



Northern Ireland
Assembly

Ad Hoc Committee on
the COVID-19 Response

OFFICIAL REPORT (Hansard)

Ministerial Statement: Justice

6 January 2021

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Alex Maskey (Chairperson)

Ms Martina Anderson

Ms Kellie Armstrong

Ms Clare Bailey

Mr John Blair

Ms Sinéad Bradley

Mr Thomas Buchanan

Ms Joanne Bunting

Mr Robbie Butler

Mr Gerry Carroll

Mr Stewart Dickson

Ms Linda Dillon

Ms Jemma Dolan

Mr Gordon Dunne

Mr Paul Frew

Mr Paul Givan

Mrs Dolores Kelly

Mrs Naomi Long

Mr Mike Nesbitt

Mr John O'Dowd

Mr Matthew O'Toole

Ms Emma Rogan

Ms Claire Sugden

Witnesses:

Mrs Long

Mr Peter May

Minister of Justice

Department of Justice

The Chairperson (Mr Maskey): Item 5 on the agenda is a statement from the Minister of Justice. I received notification yesterday that the Minister wished to make a statement to the Ad Hoc Committee at today's meeting. A copy of the Minister's statement is included in your pack. I welcome the Minister of Justice to the Committee meeting. I also welcome Mr Peter May, the permanent secretary of the Department for Justice, who is accompanying the Minister. I invite the Minister to make her statement, which should be heard without interruption. Following the statement, there will be an opportunity for members to ask questions.

Mrs Long (The Minister of Justice): Mr Speaker, I thank you for the opportunity to come before the Ad Hoc Committee at short notice to brief members on proposals agreed by the Executive to reinforce

the "Stay at home" message by placing restrictions on movement in the period ahead. I know that you have already had three briefings today, so I intend to keep these opening remarks brief.

Members are well aware of the significant worsening of the public health emergency in recent times, and that is the context in which the Executive have decided to take further steps that I will outline today. I want to start by recognising the significance of what we are talking about. Freedom of movement is one of the essential human rights that we all have, and it is a sign of the unprecedented times that we are in that those freedoms are being reduced. In reaching their decisions, the Executive took careful account of the balance that needed to be struck to take the steps to save lives and protect the NHS by reducing the scope for greater social contact whilst only reducing the personal freedoms that we all want to preserve by the minimum amount necessary to achieve that aim.

Members will recall that, during the March to July period, there were restrictions on movement. Those restrictions were not without difficulty, and I recognise that the arrangements that we have put in place to take effect from midnight tomorrow will inevitably raise questions and requests for clarity as individuals seek to understand how they impact on their daily lives. We will be seeking to explain as clearly as we can what is and is not permitted under these regulations once they have been finalised.

Let me now set out what is being done. The new restriction on movement regulations will make it an offence for someone to leave the place where they normally live without a reasonable excuse. The legislation will set out a list of exceptions that constitute a reasonable excuse. The list is a long one, but it will include necessary attendance at work, accessing goods from businesses that can legitimately open, accessing medical care and taking exercise. In short, if the purpose of travel is to go somewhere that is legitimately open, it will be lawful to travel there. The full details of the list will be available once the regulations have been finalised.

It may help the Committee if I say something in more detail about two areas that attract a lot of attention: the exercise provisions and the approach to enforcement. The regulations will allow an individual to exercise as many times as they wish, to do so alone, with their household or with their linked household, where they have one, or to exercise with one individual from another household to whom they are not linked. The Executive recognise the important part that exercise plays in our physical and mental health and want to preserve that opportunity for everyone. By allowing people to exercise with an individual from outside their linked household, the Executive are providing a means by which individuals who live alone, but who are not part of a bubbling arrangement, can still benefit from social interaction in a low risk and managed way while observing social distancing.

The exercise provision will also, uniquely, have in guidance that people should not go more than 10 miles from their home to exercise. The Executive considered that matter very carefully. In some jurisdictions, steps have been taken to place in law a distance limit within which exercise must be taken. The Executive decided that it was not proportionate to go down that route at this stage. The purpose of all the actions that members have been briefed on today by Executive colleagues is to reduce the transmission of COVID-19, and to do so primarily through reducing social interaction. We have seen, even recently, the risk that many people may choose to visit the same place on the same day, thereby inadvertently creating the risk that the virus could be transmitted more widely. That risk is greatest at popular beauty spots, such as seaside locations and parks, and the guidance approach, if followed, will reduce that risk.

The experience of the past nine months is that the vast majority of people pay careful attention both to the law and the public health guidance that is in place. I pay tribute to all those who, through their actions, have saved lives, and I recognise that following the guidance has brought inconvenience and been challenging for many people. By placing in guidance a 10-mile limit for exercise, we are broadening that public health guidance and inviting people to take the benefits of exercise but to reduce the risks of social interaction. We recognise that already people have sacrificed so much and this represents a further imposition, but it is one that is necessary in these circumstances.

I assure members that the need for the arrangements will be kept under careful review and these restrictions will not be kept in place any longer than is necessary. In line with the other aspects of this lockdown period, the restrictions will be put in place until 5 February, with the review no later than 21 January.

Having paid tribute to the many who follow the guidance, I turn to the place of enforcement in these restrictions. Let me be clear from the start that the only way to successfully reduce the spread of the virus is through the actions that each of us takes as individuals. The reality of the public health emergency is that the steps taken here and across the world to limit the spread of the virus are only

possible with the consent and acceptance of the vast majority of the population. It is also important that there are consequences where people choose to disregard restrictions. As a result, the regulations being brought forward will make it an offence to be away from home without reasonable excuse. That will be subject to a £200 fixed-penalty notice or a fine of up to £5,000, if the case goes to court. In addition, the police will have the power to direct people to return to their home, as was the case in the week starting on Boxing Day for the curfew period and, additionally, to have the power to remove a person to where they normally reside.

That provides formal powers for the PSNI and local government to use, but, as I have already said, the approach is to make enforcement the last resort. The PSNI and local government will continue to engage, explain and encourage, in the first instance, and enforce only when it is necessary. However, there will be a higher visibility of police presence, targeting those areas of greatest potential risk. The PSNI will continue to clamp down on house parties or businesses operating outside the regulations because of the harm being done by such events.

I stress that these measures are not taken lightly. They will not be kept in force for any longer than is needed, and we will keep under review their operation in practice. The restrictions on movement are one part of the wider overall approach to the pandemic and, as with all those elements, they rely on the continued support of our community to take the steps needed to reduce the spread of the virus and create the expectation on others that they should do the same.

I am happy to respond to questions.

The Chairperson (Mr Maskey): I thank the Minister for making the statement. I invite members to ask the Minister questions. I will allow a period of one hour for this and it is my intention, as always, to allow as many members who wish to ask a question to do so. There will also be an opportunity for supplementary questions. However, that depends, as always, on members asking focused and succinct questions. The Chair of the Justice Committee will be allowed a little more latitude than other members, as is normal, in asking his questions.

Mr Givan (Committee Chair - Committee for Justice): I thank the Minister for coming to the Committee.

In a general sense, the public are concerned at measures that have been taken. It is understandable why they have been brought forward, but there is broad concern about some of the contradictions, as they see it, that in supermarkets, parks and in the large numbers that can mix in schools, albeit temporarily that is not the case, and yet the restriction that is to be put in place in people's private gardens. That creates a contradiction in how the public look at it. They also have concern about the consistency of approach when the regulations are implemented around the policing of protests, such as Black Lives Matter, and funerals, some of which are controversial, and yet the police interfere in others that are not. That creates confusion because of the ever-increasing changeable nature of the laws that are brought forward.

What clear, concise communications will be put in place so that the public know exactly what is permissible and expected of them? Is the Minister concerned that, in that broad narrative that I have outlined, public confidence in the police, who are put in the very difficult position of trying to police a societal problem, could erode because of the difficulties that they face?

Mrs Long: I wish the Chair of the Committee a happy new year. I look forward to working with him on these issues.

The inconsistencies in the regulations were indicated even today in the First Minister's statement in the House; she talked about the need for us to iron out some of the wrinkles and try to ensure that there is consistency. You will understand that, although the media do not often portray it as such, these decisions are made at considerable speed. We need to make sure that they are not made in haste and that they are not inaccurate or confusing. I agree that there needs to be clarity.

As you will be aware, the regulations are, rightly, a matter for the Health Minister; the Department of Health drafts them. However, we are certainly trying to create the maximum amount of clarity that we can by assisting our colleagues in Health with those matters and ensuring that there is consistency of approach.

The issue of policing operations, whether fines should be issued and so on and so forth is, rightly, addressed to the Chief Constable. The Policing Board and the ombudsman have recently reported on that with respect to proportionality and general policing. I agree to an extent with the member: we do not want to create the perception that there is a policing solution to the COVID problem. There is not a policing solution to it, and nor is there a regulatory solution. It requires all of us to look at how we conduct our lives to minimise the amount of contact that we have with other people as far as possible, to minimise the amount of time that we spend in the company of others, and to follow the basic guidance around washing our hands, wearing masks, avoiding contact with others and maintaining social distancing when we are around other people. That has a much greater contribution to make than regulations and enforcement.

I believe that most of the public want to follow the regulations. By far the largest amount of people who contact me are asking for clarity as opposed to criticising what we are trying to do. It is incumbent on all of us, as MLAs and Ministers, to work together to try to highlight where more clarity is important, deliver that clarity in our own remit and support those on the front line, whether it be council officers, police officers or any of the other enforcement agencies, so that they can undertake the work that they have to do in a proportionate and measured way that reflects the importance of these issues and the impact that they have on individuals' lives.

Mr Givan: I thank the Minister for her wishes of a happy new year. I wish her a happy new year.

I agree with the Minister that a police-based approach is not the solution. We do not need regulations to do the right thing; sadly, not everybody does that, but when you introduce laws that are not enforced, that creates a difficulty. When I spoke to the chairman of the Police Federation, Mark Lindsay, this morning about this, he made clear to me concerns around the police being left to make judgement calls without specific, clear guidance on how they manage protests that may emerge or demonstrations that take place. They need to weigh up the human rights laws that permit those things. Unless that is expressly forbidden, the police are put in a very difficult position, which is something that he is concerned about. He also made the case — I agree with him — that police officers should be given priority as part of the groups to be vaccinated. What consideration is being given to make representation for including them in a more prioritised way? I extend that to prison officers and other key criminal justice front-line workers.

Mrs Long: Well it is clearly a unique situation, not only the one that we find ourselves in but the fact that I find myself agreeing with the Chairman of the Justice Committee. It is clear that whatever goodwill we had over Christmas has extended into the new year and that is most welcome.

Protests, rightly, are not governed by movement regulations, which is what we are looking at here. There is clearly an issue, which I think we all recognise, in terms of the proportionality of policing around protests and the complexity of doing that and making those judgement calls. As I said before about protests, I believe that it has been an incredibly difficult and sensitive space in which the police have been operating and that, broadly, they have been proportionate in how they have enforced the regulations. Actually, if you read the Human Rights Advisor's report to the Policing Board, it actually concurs with that conclusion. However, I also accept that they have drawn criticism for how they have policed those issues.

With respect to protest, that is already covered in the regulations. No more than 15 people may meet outdoors for any purpose, so any protest that extends beyond 15 people is automatically a breach of the regulations and it is for the police. Unfortunately, I do not think there is a way that we can take over, if you like, the operational responsibility of judging how the police then balance how to police a situation where more than 15 people gather, but they have certainly indicated that balancing human rights and all of those other things has always led them to always look, first of all, to engage, educate and encourage before they move to enforcement and that is the approach that they will still take.

Protests is a complex area but, again, we need to call for people to show some restraint. We are in a different situation from that in England, for example, where protest is permitted in some of the tiers and only pickets in some of the others, so it is a much more complex scenario. Here it is about numbers and the purpose is not what is prescribed.

With respect to vaccination, I share the member's concerns, which I think other members have expressed with respect to those who work in special educational needs education and those who work in front-line services. We have very vulnerable people in our prisons, some of whom have complex medical needs. Our prison officers have to take care of them in a residential setting. Some of those people are frail and elderly and that creates all sorts of issues in residential settings and for the prison

officers who then have to go home to their families after doing that work. Equally, with police officers who are on the front line and who are engaging with the public on a regular basis and different members of the public, again that poses a risk. That is something that I have raised with the Health Minister and we have had discussion about that.

However, the Health Minister, to some degree, is bound by or has accepted, if you like, that he will be bound by the rulings of the Joint Committee on Vaccination and Immunisation (JCVI), which is setting out the proposals for the whole of the UK. The best way for us to see any alteration in the scheme as it stands is for us to make those representations at UK-wide level. To be fair, from our perspective, the quickest way that we can see all of this dealt with is to see the vaccine programme rolling out as rapidly as possible. I have to say that I think that the Health Minister has done an excellent job in that regard in terms of preparing the way for that work.

Ms Dillon: The Minister referred to the Police Ombudsman and Policing Board reports. Would she outline what learning has guided these latest regulations in relation to those reports, please?

Mrs Long: In respect to those thematic reports, in both cases they focused particularly around the assessment of the police, the Policing Board. Their general assessment of the police's performance was that it was positive. However, there was, I think, some concern, particularly around the policing of protests. However, as I said in response to an earlier question, policing of protests is not specifically dealt with in the changes that we are announcing today. It is already covered by the regulations which say that no more than 15 people should meet outdoors for any purpose and that would cover the issue of protests that extend beyond 15 people.

Ms Dillon: I thank the Minister for her answer. Has there been any consultation with the PSNI or with the Human Rights Commissioner or the Policing Board in relation to these latest regulations?

Mrs Long: Yes, there has been consultation with the PSNI about the current regulations and the proposals that we have brought forward. Obviously, we have also looked at the assessments that were drawn from the Human Rights Advisor to the Policing Board and, indeed, the ombudsman's report and are informed by that in terms of how we do it. We also took legal advice from the Departmental Solicitor's Office about the issue of proportionality and human rights in order that we could satisfy ourselves that what we were proposing was proportionate and reasonable, and, obviously, as an Executive, we discussed it in detail, with the Attorney General present.

Ms S Bradley: At the outset, I thank the Minister and recognise the efforts that have been put in there for people who live alone and may be experiencing loneliness. Does the Minister agree that there is confusion among the public regarding regulations versus guidance? What information does the Minister have to clarify that, and how does she intend to reach those people who may be confused by this and who may not have access to social media?

Mrs Long: I thank the member for her question. It prompts me to answer one point that I did forget that the Chair of the Justice Committee made on the communications effort around this in providing clarity for the public. I think that it is absolutely key. I am not going to pass the buck and say that it is a matter for the Executive Office. It is, but I think that all Ministers have a responsibility to ensure that we are trying to provide as much clarity as possible on the issues on which we are involved and also that we work with the First Minister and deputy First Minister to assist with the communication of these regulations when they are laid.

The matter of regulations is, I suppose, confusing, because there is constant change in this space, so people will need to adapt to the changes that are being made. Again, in terms of how this is delivered on the ground, the police have been very clear that they will continue to follow the policy of three Es. That means that, first, they will engage with people. They will educate them about whether or not what they are doing is in guidance or, indeed, breaches law. They will then go on to encourage them to follow the guidance and follow the restrictions. Ultimately, if they are breaching the regulations, they are liable for a fine. Obviously, you cannot be fined for something that is in guidance only. It is there to try to assist those — the majority of people, I would argue — who genuinely want to do the right thing but are, as you have suggested, perhaps struggling, for example, to understand what we mean when we say, "If you have to leave your house for essential purposes, remain as local as possible". So, when we put in guidance 10 miles, I think that that gives people some sense of distance so that they can make judgements much better and make more informed judgements about what we are expecting of them.

Ms S Bradley: Thank you, Minister. Will the Minister, in the interests of transparency, consider the possibility of publishing on the daily dashboard the figures around enforcement, the areas where those enforcements have happened and, particularly, the types of behaviours that may have led to them so that the public do have an understanding of what is happening daily around enforcement?

Mrs Long: I thank the member for her question. I think that it is quite a difficult area because, obviously, I am not responsible for the actions that the police take. They collate their own data, and they publish it on a weekly basis, so people can drill down into it. We could certainly, I suppose, talk to the police about whether or not it is possible to be added daily to the dashboard, but I caution against that because statistics often need a period of time to be properly analysed and scrutinised so that they are robust when they are published. I think that the Health Minister referred earlier today to the importance of anything that we publish having to be robust when it is scrutinised. So, we have to be cautious.

Also, I do not have access to be able to publish, for example, figures around enforcement by councils, the Health and Safety Executive for Northern Ireland (HSENI) or, indeed, some of the other bodies that have enforcement powers. Therefore, I think that it would be difficult for us in any meaningful way to provide that information on a more regular basis. I think that it is better that it is provided as an update on a weekly basis, but it could perhaps be added to the dashboard on a once-a-week basis so that people have access to see at least partial information about enforcement.

Mr Nesbitt: I thank the Minister for her statement. In paragraph 14, Minister, you say that the police will continue to clamp down on house parties. I think that there is a degree of confusion about which piece of legislation the PSNI will use to perform that function. Can you clarify?

Mrs Long: The issue of house parties and indoor gatherings is rightly a matter for the Minister of Health. I advise the member to ask his colleague about the particular regulation, however my understanding is that it is on the basis that people are gathering in greater numbers than is permitted under the regulations indoors in one's home.

Mr Nesbitt: I thank the Minister for her answer. It is my understanding that Mark Lindsay, who is the chair of the Police Federation, believes that the police do not have the powers to cross the threshold of a house where people are gathering in more numbers than is permitted by the regulations, and he is concerned that the regulations that you will put into law at midnight tomorrow will not cover that. Against that, the First Minister seemed to suggest earlier that there is other legislation that the police could use. I did not catch the legislation that she mentioned, but I do not think that it can be The Public Order (Amendment) (Northern Ireland) Order 1997 because, from my understanding, that applies only to outdoor gatherings. So, again, I am seeking legal clarification from the Department of Justice.

Mrs Long: I am not going to give a legal clarification because I am not a solicitor, but I will give you the Department of Justice's view on this. The health protection regulations, as laid by the Department of Health, give those who are tasked with enforcement the power to take any actions necessary to enforce any legal restrictions, and the Executive's view is that that includes the right of power of entry.

Mr Blair: I thank the Minister for her statement, which addressed the importance of proportionality and the balancing of personal freedoms against pandemic risks. Does the Minister agree that while restrictions on movement are required at this point, we are not necessarily aiming for fixed-penalty notices but for compliance with the regulations and the advice?

Mrs Long: I thank the member for his question. Of course, he is absolutely correct. There are two ways that you can look at a high number of enforcement notices. We can either say, "Well, aren't the police doing a wonderful job in catching all these people who are doing the wrong thing", or we can be fundamentally depressed that so many people are not doing the right thing. I would prefer that no fixed-penalty notices were required and that people would comply. That is why we, as an Executive, have said throughout this that we want enforcement to be the last string in our bow when it comes to convincing the public that they need to follow this guidance. It is hard to argue that if someone is unconvinced by the fact that their recklessness could cost someone their life, they will be convinced by a £200 fixed-penalty notice. However, nevertheless, for justice to prevail, I believe that there have to be penalties and consequences when people are reckless with their behaviour. That is why the Executive have taken on the issue of enforcement around this and have tried to ensure that there are the appropriate penalties. However, the member is, of course, correct: the ideal situation is that we do not need any fixed-penalty notices and that people comply because they recognise the very serious position that we are in with the serious risk to people's health and lives, the very extreme impacts that

it has had on people's livelihoods and liberty, and the pressure that they place our health service under if they do not act with due regard to the regulations and the advice.

Mr Blair: I thank the Minister for that answer. Staying on that theme, I point out that the Minister has already paid thanks in her statement and comments today to the many who have followed the guidelines despite the difficulties and challenges. Does she agree that there is still, despite all the existing compliance, a massive job to be done across Departments, arm's-length bodies and the various communications and press offices to assist the police in getting the message out there to further maximise that compliance?

Mrs Long: Communication with the public has now been raised by a number of members, and I think that there is always more that we can do. I do not think that any of us, in the Executive, would rest on our laurels and say that the communication has been perfect. It is a fast-moving and rapidly changing situation and that means that we are responding in a short time to the issues that are raised with us. We try to do our best to get that information out quickly, whilst, at the same time, respecting the courtesies of the House in that we should first come here to tell Members what we are intending to do, rather than first going to press conferences, and that is challenging because we recognise that Members need to be informed because their constituents will ask them many questions.

I certainly recognise that Members are a channel of communication with the public, and it is therefore important that we properly inform Members so that when people come with questions, they are able to answer them. It is important that we provide that clarity and, hopefully, in the new few hours, before the new regulations come into place tomorrow night, we will see the regulations published, and, hopefully, we will shortly thereafter see Northern Ireland Direct updated so that people have a go-to reference to be able to clarify these issues. However, there will be communication challenges, and I do not think that any of us should in any way be complacent about that.

As the First Minister and the deputy First Minister said earlier, investment has been put into the Executive information service. That will ensure that it gets as much information as possible into the public domain, as quickly and as simply as possible, given that these are quite complex regulations.

The Chairperson (Mr Maskey): Before we move to the second round of questions, I remind members that a further 16 members wish to contribute by asking a question. It has taken us over 20 minutes to get through five members, so we need to speed up the proceedings, despite the fact that we are dealing with very complex issues.

Mr Frew: Mr Speaker, I will be as quick as I can. Minister, you mentioned enforcement in your statement. Equality is the essence of justice, but yet we see inequality and inconsistency in the approach to enforcement. A family in my constituency visited a home to celebrate a two-year-old's birthday, and two parents, three grandparents and a childminder each received a £200 fine. Yet, Minister, we have people in the House — in fact, even in the Executive on which you sit — who have not received anything for turning out among thousands at a sham funeral oration. They have received no justice.

Ms Dillon: On a point of order, Mr Speaker.

Mr Frew: That is hardly consistent, equal, proportionate or acceptable, Minister. Do you agree?

Mrs Long: Sorry, I thought that there was a point of order. I apologise.

On the issue that the member has raised, first, we need to recognise the complex work that the police have to do and give credit to those officers who are having to make those judgements constantly. It is not an easy job to have to make those decisions and to decide who should be advised, who should be fined and who should be returned home, so we have to have some sympathy with officers who are making difficult decisions.

The member will be fully aware that it would be inappropriate for me to comment on any specific enforcement activity by the PSNI. That is rightly a matter for the Chief Constable. I am more than happy for him to write to the Chief Constable about the issues that he has raised. It would also be highly inappropriate for me to comment on issues that are currently under investigation. Therefore, I have no intention of doing so.

Mr Frew: I want to ask the Minister about guidance. The guidance that she talks about is 10 miles for exercise. What expertise was used to come up with a figure of 10 miles? Why is it 10 miles, not 15 miles, 20 miles or 5 miles? What impact assessments have been conducted on that mileage? How will that affect cyclists who travel much more than 10 miles in their daily routine and for exercise?

Mrs Long: The travel to the point where you start your exercise is the travel that we are talking to, so it is travel for exercise to the point of exercise. With respect to those who cycle, I do not think that anyone is suggesting that they will be in any way impinged by this, because, remember, this is advice and guidance. It is not in regulation, so it does not prevent a lone cyclist from going for a cycle ride over a longer distance. I would however advise against that on the basis that the less that we travel and the shorter the distances that we travel, the better it is and the less likely it is that people will gather in larger numbers at particular hotspots. We have not put it in the regulations at this point in time, and the member has highlighted one of the reasons why we have not put it in the regulations: of course it will differentially impact on different groups of people. For example, a rural dweller or someone with a disability may need to travel slightly further in order to safely take exercise. We need to take that into consideration. The guidance is 10 miles. That is to assist the public in making a judgement. I mean, it is not an offence to travel more than 10 miles, and it is only with respect to the exercise point, so, for example, there is no issue with cycling to work. That is a valid journey, and it is a valid mode of transport.

Ms Rogan: Is the Minister completely satisfied that the new regulations are clear about the power that they give to the police in relation to travel to take exercise?

Mrs Long: Yes, I am completely satisfied that they are clear. The rationale and the reasonable cause to leave your house will be listed in the regulations, when they are published. That will determine what people can be fined for. We are controlling movement in the regulations not by distance but by purpose, and that is very clear from what we have set out. It is your reason for leaving home that is controlled, not the distance that you travel. The travel for exercise is unique additional guidance that we are giving people to help them to make the judgement call about whether or not their journey is a reasonable one to take under the current circumstances. It is not one that is legally enforceable.

Ms Rogan: Whilst the absence of a distance requirement in relation to exercise is important to mitigate the impact on vulnerable groups, does the Minister believe that it will produce complications for the PSNI in enforcing the regulations and, if so, how will these complications be mitigated?

Mrs Long: No, because the police will not be engaged in enforcing the distance advice. The police will not be asking people how far from home they are when they are stopped. They will ask them whether this is an essential journey and to provide evidence in that respect. There are two different things. The regulations are specific to your purpose for leaving your home. The guidance is simply there to assist you as to how far from your home it is reasonable to travel to take exercise.

Mr Dunne: I thank the Minister for her statement. We all appreciate the need for compliance with COVID regulations in our ongoing battle against the pandemic. What more can be done to encourage the wearing of face coverings in public places such as supermarkets? This is something that constituents are continuously exercised about. The majority of people — 95%, I reckon — wear them, but 5% are not wearing them in supermarkets and little or nothing is being done about it.

Mrs Long: I agree with the member that it is something that causes extreme stress to people, particularly those who are vulnerable who have to go out to get shopping and are confronted by people who either ignore social distancing or do not wear a mask when they are in the store. There are, of course, a number of avenues available. It is within the gift of any retailer to refuse entry to someone who is not wearing a mask. Frankly, it is also within the gift of any individual to withhold their custom from stores that refuse to enforce the regulation around wearing masks. I think that it is unreasonable to expect the police, and the police alone, to enforce all the regulations. That is why we have empowered councils. Councils are now working to, for example, deliver COVID warden systems where they will be able to go out and encourage people on the uptake of masks. However, the bottom line here is that we need people to start to think about the impacts of their own actions and choices. It is fine for us to place in regulation a series of things that people can and cannot do, but we also need people to think about those things for which we cannot legislate that may be permissible but inadvisable. We need people to start to think about whether everything that is permitted is something that you really ought to be doing.

Mr Dunne: I thank the Minister for her detailed answer. On encouragement and enforcement, I understand that councils will have more responsibility along with the PSNI. However, my understanding after doing some research today is that no one has the authority and, to date, no one has really exercised authority in relation to the wearing of masks in retail units. In small units, you tend to get someone at the door and that influences people. However, in the large units, a man standing at the door, who is getting £10 an hour, is not going to challenge a group of young people coming through the door and you do not really expect him to. There is a lot to be done to try to encourage society along this route and to get almost 100% compliance.

Mrs Long: The member used the word challenge. We had this debate in the Chamber some time ago. Indeed, when masks were made compulsory, we had this discussion. As I have said, I think that it is reasonable for people to ask others who are not wearing masks if they would mind putting on a mask if they can. If that person becomes abusive or obstreperous or difficult or aggressive, that is when you call the police because that is an offence; outside of the COVID regulations, that is an offence. We, as a community, need to encourage people to wear masks by our own example. If we all wear them as we go about our daily business, it will become more normalised for people to do so and, therefore, more likely that others will follow.

The member is absolutely right: there is a hard core of people who are dedicated COVID deniers and anti-maskers and who believe that it is all a complete conspiracy. I ask people who fall into that trap to ask themselves why on earth any of us would subject our family, our friends, our community, our businesses or our society to this kind of turmoil if there were not a real and present threat that we were trying to mitigate. What motivation on earth would any of us have to impinge on people's civil liberties in the way that has had to be done? I assure you that a few seconds — not even minutes — of thought would debunk absolutely most of the anti-masking and COVID-denying nonsense. We need to be robust in our response to that.

I have asked, as part of Executive communications, that we deal with some of the myths around testing, masks and other things. Deal with the myths and debunk them. If we spend as much time as some do online spreading the myths in debunking them, we will get a lot further.

Ms Dolan: I thank the Minister for her statement. For the purposes of clarification, the public would benefit from being reassured that travel for the purpose of escaping domestic abuse or another emergency or immediate threat is permitted. Can the Minister clarify that, if a victim is stopped by the police in such cases, they will be treated with compassion and empathy whilst also being offered support?

Mrs Long: It remains the case that you can leave your home if escaping domestic abuse or otherwise trying to escape the risk of harm. That remains the case, and I would fully expect that any police officer confronted by someone in those circumstances would behave in a compassionate and understanding way and offer that person whatever assistance is possible.

Ms Dolan: Thank you, Minister. Given that we are back in March territory in terms of restrictions, there is a high chance that we will see a higher level of domestic abuse just like we did in March due to victims spending more time with their abusers. Are there any plans to increase support for victims of domestic abuse?

Mrs Long: As you will be aware, we have already restarted some of our publicity campaign around domestic abuse, which ran over the Christmas period and will, from recollection, continue in the next few weeks. We will be discussing support for victims of domestic abuse with the Department for Communities, which provides most of the practical support for victims.

We are also keeping all of this closely monitored. For example, over the Christmas period, we monitored reports of domestic abuse and the numbers. Whilst the numbers are shocking and depressing, they are better than the previous Christmas, which is both encouraging and worrying because the reason may be a lack of reporting as opposed to a decline in domestic abuse. As with all figures and facts, they come with that caveat. However, it is something that I would be happy to share with the member if that would be helpful.

Mrs D Kelly: I thank the Minister for her statement. I declare an interest as a member of the Policing Board.

As others have said, we are applying largely a police response to a health crisis. The Minister will be aware that police officers are no different from the general population in being adversely impacted by the pandemic and absenteeism is high. Will additional financial resource be available to the police to cover overtime?

Mrs Long: I thank the member for that question. Additional resources will be required, and I have made a pitch to the Finance Minister to discuss with him how we will make provision for that. We have an estimate from the Chief Constable of the potential increase in overtime and the likely cost of that. We will discuss with the Chief Constable whether that can be met from existing budgets and, indeed, from existing departmental budgets, given that there will be other things that we will not be able to do. We will then talk to the Finance Minister, but that has already been put on record.

The Chief Constable has said that he will not, as happened in March and April, withdraw the normal community-based policing. That is hugely important in reassuring people and in getting out the messaging around masks, social distancing and other things in a proactive rather than responsive way. Perhaps it is more palatable if it comes from your neighbourhood constable whom you already have a relationship with and know well than if it comes in the context of a conflict over the issue.

Mrs D Kelly: I welcome the answer from the Minister and her support for additional resources, if required.

Paragraphs 13 and 14 of your statement, Minister, refer to the responsibility of local government. Other than with regard to house parties in the Holylands, we have seen very little response from local government. I understand, Minister, that you and the junior Ministers have a responsibility around the enforcement aspect. I share the concerns that were raised by Mr Dunne about retail and the lack of engagement and enforcement in many large and, indeed, small retailers. Will you bring that issue to the subcommittee of which you are a member?

Mrs Long: As the member will be aware, that subcommittee has now, I think, been subsumed; I will check with my permanent secretary to be sure. As I say, these things move quickly. That has now been subsumed by the Executive task force in addressing COVID. That is a different structure. The permanent secretary attends that to provide feedback as required when it comes to enforcement.

There are a number of areas when it comes to how this dealt with in retail. People have talked about overcrowding in stores, people not masking and similar issues with people perhaps, let us say, trying to limbo under the rules in order to be able to maintain a presence. I have sympathy with people who are struggling to make a living and pay their bills. However, we are asking them to do this for a particular purpose. It is important that the package of financial support that we have is adequate to allow people to comply fully.

We have raised the retail issues. They have been and are being discussed at the Executive. There is further work to be done. I think that there will be some retail feedback at tomorrow's Executive meeting, particularly around click and collect and some other issues around enforcement.

Mr T Buchanan: I thank the Minister for her statement. Of course, compliance is essential in all these things. For the benefit of everyone, therefore, can the Minister clarify whether republican funerals are exempt from the regulations or are equally subject to them?

Mrs Long: Mr Speaker, in a context where I have already answered a question on that and said that I would not comment on specific instances, particularly those that are under current investigation and in respect of which it would be inappropriate for me to do so, it is not helpful for members to continue to raise issues that they know to be politically charged and that their party leader could easily address in private with the members about whom he is concerned.

Mr T Buchanan: Are you aware of any enforcement action having been initiated following the republican funeral in Beragh in my constituency on Saturday past, which was flanked by the GAA and had up to or maybe in excess of 100 people in attendance? Here was another breach of regulations. What is being done about it?

Mrs Long: I am not aware of the incident or of whether any enforcement action is under way. It would be inappropriate for me to comment on any specific circumstances. I remind the member again that it is my job to set the rules and the law with the Health Minister: enforcement responsibilities lie with other bodies. I am not responsible for those other bodies and how they choose to enforce. The

member can take up the issue with the Chief Constable or whomever he deems to be the appropriate authority.

Ms Anderson: I would like to ask the Alliance Minister of Justice about the Police Ombudsman's statement of 22 December. She stated that the task of enforcing the regulations had largely fallen — unfairly, in her view — to the PSNI. Given the reference to other designated offices such as public health and local authorities, has consideration been given to who could or should be involved in sharing the burden of enforcement?

Mrs Long: It has. Obviously, the police, as the most visible and recognisable part of the law enforcement community, tend, therefore, to bear the brunt of any criticism when it comes to enforcement. Councils are often not seen as enforcement bodies when, in fact, they already undertake a range of enforcement activities. They are often not so recognisable in that space. They have a role to play here.

As I say, we have looked at other bodies with regard to enforcement. For example, I think that the HSENI has some responsibilities in this regard, certainly when it comes to giving advice. So we have looked at that. There are not a huge number of other bodies available, I have to say, that have the expertise to do the work that both the PSNI and the councils do. For example, in terms of retail, food and so on, the councils have a wealth of experience from their other responsibilities, and therefore they have those underlying relationships with people. The same is true around licensing and policing and so on.

We need to be cautious about thinking, again, that the answer to this is more enforcement. I think that what we need to look at is how we get more compliance, and that is a much wider question in terms of how we try to take this forward. However, I am conscious that there are high expectations of what the police can do. I understand that people are desperate to find a simple solution to what is a complex problem, and perhaps saying that the police can fix it is a simple solution to a complex problem, but it is not one that will deliver the results that we hope for.

Ms Anderson: Thank you, Minister, for that response. Has your Department engaged with councils — you referred to the councils — and the Health and Safety Executive, just, for instance, to ensure that there is a working relationship between them and the PSNI about how to take forward these enforcement measures?

Mrs Long: Those engagements will be undertaken directly by the lead Ministers and their officials. They continued previously through the interagency group that we had which was dealing with enforcement and compliance, headed up by the junior Ministers, and are now looked at more through the task force. My officials and I have not had direct dealings with councils, HSENI and so on, but the respective officials in, for example, the Department of Health, the Department for Communities and the Department for the Economy will have.

Ms Armstrong: Hello, Peter. It is nice to see you again. Usually I am torturing you about buses, but that was a while ago.

Minister, thank you very much for your statement. You have said a few things that will resonate with people in the community. People do want clarity, and I think that quite a lot of clarity has been provided in all of the statements today. I for one am very grateful for the 10 miles travel to exercise, because the peninsula saw an influx of people on Monday in particular, and they seemed to think that it was like a summer's day. There were literally hundreds of people on Ballywalter beach.

You have mentioned the other agencies that could help, not to fine people, but to prevent those fines. I am thinking in particular of the PCSPs and other agencies. There are a growing number of young people who are finding it very difficult to stick to the rules and stay at home to save lives. Have you any suggestions for us as elected reps? You have said that we can be that voice to help to push that message forward to people, but how can we work with PCSPs and other agencies to better encourage those young people to take responsibility and stay at home to protect themselves and others?

Mrs Long: I thank the member for her question. There is a role for PCSPs and for all of us in the communication around this, and no doubt they will be working with the councillors and so on who sit on the PCSPs in order to find ways to communicate effectively. I hope that the Executive information service will consider that.

I obviously do not wish to suggest that the public broadly ignores politicians, although sometimes we need to be realistic about just how much they do pay attention to what we have to say, but I think that we also need to engage other people who are influencers in communities and with different groups of people. Particularly with young people, we should be engaging people who speak their language, spend time with them and are their peers, in order to engage them, educate them and encourage them. Again, there is a danger that people assume that young people are more reckless. I do not think that that is actually true. There is a lot of anxiety and stress out there among young people. They have been through the mill, frankly, over the last nine months, and it is not at an end yet. They are concerned about their future, their examinations and what impact this is going to have on their long-term future, and many of them are very distressed. I guess that some of them want to blow off steam and get some head space to deal with those issues, and we need to find safe ways for them to do that.

We also need to bear in mind that some of our young people are very vulnerable. For many of them, being at home is not a safe place. Many of them will not want to be at home for prolonged periods because of that. We need to make sure that those vulnerable young people who need additional support are able to receive it and that those who are at risk are still able to access those services. That is why we have worked closely with the Education Minister to look at how we deliver some form of youth service during this period, particularly for at-risk or vulnerable young people.

Ms Armstrong: You have nearly taken my thunder, Minister. I was just about to say that, earlier today, the Education Minister said that youth services would be moving more online. I know from working with Ards Arena in Newtownards and the groups of young people there that it is definitely beneficial to them. It has been mentioned throughout today that a lot of Executive Ministers are looking at underspends and whether there is any way to use money for the end of this COVID period. Are there any opportunities through the Minister's community-based policing and the Department of Education to look for some of that money to support young people in those endeavours?

Mrs Long: Support for young people is certainly something that we have discussed in the Executive. I was concerned about mental health and well-being support, particularly around the huge announcements that are going to have an impact on their lives such as transfer tests, examinations and all of the other things. The Minister has said that he would like the Executive to engage with him on those matters, and that is hugely important.

On the subject of the use of underspends, we declared ours as we went through the year. I do not think that we are likely to have any significant funds to declare at this point, because we have tried to be responsible throughout, absorb what costs we can and return any money that we believe will not be spent. Where there are underspends I dare not, for the life of me, suggest where those may go. That is a matter that the Department of Finance will be incredibly precious about. Given that I may be making a bid myself, I am not going to get involved in debating where money should or should not be spent.

Ms Bunting: I am grateful to the Minister for her statement and I welcome her references to personal responsibility. My question relates to the police powers to direct people to return home. That is a very serious power, which dramatically impinges on people's freedoms. What information and direction have she and her Department given to the Chief Constable and the PSNI to ensure that they are very clear how she and the Executive envisage that that power will be implemented and in what circumstances?

Mrs Long: The circumstances would be where somebody does not voluntarily opt to return home if they are told by the police that they are in breach of the regulations because they have left their home without a reasonable excuse. That is the context in which we would envisage any such powers being used. As I say, it will come at the end of engage, educate and encourage, and that is the right way to deal with it because most people would be reasonable enough to return home.

It is a matter for the Chief Constable to develop guidance for officers. It is an operational issue for the police as to the point at which they decide that they either do not have sufficient evidence of a reasonable excuse or that they need to direct the person to return home, escort them back to their residence or, indeed, serve them with a fixed penalty notice. All of those issues around how those decisions will be made will be contained in the operational guidance that the Chief Constable will provide to officers.

Ms Bunting: I appreciate that and I will take up some of those issues with the Chief Constable through my work on the Policing Board. However, the Minister will understand that it is difficult for us, to some extent, to scrutinise and highlight gaps in regulations that we have not yet seen. The list of essential journeys and so on is not yet available. However, over the Boxing Day restrictions, we saw circumstances where taxi firms, for example, were shut down by the police. That meant that some essential workers had to walk home at all hours of the night and that those who were, perhaps, seeking to escape from domestic abuse circumstances were unable to get away. In light of those previous errors, what work has been done to identify them and prevent that type of thing from happening again prior to the new restrictions being implemented?

Mrs Long: I am aware of the instances that the member refers to. I was able to provide some clarity on the regulations to some of the companies that were involved. It is a matter for the Chief Constable to look at because although it was quickly corrected, it was undoubtedly impactful at the time. It would be a matter for the Chief Constable to review that and respond to it. It is an ongoing process, obviously, in every walk of life to evaluate what we have done and consider whether we could do it better. I do not think that the police consider themselves in any way exempt from that, or would wish to be.

The development of guidance will be down to the Chief Constable and the operational nature of that will be a matter for him. I understand the point that the member makes with respect to how we can best advise people. When the regulations are published, hopefully soon, we will be able to direct them to a list of what constitutes a reasonable excuse to leave home. However, the fundamental issue is that people should not be seeking reasons to leave home. The message that has been given by the Health Minister, and the other Ministers who have stood here today, is that we should stay at home, save lives and protect the NHS.

Mr O'Dowd: On 10 December, you announced that in-person visits to prisons would resume and prisoners would be able to meet and receive visits from family, friends and loved ones. Will those visits continue during these new restrictions?

Mrs Long: The visiting regime had to change, as you are aware. There was the opportunity for prisoners, in the run-up to the Christmas period and at Christmas, for some in-person visits. The uptake of that was relatively low. However, we have had to stop in-person visiting again because of the current levels of transmission in the community.

We continue, as we did throughout that period, to allow virtual visiting for those who opted for it and, during that period, we ensured that prisoners had adequate phone credit to make additional calls home. We recognise that, for rehabilitation, having access to family and maintaining family relationships is hugely important.

Uniquely, we had visiting on Christmas Day this year, for the first time. Some 25,000 visits in total have been conducted virtually this year and on Christmas Day we had virtual visits so that people were able to spend a short time with their family on Christmas Day.

Mr O'Dowd: Minister, in the absence of in-person visits, for the reasons you have outlined, will there be increased measures over the six-week period of these current restrictions, to ensure that there is contact between the prisoners and their families and friends?

Mrs Long: We will continue to do all that is within our gift to ensure that prisoners are able to maintain good links with their families, particularly through virtual visits, which have been hugely popular.

It is not often that people praise those who are in custody and in the care of our Prison Service. However, people in the prison system have been incredibly responsible and reasonable about this issue. Many do not want their families to attend the prison and do not want to expose them to risk, and do not want themselves to be exposed to risk that might place other people in harm's way. They have worked with the Prison Service to ensure that virtual visiting has been successful. We will do all within our power to ensure that they have the opportunity to be able to visit their family as is appropriate, but in a virtual and safe way, until such times as we can reintroduce in-person visits in a safe way.

Mr O'Toole: In an earlier answer, Minister, you mentioned the new Executive COVID task force. You said that some of the work of the existing task force, on which you and your Department sit, would be subsumed into that. However, there seems to be a bit of a lacuna in understanding as to what exactly

this task force is and what it will do. Will you update us on what your Department's role will be, and what feedback there will be to the PSNI, local authorities and others involved in enforcement?

Mrs Long: This is an operational-level task force and the permanent secretaries sit on it. Rather than bring along my permanent secretary and have him sit silently, I will ask him to bring you up to date on what is happening with the task force.

Mr Peter May (Department of Justice): The task force is led by the head of the Civil Service, and has four work streams sitting under it. There is a work stream on adherence, which I lead the work of. A group has been formed to take that work forward. The task force met before Christmas and will meet again on Friday. There will be more to report after that meeting.

Mr O'Toole: As a former civil servant, I am always pleased to hear from civil servants who are often able to give you the lowdown without the spin. One of the actions that are mentioned in the Executive COVID task force statement earlier from TEO is improving communication. Minister, today you have acknowledged that communication has not always been as good as it should be and that has put increased pressure on the compliance and enforcement side. What specifically are you doing to improve communication on the new measures that you are bringing forward today? What can we expect from your Department and the Executive more broadly?

Mrs Long: As I have already indicated, Executive communications are driven by the Executive information service. We all have a role to play in providing as much clarity as possible as early as possible on the regulations and changes that we make to assist them with that. I will not spin, but I will check. I believe that the two priority work streams at the minute are those that deal with enforcement, communications and trying to get our message across to the public. I will ask Peter again, since you are in love with my civil servants. I will ask Peter to give you some further details on what work is being done and who is leading it.

Mr May: Two work streams have been given priority. As I have mentioned, one is about adherence, and the second one is on strategic communications and is being led by the head of the Executive information service. I am not in a position to give you a more detailed update at this point, but we are working to make sure that all of the work streams are joined up. Clearly, you cannot work in an area like adherence without a focus on communications, so these things are all connected. As I said, the work is still at a relatively early stage, but there will be more to report in the near future.

Mr Butler: I thank the Minister for her announcement today. On the back of John O'Dowd's piece on prisons, I commend the Minister and the Prison Service for the great work that has ensured that inmates have good use of technology and Zoom. I keep in contact with some of my ex-colleagues, and I know that technology has been of benefit not just to the inmates but to the staff. With that in mind, when the Minister, perhaps, comes to look at the learning outcomes post COVID, that might be something that could be embedded in the rehabilitation process. How does the inmates' ability to exercise work with the regulations?

Mrs Long: I appreciate the member's interest in the area. I have been hugely impressed by the innovation and speed with which the Prison Service has responded to the crisis. Given that it is a residential setting and, in many cases, they are dealing with people with complex needs, the level of compliance with the regulations that we have seen in prisons, the level of cooperation from prisoners and the level of innovation in giving people useful work to occupy their time, when, for example, in-person face-to-face teaching was not possible, has been incredible. I pay tribute to the Prison Service and its leadership.

We intend to keep the Zoom virtual visits live beyond the current restrictions. They have proven to be useful for people who, for a host of reasons such as disability, location or other issues, are not able to visit the prison in person. The technology has allowed them to maintain or, in some cases, renew a family contact that was otherwise broken. That has a hugely important role to play in stabilising the prison regime, encouraging the rehabilitation of prisoners and encouraging prisoners to think about their future.

I am thankful that the Prison Service has not had to go to a close-down regime, given the pressure that it has been under. We have been able to allow exercise and a degree of assembly by landing. People are still able to exercise and to have association so that they too can look after their own health, mental health and well-being.

Mr Butler: I thank the Minister for answering that question fully. It allows me to ask a question related not to prisons but to outside exercise and one-to-one exercise for wider society. I am sorry if this has been asked earlier and I missed it, but is there anything to prevent one-to-one personal trainer (PT) sessions? Is it permissible for PTs to do one-to-one training?

Mrs Long: My understanding is that that is not permissible. It is permissible, for example, for two individuals, while socially distanced, to exercise together, but it is not permissible for people to, for example, hold an outdoor exercise class under the guise of simply being together. That is to allow people who live alone and maybe suffer from loneliness to work with someone else. As you will be aware, we are, in the main, talking about people who are in support bubbles. The exemption is to allow those who do not have a support bubble to have some company during the current lockdown.

Ms Bailey: It is welcome news that the Executive have finally set up a task force. I wish them all the best with that.

Minister, you say that the PSNI and local government will continue to engage, explain and encourage in the first instance and enforce only when it is necessary. Following on from an earlier response that you gave, what explicit powers of enforcement does local government have in the regulations?

Mrs Long: It has the same powers of enforcement as anyone else. The only thing that it cannot do is issue fixed-penalty notices.

Ms Bailey: Thank you, Minister. I completely understand why the Minister is really stressing the importance of compliance over legal enforcement measures. I also really hope that you and every other Executive Minister acknowledge that people have given up trying to understand what is a regulation, what is guidance, what is permissible and what is not while trying to digest a new set of lockdown regulations and guidance.

Can I get clarity on the 10-mile travel guidance? It is not a regulation, so the 10-mile limit is not legally enforceable: am I right, Minister? If somebody travels further than 10 miles for exercise and is stopped by the PSNI or local government with enforcement powers, what would be acceptable as evidence to show that they are travelling?

Mrs Long: There are a couple of things in respect of the member's question. First, I acknowledge that people are frustrated, much more so than they were last March, when they thought that it might be over in a matter of weeks. We are now in a situation where we could have months of this until the vaccines are rolled out and there is, I guess, more protection in the community. Despite all of that, I think that, although the vast majority of people are, as the member suggested, frustrated, they are seeking to do the right thing, and what we are trying to do with the guidance is assist people as to what the right thing might look like. We cannot legislate for every possible scenario, but we can give people some broad guidance to assist them so that they make the right choices. We are suggesting that a 10-mile radius gives people a reasonable amount of scope in terms of being able to travel, but we are not making it legislation because there may be reasons — I explained them earlier — why people may have concerns about that, including rural dwellers, those with disabilities and those with autism, who may be used to going to a particular spot. We do not want to make it prescriptive; we want to advise and guide people in the right direction.

If people are stopped by the police, they will be asked about the purpose of their journey. The regulations relate to the purpose of their trip. If they have a reasonable excuse to be out of their home, that is fine. When the regulations are in place, they will be allowed to do anything that they were allowed to do last week, with the exception of schools and the other things that were announced earlier, provided that they are on the list of reasonable excuses. A list will be specified of what is a reasonable excuse to leave your home. It will include things such as essential shopping, going to work if you cannot work from home and a number of others, including fleeing the risk of harm if you are subject to domestic abuse. Those will be specified in the regulations as reasonable excuses.

As I said to other members, it will be a matter for the Chief Constable to issue guidance to the police on how they will determine, in operational terms, whether someone has a reasonable excuse. I remind members that lying to the police is not a trivial issue; it is an offence even when there are not COVID regulations. Those who think, "Well, we'll just say we have a reasonable excuse and do whatever we like" will be ignoring the COVID regulations and breaking the fundamental law. Telling the police an untruth to stop them following up a crime is, in itself, a crime.

Mr Carroll: The Minister's statement referred to the need for PSNI enforcement powers to limit the virus spread. Does the Minister agree that confidence in her office and the PSNI has been totally undermined by the actions of the PSNI enforcing the regulations at the Black Lives Matter protest on 6 June and her subsequent claim that the actions were proportionate? Given that the Chief Constable has apologised to those targeted, will she do the same?

Mrs Long: Mr Speaker, I find this member particularly tiresome on this issue because, on a number of occasions now, I have made clear that when I referred to the policing response being proportionate, it was specifically in relation to the wider enforcement activity and not to specific enforcement actions. As I have said repeatedly today, I do not comment on individual actions that the police take, nor should I. Those are operational matters for the Chief Constable.

Do I think that it has damaged the credibility of my office? No, I do not believe that it has, but I dare say that there are those who wish that narrative to be the case. I think that that is unfortunate. Do I think that it has damaged credibility with the police? Well, I think that the police have acknowledged that it has certainly created difficulties for them in, for example, their relations with the BAME community. I think that that is highly regrettable. We all need to bear in mind that this is an incredibly difficult situation, and I really caution the member, when it comes to these issues, to put himself in the shoes of people who actually have to make decisions, who actually have to take responsibility, rather than those who simply stand up in this Chamber and berate them.

Mr Carroll: The Minister may think that it is tiresome but I am merely quoting back to her what she said. The Police Ombudsman's reports said:

"Those protesters who sought to exercise their rights in support of the 'Black Lives Matter' on 6th June were unfairly treated and this gave rise to a perception of discrimination in the public's mind. I believe this perception is justified given that the policing practices of 13th June".

The protest on 13 June was a different one that came afterwards. Justice was denied to these people. They feel that they were treated differently, and if the Minister cannot see that, I am afraid that I cannot help her. Have the Minister and her Department learned any lessons from the way that this debacle was handled?

Mrs Long: Again, I say to the member that as he quotes a short quote from a long report from the ombudsman, he again takes a short quote from a much longer statement that I gave. I could read a series of quotes where I made it clear that those were operational matters for the PSNI. I made it clear that when I talked about issues around enforcement and proportionality, I was talking about the wider issues around enforcement.

Look, the member is not interested in that. The member's issue is that he is interested in scoring political points. He has done it to every Minister who has stood here today and he is the perfect example of the inverse of "with maximum power comes maximum responsibility", for he has no power and he takes no responsibility.

Ms Sugden: Thank you, Minister, and I wish you a happy new year. Minister, I want to come back to the offence. We are creating a criminal offence — is that correct? Are we therefore subjecting people to potentially the full criminal justice process: they could be caught committing an offence, the police gather evidence, the Public Prosecution Service puts forward a case file and, potentially, it ends up in court? That is quite a lengthy process and will come with its own needs of resource and time. Will that offence be created in the public health regulations or are you creating a separate statutory rule under the Coronavirus Act to facilitate this offence?

Mrs Long: Yes, it will be a criminal offence to leave your home without a reasonable excuse. It will be dealt with, in the main, where it is detected and it is not disposed of by, as I said, engaging, explaining and encouragement. When it comes to enforcement, it can be dealt with in one of three ways. It can be dealt with by directing the person to return home, it can be dealt with by returning the person to their home by escorting them home, or it can be dealt with by a fixed-penalty notice. It would not be usual, let us put it that way, for people to be at court, but, of course, again, these are operational matters for the Chief Constable. He will have to guide the police in the enforcement action that they take. The circumstances in which they might take that action will vary, as will the penalty that they choose to apply.

As members are aware from previous statements that I have made on this, these are all health regulations. The Department of Justice does not draft these regulations and will not be drafting these restrictions. We simply advise the Executive with respect to the proportionality of such restrictions and the penalties. These decisions are not Justice decisions. They are Health decisions taken by the Executive and informed by our advice.

Ms Sugden: I thank the Minister for her response. Is she concerned that we are creating this within the vehicle of public health rather than within a criminal justice vehicle, given how serious what we are doing here is? We do recognise that this the last thing that we want to be doing, but, given the fact that people may be stopped by the police, may be held to account and may go through that criminal justice process, does she have concerns that the public health vehicle, through the regulations, is the appropriate vehicle to do that?

Very quickly, will she consider — perhaps she has already — including joint custody arrangements and separated parents in the list of reasonable excuses to leave home? I have a situation where a constituent lives between two separate homes to be able to have access to their children, and the line that you use in your statement, "normally live", does not apply to them. That might be a bit of an ambiguity that I am concerned about as they would be limited in seeing their child.

Mrs Long: First, no, I am not concerned that this is being dealt with under health regulations, because the only reason that I would be standing here seeking to impinge on people's freedom and liberty in the way that I am is because of a health crisis. So, when this health crisis has passed, these regulations will fall. This is not a criminal justice issue. This is not a criminal justice response in that sense. It is purely for health reasons, and, when the Health Minister gives us the advice that this is no longer required, it will be gone at the earliest opportunity. We have a duty — a legal duty — not to keep the health regulations in place for any longer than is absolutely necessary. I believe that that is an important civil liberties issue that we need to take account of.

The arrangements that are in place for joint custody are covered as acceptable reasons why someone can leave their normal residence to be able to have custody. If someone's custody arrangements are complex, it is probably helpful to the police if they are able to provide some evidence of the arrangement that is in place and which has been agreed, simply to aid that person if they are stopped. There is no issue of people not being able to travel to see their children if they are estranged or for children to have shared custody and see both parents.

The Chairperson (Mr Maskey): Members, that concludes the questions on the statement.