will take a look at the record and use my judgement to see whether there was a slur. I think that the Member was attempting to set out a paper trail, and he has succeeded in putting that on the record as well. So I suggest that we move on, and I call —

Mr Ford: Further to that point of order, I accept the ruling that you will examine it, but Mr McCartney specifically accused me of misleading the Assembly, and that is a very serious charge against a Minister.

Mr Speaker: I will take the time to read the record before I come to a conclusion. I think that that is only fair on everybody and on the Assembly itself. I will take a look at Hansard, and that is what I would do in any such circumstance.

Mr McCartney: Can I make a point of order?

Mr Speaker: Of course you can.

Mr McCartney: When you examine the record, examine what the Minister alleged that I was doing. The Minister, in effect, accused me of lying.

Mr Speaker: I did not pick that up at all, but I will take a look at Hansard and, if that becomes apparent to me and I missed it, I will return to the subject.

I now call Mr Edwin Poots and thank him for his patience.

Mr Poots: Mr Speaker, it is not often that I am brought in as a peacemaker, but on this occasion I am happy to intervene in the tussle between the Minister and Mr McCartney. Sinn Féin would do well to examine the £700,000 that it pays to Research Services Ireland if the information that it gets is so faulty. I have just
come from a Committee meeting where Sinn Féin also had faulty information.

This is a good day. There has been a whole series of blocking mechanisms around this issue for a long period. The people of Northern Ireland will welcome the fact that Sinn Féin is no longer capable of blocking this particular measure from going forward, because it will make a real, tangible, demonstrable difference to the lives of people across Northern Ireland, and it will make a real, tangible, demonstrable difference to the criminals who are operating in Northern Ireland. For the last number of years, we have not been able to claim the assets from the criminals and they have been able to keep them, as a result of the procrastination that has taken place around this issue. As a consequence, the criminals have been pounds in.

What is Sinn Féin afraid of? We know that one of the organisations in republican circles was recently named as being in the top 10 of criminal organisations for its wealth and assets. Why does Sinn Féin not want to go after that organisation? Perhaps it will explain. Maybe the next Sinn Féin member to speak will tell us why that party does not want to go after the assets of those criminals — individuals who will terrorise the communities that they represent. They will bully and evict people within those communities and use weaponry against those individuals — weaponry bought by the benefits of having those criminal assets that Sinn Féin does not want removed from such individuals. It is good news for those people who are opposed to people smuggling and the criminal activities that are taking place in this Province daily. I welcome the fact that we have moved a considerable step forward to bringing the National Crime Agency to Northern Ireland. It will relieve considerable pressure on the PSNI and put considerably greater pressure on individuals involved in crime.

Some months ago, George Hamilton, the Chief Constable, indicated that he was satisfied with the accountability measures that are in place. That had not always been the case. So I welcome the fact that the SDLP has now crossed the line and it, too, is satisfied with the accountability measures. It is right and appropriate that we have one police service in Northern Ireland. That is something that we need to be very careful about in moving forward with historic investigations: that we have one police service that is accountable to the people of Northern Ireland.

Sinn Féin engages in that accountability mechanism yet seeks to block the National Crime Agency, in spite of the fact that the accountability measures have been applied through the Policing Board and the PSNI Chief Constable. One has to pose this question again: what is Sinn Féin's problem with this? Over the past 10 years in Wales — I do not believe that Wales has as strong a criminal underworld as Northern Ireland — £46 million that was in the hands of criminals has been released back into the community. One thinks, for example, of Minister Ford's problems in funding the likes of the Railway Street —

Mr Frew: I thank the Member for giving way. Does the Member agree with me that there may be two things annoying Sinn Féin about this matter? The first thing is that crime will now be tackled effectively in Northern Ireland, or maybe it is that, because they cannot take their seats in Westminster, they will not be able to affect it going through?

Mr Speaker: The Member has an extra minute.

Mr Poots: Thank you, Mr Speaker. Of course, they can take their seats in Westminster; they just choose not to represent the people on that front.

I believe that crime will be tackled more effectively. While it will not be a panacea — there will still be people out there engaging in criminal activity — it will be another tool in the armoury, and a very significant tool it will be.

I was going to suggest that Minister Ford was having tremendous difficulties funding an organisation in the Member's constituency — on Railway Street in Ballymena — that was doing tremendous work. Would it not be wonderful if the assets stripped off criminals could be put into an organisation like that and help to maintain organisations that support women who are being brutalised, people who are trying to come off drugs and all those things? This is a no-brainer, and Sinn Féin would do well to step up to the plate, demonstrate some degree of responsibility —

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

Mr Poots: — and support the motion today, which can take Northern Ireland a significant step forward in tackling crime.

Mr Sheehan: Go raibh maith agat, a Cheann Comhairle. First of all, I must refer to the accusation that Sinn Féin is afraid to tackle crime, dissident republicans or any other group. We are the people who come face to face with
them in the community. We are the people who stand up to them, who tell them that they are cowards, parasites and traitors. We are the ones who have had death threats from them.

Mr Frew: Will the Member give way?

Mr Sheehan: No, I will not give way. We are not afraid of tackling crime. The best way to tackle crime is to ensure that law enforcement officers have the complete confidence of the community. Given the legacy of policing in this part of the world, it is absolutely essential that law enforcement in all its guises has the complete confidence of the community. We have spent the last number of years building confidence in the PSNI. We are confident that the PSNI itself would have the ability to deal with all crime, if it was properly resourced. It is not, and that is another matter.

The motion came to the Floor of the Assembly today in a rather convoluted way. The Minister, as Raymond McCartney pointed out, has questions to answer around that. The Minister was obviously very defensive during Mr McCartney’s contribution, and no doubt he will be able to answer for himself at a later date. I am not going to labour that point.

What is important is that we were in the middle of a negotiation. Gains have been made; there is absolutely no doubt about that. The parties opposite would have settled for anything for the NCA to set up shop here. We said that we needed accountability, and we have gone a long way to getting that. Further progress on the negotiation was cut short by the laying of this Order in Council in Westminster. Those who settled for that stopped the negotiation. It has opened the way — this is the difficulty — for the Home Secretary at any time by Order in Council to extend the functions of the NCA to include a counterterrorism remit.

The SDLP says that it has a letter of comfort from the British Home Secretary saying that she will not extend the function of the NCA. If she is prepared to say that in a letter, why was she not prepared to do so in the Order in Council? What is the difficulty there? The suspicion here will be that she is not sincere in what she says in her letter; that is what ordinary people in the street will say. This will be another shadowy organisation that will not command confidence. The SDLP has a letter stating one thing, but it is not mentioned in the Order in Council and there is no commitment from the British Home Secretary to ensure that it is included in a further Order in Council.

Mr Allister: Will the Member give way?

Mr Sheehan: I will give way; go ahead.

Mr Allister: I am puzzled by Sinn Féin’s position; well, maybe not. I would like to explore Sinn Féin’s position. They tell us that they have signed up to the support of policing and the rule of law, but, whether they like it or not, it seems probable that the NCA will come into operation. Its officers will be able to operate as PSNI officers in Northern Ireland. The question for Sinn Féin, therefore, is this: will it support those officers and tell the community to support them in their operations as PSNI officers? That is the challenge to Sinn Féin.

Mr Speaker: The Member has an extra minute.

Mr Sheehan: This is the first time I have heard that the NCA will be PSNI officers. My understanding is that it is a distinct organisation. The Member has information that I certainly do not have.

The negotiations ended prematurely as a result of one party here accepting a commitment that will not be enforced in legislation. That is the difficulty. Leaving that to the side, it would be churlish not to acknowledge the gains that have been made around NCA accountability, on the ability of the Policing Board to require disclosure, on ensuring that not only can the board call in the ombudsman but the ombudsman can call himself in if and when required and on making the discharge of civil recovery functions subject to the oversight of the board, the ombudsman, Criminal Justice Inspection (CJI) and HMIC. That is also progress, as is the requirement on the NCA to obtain the agreement of an Assistant Chief Constable (ACC) prior to commencing covert investigations. Of course, the fact that that ACC would be fully accountable to the Policing Board in respect of that agreement is also progress.

Mr A Maginness: I will deal with the last points made by the Sinn Féin Member for West Belfast. The fact is that there have been substantial changes in law. I could go through all of them, but I will go through some of them to satisfy the House. It is in law that the Policing Board will monitor the exercise of NCA functions in Northern Ireland and not only its annual plan. There is in law a provision that the Minister of Justice can —

Mr Sheehan: Will the Member give way?
Mr A Maginness: No, just hear me out, just hear the list. There is a provision that the Minister of Justice can request HMIC to carry out an inspection of NCA in addition to the Policing Board asking the Minister to exercise his power. NCA officers will have to read and understand the PSNI code of ethics and NCA disciplinary code, which is explicitly referred to in statute and makes NCA officers bound by the code of ethics. There will be a statutory requirement on the NCA to supply the ombudsman with such information and documents as the ombudsman may require for the purposes of or in connection with the exercise of any of the ombudsman's functions. As with section 55 of the Police Act 1998, the NCA can call in the Police Ombudsman. I could go on and on; that is in law.

So the Member cannot come to the House and say that his party — I do not recognise that his party negotiated at all in relation to this; he may claim that for the media, but I do not see any evidence, papers or anything else — did any negotiating. Similar to the way in which the PSNI was set up, it was the SDLP that did all the hard work. It was the SDLP that brought about the creation of the PSNI. So we are not going to accept the rubbish — the rubbish — that the Member has just stated in relation to negotiations not being completed. The negotiations were completed. The negotiations were substantial, and my party believes that, in law, we established a massive improvement in the accountability measures and the other measures necessary to bring about the operational acceptance of the NCA here in Northern Ireland.

4.30 pm

The previous Sinn Féin Member who spoke, Mr McCartney, spent most of his time talking about the procedures in relation to the motion. Not once did he refer to any point of substance — not once. He talked about the procedures. Now, the Business Office accepted the motion as valid. I assume it took advice in relation to it. I cannot see how on earth the motion is not a viable motion, not one in law or not one that can be agreed by the House.

Mr Speaker: I want to make it clear that the Member who you just referred to also accepted, in his presentation, that this was a valid motion.

Mr A Maginness: I accept the point that he made, but he spent all his time exclusively talking about procedure. Not once did he comment on the merits of the changes that have taken place in relation to the NCA here in Northern Ireland.

Mr Frew: I thank the Member for giving way. I commend the SDLP on the issue at this time. Does the Member think that there is now any reason why Sinn Féin should withhold support for the NCA?

Mr Speaker: The Member has an extra minute.

Mr A Maginness: I thank the Member for his intervention. He, of course, reminds me of what Mr Kelly said in the Assembly, I think, 2013 in relation to the NCA:

"There is absolutely nothing to fear from accountability. I really do not understand what you are afraid of. The Member spoke about the ombudsman: the easy answer to that is that that will be involved if we can get the full suite of accountability mechanisms, which was agreed in Patten and should be brought in here." — [Official Report, Vol 98, No 1, p11, col 1].

That was the point made by Mr Kelly, the spokesperson for Sinn Féin on policing and on the NCA. We have achieved that. The Members outside Sinn Féin accept and recognise that, the Chief Constable recognises that and any reasonable independent observer will accept that. That has been an achievement for all of us, because we all made a contribution to this. It is important that it is publicly recognised that accountability has been achieved. That is what we sought at the beginning of our negotiations. It is what we sought to the very end of the negotiations, and that is what has been achieved. I believe that this is a triumph for common sense, a triumph for negotiation, a triumph for democracy and a triumph for the Assembly.

Mr Frew: I support the motion. It is a good day, as my colleague Edwin Poots suggested. It is a good day for the House, a good day for Northern Ireland and a good day for the people of Northern Ireland, the law-abiding citizens of this country. It is a bad day for the criminal elements in our society, the leeches on our society that, through their crimes and their activities, suck our people dry. We should rejoice in the House today. The will of the House will be tested today, and everyone in this country of the UK and throughout the world will know what the mind of Northern Ireland is on the issue.

Whilst I would have liked to see the NCA with full operational capacity in Northern Ireland
much sooner, I recognise the stance taken and the movement made by the SDLP. I did not necessarily agree with their positions and negotiating stances, but I acknowledge that there is still a job of work to be done in negotiation, whether you agree with it or not. I must say that the SDLP has put its hand to the wheel to come up with an outcome that is acceptable to the vast majority of people in the House. At one time, I feared that the SDLP, like Sinn Féin, was hiding behind the cloak of accountability. We will go on for ever and a day on the question of how accountable is accountability. However, I am glad that my fear has not been realised and that we have come to an agreement that the vast majority of people in the House can support.

This will be an asset of great value to the people of Northern Ireland. For the foreseeable future, people will be able to rest easy in their bed, at their place of work and in their home because of the activities of the NCA and the PSNI in combating crime of the most serious and complicated nature. When we talk about these criminals, we are not talking about people who wear stripy jumpers and have a swag bag over their shoulder; these are the most organised, evil, smart, clever criminals in the world. I fear that they have been looking towards Northern Ireland because of the vacuum that was created here, and we must recognise that.

Mr Givan: I appreciate the Member giving way. In anticipation of the democratic decision of the House to pass the motion today, does he not think that it is incumbent on Sinn Féin to accept and respect that democratic decision and then give its support to the NCA when it becomes fully operational.

Mr Speaker: The Member will have an extra minute.

Mr Frew: Thank you for your intervention, Mr Givan. That is the crux of the matter, here and now. If you value accountability — the Members opposite say that they do — law and order and democracy, you should have no reason whatever for not putting your full support behind the NCA when it becomes fully operational.

Mr D McIlveen: I thank the Member for giving way. Does the Member agree that, in areas such as south Armagh, which has been scourged by the curse of fuel smuggling and the illicit cross-border trade going through that part of Northern Ireland, moderate nationalist voters who have been plagued by that will equally rejoice today and that, come an election, they may be influenced by the outcomes of what happens in the House today?

Mr Sheehan: On a point of order, Mr Speaker. The NCA already has responsibility and is operational on the issue of fuel smuggling.

Mr Speaker: Thanks for that information. It is on the record.

Mr Frew: The Member across the way misses the point entirely. Even though the NCA has had operational capacity in Northern Ireland and works with an Garda Síochána down south in the Republic, it was not able to claim and collect the assets. It is the assets that make it incredibly lucrative for the criminals. I am glad that those people will now be hunted down and stripped of their assets and their wealth. For far too long, they have held the people of Northern Ireland to ransom. That has to stop, and it should stop now.

I commend the SDLP for coming to its position. It is a day for the enlightened and for slow learners, and I look forward to the day when Sinn Féin also comes to that realisation. If it does not, these questions will remain: what has it got to hide? What is it hiding within its communities, the people whom it says it represents? What is Sinn Féin hiding that it does not want the NCA to find or to collect? That question will be on the lips of all the people of Northern Ireland today.

Mr Attwood: First, I make the point that this is a negotiation that the SDLP should never have had, because these NCA matters, which are now being put into law, were settled in the Patten negotiation, in the Police Acts and in the implementation of Patten’s 175 recommendations. When it comes to accountability, oversight and the ombudsman, these matters were settled nearly 15 years ago. Neither the SDLP nor anybody else should have come back to this negotiation, because these matters had been resolved previously. There should not have been any reason for any London Government to roll back, through the front or back door, that which had been achieved in the role of the PSNI, the authority of the Policing Board, the powers of the ombudsman and the new beginning to policing.

However, we had to go back and do some of it again. If people look at the order that was tabled last Thursday, they will see the proof of that negotiation — proof that nobody in the Chamber can find reason to dispute. There is nothing in the legislation that is now proposed,
further to the SDLP negotiation, that anybody can dispute. Indeed, it now seems that even the DUP and others accept — I say this gently, because I noted carefully what they said — that the thresholds of accountability now being proposed are beyond what was there two years ago. Consequently, and Mr Craig best made the point, accountability around policing is better than what we had a couple of years ago.

Members have outlined what this will mean. It will mean compliance with the PSNI code of ethics. It will mean that the Home Secretary no longer has a veto over those precious powers of the Policing Board when it comes to reports and inquiries.

Mrs D Kelly: Will the Member give way?

Mr Attwood: Yes.

Mrs D Kelly: It also means, does it not, Mr Attwood, that the Chief Constable has the power of veto over the operation of the NCA?

Mr Speaker: The Member has an extra minute.

Mr Attwood: Thank you.

Yes, and that includes a veto over the recruitment of agents or the use of other intelligence weapons and mechanisms. More than that, the Police Ombudsman now has the full menu of powers necessary to ensure that he can take complaints in the devolved and non-devolved sectors about NCA conduct or activity. Therefore, as best we can, and far more than some would have suggested, we have recreated the powers of the Policing Board over the NCA and the primacy of the Chief Constable when it comes to the operational life of the NCA. That is no mean success in the past number of months.

I put on record that not just my colleagues but other individuals in government and agencies applied themselves to the task of that most intense negotiation, especially since the summer of last year, in order that what had been secured 15 years ago with Patten, the Policing Board, the ombudsman and all the rest of it should not be prejudiced and put in jeopardy.

I do not agree with what the DUP has done in challenging Sinn Féin in some speeches today. Sinn Féin was largely absent from the negotiation, but it has been fulsome in its recognition of the outcome. From our conversations with Sinn Féin over the past number of days, I do not think that there is any dispute in its Members’ minds — it is for them to speak — about the measure of what has been achieved. It seems to me that, in these circumstances, Sinn Féin should look at its own history.

People were ahead of the parties when it came to the new beginning for policing, and it is my belief that people are again ahead of the parties on a whole lot of aspects of public policy in Northern Ireland, including when it comes to standing against organised crime on this island. I ask Sinn Féin, as it processes this, to consider making a call earlier rather than later, rather than what happened on policing, when the call was later rather than sooner.

4.45 pm

Are there issues that even I would have tried to negotiate further on? Yes. However, given the threat of organised crime on this island, given the thresholds of accountability that have now been secured, and given that our people are under the cosh when it comes to environmental crime operations up in Derry and illegal fuel smuggling in the south Armagh area, can anybody deny that it is time for all of us to stand in solidarity with those who face down all the criminals, wherever they might be —

Mr Speaker: The Member’s time is up.

Mr Attwood: — including those who are off limits and those who are not off limits?

Mr Douglas: As a member of the Justice Committee, I support the motion. I congratulate my colleagues Alastair Ross and Stewart Dickson for bringing this hugely important issue before the House.

Earliest today, my colleague Alastair Ross said:

“given the fact that the Westminster term is coming to a close and there is a short window left for legislation to be passed, it is my estimation that this is probably the last opportunity for the House to signal its consent for the NCA to operate fully here in Northern Ireland.”

I hope that people will respond to that, accept that this is the last opportunity and go for it.

I want to read from a letter that we got from the Minister. I hope that this does not trigger a point of order, as happened earlier. The Minister says that he believes that:
"the order and the motion, which would be subject to Westminster consent, provide an opportunity for the National Crime Agency to add more of its expertise to the law enforcement effort against organised crime groups here."

I wholeheartedly agree with the Minister. I sincerely believe that some Members are looking a gift horse in the mouth. Let us see what they are potentially rejecting. This morning, I looked up the NCA website. It says that the NCA is a new crime-fighting agency with:

"national and international reach and the mandate and powers to work in partnership with other law enforcement organisations to bring the full weight of the law to bear on serious and organised criminals."

Is this not what the majority of people in our communities want: the full weight of the law being brought to bear in cutting serious and organised crime? I suggest that, if we went round the doors tonight and spoke to people in Belfast and across Northern Ireland, the overwhelming majority would agree with the new agency being set up and would support it.

Earlier, I spoke to a senior PSNI officer, who informed me that organised crime is growing and becoming more sophisticated. There are more international crime gangs in Northern Ireland, including, he said, Russians. Those gangs are operating across Belfast, across Northern Ireland, across the border, in the rest of the United Kingdom and, as we all know, across Europe. Is this not a wake-up call for all of us in the House to support the motion? I understand that some Members may have concerns about transparency and accountability. However, the order will provide a vehicle to hit criminals where it hurts most and would do so in a way that places the PSNI at the heart of decision-making on operations. It also provides a role for the Policing Board to monitor the exercise of NCA functions, to call the director general of the NCA to meetings and to call for reports, updates on progress and so on.

And there is more: the Police Ombudsman also has a full role. I agree with the Minister, who is clear that the order will fill a gap in our law enforcement effort that he, as Justice Minister and chair of the Organised Crime Task Force, and our Chief Constable have highlighted for some time.

I believe that NCA operations will be subject to significant and robust accountability arrangements, because of those assurances and the ability for the agency to respond — let us not forget it — on a 24/7 basis to target those in our communities — the criminals, the blackguards and the groups — who pose the greatest risk to the people of Northern Ireland and beyond. The issue of the National Crime Agency and why it needs to come into operation in Northern Ireland is well known and has been debated in the House before. I support the motion.

Mr Allister: I welcome the fact that we are now on the verge of the NCA being fully operative in Northern Ireland. I acknowledge the role of the SDLP in enabling it to reach this point, but I regret its tardiness in coming to that position, which, of course, has given a couple of years and more of respite to criminal gangs in the Province. Of course, those who will be least happy about this will be the members of the criminal gangs, because I suspect that they fear the NCA. I trust that those fears will be fully realised in respect of the operation of the NCA, and I look forward to the full realisation of those fears.

The gangs are unhappy, and it is quite clear that Sinn Féin is also unhappy, and people can judge the coincidence or otherwise. Sinn Féin is smarting today, because it has been outmanoeuvred. It has been outmanoeuvred on the issue to the point that the NCA will now be operative in Northern Ireland. Its members are also smarting because they know that they are now in a dilemma. Sinn Féin’s members tell us that they support the rule of law and have signed up to all of that. If that is so, it follows, as night follows day, that they will be required to support the NCA.

Under article 6 of the order and schedule 3 to the order, the NCA will be qualified to be designated with police powers in Northern Ireland. NCA officers will now exercise the police PACE powers. That means that those officers with police powers will have the power of arrest, the power of search and seizure, and the ability to take fingerprints and samples. The challenge, therefore, to Sinn Féin is whether, when and if the NCA becomes operative in Northern Ireland and begins exercising those powers, it will have the support of a party that claims to support the rule of law. Will Sinn Féin members say to the community that they purport to represent that they encourage them to cooperate with the NCA officers in their exercise of police PACE functions? If they do not, then they are patently defaulting on their supposed commitment to the rule of law.
There is a challenge to the deputy First Minister. I trust that our press will not allow him to wriggle off the hook and that he will be challenged to say whether he now fully supports the operation of the NCA within Northern Ireland and its exercising of those powers and other powers that I have mentioned. I trust that the answer to that will be yes, but we will wait and see whether it will. That is the real political challenge that arises for this moment.

I go on to refer to the editorial, which I assume the Minister has read, in today’s ‘News Letter’, where it raises an issue turning upon this community impact assessment. The editorial states:

“There is a proposal that the NCA will have to secure PSNI agreement to an operation. The PSNI would have to carry out a community impact assessment and the NCA would have to regard to it.

This is troubling talk.

It is essential that an NCA has the ability to act in a sweeping manner against dangerous and determined criminals, and that it is allowed to operate with the same freedoms as in Great Britain.”

So I would like the Minister to tell us a little more about the supposed community impact assessment and whether it will be a restraint. It would be quite preposterous if there was a need for an operation —

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

Mr Allister: — that could proceed in GB, and in Northern Ireland the Chief Constable would say, "Oh, we have to have a community impact assessment. We must give the criminals time" —

Mr Speaker: Thank you. The Member's time is up.

Mr Allister: That must not be acceptable, and I trust that the Minister will indicate that that is not going to happen.

Mr Ford: I congratulate Alastair Ross on succeeding in achieving this debate today. As Justice Minister and as chair of the Organised Crime Task Force, I want to place on record my absolutely clear view that this is an important motion for those who want to see our law enforcement efforts enhanced in Northern Ireland. The Chief Constable has also gone on record as saying that he, too, would welcome the extension of the NCA’s powers in Northern Ireland.

I spoke to the Home Secretary when plans for the NCA were first announced, and I made it clear then, more than two years ago, that its role in Northern Ireland would have to take account of our very different policing architecture here, especially regarding accountability and the primacy of the PSNI, and she accepted that. I have spent two years in ongoing dialogue with Assembly parties and others regarding the issue. Unfortunately, it has not proved possible to reach the Executive consensus necessary for me to bring the motion to the Assembly myself, and it is no secret that I would have wished to. Therefore, I welcome the opportunity that the Assembly is being offered to resolve what is currently an unacceptable situation.

During a previous debate on 6 October 2014, I shared with Members of the Assembly the difficulties being faced by law enforcement bodies because of the ongoing situation with the National Crime Agency. Agreement was not reached before the NCA came into operation on 7 October 2013. In discussions since then, parties have not reached agreement on its powers extending into the devolved arena with appropriate accountability. Let me re-emphasise: extending the powers with appropriate accountability. Failure to reach that agreement means that some 16 months have passed, with the PSNI having to stretch resources to cover work that it should have been able to pass to NCA colleagues; 16 months of no civil recovery; and 16 months of the people of Northern Ireland being at a disadvantage in terms of organised crime compared with people in the rest of the UK.

We are not talking about low-level crime. As a number of Members have emphasised, it is serious and organised crime. PSNI figures estimate there being 140 to 160 organised crime groups active in Northern Ireland — an estimated 800 active criminals. I know that the PSNI and others in law enforcement have worked hard to ensure that the impact of the gap on the people of Northern Ireland has been as small as possible. They would, however, acknowledge that, at times, due to limited resources, hard decisions about priorities have had to be made.

In opening his remarks, Gerry Kelly said that the PSNI was more than capable of fighting all crime. I have no doubt, and I agree with Gerry Kelly, that the PSNI is an excellent police
service, but it does not have the operational international reach; it does not have the specific expertise in matters like fighting child exploitation online or the financial matters that are available through the NCA.

I know, too, that organisations have stretched, so that help has been given up to the limits of the law. However, there is absolutely no doubt that, for those 16 months, law enforcement agencies have had their hands unnecessarily tied behind their back in trying to serve us and to protect this community. One example I have been given was of police officers having to be moved from important drug searches to attend a serious sexual assault incident, thus delaying the searches and endangering the NCA’s case against a UK-wide organised crime group operating in our midst. The NCA could not do the work itself because we had not given it the powers.

5.00 pm

Moreover, SOCA, the NCA’s predecessor, assisted the Environment Agency in respect of a major investigation into waste crime, which was highlighted this afternoon. The specialist skills were in SOCA, but when the NCA was created, that had to stop; it no longer had the powers necessary. While there have been workarounds where possible, we have no statutory input into NCA planning, so we cannot shape its work to assist the PSNI. Given the global nature of organised crime, which is an area where the NCA, with its international reach, has particular benefits, we need the support of the NCA. Over the past year, that has impacted on cases involving child abuse, drugs and money laundering.

Let me give the House some stark figures on civil recovery. Since June 2013, there has been a 58% decrease in the number of Northern Ireland investigations, from 19 to 8. Obviously, there have been no new devolved cases, although there have been two HMRC referrals. There has been a 71% decrease in the number of property-freezing orders in Northern Ireland cases. The House should also remember that the NCA has some powers here, such as customs and immigration powers, which are not devolved, but, currently, it has no accountability for its conduct in using those.

A full statutory role for the Police Ombudsman across all NCA powers has been sitting on the statute book waiting for the House to reach agreement. There has also been no formal role for the Policing Board. In addition, my desire to see formal police primacy over NCA operational powers has been stalled. Let me make it clear: I have been working hard to ensure appropriate accountability; it is accountability comparable to that for the PSNI. However, one has to recognise that the NCA is different in terms of its structure and the nature of its work. For one thing, it is a UK-wide body. For another, as was mentioned, its reach is well beyond these shores.

I recognised that some Members had concerns regarding the accountability arrangements. That is why I, along with the Chief Constable, the director general of the NCA, the Secretary of State for Northern Ireland and the Home Secretary have all engaged to seek to address those concerns and provide reassurance at a governmental and an operational level. Over that time, and especially in recent weeks, the SDLP, in particular, as much lauded by the DUP Benches, has engaged constructively and energetically with me and my officials — sometimes too energetically — and with the PSNI and the NCA in seeking to reach a resolution to outstanding issues.

As my colleague Trevor Lunn said, the SDLP has taken accountability to new heights. As a result of that engagement, and also from considering concerns raised by Sinn Féin, the Home Secretary and I have agreed draft legislation that we are confident provides a robust, tailored accountability framework for Northern Ireland circumstances. It is, in fact, a very extensive framework, especially when compared with the arrangements elsewhere in the UK for the NCA. I had hoped that, before today, we could have got Executive agreement; unfortunately, that was not possible.

Let me set out some of the elements of the accountability framework. Many Members have already referred to aspects of them. The role of the Police Ombudsman would extend to cover any complaint about NCA officers in devolved matters, non-devolved matters and in civil recovery. The Policing Board will monitor NCA activity in Northern Ireland. That point was noted by, amongst others, Dolores Kelly and Jonathan Craig, possibly noting the amount of work that may fall to them. The board can request reports and institute inquiries as necessary. It must consult the Home Secretary, but it does not require her agreement. The Chief Constable’s agreement is needed for the use of constabulary powers and any covert investigations. NCA officers in Northern Ireland will be bound by the PSNI code of ethics, which is a point that was similarly highlighted. In addition, the NCA is already an active member of the Northern Ireland Organised Crime Task Force.
Therefore, it works closely with other law enforcement bodies in Northern Ireland.

In an exchange between Jim Allister and Alastair Ross, issues were raised about paragraph 14 of schedule 3. Paragraphs 14 and 15 deal with directed assistance from the PSNI to the NCA and from the NCA to the PSNI. I concluded at an early stage that, given the arrangements that we have for the policing architecture here, it was not appropriate for there to be any powers of ministerial direction. Therefore, they do not appear.

With agreement to the motion, and if Westminster then affirms the order, we will have access to the NCA’s considerable expertise and support while embedding the agency in our local structures.

Gerry Kelly asked about a potential counterterrorism role for the NCA. The Home Secretary and the Secretary of State for Northern Ireland have both said that that will not happen. Were there to be any such proposal, a super affirmative procedure is in place. It could not be introduced through the order-making powers in schedule 24. There is simply no vires for it.

Jim Allister referred to the ‘News Letter’ editorial — I confess, it is not always the first thing I read every morning, although I did read it today — which referred to the issue of community impact statements. The reality is that community impact statements are carried out by the PSNI when considering major operations. It is exactly the same measure for the NCA; it is not something new. Sadly, it appears that Mr Allister is reading editorials in the ‘News Letter’ rather than considering the legislation.

Mr McCartney quoted from the early version of the Home Office’s explanatory memorandum. I hope that I have adequately drawn attention to the fact that that was corrected when it was drawn to the attention of my Department. Clearly, I had wished that it would have been possible to get Executive agreement and I had wished to introduce this measure as Minister, because that was appropriate. However, it is also absolutely clear that things have been done by an entirely proper procedure.

Mr Speaker, I would not call into question the decision you took to list this business as part of today’s proceedings. Not everything is done by an LCM, as we saw, for example, with a proposal to devolve justice powers to this House. That was not technically an LCM; it was a motion of a very similar nature to the one that is before us.

So, there was lengthy negotiation over a significant period of time. Pat Sheehan said that he believes that the negotiations ended prematurely. I believe that the negotiations ended at a point when, as Sammy Douglas highlighted, time was running out in the Westminster timetable to get business concluded before the general election and at a point when it appeared to me that there were sufficient grounds for believing that this House was likely to pass the motion to bring into play the devolved responsibilities of the NCA in Northern Ireland. When we look at the fight that we have against organised crime and look at what we need to do to protect vulnerable people in this society from those who would prey on them, we can wait no longer.

Intensive negotiations took place with those who wished to intensively negotiate. If others were not particularly involved, I am sorry, but I did my best to meet the concerns that were put before me. What we have on the table is an extremely high level of local accountability that preserves the PSNI’s position as the lead local law enforcement agency.

I thank all those who have done that detailed work over the last while, including MLAs, party staff, people in other bodies and, most of all from my perspective, officials in the Department of Justice, who worked to ensure that we got the maximum possible arrangement. I also offer my thanks to the Home Secretary and the officials in the Home Office. Perhaps they do not always understand the nuances of Northern Ireland when business starts off, but they certainly understand the nuances of Northern Ireland now, and they have been extremely helpful in making the changes that we put forward as we worked from the initial position I took of the need to recognise the primacy of the PSNI and the need for proper accountability mechanisms to take account of our architecture for policing.

I urge all Members to support the motion before the Assembly to allow the National Crime Agency to come into full operation in Northern Ireland. I want all parties to step up so that we can send a signal of unity against the organised crime gangs that prey on this society and see it as easy pickings without the NCA and the operational reach that it has in England, Wales and Scotland.

Many Members highlighted the problems we face from organised crime. Let us stand united against that, because if we miss the opportunity today, we will be selling our law enforcement effort and our community short for a long period of time. I urge Members to support the motion.
Mr Elliott: Obviously, it has been an interesting debate. It is one that we had some time ago. In fact, on two occasions, we have had debates in this House over the National Crime Agency. I am almost tempted to say that I feel the hand of history on my shoulders, but I do not think it has gone that far. This is an important day. It is important in the sense that we are getting a level of comfort and security for the citizens and the people of Northern Ireland. That, I think, is what is most important.

For once, I pay tribute to the Justice Minister and indeed to those in the National Crime Agency for their persistence and perseverance. This has been rumbling on now for two years, I am sure, maybe even more. I know that they have not had a very easy time. Indeed, I put on record that the SDLP has persisted through difficult times on this as well. It is a pity that the SDLP did not come to this conclusion earlier, but, as my mother always said, it is much better late than never. We will give the SDLP some credit for where it is today.

The question remains: why has it taken us this long? I know that people have issues with the accountability mechanisms, and those are important, but we must get our priorities right as well. It is also important that the people and communities of Northern Ireland are safeguarded and feel safe. It is important that we catch criminals, especially the large organised crime rings. It is important that we stop child exploitation. It is important that we stop drug trafficking. It is important that we stop all the fuel smuggling that people talk about. It is important that we recover assets from those criminals. All that I am trying to say is this: let us put it in perspective. Yes, accountability is important. We want that as much as Members on the other side of the House do, but the priority is catching criminals and allowing people to be safe in their communities and in their homes.

The NCA can, of course, be an important tool in the fight against organised crime and international crime. The NCA and the PSNI should complement each other. They should cooperate with each other, and I do not see a major issue with that.

I heard Mr Allister pose a question about the community impact, and maybe that was not fully explored by the Minister, who may not have had time. I met the Chief Constable yesterday: I also wanted reassurance on that very issue because I had concerns. I am informed that the community impact is, as the Minister highlighted, within the PSNI. It is to ensure that they get the timing of operations right so that they do not inhibit other operations. I was assured by the Chief Constable that the community impact will be valuable as opposed to inhibitive. The one thing that I do not want is for operations to be inhibited. I do not want the crime gangs to get away with drug smuggling and human trafficking. I do not want that to be allowed to persist, so I would not want that community impact to stop those operations. Neither would I want other aspects of the accountability mechanisms to stop the NCA and the PSNI taking on those criminal organisations. I think it important that they have a level of freedom and enforceability to do that in a legal manner that allows them to cut out and curtail those criminal activities.

It was quite interesting to hear some of the Members’ thoughts on the processes, and Mr Ross highlighted the proposals very well. He took us through how the National Crime Agency would operate and put some perspective into the debate. I will not dwell on Sinn Féin’s suggestions and how its Members put forward their thoughts. It is more important that we are moving forward with something that will help society here in Northern Ireland.

Dolores Kelly was first up for the SDLP, which has taken up the mantle and put forward its thoughts and proposals on how the National Crime Agency can work better. On some of those aspects, we may disagree slightly, but that is what democracy is about, and that is why we are here. We may have got to a compromise now that is fairly suitable and satisfactory for most.

5.15 pm

Mr Danny Kennedy welcomed the stance by the SDLP, and he rightly paid tribute to Lord Empey in the House of Lords, who has pursued the matter with vigour over the last number of years. I also want to pay tribute to Lord Empey’s persistence.

Mr Lunn of the Alliance Party very effectively highlighted how the fight against international crime will operate. Indeed, an issue that he mentioned, which may go unnoticed on many occasions, is the fight against cybercrime, because the NCA is an organisation that can deal with international crime. He also indicated that these are free benefits, which we do not often get. I assume that he meant that the benefits to Northern Ireland will be free in financial terms.

Mr Craig highlighted the mounting pressures on the Policing Board. I am not sure whether the Policing Board is looking for a much greater
role or whether that has been forced on it, but, one way or another, it is clearly going to have much more work to carry out in the not-too-distant future.

Mr Edwin Poots indicated that the Chief Constable is satisfied with the accountability mechanisms. He went on to say — this was quite interesting — that there must be only one police service in Northern Ireland. He warned of the future and the proposals that may be brought forward for the Historical Investigations Unit. I think that Mr Poots was putting down a marker there as to how we may deal with that in the future.

Mr Alban Maginness highlighted the amendments secured to the proposals and said how it was, in his terms, a "triumph for common sense". That is what I am trying to say as well. I think that we have probably got to that common-sense compromise. It is just a pity that it did not happen a couple of years ago and that the SDLP did not accept it then, but, anyway, we accept it now that it has come this far.

What Members have highlighted today is that common-sense approach: that they want to bring forward the National Crime Agency; that they want it to work in partnership and cooperation with the Police Service of Northern Ireland; and that they want it to fight criminals and crime. I, for one, look forward to the National Crime Agency taking on the criminal organisations and helping to rid our society of such crime and criminals. We do not want to make Northern Ireland a haven for international and organised criminals. We do not want Northern Ireland to be a criminal's paradise. We want it to be a safe place for everyone to live in, for communities to grow and prosper, and for everyone to live in the harmony that we all look forward to.

Question put.

The Assembly divided:

Ayes 68; Noes 26.

AYES

Mr Agnew, Mr Allister, Mr Anderson, Mr Attwood, Mr Beggs, Mr Bell, Mr D Bradley, Ms P Bradley, Mr Buchanan, Mr Byrne, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Craig, Mr Cree, Mr Dallat, Mr Devenney, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mr Elliott, Dr Farry, Mr Ford, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr B McCrea, Mr I McCrea, Dr McDonnell, Mr McGimpsey, Mr McGlone, Mr D Mcllveen, Miss M Mcllveen, Mrs McKeivitt, Mr McKinney, Mr McQuillan, Mr A Maginness, Mr Moultray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr Ramsey, Mr G Robinson, Mr P Robinson, Mr Rogers, Mr Spratt, Mr Storey, Ms Sugden, Mr Swann, Mr Weir.

Tellers for the Ayes: Mr Lunn and Mr G Robinson

NOES

Mr Boylan, Ms Boyle, Mr Brady, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr M Mcguinness, Mr McKay, Ms Maeve McLaughlin, Mr Maskey, Mr Milne, Ms Ni Chuilin, Mr O hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane, Mr Sheehan.

Tellers for the Noes: Mr McCartney and Mr Sheehan

Question accordingly agreed to.

Resolved:


Mr Speaker: The House will take its ease while we change the top Table.
I rise to talk about a Travelling site that arrived in Antrim some months ago. I suppose that I am coming at it with some degree of concern. I know that Sinn Féin took exception to my definition yesterday of "ordinary" people. Habitual residents who live in a particular area and reside in a purpose-built brick house are what I would describe as ordinary. Indeed, I am one of those ordinary people myself. Many people from Rathenraw and, indeed, the wider Antrim area come to my office and those of my constituency colleagues daily looking for accommodation. They are in housing stress in the greater Antrim area.

I am appalled at how the Housing Executive has handled this site and the complaints of the residents of Rathenraw. It has made a difference between members of the Travelling community and — again I use the terminology — "ordinary residents". Many of those people are in housing stress and come to our offices daily, as I have said, looking to be housed in a particular area. It pains me that the Housing Executive has treated the Travellers differently. They are not on a par with everyone else; they do not have the same degree of crossover with regard to this site. Indeed, if they want to be treated the same as everyone else, they should be afforded the same housing stock. I do not think that we should deny anyone the opportunity to be housed; however, Travellers should be treated the same as other residents of the Antrim area.

Then there is the question of how the Housing Executive has approached the subject. It made a retrospective application. Mr Deputy Speaker, when, some years ago, you were an elected representative sitting in council, I am sure that, like the rest of us, you would have been critical of individuals seeking retrospective applications for houses in any area. However, this public authority, the Northern Ireland Housing Executive, has set up a temporary site in Antrim, moved the diggers in and brought in static caravans. I stress that these are static caravans, not the type that you would normally associate with the Travelling community. The Housing Executive set up a static caravan site where Travellers have the right to bring in horses, donkeys and whatever else they want to bring. Housing Executive rules suggest that there should be only one domestic animal, so we are treating the Travellers differently. They are not on a par with everyone else; they do not come within the definition of ordinary residents of that area.

What makes it even stranger is that the very site that the Housing Executive has picked is beside a historic monument. Anyone else seeking planning permission for that area would be refused. I come here tonight somewhat disappointed. I appreciate that my colleague, the Minister for Social Development, is here to respond to the debate because it is primarily a social development topic; however, there is a degree of crossover with regard to this site. The site has been granted permission, albeit the process continues, and there will be meetings at which strong objections will be lodged. I would love it if the Minister of the Environment could tell us, the elected representatives, how a temporary site for caravans can be afforded beside a historic monument. If someone wanted a permanent residence there, it would not have been afforded them. I am bewildered as to how that decision has come about.

In relation to the Travelling community itself, it is sad for me to say that there has been an increase in incidents in the area since they arrived. Indeed, as one delves into the origins of the people, we find that they are not unknown or unfamiliar to the law. Indeed, they have been somewhat involved with the police...
over this last number of years. The Minister may be responsible for the Housing Executive, but he is not the Housing Executive; therefore I am sure that it will be difficult for him to account for how the Housing Executive arrived at the ridiculous decision to bring Travellers to this area and make such a site.

One of the things that the Housing Executive prides itself on — some would say, and others would say that it does not pride itself very well on it — is that we have areas where the Housing Executive places problem tenants, who cause great difficulties to other tenants in that area. Not only has the Housing Executive brought in problem tenants, it has brought in a permanent camp that has brought the problem itself. Indeed, the attitude of the tenants who have come to the area is telling.

Indeed, some of the people who live there will tell you about bicycles being stolen. They think it is a case of, "You have to tie it down, or it is gone".

There have been problems with crime in the town itself, and it is reported that those involved were from the Travelling community. As I said, the Housing Executive prided itself in the past on how quickly it reacted to problems from ordinary residents — you keep logs and various things. Many residents have made representations to the Housing Executive about the problems associated with these individuals, but it is falling on deaf ears: nothing seems to be done to help the residents of the area, and everything to help the Travelling community. What I really want is for the Minister to relay our concerns to the Housing Executive and to see what assurances he can get that issues in the area will be addressed.

The Minister will be aware that I have had much correspondence with him on a number of questions relating to how much is being spent. They have temporary roads and standpipes. The Housing Executive is now picking up the cost of maintaining and servicing the temporary toilets. The Housing Executive is picking up the costs of emptying the skips that have been put on sites. These residents are being treated entirely differently from everyone else living in the Antrim area. I am not saying that all individuals should be allowed more for domestic waste. Everyone is allowed a black bin, which is emptied once a fortnight; however, if you come from the Travelling community, you can have a skip. It will be emptied at will, and it will be paid for out of the public purse. Could we ascertain from the Minister whether those members of the Travelling community who are now permanent residents in Rathenraw make any contribution through rent? What do they contribute to the Housing Executive that they should be treated in such a royal manner? There seems to be such a difference in how these individuals are treated versus the people who reside and have grown up in the area.

I can understand the worry and frustration of those living in the area as the whole escapade unfolded. There are not two or three objections to this, but hundreds; there is a petition to the Planning Service in relation to this site. One would say they have to be housed — I have no issue with that — but they arrived at this site from somewhere in the Belfast area. I hope that they do want to fit in with society and get involved, but if they were previously housed in the greater Belfast area, and if they have been educated, how has the Housing Executive seen fit to bring them to Antrim, dispersing them from where they were originally? Are they continuing within the education programme or, indeed, are they treated differently in that?

Certainly, lots of questions have to be asked. If they did need a site such as this, why did the Housing Executive not see fit to keep them in Belfast? It is widely known that there was trouble created where they were in the past. The trouble should have been dealt with. Antisocial behaviour should be treated the same as when committed by other residents, instead of bringing them to Antrim to a perfectly good site, where people have enjoyed looking out at green fields for many years and which, as I say, has a historic monument. I am absolutely bewildered that the Planning Service has seen fit to do as it has done.

I would like assurances from the Minister that, however this debacle has unfolded, he will use his good offices to liaise with the Housing Executive to try to bring about a conclusion that is favourable to the people who have lived there for many years and who want to continue to live there.

As I said in my opening remarks there has been trouble there in the past. The residents of Rathenraw have seen that come and go, have got on with their lives, have stayed the course and want just to live in and enjoy the Rathenraw area without looking out at what can only be deemed as — Well, I had better not say on the public record what type of camp this is. How is it that the animals roam all day tethered by a chain or piece of rope, doing circles on the grass while they eat, whereas the other residents in the area are allowed only one domestic animal each?
Mr Kinahan: I am glad for the chance to have this debate, and I thank Trevor Clarke for bringing it forward. When I looked at the title and saw "temporary accommodation", it made me think of another key point that comes our way often. Before I lose the Minister, it was the fact that there are often young homeless males in every patch.

When I first looked at the title of the adjournment topic, that is what came to mind. One late Friday afternoon, when I tried to find housing for single males, the closest place that I could find them anywhere for the weekend was in Armagh. Later, when I rang St Vincent de Paul and the Simon Community, only to discover that there are some 30,000 calls every year for houses, that is what I was thinking.

5.45 pm

Now that we are here and talking about Ballygore and Rathenraw, I will move on to the main subject of the debate. With others, I have met some of the residents and heard their concerns. There were, Minister, 253 objections, which I am sure that you are aware of, and a petition of 301 signatures. Councillor colleagues have taken many calls — some very angry, some just concerned. I have also met the Travellers. We must all remember that we have to respect everybody's rights. Residents have rights and Travellers have rights, but with rights come responsibilities. We all have to live within the law, and the law must be applied equally to everyone, just as the Housing Executive and the councils must abide by the rules and policies.

The provision of proper housing sites is the responsibility of the Housing Executive. Therefore, it is up to it to decide on such locations, but it does not seem to have looked at this site with any strategic forward thinking. It looks like we have a complete Horlicks on this site.

I will turn to the specific problem. We have a group of Travellers who arrived in the northern end of Rathenraw and made themselves at home in the car park. We have the Housing Executive putting in for temporary planning on the site. At the last Antrim Borough Council meeting, the matter was deferred to an objectors' meeting that was meant to happen tomorrow. I am told, however, that it will not happen because of a legal case. The whole matter raises a raft of questions.

I will focus on the residents first. Not all the residents were consulted. I am told that only the owners of Housing Executive properties were informed or consulted. As the Minister knows, I have written to him and the Minister of the Environment to ask for clarification of this and other matters. I am told by the residents that there were plans to make the Ballygore area of Rathenraw into its own little community, and the residents had been encouraged in the past by the Housing Executive to buy their homes. Understandably, what is going on affects the value of those homes, and, at present, it would be difficult to sell them. If we have temporary planning, it will stay like that.

We need to know whether this is really temporary or whether it will turn out to be permanent. We need to know what the future of that site is because it affects the value of all those houses. As I asked on the back of yesterday’s question, can we find out whether the Housing Executive looked or is looking at other sites? What do we really mean by “temporary”? Is it two years from when the Travellers arrived on the site or two years from when they get planning permission? Can the Minister guarantee that it will be temporary?

The biggest gripe all the way through this has been the lack of consultation, the lack of talking to the community and letting it have a say. Does the Department have a consultation policy? If so, was it followed? It does not seem that that is the case. Does it include every house? It should. When we were looking at the Planning Bill a few years ago and I asked, in relation to community planning, who was included, I was told that it was all those who lived there, all those who worked there and all those who passed through. There lies the whole problem of who will be consulted when we move to the super-councils.

Mr Clarke: Will the Member give way?

Mr Kinahan: I am happy to give way.

Mr Clarke: That brings something to mind. You will be familiar with other areas in Antrim where the Housing Executive contacted community representatives before it would consider housing developments. Maybe the Minister could explain, through his officials, why this is different. As an elected Member, I know that my colleagues had no correspondence whatever. However, in the case of other permanent sites, the Housing Executive always consulted and tried to bring them on board.

Mr Kinahan: Thank you. That is a very good point, which I did not have here, so it is very helpful.
I want to move on to the Travellers. There are three or four caravans on the site, surrounded by animals and everything else. They have been given an area with gravelled access, but they have no electricity. You can imagine what it is like at the moment, particularly on a cold night such as last night. Travellers have their rights, too, so we need a proper system. I am on the all-party group on ethnic minority communities, and we have had presentations from the Travelling community. I want to make two key points. I know that Travellers choose the lifestyles that they have, but we have to look after them as well. Their life expectancy is 10 to 15 years worse than ours, and, when it comes to education, the figures for those who achieve five GCSEs at A* to G is 88% for all pupils but just 24% for Travellers. Therefore, we have a great duty to find a way forward.

If we look at the application proposed, we will see a red line where they are and where the access road is. Residents nearby were not consulted. Look at that line and you will see that it is never going to keep them within it, if you think of all the things that come with their caravans — the animals, the ornaments and everything else. If — it is a big "if" — the site is to be there for a while, the red line does not even work. Therefore, we need to listen to the residents, find out what they are happy to live with, if, indeed, this is to be a temporary site for two years, and try to find some way forward and something that works for everyone.

I know that many do not want it there at all, but we should look at suitable fencing, suitable access and a suitable set of rules — maybe even a code of conduct that everyone has to work to. However, we have to find a way forward, and I look forward to hearing what the Minister will say and whether there are alternative sites. Let us see how this goes. I look forward to his help in resolving the matter.

Mr Girvan: I thank my colleague for bringing forward the Adjournment topic. It highlights a major difficulty that we have. I, for one, believe in using the Housing Executive list to identify those in greatest housing need. Unfortunately, we have one section of the community that has decided that it can sidestep all the measures in place to ensure that people get accommodation on a fair and equitable basis. Whether they want to call themselves Travellers is one way of looking at it. We are dealing with one family in particular, who have occupied a site, not necessarily with approval. They have tended to wreak mayhem everywhere that they have been, and I would class them as a lawless family. They have created all sorts of disturbances, right from Belfast City Hall to highlight their plight.

I agree that, if you want to talk about equality, I would say that we have had a measure of inequality dealt to those who wish to abide by lawful means and go through the proper process. They are being put to the back of the list, in favour of those who want to ride roughshod over the process. Having been on the receiving end of some physical abuse from members of that community, I can say that they have done nothing to endear themselves to the wider community by showing any intention of wanting to integrate or by being in any way friendly towards those whom they have to live beside. As a consequence, a large number of residents and others have signed a petition. We are not talking about small numbers but about hundreds of people in the community who feel that the Housing Executive has failed them, not just by not consulting them but by going down the route of looking for temporary approval on what I deem a sensitive site. Trevor already mentioned the issues with the monument beside it —

Mr Clarke: Will the Member give way?

Mr Girvan: I will indeed, yes.

Mr Clarke: The Member talks about how the Housing Executive has failed the residents. Maybe the Member would like to draw out how it has failed them. I am sure that the Minister, in his response, will talk — I hope he will — about how much has been spent on the site. There are people in the Antrim area who have been waiting for Housing Executive repairs to bring their house up to a good standard.

I am sure that the Member will agree that the failure extends to that. I know, from some of my questions, that the cost of accommodating them is running into thousands of pounds. However, there are permanent residents with Housing Executive houses who are still waiting on repairs that will run into thousands as well.

Mr Girvan: That is the point. The Housing Executive has failed people who have been good tenants and who attempt to look after their properties. It has gone down the route of making an application for what is a temporary site. I do not like the word "temporary" and want to know how long "temporary" will be. We all know that, once something has had an approval on a temporary basis, that sets a precedent and opens the door for a permanent application to be approved. There is a major issue there that needs to be looked at.
We have to consult widely if we are going to put in a permanent site. However, I do not think that that should be over and above what is expected of any other tenant of Housing Executive stock. I do not think that special accommodation should be made. We all talk about turning areas into mixed and shared spaces. This is one community that does not want to have shared space with anyone. That has been demonstrated throughout, with the problems that it has caused elsewhere.

We have recently had difficulty in the south Antrim area, where a number of businesses were held to ransom by these families. They parked up and asked for several thousands of pounds to move away from people’s gates. All the customers had to come in and out past them. They have created all sorts of mayhem as a consequence. Some very big international companies have been affected like that. I know that Caterpillar, which was FG Wilson, also had a major problem on its Larne site.

That community needs to recognise that it has not endearing itself. It is not going down the right route. Crime figures in the area have increased, and a lot of fingers are pointing in one direction. It needs to be looked at. This site has caused major concern. I blame the Housing Executive for allowing what was an open space area to be occupied and for creating this problem.

Mrs Cameron: I welcome the debate. I am pleased to speak on the matter on behalf of my constituents. Much is said in the House about tradition and culture, and, for the most part, whilst we do not always agree on the individual argument, there is broad consensus that individuals have the right to choose how to live and how to express their view in society, provided they do so in a law-abiding manner. So I immediately have a problem here. I want to respect the rights of any member of the Travelling community to live the life that they choose and to be free to travel wherever they wish. However, I need to balance that against the rights of those who are affected by the establishment of the Travellers’ camp in their midst.

The residents who are affected by the subject of this debate have made a choice. They have chosen to pay their taxes. They have chosen to abide by their contract with the Housing Executive or the terms of their mortgage. They pay their bills, and they have chosen to adopt a pattern of society in which they are subject to the law of the land and must abide by that code of practice. To the best of my knowledge, the Travelling community is not bound by any such contract. In some ways, I almost envy them their freedom.

I am here because the people in the community place their trust in me to speak on their behalf. It would be a dereliction of my duty if I failed to represent them now. We might talk in this place about the Stormont House Agreement or a matter of the day, but it is what greets my constituents when they look out their windows each morning that really affects them. That is why I must speak out against this infringement of their rights. We must accept a dose of reality here. In this case, it appears that the Housing Executive has played the political correctness card over and above the wishes of the broader community.

It is my understanding that due regard has been given to the rights of the Travelling community through the creation of spaces across Northern Ireland where they are free to park up and use facilities provided to them with no charge or contract.

Mr Clarke: The Member raises the point that they are free to travel, and I do not think that anyone should be against their right to travel. However, I am sure that the Member finds it as strange as the rest of us do that this is not actually a Travellers’ site as such. These are static caravans that you would find in a holiday village and not the type that you will see pulling into a lay-by. Do you not find it particularly strange that these are not caravans that we would see being towed by vehicles?

6.00 pm

Mrs Cameron: I thank the Member for his intervention and agree with his remarks. Given that this is how it is, I am at a loss as to why the Housing Executive has in this instance created a space in the middle of an established community. It seems to me to have no logic whatsoever and goes against the wishes of the community. Whilst I completely comprehend that the Housing Executive has been faced with the difficult task of balancing its obligations to the Irish Travellers and its responsibilities to the settled community, I do feel that this has been handled particularly poorly. Allowing the family in question to move onto the site prior to any planning application or community consultation has left an extremely bad taste in the mouths of the people of Antrim.

The Minister needs to establish who is at fault here, what precedents are being set and why the development has been given priority over and above the residents who are committed
I hope that in his remarks he can explain to the people of my constituency what actions his Department will be taking to rectify the situation.

Mr Storey: I thank all those who have contributed to the debate and my colleague Mr Trevor Clarke for securing the Adjournment debate and the representation that he and his colleagues have made on this issue. I realise that I have a time constraint of 10 minutes, so I want to try to set some comments on the record about the detail of this. Then, I will address some of the specifics that have been raised by Members. Following on from the debate, we will then check the Hansard report. Any issues that we have not addressed, we will then follow up, so that we have a comprehensive response for Members in relation to this issue.

Before getting into some of the specifics raised during the debate, it might be helpful if I set out what is required of the two main statutory agencies involved in this case: the Northern Ireland Housing Executive and the Department of the Environment planning group.

Until 2003, district councils were responsible for the provision of sites for the Travelling community. The system did not work particularly well, and in 2003 the law was amended to give the Housing Executive the legal obligation to provide such caravan sites as appear to it to be appropriate for the accommodation of caravans of the Irish Traveller community. The Housing Executive establishes the accommodation needs of Travellers through the Northern Ireland-wide comprehensive Traveller accommodation needs assessment. In providing accommodation for Travellers, the Housing Executive needs to balance the needs of the Travellers with the needs of the settled community. That point was raised by a number of Members, particularly in the concluding comments of Mrs Cameron around the way in which the settled community is dealt with or disadvantaged in how this can play out.

There are three main types of sites. First, group housing. Some Travellers want to live in conventional housing, either in existing social housing estates or in group housing schemes that cater for their desire to live together in extended family groups. Secondly, serviced sites. A number of Travellers have indicated a desire to live on serviced sites, which provide facilities for residing in static mobile home-type accommodation. There are currently four occupied serviced sites in Northern Ireland. Thirdly, transit sites. Some Travellers wish to remain nomadic, and their needs are provided for through transit sites. The progress made by the Housing Executive since 2003 has reduced the number of illegal encampments in Northern Ireland and improved the living conditions for the Travelling community.

I turn now to planning issues. Any temporary or permanent Traveller site is subject to the planning rules. The Department of the Environment planning group currently determines all planning applications and has the responsibility to consult residents near any planning application site, as well as the appropriate district council. In some cases, the applicant seeking planning approval will also engage with the local residents, but there is no legal requirement currently so to do. That said, my Department expects housing associations that are developing new social housing to consult residents in the vicinity of new social housing developments. My Department does not currently place similar requirements on the Housing Executive in relation to Traveller sites, and I want to revisit that issue for any future developments.

It is never easy to reconcile competing views and interests. In many ways, with the provision of Irish Traveller sites, the Housing Executive is in a difficult position in trying to balance its legal obligation to Travellers with the views of local communities. It is rarely easy, and there have been particular difficulties in this case that it would be helpful to set out briefly.

In 2009, the Irish Traveller family in question began unlawfully occupying land owned by Northern Ireland Water close to the M2 motorway in north Belfast. In line with its obligations, the Housing Executive invoked its Traveller cooperation policy that allows Irish Travellers to camp on a temporary basis and to have basic humanitarian amenities provided.

Northern Ireland Water sought to have the family removed from the land, and, at a hearing on 19 and 20 December 2013, the court gave an order for possession to take effect as of 31 March 2014. The Housing Executive investigated what existing established Traveller sites were available, but none was suitable. The Housing Executive followed good practice that recommends that, where a body owes a duty to secure accommodation but an appropriate site is not immediately available, the housing authority may need to provide an alternative temporary solution until a suitable site or some other suitable option becomes available.
It would be good to put on record the outcome of that hearing. As I said, at that hearing, the court gave an order to take possession on 31 March 2014, but the family indicated that the offers of accommodation on established Traveller sites were unsuitable. Sites that were offered at the time — this might address Mr Kinahan's point about what other sites were looked at — included sites in Strabane, Londonderry and Craigavon, as well as the Glen Road Heights in Belfast. The family's representatives indicated that the family needed to be in that area of north Belfast to meet the children's educational needs and the family's health needs. They also gave reasons why they could not occupy land in west Belfast. I understand that the Housing Executive also looked at other sites in the Antrim area, but the family came to the site in question. We will come to that in a moment.

The Housing Executive investigated what public land was available that could be considered to meet the immediate needs of the family. Given the short time available, the Housing Executive looked to its land bank first. A number of sites were explored, but all were unsuitable. In the difficult circumstances, the lands at Rathenraw offered, in the opinion of the Housing Executive, the least worst short-term option; although, as many Members have commented, the site is not ideal.

Mr Clarke: Will the Minister give way?

Mr Storey: Yes, I will give way.

Mr Clarke: The site may not be ideal, but it also not in north Belfast, so I am wondering how the Irish Travellers settled in Antrim.

Mr Storey: That raises an issue that we need to revisit in what will happen following the debate. I want to revisit a number of points, and I have already alluded to some of those. I intend to write to the chief executive of the Housing Executive about the matter following the debate, and some of the comments that have been made in the House will be conveyed to him. The issue needs to be addressed.

I want to —

Mr Girvan: Will the Minister give way?

Mr Storey: Yes, I will. Briefly.

Mr Girvan: You mentioned education in north Belfast. The Department of Education is providing transport to and from the school, so it has obviously changed its policy on children going to their closest school.

Mr Storey: That is another issue, and we will seek clarification on that from the relevant education authority.

The Housing Executive has assured me that it is continuing to investigate the availability of other suitable land or a more permanent site. The Housing Executive has told me that, given the short time available from the date of the court order to the family's eviction from the Northern Ireland Water land, it did not have adequate time to consult the community in the normal way.

I want to come to a question that was asked by Mr Clarke. I trust that I will be able to get through some of the points that Members have made. I assure Members who raised specific points that I will write to them if I run out of time. The Member asked about the cost. I will indicate what facilities have been provided at the temporary site in Antrim and their cost.

The Housing Executive operates a cooperation policy that, in summary, means that it provides basic amenities as a way of dealing with humane requirements. The amount spent at Rathenraw to date on the temporary provision of skips is £900; the amount for the temporary provision of a Portaloo is £2,845; while the provision of a water supply has cost £2,694. More recently, an access road has been provided to facilitate access for the family and the service providers at a cost of £26,000. Those costs were incurred for the period from 1 April 2014 to December 2015. Whilst not directly related to the provision of facilities, the costs for a temporary planning application at Rathenraw amount to a standard fee of £831. To save Members counting all that up, the total comes to £33,270.76. I think that that gives some indication of the cost.

A question was asked about whether rent was charged. No rent is charged for the temporary site. If it were to become permanent and established, rent and rates would be charged. However, it would not be retrospective; it would only be from the time that the application was approved.

Mr Kinahan: I do not want to break the love-in between all of you up there. However, on the cost of putting in electricity, do you have any
estimate of that in the future? It does not exist at the moment, but I know that they are pushing for it. No. OK.

Mr Storey: No. In relation to the love-in, that is the nature of our party; we enjoy a family atmosphere.

There is no electricity, so no cost has been incurred.

Mr Deputy Speaker, is my time still up?

Mr Deputy Speaker (Mr Dallat): I was hoping that you would not ask that.

Mr Storey: OK. Well, maybe I could deal with a couple of other issues. How many complaints were received about the site? There are no antisocial complaints about the site from the PSNI, although some complaints to the Housing Executive were from anonymous sources. Investigations from different bodies have not confirmed the allegations.

Mr Clarke: Will the Minister give way?

Mr Storey: Yes.

Mr Clarke: I am sure, Minister, that you understand why people would take the time to be anonymous. Given the history of the individuals on the site, the person who made the complaint would want to remain anonymous in case of retribution.

Mr Deputy Speaker (Mr Dallat): Order. I ask the Minister to wind up. Giving way to more Members is just pushing it a bit far.

Mr Storey: I thank the Deputy Speaker for his indulgence and concur with the comments that have been made.

I conclude by making one response, which is the obligation that Travellers have in relation to the keeping of animals on permanent or temporary sites. The Member made a very valid point. Horses are not permitted on caravan sites, and the Housing Executive endeavours to work with the Travelling community to find grazing land for the horses. The Housing Executive has advised me that the horses associated with this site are not on Northern Ireland Housing Executive land and that Travellers have the same rights to have a domestic pet as any other tenant.

There are other comments that I could make, but I gave an assurance to Members that I would write to them.

In conclusion, this issue has created considerable concern, and valid points have been raised about how the settled community is treated. There was a very valid point about historic monuments and the whole planning process. There is a planning process, and we await the DOE's decision on that. I assure Members that I will write to them on the points that have not been covered in my responses in the House this evening.

Adjourned at 6.14 pm.