



Northern Ireland  
Assembly

# Official Report (Hansard)

Monday 28 November 2016  
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Wells, Jim (South Down)

# Northern Ireland Assembly

Monday 28 November 2016

*The Assembly met at 12.00 noon (Mr Speaker in the Chair).*

*Members observed two minutes' silence.*

## Assembly Business

### Public Petition: Promotion of the Protection of Unborn Children in Northern Ireland

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

**Mr Wells:** Last week, the Member for Belfast South Clare Bailey presented the Assembly with a petition containing 45,000 signatures seeking a relaxation of the present law on abortion in Northern Ireland. I will add, however, that that petition was done online, and there was no check whatsoever on where the people who signed it live; many may, indeed, be from outside Northern Ireland.

Today, Mr Speaker, I am presenting you with what I believe to be the largest petition ever received by the Northern Ireland Assembly. It has 300,000 signatures, not 45,000, calling for the protection of the unborn child in Northern Ireland. It has been signed by Northern Ireland residents who have given their address so that where they live can be verified. Therefore, I believe this petition is indeed authentic.

The petition Ms Bailey presented last week calls for legislation similar to that that pertains in the rest of the United Kingdom, where eight million — eight million — unborn children have been aborted since 1967. I am absolutely convinced the people of Northern Ireland do not want that law to extend to this part of the United Kingdom. In the time it has taken to make this short speech and to present this petition to you, Mr Speaker, another child will have been aborted. One child is aborted every five minutes in the rest of the United Kingdom. I think that is an awful stain on the character of our nation. Some 98·9% of those children are totally well, fit and able. They were aborted on many occasions because it was simply not convenient for them to be born.

Because we have the legislation we have in Northern Ireland and because our forefathers in this Chamber had the wisdom to prevent the introduction of the Abortion Act 1967, the statisticians tell us that 91,000 people in Northern Ireland are alive today who would not be if we had abortion on demand. They are farmers, solicitors and doctors; they are making a contribution to society. They may even be MLAs.

Sadly, some of them may be campaigning for abortion on demand. There is an irony, because they would not be here to campaign on the issue had there been abortion on demand.

Mr Speaker, this is only one box of 57 that are coming your way. Rather than bringing all of them into the Chamber, I have brought just this one as a representation of the huge petition that I am about to present you with. I know that you will note it and pass it on to the relevant bodies.

*Mr Wells moved forward and laid the petition on the Table.*

**Mr Speaker:** I will forward the full petition to the Minister of Justice and a copy to the Committee.

## Executive Committee Business

### Higher Education and Research Bill: Legislative Consent Motion

**Mr Hamilton (The Minister for the Economy):**  
I beg to move

*That this Assembly endorses the principle of the extension to Northern Ireland of the provisions of the Higher Education and Research Bill relating to joint working and advisory services, the teaching excellence framework and powers to fund research.*

The Higher Education and Research Bill was introduced in Westminster on 19 May 2016 by the Westminster Department of Education. The overall purpose of the Bill is to underpin a number of changes to the operation of the higher education system in England. When the Bill was introduced in May, it had no direct impact on the higher education system in Northern Ireland. However, amendments introduced during Committee Stage in the House of Commons will have an impact here, and, as higher education is a devolved matter, they will require a legislative consent motion to be passed. Before outlining the specific changes that have an impact on Northern Ireland, I want to give a very brief outline of the Bill.

The Bill falls into three broad headings that were set out in the White Paper published by the then Department of Business, Innovation and Skills. I have also noted the submissions made to the Assembly Committee for the Economy as part of its consideration of this matter, and I hope that I can deal with any issues raised through these introductory remarks. The first broad set of reforms concerns the operation of the higher education market in England. The Bill will introduce a register for all higher education providers, make reforms to the process for institutions receiving degree-awarding powers and university title, and introduce a single gateway to the higher education sector for all providers in England. It is important to point out that those provisions apply only to England and have no direct implications for Northern Ireland.

Secondly, the Bill aims to promote transparency and choice for students, primarily through the introduction of the teaching excellence framework (TEF). The framework seeks to drive up the quality of teaching in the higher education sector by measuring, benchmarking

and reporting data drawn from existing sources. While it is designed to assist the teaching quality of English higher education institutions, and to reward reported performance by linking outcomes to English tuition fee caps, institutions in Northern Ireland have also expressed a desire to apply for a teaching excellence framework rating solely for the purpose of avoiding any potential adverse reputational impact if they do not take part. The Bill therefore provides a mechanism for the Office for Students to accept and review teaching excellence framework submissions from higher education providers in Northern Ireland, subject to my approval.

Finally, the Bill will set in place structural reforms to the organisation of how the higher education sector in England is regulated. It provides for the closure of the Higher Education Funding Council for England and the Office for Fair Access, their functions being split between two newly created bodies: United Kingdom Research and Innovation and the Office for Students. The Office for Students will explicitly regulate the higher education market and promote the interests of all higher education students in England. It will assume the functions of the Office for Fair Access and the non-research functions formerly carried out by the Higher Education Funding Council for England. It will be funded jointly by government and subscriptions by regulated organisations, and it will allocate teaching grants to publicly funded providers.

Giving evidence to the Committee, the National Union of Students-Union of Students in Ireland raised concerns regarding the lack of student or staff representation on the board of the Office for Students.

Whilst I understand those concerns and have some sympathy for them, they relate to provisions in the Bill that are beyond the scope of this legislative consent motion and outside the Assembly's competence. I am, however, aware that new amendments to the Bill have been proposed by the UK Department of Education to allow for a person to be a member of a board if he or she has experience of representing or promoting students' interests. Similarly, while the membership of the board of UK Research and Innovation is a reserved matter, an amendment to the Bill has been tabled to ensure that the Secretary of State has regard for the desirability of at least one of the board members having relevant experience in relation to a devolved Administration.

On the research side of higher education, UK Research and Innovation will be an umbrella

organisation for the seven research councils and Innovate UK and the research funding element of the Higher Education Funding Council for England. The dual support system will be specified in legislation for the first time, thereby protecting that critical facet of the UK's research infrastructure.

I now turn to the areas of the Bill that require the legislative consent of this Assembly. I mentioned powers for the new Office for Students, once it has been established, to assess applications to the teaching excellence framework from eligible Northern Ireland institutions, subject to my explicit approval. The teaching excellence framework has enjoyed a high profile across the education sector, and I have approved participation in year 2 of the framework, which is being delivered by the Higher Education Funding Council for England. That is in response to concerns raised by our higher education institutions; I have recognised their argument that, should they be prevented from taking part, they may suffer a negative impact to their reputations. That is of particular concern to those institutions actively pursuing international students.

Giving evidence to the Committee, the National Union of Students-Union of Students in Ireland and the University and College Union raised concerns regarding our institutions' participation in the teaching excellence framework. That is reflected in the Committee's report, where the importance of using the right metrics to assess teaching quality and assessing them appropriately is underlined. Additionally, it is suggested that a Northern Ireland teaching excellence framework panel might be set up.

It is important to remember that participation in the teaching excellence framework is entirely voluntary. It goes without saying that published differential results of universities will be of interest to potential students, and our institutions have a genuine and well-founded concern that they will suffer adversely if they do not appear on a UK-wide list of quality on teaching excellence, regardless of the teaching excellence framework's inherent qualities as a means of measuring it. Ensuring that they are allowed to take part will provide the institutions with an assurance that they are on a level playing field in the higher education sector across the United Kingdom.

I recognise the concerns raised by unions, but I reiterate that the teaching excellence framework is an English framework that has been designed for the English sector; it is not a jointly developed cross-UK policy. My aim to provide participation from Northern Ireland

institutions is in response to the concern that our universities have articulated that they would otherwise be adversely affected for the reasons that I outlined. Nevertheless, officials have been working with counterparts across the UK to ensure that any applications received from outside England are assessed fairly — for example, by assessment panel members being appointed from across the UK, by contextual information being made available to assessors, including our preferred measures of deprivation, and by officials being involved in the groups overseeing the implementation of the teaching excellence framework.

It is also important to note that the Bill includes a statutory requirement that the relevant devolved Minister must approve participation in the teaching excellence framework once the Office for Students takes responsibility under powers set out in the Bill. That ensures that devolved control of participation in the framework will remain in place.

I am aware that both unions also noted concerns regarding the link between teaching excellence framework participation and a rise in tuition fees. In England, under current plans, institutions that receive silver or gold teaching excellence framework awards in year 3 of the teaching excellence framework will be able to increase their fees by inflation from 2019-2020. Those who receive bronze awards will be able to apply an increase of 50% of the rate of inflation. The unions have stated that attaching a monetary incentive to a measure of teaching quality is problematic. I take this opportunity to be as clear on the issue as I possibly can. I assure Members that, with regard to those institutions from Northern Ireland that will be participating in the teaching excellence framework, I have no plans to link teaching excellence framework assessments to tuition fee levels.

Since fees were increased in England in 2012 to £9,000 a year, they have not increased with inflation. England plans to have inflationary increases in fees from 2017-18 and year-on-year inflationary increases thereafter. From 2019-2020, the degree to which an English university could increase its fees by the inflationary increase would be dependent on the outcome of its assessment under the teaching excellence framework, as they are arguing that such future increases should be tied to certain standards in teaching, which is one element of the introduction of the TEF, as well as providing information to students when they are making choices.

**12.15 pm**

Fees in Northern Ireland have gone up with inflation since 2012, so the same issue is not a factor here. The argument from some seems thus mistakenly to be that, should local universities use the TEF, it will be a vehicle to increase fees, when, in truth, they have already risen with inflation, year on year, which is what England is proposing to do by using the teaching excellence framework.

I hope that offers Members some assurance that Northern Ireland universities using the teaching excellence framework is nothing whatsoever to do with an increase in student fees here.

**Dr Farry:** I thank the Minister for giving way. What he is saying is very helpful, but I invite him to go a step further in the reassurance he is giving and say that that decision to link TEF to any increase in tuition fees would not simply be at the discretion of an individual Northern Ireland Minister at some stage in the future but an issue for the entire Executive and, indeed, the Assembly through an affirmative resolution.

**Mr Hamilton:** I thank the Member for his intervention. He will be very familiar with the origins of the Bill and its intentions. Whilst I thank him for accepting the assurance that has been given in respect of the purpose of the Bill, when he was in post in the previous Department for Employment and Learning, and now that I am Minister for the Department for the Economy, we would have said similar things around ensuring that the higher education sector, which is incredibly important in Northern Ireland for a host of reasons, be on a sustainable footing financially. I am endeavouring to do that as best I can.

The teaching excellence framework, because of the increase that there will be from £9,000, which has been a rigid level of fees across the water since its introduction, has been perhaps a little bit mixed up in the thinking that it would be some vehicle to increase fees beyond their current level in Northern Ireland. I hope I have offered some assurance. Our fees have been increasing with inflation, as the Member knows, and are now sitting at around £4,000 a year. This is not going to be used to increase fees. I have no current plans to do anything with this. I can give the Member and the House the assurance that any decision in respect of the future financing of the sector will absolutely be taken by the Executive, with the agreement of the Executive on how we might do that. If that was the decision, we would have to look at how that might be done. Obviously, in terms of fee levels, we would have to come back to the Assembly. I think there is a process, which the

Member is aware of, whereby fee levels and increases do have to come back to the Assembly on a regular basis. So, I can give the Member assurance to a degree in respect of what he is asking.

I hope that what I have said has cleared up any confusion — or helps to clear up any confusion — that this is in itself a vehicle to increase fees in the way that maybe some have suggested.

Arrangements are also set out in the Bill for joint working between the three devolved higher education funding bodies, the Office for Students, and UK Research and Innovation. For Scotland and Wales, these essentially transfer existing arrangements set out in section 82 of the Further and Higher Education Act 1992. For Northern Ireland, the current power for the Higher Education Funding Council for England to provide advice on request to my Department, and to the Department of Agriculture, Environment and Rural Affairs, is replicated from section 69 of the 1992 Act.

A parallel power to underpin future joint working, including with my Department and the Department of Agriculture, Environment and Rural Affairs, is also proposed in the Bill. This effectively reflects the way the system currently works, with the Higher Education Funding Council for England taking the lead on a number of initiatives as being the most efficient way of proceeding. Two examples of this are the research excellence framework and public information arrangements.

The Bill contains a technical change that amends the Higher Education Act 2004 to clarify that the power to make grants in respect of the arts and humanities includes the power to make and require repayment of loans. This mirrors changes to parallel powers for England, Scotland and Wales.

As the Bill primarily introduces changes to the operation of the higher education system in England, our local institutions concentrated their comments on the provisions covered by this motion. The Open University, however, commented that the Bill itself may require a wider scope to ensure that it works for learners of all ages and for those who need more flexible study options like part-time or distance learning as well as those who choose full-time. This concern was reflected in the Committee's report, and I support the expectation of full inclusivity across the sector. This is outside the scope of the motion, although I am sure the Open University will be promoting these ideas as the Bill progresses through the House of

Lords. In summary, the Bill sets out a clear legal basis for joint working relationships across the UK by replicating and, in the case of joint working with my Department and the Department of Agriculture, Environment and Rural Affairs, extending the terms for joint working and the provision of advice set out in the Further and Higher Education Act 1992. It will also provide for the continuing involvement of eligible Northern Ireland institutions in the teaching excellence framework and will clarify research funding powers in relation to the arts and humanities. The changes provided for by the Bill are therefore primarily technical and consequential in nature. They are required due to the establishment of two new bodies, namely the Office for Students and UK Research and Innovation. Including Northern Ireland in these arrangements ensures that we will continue to be part of how higher education is coordinated across the UK.

I commend the motion to the Assembly and trust that Members will support it.

**Mr Murphy (The Chairperson of the Committee for the Economy):** I thank the Minister for his opening remarks, in which he has gone some distance to clarify some of the concerns that were raised with the Committee. Nonetheless, I will put some of those issues on the record anyway on behalf of the Committee.

As the Minister has outlined, the Higher Education and Research Bill will underpin a number of changes to the operation of the higher education system in England. These include reforms to the operation of the higher education market in England, including the introduction of the teaching excellence framework and other reforms to the organisation of how the sector is regulated.

The Bill was introduced in the House of Commons on 19 May 2016 and received its Second Reading on 19 July 2016. The provisions covered in the Legislative Consent Memorandum, which is the subject of this motion, were introduced as amendments at Committee Stage in September 2016.

The LCM covers the extension to the North of Ireland of provisions relating to joint working and advisory services, the facilitation of applications by eligible institutions in the North to assessment under the TEF and powers to fund research in the arts and humanities. The stated aim of the TEF is to drive up the quality of teaching in the HE sector by measuring, benchmarking and reporting data drawn from existing sources. Clause 25 provides a mechanism for a new Office for Students to

accept and review TEF submissions from HE providers here, subject to the approval of the Minister for the Economy. It is the Committee's understanding that this reflects and formalises the current arrangements, where the Higher Education Funding Council for England may receive applications from eligible institutions here as an advisory service to the Department for the Economy.

The Department wrote to the Committee on 13 October to inform it of the Bill and the clauses that require the legislative consent of the Assembly. The Department informed the Committee that a Legislative Consent Memorandum to cover this was being prepared and would be referred to the Committee for consideration. As is normal practice, the Committee engaged with higher education stakeholders to ask for their views on the provisions set out in the Memorandum. The Committee received five submissions, from the following bodies: The Open University; Queen's University; Ulster University; the National Union of Students-Union of Students in Ireland (NUS-USI); and the University and College Union (UCU).

Queen's University, in its submission, made no comments on the proposed amendments to the Bill. The other submissions raised a variety of issues. The Committee received notification that the LCM had been laid in the Assembly Business Office on 28 October 2016, at the start of the Halloween recess. Therefore, the Committee first considered the LCM and the stakeholder submissions on 16 November 2016. The Committee also undertook an evidence session with departmental officials at the same meeting.

Stakeholders raised the following issues. First, on joint working and advisory services, the UCU called for the inclusion of more-robust stipulations concerning the governance structure of the Office for Students; and both the UCU and the NUS-USI called for proper staff and student representation on the Office for Students. NUS-USI believes that the lack of student and staff representation in government structures in the new Office for Students, which will be responsible for overseeing the TEF process from 2018-19, is a significant issue. Ulster University agreed with the Department's view that this is not controversial but reflects ongoing arrangements, and the Open University welcomed the joint working arrangements.

Secondly, on the facilitation of applications by eligible institutions in the North to assessment under the TEF, the NUS-USI noted the



Department's assertion that the North exists in a sufficiently different and, to some extent, unique context, meaning the role of choice and competition is effectively diminished here, and it asked the Committee to question the Minister's rationale for allowing institutions here to participate in TEF at all. The Minister has gone some way to addressing that issue in his opening remarks. They also asked that the Committee seeks a guarantee and commitment from the Minister that institutions here that choose to engage in TEF will not be permitted to link outcomes to tuition fee levels in any way; again, that has just been addressed by the Minister. The NUS-USI believes that the Department should conduct specific analysis on the consequences for institutions in the North with regard to taking steps to diminish the negative effects of the metrics used in the TEF. It would also like to see a separate TEF panel for the North.

The UCU believes that there are serious problems with the methodology underpinning the TEF and its implementation and opposes any linking of variable tuition fees to a rating system for university teaching. It urged further scrutiny and debate on the TEF and strongly disagreed with the Department's suggestion that the proposals are largely technical. However, Ulster University welcomes an arrangement that allows it to participate in the TEF, as does the Open University (OU). All the stakeholders welcomed or found no fault with the provision on powers to fund research in the arts and humanities.

Having carefully considered the proposals in the LCM, the Committee is of the view that there are some issues around the proposed amendments to the Bill. The Committee believes that it is important that the Minister make certain assurances and clarifications — he has done already and will perhaps clarify some matters when winding on the motion — to respond to stakeholder concerns. At its meeting on 16 November, the Committee agreed that its report on the LCM should highlight those issues.

Therefore, the Committee recommended that the Minister for the Economy seek to address the concerns highlighted by the OU on the need for the Bill to work for learners of all ages and for all modes of study. I understand his point that that issue is outside the scope of the LCM and needs to be pursued in England, where the Bill is being developed. The Committee also recommended that the Minister reflect on the concerns expressed by the NUS-USI and the UCU on issues of representation on the board of, and the governance structure of, the Office

for Students; that he provide assurances that the participation of local higher education institutions in the teaching excellence framework will not lead to award outcomes being linked to tuition fee levels; that he ensure that the metrics used in the measurement of teaching excellence are appropriate for local higher education institutions here; that he consider seeking an element of peer review in the measurement; and that he may wish to consider seeking a separate TEF panel for the North to ensure the integrity of the devolved status of higher education policy.

As a result, the Committee supports the legislative consent motion and asks that the Minister respond to other Members' recommendations.

**Mr Aiken:** As a party, we will not be supporting the LCM. That is based on the work that we have already done in other places and other Houses on looking at this, specifically because of three key issues. I know that the Minister has gone a long way to trying to address the issues and provide clarity, but the Open University's concerns about the need for the Bill to work for students of all ages and backgrounds is the key issue that we need to look at. We also want the Minister to do more than just provide clarity and assurance that the participation of the local higher education institutions in taking the teaching excellence framework will not lead to award outcomes being linked to tuition fee levels. Again, that is of considerable concern to the university sector here. The Minister may wish to consider seeking a separate TEF panel for Northern Ireland — that has already been mentioned — to ensure the integrity of the devolved status of our higher education policy.

**Mr Storey:** I thank the Minister for bringing the LCM to the House today. He said that the Bill has a particular narrow focus, and that is not in any way to dilute the concerns that have been raised, which have been highlighted by the Chair of the Committee. The Committee considered this issue, and its concerns are included in the report that it has presented for the consideration of the House.

Most of the Bill's provisions are required to allow Northern Ireland institutions to participate in the teaching framework in the future. That also needs to be given its place, particularly where the Minister referred to reputational damage. Let us remember the discussions that we had in the House in the past about qualification regulations and how we need to ensure that what we do in the House is done in a way that does not either increase or inhibit

reputational damage. The Minister has therefore gone some way to dealing with that issue today. It is also to be welcomed that the Minister has given clarity and assurance on the concern about linking the process to the possibility of an increase in tuition fees. I welcome the fact that the Minister said that there are no plans to have a link between the framework and tuition fees. We will therefore be supporting the LCM.

**12.30 pm**

**Ms S Bradley:** In 2015, the Conservative Party manifesto promised to introduce a framework to recognise universities offering the highest-quality teaching. The outworkings of that election promise — the TEF — are in front of us today. The framework, which was scripted in an English context, as the Minister said, has been controversial and continues to be controversial even within its home parameters. It has been argued that this English model is not an easy fit even for the English universities that are working to it.

The Chair of the Committee rightly highlighted the serious concerns brought to us. In addition, some made reference to a lack of transparency or argued that the transparency clause could go further; others suggested that the metrics used to gauge good teaching are questionable. I could go on, but the most important concern referenced today is the link to student fees or, more precisely, the possibility of a future link to student fees. Strong and compelling arguments have been made to highlight the likelihood of universities using the framework to create what could become elitist institutions. It is feared that the potential hike in university fees will result in our universities being filled by those who can afford to be there rather than by those who are most suited to being there.

I take the Minister's point when he said that such is not his intention and that current plans do not involve a possible link between the TEF and fees. However, the assurances given today, and at Question Time last week, fall far short of what we in the SDLP would have hoped for. A cut-and-paste English model is not a best fit in Northern Ireland. Of course, we want the calibre of our universities and their output to be easily recognisable from overseas. It is important that we look at creating a model that will enable potential overseas students or foreign direct investors to recognise and appreciate the value of our universities. A Northern Ireland pitch should consider not just how we compare in a UK context but have a much wider scope; we should consider how our universities appeal in a global and in a

European marketplace. Our foreign direct investors and students should come from a much wider brief than the measurements in the UK.

I have to say that I note how swiftly this proposal was presented to the Committee and to the House. That raises, at least, a very curious brow. It is particularly impressive considering the revelation that 96% of questions for written answer to the Minister have not been answered on time.

Based on concerns raised in the House and through the Committee, particularly the lack of commitment to develop a framework that is more suited to Northern Ireland, it is unfortunate that the SDLP cannot and will not support the LCM as it stands. We will not be the drivers of what is essentially a Conservative Party policy that does not fit in Northern Ireland.

**Dr Farry:** Unlike my colleagues in the Opposition, we will support the motion, although not without some degree of concern and reservation. The mover of the motion would probably also reflect that the TEF is not something that we ourselves would wish for the UK as a whole; but our challenge is how to respond to it and not what the ideal situation might be. We are not in opposition for opposition's sake; we will judge everything on its merits based on what is in the best interests of Northern Ireland. Hopefully, the Minister will pick up some of the comments made by parties during his closing remarks and give some further reassurances to allay the nervousness expressed from some Benches. I think that, in some regards, that is based on a misunderstanding of what is actually being proposed and the context in which we are operating.

Just for the record, the LCM has actually been handled in a proper manner by the Department. There may well be other issues that we need to return to, but the processes around which the Committee has had the opportunity to consider this matter are certainly very much in line with the standard procedure.

In this regard, obviously most of the discussion and debate is around the concept of the TEF, and that probably goes, in some respects, slightly beyond the actual scope of the LCM, which is on more of a technical and consequential issue rather than the principle of TEF. However, the two are fundamentally intertwined in terms of people's reaction to the LCM itself. As I said, the teaching excellence framework is probably a contestable concept in itself and, in a few minutes' time, I will explain

why it is difficult to actually achieve something like this, because it is an inherently subjective concept. As the Minister has already said, it is essentially an English concept, designed to service the higher education policy as it evolves in England, but there are knock-on implications for Northern Ireland.

I should say at the outset that I signed Northern Ireland up to the first year of the teaching excellence framework, largely on an exploratory basis and on the grounds that we were better being inside the tent to see how things were shaping up. I note that my successor at the new Department has followed suit and signed Northern Ireland up to year two.

We are seeing a push-pull situation in higher education policy across the UK. Of course, higher education is devolved to Scotland, Wales and ourselves in Northern Ireland, and over the period of devolution we have seen considerable divergence in policy and practice as people adjust to the particular circumstances of the different jurisdictions. That divergence is set to accelerate, based on the legislation that is being discussed at Westminster. It is useful for people to see England itself as actually being the outlier in many respects, not Northern Ireland, Scotland or Wales. It is not just the fact that it is three against one in terms of the drift in higher education policy; England itself is actually becoming more of an outlier in terms of policy across the European Union and, indeed, the rest of the world. Even on the issue of fees, the highest level of fees in the world for public institutions are now being charged in England. Even in a society such as the United States, which you associate with a high level of fees, those fees tend to be at private institutions rather than those funded directly by the state. Indeed, those contrasts were highlighted in the Big Conversation document that was published in October 2015.

The legislation currently before Westminster is going to see that divergence accelerate even further. What they are looking at is a vision of a lot more smaller institutions being recognised more readily, a proliferation of degree-awarding institutions and, in practice, a lot of institutions being formed and a lot of them going under in what is going to be a fairly ruthless market for higher education. Indeed, the ability to charge a higher level of fees will be linked to the outworkings of the teaching excellence framework. It is important that we are clear and accept that and do not pretend that it is designed to do anything else; so, we are honest about what we are actually dealing with.

That really begs the question of why we would wish to touch this and why we want to be engaged with all of this. The simple answer is that, whether we like it or not, what happens in England has knock-on implications for all three devolved institutions. Those who are looking in from the rest of the world, and indeed our neighbours in Europe, will see what is still, in essence, a single UK market in higher education. There is an overlap in how the institutions are judged against one another, and it may well be that we see prospective students from other parts of the world wishing to know the TEF outcome for a particular institution before making judgement calls and decisions to apply or not. If we do not have the ability to engage or the option of being part of TEF, we are going to be at a competitive disadvantage in terms of giving that information to prospective students.

To put this in context, we are really under pressure to diversify our higher education offering in Northern Ireland. This is not some sort of luxury that we can choose to have or not have. We are still significantly under-represented in a very large international market. We have seen considerable progress over the past 10 or 15 years in the diversification of our higher education offer but our figures are still well behind those of many comparator regions in the UK, and Queen's and the University of Ulster still have significant room to grow in that regard.

I also stress that attracting international students is not done at the expense of local students; both can be accommodated. They are funded and supported through two entirely different funding streams, so an international student does not come into Northern Ireland at the expense of a local student.

It is worth recognising that Scotland and Wales are taking a similar approach to what I did when I was Minister for Employment and Learning and to what the current Minister is doing through the legislative consent motion. We are not alone in having to wrestle with this debate. I recall having many meetings with my former colleagues in Scotland and Wales on the issue. We all came to what was essentially the fairly pragmatic view that it was better that we were at least part of the tent and had the options of using the TEF rather than excluding ourselves from all that.

It is also worth stressing the dangers to our institutions from a less than competitive situation. We are already at a considerable disadvantage with the funding model, which, again, is not sustainable — the Executive will

have to find some form of solution to that in the very near future — and in research, where there is a tendency more and more for big research projects to be centralised in the UK as a whole. There is a danger of Northern Ireland being peripheral to that. We use our universities, quite rightly, as core bodies in our inward investment narrative. We use them to provide the skilled graduates for our local companies. It is critical to our future economic growth that we do all we can to protect the place of universities in our local economic strategy. There is a clear danger already to that narrative that has to be addressed. I plead with the Assembly today not to make things even worse by excluding ourselves from the ability to offer the teaching excellence framework.

It is important to stress as well that what is on the table is not a compulsion that local universities use the teaching excellence framework or an indication that a future Minister will insist that they do. Even if the universities wish to use the TEF, the decision has to come back to the local Minister for sign-off, so they cannot go ahead unilaterally with it. I also stress that the issue today is very much divorced from the wider issue of what tuition fees should be in Northern Ireland; that is a separate debate for another day. We all have our views on how to address the current funding shortfall to universities, but we will return to that debate at the appropriate time when we see proposals from the Minister and the Executive on that. I stress for the record that, while the TEF may be used in the context of higher-level fees in England, that is not a route we are forced to go down in Northern Ireland; it is a matter entirely within our discretion. Any decision on fee levels here is for the local Minister in the first instance. That will then be brought to the Executive and the Assembly Committee as a statutory instrument that requires affirmative support. I would need to check that, but it certainly needs to come to the Committee for decision-making. There are umpteen checks and balances in the system to ensure that any decision on fees is not something that we are handing over today; there are safeguards in place for that.

The final point I want to make is on the standards of the TEF and what it will look like. It is, as I said, an entirely subjective measurement. There is not yet agreement on exactly how it will be taken forward. I have certainly had some interesting discussions with the English Universities Minister, Jo Johnson, on that, and I am sure the current Minister has done likewise. There is still a lot of confusion about it. Jo Johnson is probably the more

intelligent wing of his family compared with his better-known brother. There are issues with exactly what you measure in teaching excellence. If we look at the sister research excellence framework, which is much better established and accepted, we see that there is still a degree of subjectivity in how the weightings are given and it is not entirely without controversy. When you move to TEF, you end up with issues about exactly what you measure. If you go, for example, with student satisfaction, that does not necessarily equate to quality; it may well be a reflection of the fact that some courses are not as competitive or challenging as others. You can get strange anomalies in that. Equally, if you end up asking people to rate their academic lecturers and professors, there is inbuilt bias towards white males. We see a natural discrimination — unjustified, of course — in people's reaction to female members of staff and staff from ethnic minorities, so we need to ensure that there is no bias in the system.

#### 12.45 pm

Valid concerns have been expressed about the methodology of TEF, but the point that is worth stressing, in closing, is that we can be part of the design of TEF. If we do not like the outcome — how TEF is designed — there is no requirement for our universities to use it. The Minister has the right to authorise them to use it if they wish to do so. If we feel that TEF will not be in our interest and of no use in benchmarking our institutions against others in the international market, we can walk away from it. If, on the other hand, we find that TEF will be essential to our universities being competitive with their counterparts elsewhere in the UK, including Scotland and Wales, and with the rest of the world, at the very least, we have to be part of the design process, and that involves the Assembly supporting the LCM today.

**Ms Archibald:** I thank the Minister for his earlier remarks clarifying some of the issues raised. We believe that the Higher Education and Research Bill being introduced in England is symptomatic of the neo-liberal policies of the Tory Administration in encouraging the marketisation of the higher education sector by encouraging competition between institutions, and we feel that it is regressive in that regard. Through the teaching excellence framework, institutions are measured on matrices, some of which Mr Farry outlined, including student satisfaction, employability and course completion rates. In England, those are being linked to the fees that institutions can charge.

That is not the case here, and I welcome the Minister clarifying that that will continue. As the Minister also outlined, institutions here are currently included in the TEF and have expressed their desire to continue, solely for the purposes of attracting home, EU or international students.

We share the concern that others have stated that the matrices of the TEF, as currently suggested, are not the best measures of teaching quality and are not equitable across the higher education sector. The measures have a focus on education for employment's sake. In a year when we have seen the result of misinformation and the concept of post-truth has become part of our everyday conversation, it is more important than ever to encourage education for education's sake and for the purpose of broadening minds and learning and encouraging as wide a participation as is possible. The narrow view that education is solely for the purpose of finding a job is regressive, and the Bill encourages that. Given, however, that the scope of the Bill, as implemented here —

**Mr Speaker:** May I interrupt the Member for a minute? I ask that the conversations in the Officials' Box stop. The officials are there for the support of the Minister.

**Ms Archibald:** Given that the scope of the Bill, as implemented here, will be narrow, that we have had clarification that it will not impact on the tuition fees that institutions can charge and that any further changes to the Bill that would impact in the North will require Assembly consent, with the reassurances from the Minister on the issues raised and the explanations provided, we are prepared to support the limited scope of the LCM.

**Mr Attwood:** I will start my comments by asking, "Who is Jo Johnson?". Mr Farry referred to Mr Johnson because he knows who he is. I am sure that the Minister and the Chair of the Committee know who Jo Johnson is, but who is Jo Johnson?

**Dr Farry:** A snooker player.

**Mr Attwood:** Yes, Joe Johnson won the 1986 World Snooker Championship, and it was a great night, as some of us will recall.

Jo Johnson is the Minister who has most responsibility for this legislation in Westminster. He is the lesser-known brother of Boris Johnson, which I did not know until the last few days. I am told that, last week, at a conference

in England, Jo Johnson said that this was the most significant higher education legislation since the 1990s.

When the Assembly hears somebody with the name Johnson with a Tory manifesto saying something like that, it should be very vigilant about what it subscribes to. It does not mean that you end up not subscribing to it, but you make sure that you are very vigilant as you go down that road.

The Minister says that he has no plans on tuition fees arising from this legislation. However, in my view, this is how it is going to work. The Minister will comment on it, but he said that he had no plans. I am sure that most Ministers would not travel much further than saying that they had no plans about what might happen with future policy. However, I want this Minister to say that, if the LCM is passed, he will not rely on what comes out of the TEF and what we are consenting to in order to go to the Executive to say that we have to do something about tuition fees. That is what I want the Minister to say.

Whatever is or is not the answer to Mr Farry's comments about what we do or do not do on tuition fees, I want the Minister to say that he will not rely on the outworkings of the LCM in order to go to the Executive on tuition fees. That is what the Minister should be saying. He should not be saying that he has no plans. He should not be using warm words, which are useful in themselves but not definitive in practice. So, Minister, will you say that you will not rely, in any shape or form, even when the universities are on your back, as they will be, on the outworkings of this LCM, which is likely to be passed, when it comes to tuition fees?

In my view, this is how this will all work out. In the annex to the Stormont House Agreement, there is reference to the fact that, before corporation tax is devolved, the London Government have to agree with the Northern Ireland Government about a package of reforms to put public finances on a sustainable footing. That is what it says. We are not very far from the devolution of corporation tax. It was only last week that the Chancellor of the Exchequer, in his Budget statement, referred to the fact that, before corporation tax is devolved, Northern Ireland's finances have to be put on a sustainable basis through a reform package agreed between our Executive and the London Government.

In my view, the risk of this LCM is that London will say to the Executive that they will have to rely on the outworking of the LCM to deal with

tuition fees because they want that to be dealt with in order to put, as they see it, public finances on a sustainable footing, on the far side of which they might devolve corporation tax.

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

**Mr Attwood:** I will give way in a second. There is a scenario on the far side of this LCM, which is that it will be used by people in London, including the Chancellor, given what he said in his Budget statement last week, to put pressure on in respect of tuition fees. Why should we not also be more worried about that? Have some of the leadership of our universities not said that they want tuition fees away up beyond what they are at the moment, including touching on £10,000 a year?

I will give way to Mr Farry and then to the Minister.

**Dr Farry:** The Minister will answer for himself in a few minutes' time, but the Member is very fond of quoting the Scottish Government and seeing them as an exemplar of what can happen under devolution. Of course, one of the standout policies from Scotland is that they have zero fees for local Scottish institutions. Indeed, that is written on tablets of stone — literally — and deeply ingrained in Scottish political culture. Scottish universities such as the University of Edinburgh, which receives half its students from England, know that the TEF is very much part of their interest in ensuring that they remain competitive. By implication, if, as the Member is suggesting, Northern Ireland would somehow be bullied by Westminster into using TEF and forced into having higher-level fees, surely that same logic would also apply to Edinburgh and Cardiff. However, they seem to have fewer reservations than the Member has about having to engage pragmatically with the issue.

**Mr Attwood:** I think that the Member will know what my answer is going to be. First, for their own reasons — they may have been wiser than us, but we will see about that in the fullness of time — Scotland did not ask for the devolution of corporation tax. Through the Smith commission, they asked for much else, but they did not ask for that. Frankly, if I were to rely upon any Government — I do not like the use of the word bullying, but to use the word bullying — to face down London when it comes to being bullied on tuition fees, I would rely upon Scotland. I would be less inclined to rely upon the Government here, because when it came to the equally controversial issue of welfare

reform, the London Government were able to persuade this Government to hand over welfare reform to London, the consequence of which is that welfare benefits have been frozen and, as we see, inflation will rise over the next number of years and the value of the welfare pound in our people's pockets will be going down. Yes, I would rely upon Scotland to face down London, and I would be a bit more cautious about this Government facing down London when the pressure comes on, as it will come on, over the next 18 months. What are the terms for the devolution of corporation tax? The terms are what you have signed up to in Stormont House. It means sustainable public finances, and sustainable public finances might well be them saying to our Executive, "Get the issue of tuition fees sorted out".

I accept what the Minister has said. I do not think the Minister, in any shape or form, is saying anything cryptic when he says, "No plans", but let us go into this with our eyes wide open. Let us look at the reality of the politics and the public financial debate over the next 18 months, and let us be cautious and work out where all this is going to end up. It may end up with London saying, "Stand and deliver", on public finances in order to get corporation tax, and what does that mean for tuition fees? How does this LCM and those new structures work into that scenario? I will give way to the Minister.

**Mr Hamilton:** I am reluctant to intervene and perhaps encourage the Member to go on even further on an issue — I do not think that he has actually addressed the LCM so far. I am content to offer him some reassurance in seeking his support for the legislative consent motion. I am content to say to him, and indeed the House, that I will not use — to use his phrase — the outworkings of this LCM to go to the Executive to support an increase in fees. I am content to say that, and, that being said, I look forward to the Member's support for this legislative consent motion.

**Mr Attwood:** First, I am surprised that the Minister said that I was not addressing the contents of the LCM. It was the Minister who started to talk about tuition fees before anybody else in the Chamber did. They have been speaking about it elsewhere, but they had not spoken about it today. The Minister led this debate, and he put on the record that he had no plans in respect of tuition fees, which people to my right, and elsewhere, have taken reassurance from. At least we were able to extract more than that from the Minister today, when he said that he would not rely upon the outworking of this LCM to justify going to the

Executive in respect of tuition fees. Is it not curious that the Minister, certainly so far, has not said, when he asked me to give way in order to answer the second question, namely, when London comes looking for sustainable public finances for the next 18 months, where this Minister's responsibility is when the pressure comes on tuition fees? Will you say to London that you will not go to the Executive to barter tuition fees in order to get the devolution of corporation tax? Will you put that on record today, if you are prepared to put the other matter on the record today?

**Mr Hamilton:** Mr Speaker, I feel that we have a pregnant pause here.

**Mr Speaker:** I ask the Member to continue unless he is asked to give way.

**1.00 pm**

**Mr Attwood:** Thank you, Mr Speaker.

I think that the Minister listened very intently to what Mr Farry said and rightly so, because the Minister has an enormous range of responsibilities, and the former Minister had bespoke responsibilities for higher education. Therefore, his contribution was interesting, thorough and worth listening to, as I certainly did. It really is a bit of a giveaway, I think, for a Minister to come to the House arguing for an LCM with the justification that it is:

*"an English framework that has been designed for the English sector".*

Just think about that for a second. It really is a strange political statement to make that it is an English framework designed for England.

On the far side of that, the Minister's argument was that the TEF would be signed up to:

*"solely for the purpose of avoiding any ... reputational impact".*

I think that we should be vigilant in subscribing to any LCM, whatever its nature, when the justification is, on the one hand, that that is what they are doing in England and, on the other hand, that we are worried about reputational impact. Whilst the latter is a good argument, the first is a bad argument. The second is a good argument because we do have to be worried about the reputational impact on Northern Ireland if we do not do x, y or z, but it is not a very strident or substantial material argument to say, "Because we might dig ourselves into a deeper hole, we have to try

to get into a smaller hole". To me, that seems to be what it is about.

I want to say a second thing about Mr Jo Johnson, who is the architect of all this. It is my understanding that, last week at the same conference, he made the following comment:

*"High-quality institutions are compliant institutions."*

Somebody who was at that meeting said to me, "This is what Jo Johnson said: 'High-quality institutions are complaint institutions'. Is it not that that is what this LCM and the London legislation are about?". It is about saying to higher education institutions, "You're going to be compliant. We are going to create a licensing regime that splits research and teaching and says to those who are compliant and do the will of the London Government, 'This is what we want education to look like. Comply and what will happen is that you will get your money'". That is what Jo Johnson could have been saying last week when he said:

*"High-quality institutions are complaint institutions."*

Are we saying that to ourselves and to our higher education institutions, which may be backing this but have been a bit coy about it? Have you heard any big campaign from the higher education leaderships in Northern Ireland saying that this is essential to our future? No, it seems that they are worried about the downside rather than anticipating much of an upside.

If a Minister in London saying:

*"High-quality institutions are compliant institutions",*

is the benchmark of this legislation, that is going to work itself through in the outworkings of the legislation. If a consequence of that will be a separation of regime between teaching and research, and research will be directed more and more in one direction, towards those who are most compliant with a Tory Government agenda, I think that we should be cautious in what we are doing today.

I think that the wiser course of action is to stand back for a moment. I say to Sinn Féin that maybe this deserves a little bit more interrogation. I say to the Minister that, if Jo Johnson is saying that this is the biggest change since the 1990s, should we not at least take the time to work through the impact of the

biggest change in higher education since the 1990s? For those reasons, I urge the Minister not to proceed with the LCM.

**Ms Bailey:** I, too, share a lot of the concerns that have been expressed on the Floor today about the LCM. I represent South Belfast, where Queen's University is based and where we have a large student population. I have not heard any of the universities coming forward to ask us to support the LCM. Quite a number of people who work there have expressed their concerns about what is happening.

I will reiterate a number of issues that have been mentioned in the Chamber about the teaching excellence framework. In other studies, the measurements used have been shown to be gender-biased towards white, male teachers. If that is to be the measurement and something that we are to roll out throughout Northern Ireland, can the Minister give any assurance that we can protect women and the other identified section 75 minority groups in Northern Ireland through an equality impact assessment from any negative impacts? I have not heard any of that being spoken about.

I also share the concerns mentioned about the Office for Students, which does not have any students represented on it. What that does is open the door to businesses and corporations influencing what universities teach and what research they can do. To make those moves will take control away from experts who are working in their field and give it instead to politicians, businesses and corporations. That is not really what education is meant to be about.

We need to look at what is in Northern Ireland's best interests and what our universities need. We need a Bill to work for all learners of all ages in all modes of study, because our further education colleges, as well as our universities, will be impacted on by the LCM.

I echo what Mr Attwood said. This is the biggest shake-up in our education system provision since the 1990s, and we need to give due consideration to and have a proper conversation about what we need. Northern Ireland should not be supporting Tory policy, driven by Tory manifesto pledges, for a solution in England.

**Mr E McCann:** Will the Member give way?

**Ms Bailey:** I certainly will.

**Mr E McCann:** Is the Minister aware that the University and College Union will be making a presentation, including on these matters exactly, at 2.00 pm today in the Senate, just across the Hall? All Members are cordially invited to come along to that meeting.

**Ms Bailey:** That is a timely intervention, as I was about to wrap up anyway.

I will not be supporting the LCM. I want to see put in place something more specific to the needs of Northern Ireland, our students and our future economic drivers. We need to be able to keep supporting all levels of and all subjects in further education and not start driving towards the notion that studying 6th-century history is of no use to anyone.

**Mr Carroll:** Significant concerns have been raised about the Bill and the general ethos that lies at its heart — issues that are important to consider in the debate. Those concerns have been raised by people who work in higher education, by unions such as the UCU and by bodies, such as the NUS and the NUS-USI. As mentioned by my colleague, there is a presentation at 2.00 pm today by the UCU on the alternative vision for higher education, and I encourage everybody to go along to that.

It is worth remembering that, in the past 15 years, we have witnessed an unprecedented assault on education — an assault that is predicated on the marketisation of our universities, the destruction of any notion of an education system that is free at the point of use and the creation of barriers that have significantly reduced accessibility to the system, particularly for those from lower socio-economic backgrounds. It is worth saying that many of those who are proponents of the Bill were beneficiaries of free education, not to mention the old grant system, which gave students funding to cover the costs of studying. Students now graduate with £30,000 to £40,000 of debt tied around their neck, and most students are working at least one part-time job to pay rent and other increasing costs.

The Bill will certainly lead to an ever-increasing drive towards the marketisation of higher education.

The White Paper for the Bill argued that there is insufficient competition between institutions, clearly indicating a drive towards cutthroat market-style competition in our education systems and opening the door to for-profit universities competing in the future. That will



lead to worse outcomes for students, workers and, ultimately, taxpayers in general.

The real danger in general with the Bill is the fact that private providers will be able to award degrees to students, despite having no track record or evidence that they can require and provide a high standard of education and no guarantees that they will be sustainable in providing education for students in the long term. We have already seen Virgin getting access and encroaching on the health service, and we see the Bill pushing to allow private for-profit universities to get their hands on education. No doubt, the interests of the boardroom will come before the interests of proper education and what is best for society generally.

Private providers will be able to do this without any prior experience or evidence that they can deliver, and education, I argue, is too serious to play about with. Reducing the regulation of teaching standards will lead to a race to the bottom, and education as a whole across the board will suffer.

It is worth mentioning that, in the US, private providers face court action for falsifying student records and providing poor standards of teaching. In addition, it is worth saying that the current loan system is unsustainable and unfair; it will see poorer students repaying on average £10,000 more off their loans than their wealthier classmates. Most other OECD countries are making greater public investment in higher education as a consequence of the recession, and, as has been mentioned already, the UK now has the highest average level of student fees in OECD countries. That is a completely unethical way to run a higher education system.

There are many low-income mature people who simply cannot afford to take out a student loan, and the possibility that fees may increase will continue to increase the barriers for those students. These barriers to education need to be tackled and addressed.

Another aspect of the Bill and the LCM that is deeply concerning is the teaching excellence framework. If implemented, it will effectively be a form of popularity contest for rating teaching in institutions. It is extremely worrying that it is being proposed that we go down this path. I think that teaching assessments should be done in an open and democratic way where students should be allowed to come together and collectively discuss and assess courses and teaching through the class rep system and through student unions. Research shows that there is general satisfaction with teaching

across universities. The teaching excellence framework is more about Government ideology and politics than anything else.

If we are serious about improving teaching, it can be done by providing additional public funding to reverse the worsening student:staff ratio, allowing universities to keep class sizes low and by calling for an end to the casualisation process, which is seeing staff having contracts that are not secure and not knowing where they will be teaching from year to year. It can also be done by curbing academic staff workloads, which sees academics working in excess of 50 hours per week, to allow academics to devote more time to students and to keep up with innovation and developments in their field.

We also have to address the fact that we are increasingly hearing reports and proposals from universities in particular to close down courses or amalgamate and to no longer allow single honours for important courses. We have to understand that this is an attack on education that needs to be fought and resisted. Indeed, students and staff in Queen's University did this when it was proposed to stop the teaching of single honours sociology, and they won. So, the lesson is there.

Despite living in an age when we are told that money is tight and funding is not available, the Executive need to address the fact that universities often have large reserves stashed away — Queen's University has at least £500 million in reserves. That money needs to be reinvested in student services, in providing quality education for students, and in secure and well-paid jobs for staff in universities.

We need an education system designed for students that values staff in universities and further education colleges. Unfortunately, the motion does none of that. That is why we will not support it.

**1.15 pm**

**Mr Hamilton:** I thank all Members, irrespective of the positions that they take on this issue, for their contributions during the debate. I think that it goes without saying that our higher education system is a real asset to Northern Ireland in economic and social terms. It has a dual role in providing graduates with the right mixture of skills and knowledge that current and future employers seek and in providing excellent research and innovation. It is fundamental to our aims to develop the Northern Ireland economy. Higher education is also a public good in its own right as it helps

individuals to meet their own personal goals. Being part of the United Kingdom's higher education brand is a critical aspect of the international reputation of our higher education sector and the provisions in the Higher Education and Research Bill that require today's motion to be passed will ensure that that continues to be the case.

*(Madam Principal Deputy Speaker [Ms Ruane] in the Chair)*

I welcome the recommendations that were made by the Committee for the Economy, outlined by the Chair in his contribution. As he and other perhaps better informed Members pointed out, this legislative consent motion is very narrow, covering small technical areas. That did not stop many from finding their voice on this issue and expounding about all sorts of things related to the higher education sector that do not relate to what is in this legislative consent motion.

In short, going back over it briefly, the LCM permits Northern Ireland universities to partake in the teaching excellence framework. It is not compulsory, and it is not automatic. As Dr Farry in his contribution pointed out, repeating what I said, it requires the Minister of the day, whether it be him, I or whoever else, to authorise that participation. It is us responding to universities' request for reputational reasons. One Member said that they had not heard any university speaking in favour of any aspect of this Bill. Ulster University wrote to the Committee during its work and pointed out in respect of the TEF:

*"an arrangement that allows for our participation in the teaching excellence framework is welcome".*

Universities want to be part of this for reputational reasons, particularly, as I have pointed out before, in attracting international students. It is undoubtedly the case that we have seen in various newspapers the ranking of universities and a whole range of different measures. Whether we like those measures or not, they happen and they do have an impact on student choices. They could well particularly have an impact on international student choices as these league tables are developed. Dr Farry pointed out the importance of international students to our universities and, indeed, the under-representation of international students in Northern Ireland versus other universities in the UK or Ireland. For those back at home who are making sponsorship decisions on where they want to send students, it could well be that they

are looking at the teaching excellence framework, in the context of the UK higher education brand, as to where they may fund students to go. Therefore, whether we like it or not, it will be important in those key decisions for students and, indeed, for international students. I think that it is right that we retain the right to participate in the teaching excellence framework for those reasons.

The second thing that the LCM covers is that it aligns Northern Ireland with the new UK system, that being the new Office for Students and also UK Research and Innovation. There is a risk of losing some important joint working on key aspects of the UK system including, as was much mentioned in the debate, the research excellence framework. Major reputational damage to Northern Ireland's universities could happen if we are not part of, or are out of step with, the wider UK university brand.

I want to address some of the issues that were raised by the Chair and others about the five recommendations that the Committee made in its report. The first was around the Open University's point about working for all learners of all ages and in all modes of study. I absolutely acknowledge those concerns. The Open University's input to the Committee appears to be nigh on a replica of input to the submission on the UK Bill as a whole and not necessarily specific or tailored to this legislative consent motion. This area is not part of the LCM. As the Chair mentioned, it is a matter that ought to be taken forward through the parliamentary system, and I am sure that the Open University and others will lobby for some assurances for this as the Bill moves through the Lords and other stages.

The second issue is the NUS-USI and UCU proposal for representation on the board of the Office for Students. Inclusion of someone on the board with experience of student representation has been brought forward by a Government amendment to the Bill, and that person must specifically have experience in promoting student interests. It could, in fact, include a former president of Queen's Students' Union if they so wish, but I am sure we would not want to subject anybody to that sort of onerous responsibility. That person could be — it is not specified that this is the case — a student representative, but it has to be somebody who has an interest in promoting student interests. The fact that it is a Government amendment shows some acknowledgement of the issue that has been raised by the Committee and, indeed, others from the higher education sector.

The third point is that link to tuition fee levels. I think there has been a huge misunderstanding of this. I was shocked by Mr Aiken's opposition to the Bill. He was atypically dispassionate in his opposition to it, and that rang more of opposition for opposition's sake than of anything constructive. I hope I have made this clear: the issue here is very different issue compared with that in England. In England, inflationary fee increases will in future be linked to teaching excellence framework outcomes. That is not and never has been the case in Northern Ireland. England wants to link inflationary fee increases to the TEF, whereas inflationary fee increases in Northern Ireland are automatic.

Moving to the fourth recommendation made by the Committee, which was about the metrics used for the measurement of teaching excellence in the TEF, I will say that the teaching excellence framework is, as I and others pointed out, an English policy. That was pointed out by Dr Farry in his very intelligent and useful contribution to the debate. I do not want to deny participation in the TEF to Northern Ireland's higher education institutions for the aforementioned reputational reasons. There are concerns, and I accept them, about the metrics that are used, but this is an evolving process. The current metrics are set for two years, I understand, and they will be subject to potential change. I think there were similar issues with the introduction of the research excellence framework that have been broadly ironed out and are now widely recognised by the sector as being, on balance, positive.

The fifth recommendation was on a separate Northern Ireland teaching excellence framework panel. Again, I reiterate the point that this is an English policy. However, the Government have been cognisant of the need to have Northern Ireland's views and, indeed, those of other devolved Administrations represented, so, again, there is an amendment saying that the board will have someone with devolved Administration experience included and the TEF panel will have devolved representation on it. As I understand it, a Northern Ireland representative will be on that panel. I hope that will mitigate the need for a specific Northern Ireland panel.

I want, and I am sure everybody in the House wants, to attract more international students to Northern Ireland and to attract research excellence and retain it here in Northern Ireland. The universities are saying they want to take part in the teaching excellence framework. I already referenced what the Ulster University said. That was not necessarily

said from any love or particular affinity to the TEF on its part; it is because it wants to be part of that wider UK higher education brand and wants to use it. Whatever the shortcomings Dr Farry and others pointed out, it is a strong brand internationally, and the Northern Ireland universities' participation under the umbrella of that brand helps to attract international students and research excellence to these shores. We want to use it for those purposes.

The LCM is narrow and technical, and I hope I have given some reassurance. Some Members, of course, came into the House asking for reassurance but would never accept it even if it were given to them. Notwithstanding that, I commend the motion to the House.

*Question put.*

*The Assembly divided:*

*Ayes 58; Noes 28.*

#### **AYES**

*Mr Allister, Mr Anderson, Ms Archibald, Ms Armstrong, Mr Bell, Mr Boylan, Ms Boyle, Mr M Bradley, Ms P Bradley, Ms Bradshaw, Mr K Buchanan, Mr T Buchanan, Mr Clarke, Mr Dickson, Ms Dillon, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Ms Fearon, Mrs Foster, Mr Frew, Ms Gildernew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Ms Lockhart, Mr Logan, Mr Lunn, Mr Lynch, Mr Lyons, Mr Lyttle, Mr McAleer, Mr F McCann, Mr McCartney, Mr McGuigan, Mr McGuinness, Miss McIlveen, Mr McMullan, Mr McQuillan, Mr Maskey, Mr Middleton, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr Robinson, Ms Seeley, Mr Sheehan, Mr Stafford, Mr Storey, Ms Sugden, Mr Weir.*

*Tellers for the Ayes: Mr McQuillan and Mr Robinson*

#### **NOES**

*Mr Agnew, Mr Aiken, Mr Allen, Mr Attwood, Ms Bailey, Mrs Barton, Mr Beattie, Mr Beggs, Ms S Bradley, Mr Butler, Mr Carroll, Mr Chambers, Mrs Dobson, Mr Durkan, Mr Eastwood, Ms Hanna, Mr Kennedy, Mr E McCann, Mr McCrossan, Mr McKee, Mr McNulty, Mr McPhillips, Ms Mallon, Mr Mullan, Mr Nesbitt, Mrs Overend, Mrs Palmer, Mr Smith.*

*Tellers for the Noes: Mr Aiken and Ms S Bradley*

*Question accordingly agreed to.*

*Resolved:*

*That this Assembly endorses the principle of the extension to Northern Ireland of the provisions of the Higher Education and Research Bill relating to joint working and advisory services, the teaching excellence framework and powers to fund research.*

## **Further Education (Governing Body of Institution of Further Education) Order (Northern Ireland) 2016**

**Mr Hamilton (The Minister for the Economy):**  
I beg to move

*That the Further Education (Governing Body of Institution of Further Education) Order (Northern Ireland) 2016 be affirmed.*

I am seeking the Assembly's affirmation for the Further Education (Governing Body of Institution of Further Education) Order (Northern Ireland) 2016. The order will not come into operation until approved by this Assembly. It will amend the Further Education (Northern Ireland) Order 1997 by removing the right of the Education Authority to nominate two individuals for appointment to each of the governing bodies of the six Northern Ireland further education colleges. In addition, the order will allow current governing body members who were appointed as a result of an Education Authority nomination to see out the terms of their appointment.

Subsequently, the intention is to replace Education Authority members through a public appointment competition aimed at recruiting those from a business, industry or professional background.

The further education sector has achieved much in recent times. Its capacity to develop our workforce, to support employers and to help stimulate economic growth must not be underestimated. Colleges engaged 120,000 learners during the last academic year and were responsible for around £200 million-worth of public expenditure.

The services that colleges deliver under the direction of their governing bodies impact on the lives of many people. My Department must ensure that the six further education colleges have in place governing bodies that are able to provide effective and efficient management of their college. The bodies provide strategic leadership, as well as performing key governance and accountability functions. Against that background, we must take their governance arrangements with the utmost seriousness, both to ensure proper accountability and to enhance the positive influence our further education sector has across our society.

A governing body's membership, role and proceedings are governed by the Further Education (Northern Ireland) Order 1997, which

requires that each body has 12 to 18 members. Of those 18 members, 10 are from a business, industry or professional background; one is the college principal; two are elected by the staff of the college; one is elected by the students of the college; two are nominated by the Education Authority; and two may be co-opted by the governing body — for instance, to bring in specialised expertise. Importantly, 10 of the governing body members must come from a business, industry or professional background and are recruited through public competitions that are regulated by the Commissioner for Public Appointments for Northern Ireland.

The aim of the proposed legislative change today is to address the position of the appointments that are made on the basis of a nomination by the Education Authority, which, Members will recall, previously took the form of the education and library boards. Simply put, there is no longer a justification to retain Education Authority nominations. The nomination rights are a residual power deriving from the 1997 Order and the education and library boards' former responsibility for the further education colleges. The original justification for the representation has been overtaken by the passage of time and the emergence of colleges as larger, self-governing, business-orientated entities with a more significant role in supporting the development of students and helping to grow the Northern Ireland economy. The new and emerging role of the single Education Authority no longer resembles the regionalised predecessor organisations that had responsibility for the colleges. Indeed, the colleges themselves have a different regional emphasis than when originally established. Therefore, the historical rationale for the nomination rights no longer exists.

Effective policy and operational linking mechanisms can more easily be developed between my Department, the Department of Education, the Education Authority and the FE colleges outside the limitations of the legislation. The ongoing use of the nomination rights also represents unregulated appointments within a body regulated by public appointments standards. That is at odds with my Department's overriding responsibility for effective governance, which assumes the appointment of members who have specific knowledge, skills and experience appropriate to the demands of the role.

Finally, the role is predominantly operational, and appointees must oversee the efficient, economical and effective management of all of

the college's resources and expenditure rather than represent the interests of others.

For those reasons, it is sensible to modernise our approach. In doing so, I wish to raise the level of influence of those from a business, industry or professional background on our college governing bodies. This, in my view, can help create stronger links with our business community. To ensure a smooth transition, the order will allow existing governing body members whose appointments arose from the Education Authority or its predecessor bodies to continue in post until the end of their current term of appointment. Following that, vacancies that arise will be filled through a regulated public appointments competition that is more open. Critically, an open competition will widen the talent pool that can apply to undertake a governing body role and will focus on the recruitment of those from a business, industry or professional background. The changes proposed by the order are not expected to attract additional cost, nor will they have any negative equality impacts; indeed, it is more likely that the change will promote participation by those who are currently under-represented on our public bodies, such as women, people with a disability and ethnic minorities.

Let me conclude by thanking the members of the Economy Committee for their consideration of the policy content of the proposed legislation and, indeed, for their scrutiny of the order itself. I hope that I have provided sufficient explanation of the purpose of the order and will, of course, respond to points made by Members in my closing remarks.

**1.45 pm**

**Mr Murphy (The Chairperson of the Committee for the Economy):** I will not rehearse the content of the statutory rule, because the Minister has adequately addressed the matters contained in it. I will focus on the Committee's scrutiny of it. We considered the policy proposal for the rule at our meeting on 7 September 2016. The Committee was content for the proposal to proceed. The statutory rule was then considered by the Committee at its meeting on 16 November 2016, and members were content with it. Therefore, on behalf of the Committee, I support the motion to affirm the order.

**Mr Hamilton:** I am grateful to the Chairman for his contribution. This is a simple, straightforward and ultimately positive change that will have a practical benefit for our further education institutions. It should also provide

more opportunity for business and professional people to play an even greater role in the sector and, in turn, allow our colleges to better meet the needs of our economy. I commend the order to the Assembly.

*Question put and agreed to.*

*Resolved:*

*That the Further Education (Governing Body of Institution of Further Education) Order (Northern Ireland) 2016 be affirmed.*

## **Policing and Crime Bill: Legislative Consent Motion**

**Madam Principal Deputy Speaker:** One amendment has been selected and is published on the Marshalled List.

**Ms Sugden (The Minister of Justice):** I beg to move

*That this Assembly endorses the principle of the extension to Northern Ireland of a number of provisions within the Policing and Crime Bill, by amendment at Lords Committee and Lords Report stage, in so far as they related to UK maritime enforcement powers; UK cross-jurisdictional arrest powers; anonymity for victims of forced marriage and pardons for convictions of certain abolished offences.*

The Policing and Crime Bill was introduced at Westminster on 10 February this year and is expected to complete its final stage in December. It is a carry-over Bill from the previous parliamentary session and contains a wide range of policy proposals that form part of the United Kingdom Government's manifesto commitment to complete the work on police reform and improve further the efficiency and effectiveness of the police. The wider provisions will also lead to closer collaboration with other emergency services; enhance the democratic accountability of the police and fire and rescue services; help increase public confidence in policing; strengthen the protection for suspects under investigation by or who come into contact with the police; ensure that the police and other law enforcement agencies have the powers that they need to prevent, detect and investigate crime; and further safeguard children and young people from sexual exploitation. There are specific provisions in the Bill that either have a UK cross-jurisdictional dimension or make provision for matters that, I believe, will benefit the law in Northern Ireland by way of extension or by separate provision, subject to the legislative consent of the Assembly.

The motion is on four separate and distinct policy proposals, all of which relate to devolved matters and fall within the criminal justice sphere. First, there are provisions that deal with maritime enforcement powers for wider criminality at sea. Law enforcement officers in Northern Ireland have maritime enforcement powers under the Modern Slavery Act 2015 to deal with the specific offences of human trafficking and of slavery, servitude and forced and compulsory labour. They also have separate powers to tackle the illicit trafficking of

controlled drugs. The proposal will extend equivalent maritime enforcement powers for the purposes of preventing, detecting or investigating any offence under the law of Northern Ireland by a United Kingdom or foreign vessel in Northern Ireland waters. The powers to be made available to law enforcement officers will allow them to stop, board, divert and detain a vessel, to search it and obtain information and to arrest suspects and seize property. The introduction of the powers in England, Wales and Scotland and their extension to Northern Ireland via the motion will ensure that police across the United Kingdom and appropriate law enforcement officers have at their disposal the powers they need to deal effectively with broader criminal activity should it arise on board vessels in the respective territorial waters. All territorial waters will remain the responsibility of the respective authorities.

While recognising that such circumstances are likely to be infrequent, I want to ensure that reciprocal provisions are made for hot pursuit. My Department will seek to make provision for hot-pursuit powers for the PSNI, subject, of course, to securing the agreement of the Policing Board on accountability and agreeing with the Scottish Government the oversight arrangements for Police Scotland.

Once the necessary agreements are in place, I will then seek to identify a legislative vehicle to take this forward at the earliest opportunity.

The second proposal relates to an important change to the current UK cross-jurisdictional arrest powers. Currently, police officers need a warrant in their own jurisdiction to arrest a person suspected of having committed an offence in another UK jurisdiction. What is proposed is a power for officers to arrest without a warrant someone suspected of committing a serious offence in another part of the UK. In effect, this will enable the person to be detained in police custody, for a time-bound period, pending the arrival of officers from the jurisdiction where the suspect is wanted. The person will then be rearrested and returned for questioning. The detention period will be subject to regular review, and the arrested person will be afforded the same rights and entitlements as in the jurisdiction where the alleged offence was committed. It is also intended that the power of arrest will be restricted to any offence that may attract a period of imprisonment of 10 years or more and to a list of other specified offences considered serious enough for inclusion.

The third element relates to forced marriage. Currently, a victim of forced marriage may be granted anonymity at the discretion of the court, but that is not automatic. This proposal is aimed at providing automatic anonymity to victims of forced marriage, similar to that introduced for victims of female genital mutilation, which was extended to Northern Ireland under the Serious Crime Act 2015 by use of a legislative consent motion. We know that forced marriage is a hidden crime, and this measure will give victims the confidence to come forward so that they receive the support that they deserve and that perpetrators are brought to justice.

The fourth and final policy proposal in the motion relates to pardons for convictions for certain abolished sexual offences. The United Kingdom Government have indicated their support for late amendments to the Policing and Crime Bill to provide, in England and Wales, statutory pardons for gay and bisexual men convicted of certain sexual offences that are not offences today. In order to qualify for a pardon, the activity must have been consensual and involve a person aged 16 or over, which is the current age of consent. These amendments build on an existing provision in the Protection of Freedoms Act 2012, which introduced a disregard scheme for such offences in England and Wales. A successful application for a disregard results in details of such criminal convictions being deleted from relevant official records. These earlier provisions, however, do not extend to Northern Ireland. The latest amendments for England and Wales will mean that anyone who has their conviction or caution disregarded through these provisions will automatically be pardoned for the offence. In addition, the amendments will confer an automatic posthumous pardon on those with convictions or cautions for the same offences.

The draft provisions, which the motion asks the Assembly to agree, would introduce similar arrangements for Northern Ireland. A disregard scheme would be introduced, whereby individuals could apply to my Department to have their convictions for certain abolished offences disregarded on criminal records, and, where the application was successful, an automatic pardon would be conferred. An automatic pardon would also apply in posthumous cases.

I believe that giving permission for Westminster to pass these provisions for Northern Ireland offers an immediate opportunity for the criminal justice system here to right the wrongs of the past. It will also allow us to consider additional detailed issues unique to Northern Ireland. In

the meantime, we can at least ensure that the criminal law in Northern Ireland offers equality of treatment for gay and bisexual men in Northern Ireland, as it would do in England and Wales.

There is one aspect of the provisions that I know has caused some interest and concern. That is the perceived inequality of offering pardons for convictions for same-sex but not for opposite-sex activity after the age of consent equalised at 17 for all sexual activity. The Justice Committee referred to this issue when my officials gave evidence on the pardon amendments at its meeting on 10 November. The Member for North Antrim who will move the amendment to take these provisions out of the motion has also raised concerns over equality. The Department has taken account of its section 75 duty to have regard to the need to promote equality of opportunity between persons of different sexual orientation.

These amendments to the Policing and Crime Bill provide an opportunity, in this respect, to address the historic wrongs suffered by gay and bisexual men who were criminalised over a long period for something that society regards today as normal sexual activity. I am, however, aware that we have an added dimension here because parity in the age of consent with the rest of the UK did not happen here until 2009, when it became 16. The criteria for a successful application for a disregard, and subsequent pardon, in England and Wales are that the activity was consensual and that the other party was aged 16 or over. In England and Wales the age of 16 has been the age of consent for sexual activity with girls since the 19th century. However, up until 1967 all sexual activity between men of any age was criminalised. It was not until 2000 that the age of consent for sexual activity between men was equalised at 16. After that, there was no longer any discrimination against same-sex activity.

In Northern Ireland, the age of consent was set in 1950 at 17 for heterosexual activity. However, all sexual activity between men was criminalised up to 1982. Again, it was 2000 before the age of consent was equalised for both genders, but here the age was set at 17. After that, it is hard to see any further discrimination between the genders and, therefore, my view is that there is no obvious requirement to offer disregards and pardons for offences where the other party was 16, as this age of consent applied to all sexual activity of whatever gender.

A specific issue for Northern Ireland arises because our age of consent changed again in

2009 for both genders and is now, as in the rest of the UK, 16. I acknowledge that this means that consensual sexual activity before 2009 where the other party was 16 is no longer considered to be criminal behaviour. However, this is the same for sex with either a boy or girl of that age. It is my opinion that the policy basis for the disregard arrangements and the proposed pardons is not just to address convictions for offences purely on the basis that the activity is no longer considered to be unlawful, although that of course is part of it, but rather to right the fundamental wrongs brought about by a criminal law which allowed and perpetrated discrimination and social injustice for a long period against a specific group of people.

These arrangements are not, and should not be, only about the fact that these offences have been decriminalised. I do not think that there would be a consensus that, simply because decriminalisation occurred, there was an injustice to those previously convicted. The reason for such a significant gesture goes much deeper, and we need to acknowledge that. My view at this time is that we can ask Parliament to introduce legislation for us on the same footing as in England and Wales, which, for now, means disregards and pardons for consensual activity with a person aged 17 or over. I am, however, not ruling anything out at this stage. I am happy to offer a commitment to look again at the whole issue of consensual sexual offences involving 16-year-olds and to bring it back to the Assembly for consideration. As this situation is unique to Northern Ireland, it is only right that we have time to properly consider the policy and to provide an opportunity for this Assembly to make a decision.

Madam Principal Deputy Speaker, I commend this LCM to the Assembly.

**Madam Principal Deputy Speaker:** As Question Time begins at 2.00 pm, I suggest that the House take its ease until then. The debate will continue after Question Time, when the next Member to speak will be Jim Allister.

*The debate stood suspended.*



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

2.00 pm

## Oral Answers to Questions

### Health

**Mr Deputy Speaker (Mr Kennedy):** Order. We will start with listed questions. I advise the House that questions 6 and 13 have been withdrawn.

### Ovarian Cancer

1. **Mr Poots** asked the Minister of Health whether she plans to deliver a campaign targeting ovarian cancer. (AQO 744/16-21)

**Mrs O'Neill (The Minister of Health):** The Public Health Agency (PHA) is delivering a Be Cancer Aware campaign to improve the public's awareness of signs and symptoms of cancer. As part of the campaign, the Public Health Agency undertook a specific ovarian cancer-awareness programme in September 2014 in partnership with Target Ovarian Cancer and Angels of Hope, which is a local charity. That entailed the widespread distribution of leaflets and posters to highlight the signs and symptoms of the illness. The leaflets and posters were distributed to hairdressing salons, bingo halls, pharmacies and GP practices. They helped to raise awareness of the signs and symptoms, in particular among women over the age of 50, and encouraged women to speak to their GP if they experienced any of those symptoms. The Public Health Agency also worked with the late Una Crudden to produce a video calling on women to read the leaflets and make themselves aware of the symptoms of ovarian cancer. The agency has also developed a Be Cancer Aware website that provides information about the signs and symptoms of a range of cancers, including ovarian cancer, and explains what people can do if they are concerned. It also includes signposts to recommended sources of support.

Public awareness of the signs and symptoms of cancer is a key factor in detecting cancers early and increasing the chances of successful treatment and survival. Raising awareness, therefore, could have the greatest impact on patient numbers and tackling cancer in areas of deprivation, where survival has historically been poorest. Prevention and early intervention are very much in keeping with my vision of Delivering Together. We need to support people to keep well in the first place and, when

they need care and support, services should be safe and of the highest quality. The Public Health Agency is reviewing available evidence from other cancer-awareness campaigns to help inform the next phase of the Be Cancer Aware programme. However, specific cancer sites are yet to be decided for the next phase of the programme.

**Mr Poots:** I welcome the Minister's clarification. Una Crudden and Angels of Hope have done tremendous work on raising awareness of ovarian cancer, which is generally known as a silent killer. What importance does the Minister's place on ensuring that what was desired by the late Una Crudden, which is a campaign specific to ovarian cancer, happens? What is her position on that? Does she intend to have a full-blown ovarian cancer awareness campaign as opposed to integrating it with other cancers?

**Mrs O'Neill:** I will obviously put on record that Una Crudden was an amazing woman. She used her own difficult circumstances to highlight ovarian cancer for other women. I commend her for that. I had the pleasure of meeting her; she was an absolutely lovely lady. Quite often, the public tend to listen more when they hear a real human story about someone's cancer journey and how they dealt with their illness.

I do not have a closed mind to the idea of an ovarian cancer-specific campaign, but it is important that we analyse how effective the previous work done on awareness has been and we target our resources to make sure we reach the largest number of people possible. I really believe in early intervention and prevention. We need to do more in the public health agenda. When it comes to reviewing how effective those campaigns are, I am very happy to look at where we can have the greatest impact through patient numbers, as I said, and on tackling cancer in areas of deprivation, where survival has historically been poorest. It is not ruled out. I am happy to correspond with the Member as we develop the next stage of the awareness campaign.

**Mrs Dobson:** I also remember well, and pay tribute to, the personal crusade of Una Crudden as we approach the second anniversary of her death. Minister, you will be aware of the facts of the more aggressive cancers, but what assurances can you provide us with that new drugs developed here in Northern Ireland will be made available to local patients diagnosed with ovarian cancer?

**Mrs O'Neill:** I think the Member is referring to the cancer drugs fund that exists in England. Obviously, we have our own processes here in the North through the individual funding request (IFR) process that exists to enable access to specialist drugs whose clinical and cost-effectiveness has not been fully established. I think we all realise that the current process has flaws. It should be less cumbersome and a bit more transparent, I think, in allowing access.

Officials are working with the clinicians, who obviously have the expertise, to develop a new individual funding request process. That new process will ensure that any individual funding requests are clinically assessed and scrutinised by a regional committee to give assurances that clinical judgement and patient care are at the heart of the process. It will also improve access to these drugs, provided that there is a compelling clinical case.

We always have to be aware that reforming the individual funding request process and increasing access to drugs not fully endorsed by NICE will carry a significant cost at a time when the health and social care budget is facing real pressures. Let me be very clear, all cancer drugs that have been recommended by NICE for routine use in the health service are available in the North. It is only for those that have not been recommended by NICE that patients are asked to use the individual funding request process.

My predecessor established the clinically led task and finish group to reform the process and went out to consultation. I aim to introduce the new arrangements during 2016-17 on a phased basis. Over the next number of months, we will have the new process rolled out. For me, it has to be transparent and people need to know how to access the help that they need.

**Mr Milne:** What impact is the current Be Cancer Aware campaign having?

**Mrs O'Neill:** A range of topics are covered in the campaign evaluation, including awareness of cancer advertising and symptoms and knowledge and recognition of the relevant campaign material. The aim is to look at changes in recognition and knowledge between pre- and post-campaign interviews. For each Be Cancer Aware campaign and targeted cancer site — for example, lung, bowel and breast — there is a comprehensive evaluation process that covers a number of different indicators. Together, that gives us a detailed picture of the potential campaign effects. The indicators used in the Be Cancer Aware

evaluation are, for example, how the campaign reached individuals, public awareness of the signs and symptoms of cancer, the number of people being referred urgently for suspected cancer by GPs and the proportion of urgent referrals that result in a cancer diagnosis. Evaluations have shown that each campaign phase has had a good campaign reach through the population. Other important measures of campaign outcomes include the stage of the disease, the diagnosis and survival rates. Data for these indicators take much longer to come through and are not yet available.

**Mr Durkan:** Last year, a report by the Target Ovarian Cancer charity highlighted that women in the North have the worst survival rates and the worst chance of having access to a clinical trial than elsewhere on these islands. Is that still the case?

**Mrs O'Neill:** In comparison rates with, for example, England, we do not perform as well. I am not sure about the South. I am happy to provide that detail to the Member. Suffice to say that, whenever it comes to awareness, we have to do everything that we possibly can on awareness campaigns. Whether that is for ovarian cancer, lung cancer, breast cancer or any of the other cancers, it is important that we reach as many people as possible and that we drive home that early intervention and early detection message. We all know that, if cancer is discovered earlier, the chances of survival and getting support are obviously a lot higher.

I am happy to write to the Member with the specific statistics. For the record, I will make sure that we thoroughly review the impact of the campaigns that we have had to date and make sure that, when it comes to future campaigns, we target those areas where we absolutely can make a massive difference.

**Mr Lyttle:** When he was Health Minister, it was my privilege to present Edwin Poots with a thousand-strong petition for a targeted stand-alone ovarian cancer awareness campaign, not least because of the vital importance of early diagnosis and accurate GP referral. At that time, we were told that being part of the Be Cancer Awareness campaign would be the approach to take.

**Mr Deputy Speaker (Mr Kennedy):** Will the Member ask the question, please?

**Mr Lyttle:** Therefore, I ask the Minister to consider in her review whether being part of the Be Cancer Awareness campaign rather than a targeted stand-alone campaign was the best

approach? Is she willing to meet with a deputation of women who are affected by ovarian cancer to include them in that review?

**Mrs O'Neill:** The review work happens across the PHA, and I am quite sure that it will be very happy to meet with the women who have been impacted and who actually know how it is to go through an ovarian cancer diagnosis. I am very happy to engage with individuals and my door is open. It is important that, if we are going to have awareness campaigns, we target them where we can make the best effect. So whether that be a stand alone campaign or as part of Be Cancer Aware, I am open for that conversation.

### **South Tyrone Hospital: Inpatient Services**

2. **Mr McPhillips** asked the Minister of Health whether her Department will close inpatient services at the South Tyrone Hospital with a view to increasing provision at Craigavon Area Hospital. (AQO 745/16-21)

**Mrs O'Neill:** Following a full public consultation in 2014 about the future provision of hospital services for older people, the Southern Health and Social Care Trust's long-term plan is that all inpatient care will be delivered at Craigavon Area Hospital and Daisy Hill Hospital. However, it was acknowledged that the transfer of inpatient services from Loane House on the South Tyrone Hospital site would be dependent on the trust securing the necessary capital investment for the construction of a new unit on the Craigavon Area Hospital site. Therefore, there are no immediate plans for the closure of Loane House.

As set out in 'Health and Wellbeing 2026: Delivering Together', my Department and I will work with the wider health and social care system to design new partnership approaches to the planning and management of health and social care services. I want the new model of person-centred care to be designed in collaboration with people and communities and to be focused on what services people need and on how they can be provided most effectively, rather than on the buildings in which they are provided. The way we design and deliver services will be focused on providing continuity of care in an organised way and will increasingly involve working across traditional organisational boundaries.

**Mr McPhillips:** I thank the Minister for her answer. A new £450 million hospital build has been confirmed for Craigavon. How does that

fit in with Bengoa and the Minister's vision for health and social care in that region?

**Mrs O'Neill:** The Southern Trust has identified the redevelopment of the Craigavon Area Hospital site as one of its key capital projects, and the Department recognises that it is a priority project. However, there are a number of similar large-scale priority projects across the HSC that will also require significant levels of funding. Plans for a new build are with the Department for consideration, and we are actively looking at them.

The key drivers for the project are the condition of the existing estate and the growing population and associated hospital activity. The capital costs for phase 1 of the new build are over £450 million, so a decision on the progression of the project will be considered alongside other capital investment priorities and will be further dependent on budgetary availability, value for money and affordability. However, given the level of commitments that we have in 2017-18 and 2018-19, this cannot be funded without substantial additional capital resource. Obviously, I am involved in the Budget 2017 process, which is expected to conclude by the end of this year. While the redevelopment of the Craigavon Area Hospital site is a priority project, it is important that we continue to look at everything now in the context of Delivering Together and how we are going to transform health and social care. That will be part of my key considerations for future services, whether in the Southern Trust area or any trust area.

**Mrs Barton:** Minister, concerns are growing in the Western Trust that services will be downgraded in one of its hospitals to increase provision in the other. Will you give a commitment that the Bengoa reconfigurations will not merely be used as a convenient smokescreen to move stroke services from the South West Acute Hospital to Altnagelvin Hospital?

**Mrs O'Neill:** I thank the Member for her question. She will know that I am also a rural MLA and am very conscious of the needs of rural people. I want to make sure that people have full access to services on an equal basis. Bengoa and Delivering Together are not about withdrawing services. They are about reforming our health and social care system and delivering better health outcomes for individuals. There is a lot of potential there for services to be delivered at some Western Trust sites and, indeed, at many other sites.

When we look to the future, we should be looking towards opportunities. I am certainly looking towards that, because we all need to have a conversation about how we deliver better health and social care for all our population. That is what I am wedded to, but nobody should scaremonger or run ahead of themselves. I have said that I will listen to staff and patients, and I will design services with those people so there will be no surprises. All the decisions that will be taken about where we deliver services in future will be taken with full public consultation. Those decisions will be taken on board from the outset, not just as a tick-box exercise or as a consultation mechanism further down the line. From the outset, I will involve all those people in how we reconfigure services. The key goal and prize for me is better health and social care for everybody.

**Ms Gildernew:** The Minister is all too aware of just how busy the South Tyrone Hospital site is. Will she expand on how she sees South Tyrone Hospital fitting in with her approach as outlined in *Delivering Together*?

**Mrs O'Neill:** As I said, it is too early to say what services will be provided in any individual hospital. However, I expect that the potential of the South Tyrone Hospital will be fully explored as the transformation process goes forward. Again, there are opportunities. You are absolutely right: South Tyrone Hospital provides a range of services to the local population and is an excellent example of a flexible and resilient local hospital.

In addition to the 45-bed inpatient rehabilitation unit at Loane House, South Tyrone Hospital has a 15-place day hospital for elderly patients. It has a rapid access clinic that provides care for older people referred by their GP who need to be seen within 24 to 72 hours but are not acutely ill and do not need to be admitted to hospital. South Tyrone Hospital has the largest minor injuries unit, which sees more than 26,000 patients a year, giving it a vital role in providing care locally and reducing some of the pressure on the larger emergency departments. The hospital provides day surgery and diagnostics, including CT scanning, and a range of outpatient clinics and allied health professional services. The hospital is also the base for many of the community care services and specialist teams that help people to be cared for in their home and in the community as far as possible, including the community stroke team, community diabetes team, acute care at home team, community palliative care team,

adult mental health teams and the area's health visitor and social work teams.

It is a very busy hospital, and, as I said, the potential exists for South Tyrone Hospital to do more. I am currently undertaking a process of engagement with stakeholders across health and social care to build a collective view about how our health and social care services should be configured in the future.

2.15 pm

### **Antrim Area Hospital: Outpatient Waiting Times**

3. **Mr Aiken** asked the Minister of Health, given that the maximum permitted waiting time for a first outpatient appointment has increased from 18 weeks in the 2015-16 ministerial target to 52 weeks in the 2016-17 ministerial target, what has been the impact on the number of patients waiting longer than the maximum permitted time in the Antrim Area Hospital. (AQO 746/16-21)

**Mrs O'Neill:** The latest provisional information indicates that, at 31 October 2016, the number of people waiting longer than 18 weeks for a consultant-led outpatient appointment at Antrim Area Hospital had increased by 1,382 compared with the same period last year. Currently, 777 people are waiting more than 52 weeks.

In order to minimise the impact on patients, the Health and Social Care Board continues to work with the trusts to maximise the delivery of funded capacity and ensure the application of good waiting list management practice, including assessing and treating urgent cases first and, thereafter, seeing and treating patients in chronological order.

I am firmly of the view that the current waiting lists are unacceptably long. However, unless we tackle the root causes, that will remain the case, as we have a 20th-century model delivering services for a 21st-century population. This is having an increasingly negative impact on the quality and experience of care. The long-term solution is the transformation of our health and social care system as outlined in *'Delivering Together'*. It is only by transforming the health and social care system and implementing new models of care that we will be able to alleviate the pressures on our health and social care services, sustain improvements in waiting times and deliver better outcomes for patients.

That said, I pay tribute to staff right across HSC. In the first half of this year alone, there have been over 240,000 consultant-led outpatient appointments and nearly 89,000 admissions for inpatient day-case treatment. Notwithstanding the structural issues, they continue to work incredibly hard to deliver the best possible service to patients.

**Mr Aiken:** In view of the awful figures that we hear from Antrim Area Hospital, can the Minister — given the recent media reports on the lengthening of waiting list times — explain how massaging targets to match the poor performance of her Department is beneficial to the near quarter of a million cases on our waiting lists?

**Mrs O'Neill:** I am not interested in massaging anything; I am interested in making sure that people get seen in the most timely manner and get the health and social care that they deserve when they need it. That is my priority as Health Minister.

I have said clearly that we need to transform health and social care. We are trying to deliver 21st-century health and social care with a 20th-century system that is out of date and cannot keep up with the rising demand. We have more people being seen, but, obviously, people are living longer and have more complex conditions, which makes it all very difficult.

We have short-term initiatives, and we have longer-term initiatives. In the longer term, let us transform health and social care. I want to work with all the parties in the House to deliver that, because, if we do not do that, we will be having this conversation for many, many years to come. In the short term, I am about making sure that my Department does absolutely everything it can. It is about maximising the delivery of the commissioned volumes that our trusts are commissioned to deliver. It is about continuing to prioritise patients by clinical urgency. It is about the chronological management of non-urgent patients. It is about using the dedicated schedule and staff to manage the patient pathways. It is about overtime clinics. It is about a range of issues. I have identified £4 million to invest in elective care over the next number of months to allow us to do more and reach an additional 10,000 people. That shows the Executive's commitment to dealing with waiting lists.

I said that I would publish my plan in January in relation to elective care and set out targets for dealing with waiting lists. Let us be very clear: I did not inherit this problem, and it did not happen overnight. It has been the result of

year-on-year cuts to the block grant by the Tory Government. It has been about their austerity policies. *[Interruption.]* You can laugh all you want, but your friends the Tories cut the Executive's block grant year-on-year and made it really difficult, and we are in the position we are in because of that.

I will not be found wanting in my approach to dealing with waiting lists. I will do absolutely everything that I can. I continually come to the House to say everything that I am doing. I will continue to do that because I want the public to get the message loud and clear: I am doing absolutely everything that I can to bring the waiting lists down. The public will thank us for that, and that is what they should judge us on.

**Ms Hanna:** I thank the Minister for her answers. Earlier this month, the government parties voted against our motion on waiting lists because they said that the figure referred to cases and not to people. The old figures may very well have referred to people. So, on the basis of the old targets, do we know how many humans are actually waiting?

**Mrs O'Neill:** I am not sure that I understand the question, but, on the figures that you refer to, it is important to note that, when we had that recent debate, Members were just adding up x, y and z. Yet when we publish the stats, we are told, "Do not do that. Don't take that approach because it is not an appropriate figure".

The figures that I highlighted in the answer to Mr Aiken are very clear, but they are for the Northern Trust only. It is important that the public understand and have confidence in the fact that we are doing everything that we can. We have to transform health and social care. That is the reality, and it is the longer-term plan. In the meantime, people cannot wait until we get to the point where our health service is transformed, so I have set out all the things that I am doing. I want to bring waiting lists down, because they are totally unacceptable to me. I am happy to be questioned day and daily about what I am doing. I will bring forward a plan in January that will clearly set out how we will do that. We have to transform and bring in ambulatory clinics and assessment centres. We have to do so much more and do it at speed.

**Ms Seeley:** The Minister mentioned the root causes of long waiting times: how does she hope to address those root causes?

**Mrs O'Neill:** As I said, waiting times are a product of increased pressure on the health

service. Demand will continue to grow year on year because we have an ageing population, the emergence of new technologies and changes in practice in healthcare. Those factors will not go away, and we need to consider how we will deal with them in a way that delivers the best outcome for patients and is sustainable in the long term.

The long-term solution is the transformation that I have set out in 'Delivering Together'. We need to move to a population health model and create a more sustainable service, one that makes the best use of the resources that we have to deliver the best possible services to patients. Key areas of innovation that we are considering for the plan, subject, obviously, to securing the required investment, include the further development of ambulatory assessment and treatment centres that will allow patients to be assessed and diagnosed and, if required, to receive a treatment or procedure all in one day. I recently visited similar facilities in the Royal Victoria and the Mater. I was impressed to see the positive impact that they have on the experience for patients and staff. Elective care centres will also be established for less complex, planned treatment. The centres will be a resource for the region, and the way in which they operate will be designed around patients. Put simply, they will allow clinicians to see and treat more patients.

**Ms Bradshaw:** Minister, thank you for your answers so far. I am concerned about the emotional welfare of people sitting on waiting lists, and I would like you to tell me how people are being communicated with and updated on it. Also, are they getting access to emotional, counselling or therapeutic support while they wait? The anxiety and the not knowing can sometimes have a detrimental effect on a person's health.

**Mrs O'Neill:** I encourage anybody who is sitting on a waiting list and has been waiting for a very long time to contact their GP again if their condition is worsening. It is then up to the GP to refer them to the hospital services, to prioritise that patient and ensure that the consultant whom they are waiting to see knows that their needs have changed. That process is ongoing, and we are asking GPs to continually do that. Anybody who has been sitting on a list for a long time whose condition has worsened should go and see their GP.

I absolutely understand how frustrating it is if you have been waiting for a long time, be it for yourself, your children, your parents or anyone else in your family. It is annoying because you are worried about your health and what it

means for you in the future. We have to do everything that we can; that is my focus. It is absolutely about bringing down the waiting lists as quickly as we can and transforming health and social care. I am not aware of any particular initiatives on emotional support or well-being, but, again, anybody who is concerned about that should go back and speak to their GP.

## **Western Trust: Adult Learning Disability Services**

4. **Mr McCrossan** asked the Minister of Health for an update on the action taken by her Department to address the underspend on adult learning disability services in the Western Health and Social Care Trust. (AQO 747/16-21)

**Mrs O'Neill:** As is clear from my many public statements, robust action continues to be taken on the issue. To begin with, I have confirmed that increased investment of £3 million in adult community learning disability services is now in place, and a further £5 million is planned by the Western Trust.

I have also met representatives of local families and carers and subsequently spoken with the chief executive of the trust to relay the concerns of families and carers and to make clear my expectation that progress be now made on the development of a new investment plan that has the backing of the families. To support that, I proposed at a meeting that I had with the families in October that an independent facilitator should be appointed to work with the trust and the families to restore trust and confidence following the recent breakdown in relationships. That work will be taken forward in the context of the wider communication and engagement plan, and I have asked the trust to develop that. Furthermore, I have appointed a senior official from my Department to oversee progress and act as a point of contact for the families.

Those actions mark my commitment to finding a co-designed resolution to the issue and to working with the families and the trusts so that the focus can return to the delivery of much-needed front-line services on the ground for people with a learning disability and their family. I believe that we all share that focus, and I am determined to do all that I can to ensure that it is realised.

**Mr McCrossan:** Thank you, Minister, for your answer and your attention to the issue for a long number of months. It has been going on for nine months. Will she confirm to the House

that she has got to the bottom of the issue? Will she also confirm what the overall figure is and who was at fault for the scandal in the trust?

**Mrs O'Neill:** The Member will be aware that we have. Based on the financial data that has been provided by the Health and Social Care Board, the average capitation variance relating to the funding of adult and community learning and disability services in the Western Trust area has been quantified at around £7 million per annum. To be clear, a capitation variance of that type does not necessarily mean that there has been an underspend, but, given that it is a complicated calculation and that capitation is complicated, when I met members of the group recently, one thing that I promised them was that they would be given a meeting with the board so that they could go through all the calculations and understand for themselves exactly how they are worked out. They are glad to take up that opportunity. That will be important to ensure that everyone understands what is a complex subject, and they were grateful for that. I have asked officials to arrange a meeting between the group and the Health and Social Care Board, which is carrying out a review of the learning disability capitation model.

**Ms Boyle:** I thank the Minister for her involvement with the families and the work that she has done with them, the Western Learning Disability Action Group and others on the matter. Minister, will you give us an update on the progress made on appointing an independent facilitator to address the underspend and provide a timeline for that?

**Mrs O'Neill:** I met members of the Western Learning Disability Action Group and the Southwest Carers Forum on 11 October to hear directly their concerns following what we all know now to be a breakdown in the relationship between them and the trust. At that meeting, I agreed a number of actions, including that I will consider appointing an independent person to support a process of co-production between the trust and local families and carers to develop a plan for how the planned £5 million investment will be spent. That is a practical example of partnership and the co-design approach that I am very keen to promote.

I recently wrote to the groups representing the families for their comments on the draft terms of reference for the independent facilitation. They recently got back to me, and I am considering their comments and plan to respond to them shortly. The key message that I took from the

meetings with both groups is that they want to get on with making sure that they have the best possible services available to their families and be part of the process of designing services. For us to be able to do that confidently, we need to build up that trust again. I believe that the independent facilitator is the mechanism that will allow us to build those relations again to give those people confidence that the trust is putting their needs first and foremost. The whole process of co-production is exactly how we need to develop services in the future. Those involved have an opportunity to lead the way in producing and designing the services together.

**Mr T Buchanan:** I thank the Minister for what she has done up until now. Will she give an undertaking that she will ensure that the families are kept to the fore of the process so that they will feel part of it and that delivery will come for them? Let us remember that they are the people who suffered and who had concerns.

**Mr Deputy Speaker (Mr Kennedy):** Minister, briefly, please.

**Mrs O'Neill:** I can absolutely give that assurance. That is what it is about: designing the service with them. The reason that I put in the independent facilitator was to build that trust again, because confidence in the trust had completely broken down. There is a job of work to be done there, and the only way in which we will be able to do that successfully is through independent facilitation. That is the way to go. It will ensure that everybody is involved in the decision-making and the processes.

**Mr Deputy Speaker (Mr Kennedy):** That ends the period for listed questions. We now move on to 15 minutes of topical questions.

2.30 pm

## **Ambulances: Turnaround Times**

T1. **Mrs Dobson** asked the Minister of Health, in the light of the fact that, this morning, she accused the Member of misrepresenting the figures around ambulance turnaround times, to give her assessment of the impact on patients of 7,973 ambulances taking longer than one hour to turnaround at hospitals in the past year. (AQT 536/16-21)

**Mrs O'Neill:** During October 2016, almost half of ambulances arriving at hospitals were turned around within 30 minutes of arrival, and 95%

within one hour, against a background of increasing demand for ambulance services. In 2015-16, the Ambulance Service answered 202,325 emergency calls, an increase of 5.5% on the previous year. Improved patient handover and ambulance turnaround times remains a priority for Health and Social Care. The Ambulance Service is working with the board and the trust to improve turnaround times at all hospital sites. Turnaround times at type 1 emergency departments are monitored very closely on a live basis, and appropriate action is taken by the Ambulance Service to ensure that waiting times are kept to a minimum.

**Mrs Dobson:** The original question was about the time taken to hand over a patient at an emergency care department. Your response to me says that the information is not available. Given that this data is collected in other jurisdictions, why is it not the case in Northern Ireland?

**Mrs O'Neill:** We can all share the desire that patients be transferred as soon as possible, but the overriding factor has to be patient safety and making sure that patients are not compromised. So, if the handover takes a bit longer, that is what should happen if it makes the patient safer. I am not sorry for that; it is the right thing to do. The ambulance crew will remain with the patient until they have been handed over to the relevant clinical person in the hospital and can alert the emergency department staff if a patient's condition worsens.

I have answered the Member's question. However, I think that the Member has a tendency, quite frequently, to run away with herself and try to make a cheap headline out of a story for the day. Really and truly, I am only interested in delivering excellent patient health outcomes. Delivering patient outcomes is at the core of everything that I do. I am not interested in cheap headlines; I am interested in doing a job.

### **Emergency Department Consultant Vacancies: Daisy Hill Hospital**

T2. **Mr McNulty** asked the Minister of Health, while assuring her that no cheap headlines are intended, what steps her Department has taken to ensure that permanent emergency department consultants are recruited to fill the vacancies at Daisy Hill Hospital in Newry, given that she may be aware that the only remaining senior emergency department consultant at that hospital is due to retire in a few weeks, with the

post yet to be filled despite the trust advertising it three times. (AQT 537/16-21)

**Mrs O'Neill:** I understand and am aware of the problems that the Southern Trust has had in trying to recruit. Despite it having been out three times, it has been found to be really difficult, so we are looking at additional measures to allow us to make the post more attractive. You will be aware that the Daisy Hill service has been wholly dependent on one doctor who has been providing an excellent service there, and you are right that he is about to retire. I assure you that the trust is doing absolutely everything it can to make sure that the doors are kept open and services are still provided. If we have to use locums in the meantime, that is what we will have to do, but it is about delivering services. It is reflective of the challenges that we have across the health and social care workforce. We are finding it very difficult to recruit consultants, particularly for emergency departments, so we have to look at new and innovative ways of attracting people to the posts.

**Mr McNulty:** I thank the Minister for her response. The emergency department at Daisy Hill is a valuable service to the local community, and it is imperative that we retain the facility and retain acute hospital status. Will the Minister give me and the people of Newry and the surrounding area a categorical guarantee that Daisy Hill will retain its 24-hours-a-day, seven-days-a-week emergency department for many years to come?

**Mrs O'Neill:** It would be foolish of me to stand here and say that nothing will ever change; I cannot say that to any Member. If we are serious about transforming health and social care, we have to be serious about how we deliver that care. I am open to designing services with staff, patients and locally elected representatives because I think that we will have to have some hard conversations.

We are standing here having a conversation about waiting lists, and we have to change the picture in relation to waiting lists. We have to see people more quickly and we have to bring waiting lists down. In order to do that, we have to transform how to deliver health and social care. We cannot keep doing things the same way. I could never give a cast-iron guarantee to anybody, and it would be irresponsible of me to do so, but I will give a guarantee that I will work every day to deliver better health outcomes for individuals. If I have to redesign services anywhere, I will do it in conjunction with local representatives, patients and staff.



That is the difference that we have never seen before in relation to the health service. My guarantee to the people of Newry, the people who use Daisy Hill Hospital, is that I will deliver first-class health and social care for everybody who needs it.

## Fatal Foetal Abnormality Working Group Report

T3. **Mr Aiken** asked the Minister of Health, while assuring her that he sought not a cheap but a very sad headline, to state when the report from the working group on fatal foetal abnormality will be published, given that it has been over six weeks since the group completed its work. (AQT 538/16-21)

**Mrs O'Neill:** The Justice Minister and I received the report of working group on fatal foetal abnormality on 11 October. The First Minister and deputy First Minister have now seen the report, and the Justice Minister and I will continue to work closely on the matter. We hope to bring forward proposals early in the new year.

**Mr Aiken:** Minister, many people are now calling out the establishment of this working group for what it was: a political whitewash that provided a convenient escape for the DUP when it needed one. Will the Minister try to restore some of the rapidly waning confidence in this report by, at least, giving us an anticipated timescale? How long will it take her and the Justice Minister and the Executive to be able to form an opinion? We are very interested to hear.

**Mrs O'Neill:** I was very interested in the work of the working group. I think that it was a very important piece of work so far as it sought the views of woman and their families who have been directly impacted by a diagnosis of fatal foetal abnormality. That had to be a core element of the work that the group did. I very much welcome the input that it has provided, and I want to take the opportunity to thank the group's members because I appreciate what they have done. I also appreciate the upset that lies behind their own personal experiences. It is not easy to share your own personal story.

I believe that the work has been invaluable. The group also sought views of health professionals, including midwives, gynaecologists, nurses and GPs and views from the royal colleges. It also took into account the views of other interested parties who responded to the recent Justice consultation on the matter of fatal foetal

abnormality. On the time frame; I have said that we will bring proposals forward early in the new year. We are almost at the end of the year now. Now that the First Minister and deputy First Minister have also had sight of the report, we will work on it collectively —

**Mr Aiken:** Can we say January?

**Mr Deputy Speaker (Mr Kennedy):** Order.

**Mrs O'Neill:** I will be bringing forward proposals in the new year.

## Ambulance Response Times: Bangor

T4. **Mr Chambers** asked the Minister of Health what she would consider to have been a satisfactory time for an ambulance response in Bangor on Saturday afternoon past. (AQT 539/16-21)

**Mrs O'Neill:** I do not think that I could answer that.

**Mr Chambers:** Perhaps I can help the Minister then. Does the Minister consider it acceptable that one of my constituents, an 87-year-old man with a pre-existing heart condition who collapsed in Bangor leisure centre on Saturday and displayed all the symptoms of a heart attack, had to wait 45 minutes for a first responder to attend? Indeed, the member of staff who made the 999 call had to wait for nearly 10 minutes in a queue because of the high volume of calls. Does the Minister find that acceptable?

**Mrs O'Neill:** I wish the individual well, and I hope that they are recovering. No, I do not find it acceptable if the ambulance did not get there in time to support the individual. If the Member wants to write to me on the individual issue or wishes to take it up with the Ambulance Service Trust, I am very happy for that to happen.

Let us be very clear about our ambulance staff and personnel. They are doing everything that they can, working in difficult situations. I referred earlier to the figures on the target and how the Ambulance Service is delivering. It is under a lot of pressure. It is responding to more calls. I do not think that it is acceptable if someone had to wait for longer than they should have done for their care, but, again, I am very happy to take on board what he has raised with me. If he wants to send me an email or write to me about it, I am very happy to receive that.

## Health Hub: Limavady

T5. **Mr Robinson** asked the Minister of Health to outline her plans for a new health hub in Limavady so that all existing services, including car parking and full out-of-hours provision, will be located on a single site. (AQT 540/16-21)

**Mrs O'Neill:** I do not have the detail on that, but I am happy to write to the Member to give him more detail on the future plans.

**Mr Robinson:** Will the Minister give a commitment to prioritise this vital project in a rural area and area of high deprivation if she secures the necessary funding?

**Mrs O'Neill:** Fair play to the Member for fighting the corner of the area in which he is elected, and rightly so. I consider all capital projects. I am not sure where it is in relation to the trust's capital priority list, but I am happy to look at that and respond to the Member in writing about where it sits. I am a big believer in investing in primary care. I think that we do need to build services in our communities.

If we are going to transform health and social care and take the focus out of hospitals, we have to invest in our communities, and that is very much at the core of what I am trying to do with Delivering Together.

**Mr Deputy Speaker (Mr Kennedy):** Question 6, in the name of Pam Cameron, has been withdrawn.

## Rural Communities

T7. **Mr Storey** asked the Minister of Health to detail how the Rural Needs Act (Northern Ireland) 2016 will be implemented during the process of transformation, especially how that will impact on rural communities, particularly in the light of the recent publication of the Bengoa report and her vision. (AQT 542/16-21)

**Mrs O'Neill:** The Member will know I brought forward that legislation, so I am passionate about it. I will make sure that everything we do in decision-making will be rural-proofed and that we will apply the legislation. More than that, I want to go right into the heart of communities. If we are going to transform services, we need people to understand why and get them on board. There needs to be full understanding that this is not about stripping services from anybody but about how we can invest more in our community and build up primary care. I talked about that in the previous answer. How

can we invest more in our GPs and make sure front-line services are in communities and closer to people's homes? We know people want to stay at home instead of going into hospital, so how can we do more of that? I will be very serious about co-production and co-design, and that means going in to consult right at the heart of communities on any changes we take forward. I will be very mindful of the needs of rural people when we take those decisions.

**Mr Storey:** I thank the Minister for her response. She will be aware, given the rural nature of my constituency of North Antrim, which includes the glens, Ballycastle, Rathlin and other locations, that people want to have confidence that, in the co-design, there is a play with all the elements of our health professionals, particularly our GPs and our health centres. Does the Minister see a pivotal role for those health centres, particularly given that some of them have a very rural nature?

**Mrs O'Neill:** Yes, I see a pivotal role for them. We can also be more innovative about working in clusters, with a number of centres working together. If we have multidisciplinary teams in communities, that is all about investing in primary health. I believe people need to see that change in their community before we can make all the bigger changes that will need to happen. I am very committed to that.

I am going to visit the Member's constituency on Wednesday. I have a range of engagements that he may already be aware of. I am sure that the people of the area will make sure that their views are well known to me before I leave.

## Individual Funding Request Review

**Ms Armstrong:** Minister, earlier in Question Time, you provided a slight indication about the review of individual funding requests. I am asking for a bit more detail. You mentioned it will, potentially, be rolled out in 2016-17. Are we talking about the start of the financial year from April? As you are well aware, some of the people who are on the list are waiting the outcomes —

**Mr Deputy Speaker (Mr Kennedy):** Can we move to the question, please?

T8. **Ms Armstrong** asked the Minister of Health when the review of the individual funding requests will come out. (AQT 543/16-21)

**Mrs O'Neill:** I intend to try to announce the way forward before the end of this financial year. As I said, the current process is not transparent enough. People do not know how to access it properly, and it seems to be quite problematic. The review has looked at all that and at how we can improve the process to make it more streamlined. What I am saying is that, before the end of March, I intend to bring forward the new process for how it will be developed for the next financial year.

**Ms Armstrong:** How does the Minister envisage that the review 'Health and Wellbeing 2026: Delivering Together', which is currently being consulted on, will take account of the needs of those who are in the palliative stage of their cancer?

**Mrs O'Neill:** When it comes to designing services, at the heart of Delivering Together is designing services with patients, staff and carers. Whether it be palliative, emergency or GP care, we have to listen to those who have lived experience. I am very committed to that, and that is at the core of Delivering Together. We will design services with those people because they have that lived experience. They bring to it a new expertise that has never been taken into account, I believe, fully in the past. We have a real opportunity for people to be very bought-in and understanding of how we deliver services.

**Mr Deputy Speaker (Mr Kennedy):** Mr Trevor Lunn can have a quick question, but there is no guarantee of a supplementary.

## **European Medicines Agency: Brexit**

T9. **Mr Lunn** asked the Minister of Health, given that it is likely, under Brexit, that the European Medicines Agency will be relocated to outside Great Britain, to outline the impact that that will have on the life sciences industry in Northern Ireland. (AQT 544/16-21)

**Mrs O'Neill:** You are right. I have had indications and individuals have told me that a lot of the pharmacy companies will relocate to wherever the agency relocates to. I think there will be implications. I am aware that the Dublin Government are engaged in conversations about the potential of it coming to Ireland. Obviously, there would be potential knock-on implications for us too.

2.45 pm

## **Infrastructure**

### **York Street Interchange**

1. **Mr Allen** asked the Minister for Infrastructure to outline any discussions he has had with Executive colleagues in relation to securing funding for the York Street interchange project. (AQO 759/16-21)

**Mr Hazzard (The Minister for Infrastructure):** Members will recall that I recently announced the notice to proceed with the scheme. This will allow my officials to begin consultations with key stakeholders, including the local community. The scheme remains a priority for me, and I am committed to doing all that I can to deliver it in the current financial context, working with the Finance Minister and, of course, other Executive colleagues.

As I have already said to the House, the scheme has to fit within a programme of works, and we need to do more to ensure not just that we have the funding to start the project but that we have funding in place until the end. Therefore, I will need to consider the funding for the project together with other priorities as part of my budget 2017-2021 considerations before deciding whether to award the York Street interchange contract.

There are huge demands on the infrastructure budget, and they are all competing. It is my job and that of my Department to put our priorities in place so that we can deliver as much as we can with the finances that are available to us and to do so strategically in the years ahead.

In light of the Chancellor's autumn statement, I will continue to work with my Executive colleagues to do all that I can to deliver this important scheme, as well the Executive's flagship projects.

**Mr Allen:** I thank the Minister for his answer. Does the Minister believe that there is any prospect of the £250 million for infrastructure announced in the Chancellor's statement being used to ensure that this vital project is commenced?

**Mr Hazzard:** I thank the Member for his supplementary. It will be for the Executive to come to a decision on how the £250 million is divvied out. Of course, the £250 million that the Member mentions is for a range of infrastructure and capital projects, some of

which, I have no doubt, my Department will be able to deliver, although I presume that the money will also be used for schools, hospitals and new homes.

**Mr McGlone:** Mo bhuíochas leis an Aire. I thank the Minister. Will the Minister outline whether he has done any sourcing of potential funds that could be used for this specific project and whether those sources are coming back to him with anything definitive?

**Mr Hazzard:** I thank the Member for the supplementary. Yes, I have established an alternative financing unit in my Department to look at all available streams, not just for this project but for all projects as we go forward. I have somewhere in the region of £5 billion worth of projects sitting on my desk that we could proceed with. However, I will have in the region of only about £1 billion to £1.5 billion over the next number of years. If we are to progress with the schemes that I think are important for society, it will be important that I look across society and at all possible means by which to deliver them, but we need to do so in a way that is effective for the public purse. In recent times, methods have been used that were not effective for the public purse, and, today, Departments still suffer the consequences of bad financial decisions.

**Mr Humphrey:** I thank the Minister for his answer so far. I am sure that, like me, the Minister welcomed the announcement in the autumn statement last week by Her Majesty's Chancellor of an extra £250 million for Northern Ireland. It is welcome news. I welcome the comments made by the Minister and his colleague the Finance Minister to the House last week. The Minister will know the importance of the interchange to business, travel and tourism and to Northern Ireland plc. Given that it will go ahead, will the Minister commit to working with constituents whom I represent in Tiger's Bay, New Lodge, North Queen Street and Sailortown to make sure that their community, which will obviously be affected by this, is not adversely affected?

**Mr Hazzard:** Yes, absolutely. Only last week — maybe it was the week before; I cannot remember — I stressed the point that the decision to proceed allows my Department to go out and, as the independent inspector's report mentioned, engage with communities such as those that you have just outlined, so that the proposals going forward do not adversely affect them. There are final amendments to detailed design in and around, for example, the situation regarding the

McGurk's bar monument and Little Georges Street and antisocial behaviour under the bridge. There is work that my Department can engage in, and I would be more than happy to extend that to communities around the project.

**Mr McAleer:** Will the Minister give an assurance that any future funding allocations will, as well as addressing pressures such as those at York Street, target the long-standing infrastructure deficits in the west?

**Mr Hazzard:** Absolutely. In infrastructure terms, there has been a regional imbalance for far too long in the North. That is why, since coming into post, I have been very careful to say that I want to address that infrastructure deficit. I have also gone to great lengths to say that road safety will be a priority of mine. As bad as congestion is — we absolutely need to tackle the growing congestion in and around the York Street area — people are dying in their scores on roads such as the A5. In the last decade alone, close to 50 people have been killed in road traffic accidents on that stretch of road. When I come to strategic priorities, there could be nothing more strategic than saving lives.

**Mr Dickson:** Thank you, Minister, for your answers thus far. What criteria were used to prioritise other road schemes over the York Street interchange?

**Mr Hazzard:** As I outlined in answer to a previous question, my Department has four Executive flagship priorities. Your party will also have agreed to those priorities, as they were set out in the previous Executive, and I have embraced them. Unless the Alliance Party has changed its position and is now opposed to the development of the A5 and A6, the development of the Belfast transport hub and the rapid transit project that is coming live to Belfast next year, the Member will know full well what criteria were used.

## Coastal Defences

2. **Mr McMullan** asked the Minister for Infrastructure to outline his Department's plans to improve coastal defences. (AQO 760/16-21)

**Mr Hazzard:** I thank the Member for that question, but I will provide some clarification from the outset. In addition to formal or designated coastal defences, there is infrastructure, such as roads and railways, along our coast that performs a coastal

protection function. In most cases, that was not the original purpose of their construction.

DFI's Rivers Agency manages a network of designated coastal defences, which are approximately 26 kilometres in length. Those designated coastal defences are designed to protect against coastal flooding and are subject to annual condition surveys carried out by the Rivers Agency. There are no major improvement works planned for the designated coastal defences, but there are ongoing works — such as those in east Belfast to protect properties in the Sydenham area that are at risk from a tidal inundation — that will add to the length of designated defences. A major study has also commenced to determine how to increase the standard of protection against a tidal flood event in Belfast city centre. Again, that may add to our designated coastal defences.

My Department also has to maintain its road and railway network assets and protect them from the effects of coastal erosion and coastal flooding. Storm surges and high tides after Christmas 2013 caused extensive damage to such protective works along the Antrim and Down coast roads. In light of those severe winter storms and tidal surges, a detailed inspection of the road protective works was completed during 2014. In addition, an extensive survey of the coastline around the Ards peninsula, where it abuts the road, was carried out earlier this year. The information from those surveys is being assessed and will inform the prioritisation of necessary repair works.

In recent years, almost £2 million of capital investment has been spent on the installation of new protective works along the coast road in Antrim. That includes £800,000 of work completed during 2016 at seven sites. I am very conscious that prevention is better than cure, so my Department seeks to identify areas where damage may be caused by the ravages of the sea to target our resources. However, it is often difficult to predict where damage will occur.

**Mr Deputy Speaker (Mr Kennedy):** I remind the Minister of the two-minute rule.

**Mr McMullan:** I thank the Minister for his detailed response. Minister, I am sure that you agree that giving the public confidence again is paramount. Have you any plans to increase visits to the coastal flood defences, especially those in my constituency of East Antrim?

**Mr Hazzard:** I thank the Member for his interest in the issue, which is one that we have discussed at length at separate times. I also thank the Agriculture, Environment and Rural Affairs Minister, Michelle McIlveen, whom I will meet again next week to discuss the issue. Our officials from both Departments are working tirelessly behind the scenes to compile reports for us to take decisions on the best way forward.

Inspections of flood defences are risk-based. The higher the risk of failure, the more frequent the inspection. All but two of the coastal flood defences are very high consequence; ie substantial economic, social or environmental impact if the defence fails. Defences are given a detailed inspection annually or after each extreme weather event. The other two flood defences are medium-consequence and inspected every three years or after extreme weather events.

**Mr Nesbitt:** Would the Minister agree with me that the Executive need to adopt a new policy to replace the old, outdated and discredited Bateman formula of October 1967 and, further, that we would benefit from a lead Department coordinating coastal management issues?

**Mr Hazzard:** I do not think that there necessarily has to be a lead Department. We have two Departments in this Executive that have to deal with these issues. To date, I have met my colleague Michelle McIlveen twice on this issue. We are due to meet again next week, so that is three times in the first six months of this Executive. I think that demonstrates our determination to do something regarding coastal erosion. We cannot stop coastal erosion, but we have to manage its effects, and that is something that, I think, the Agriculture and Environment Minister, Michelle McIlveen, and I are keen to do.

**Mr McNulty:** In relation to inland flooding, can the Minister outline what works his Department has completed to improve flood defences in my constituency, particularly along the Callan, Clanrye and Blackwatertown rivers?

**Mr Hazzard:** This question is, obviously, about coastal erosion, so I applaud the Member for getting in a question about his own constituency. I do not have that detail to hand. If the Member wants to correspond with me, I am more than happy to reply.

**Ms Armstrong:** I thank the Minister very much for mentioning coastal erosion. Does the Minister intend to introduce legislation to create

a framework for managing and reducing coastal erosion and flooding?

**Mr Hazzard:** This is one of the issues that Michelle McIlveen and I will be picking up on. Is there a requirement for legislation? Will it be of use, or will it be a hindrance? Will it be effective in what we want to do over the next number of years? As I say, I do not think we can approach this with wanting to eradicate or somehow end coastal erosion. We cannot but we have to manage it, so that is certainly something that we will be discussing next week.

**Mr Humphrey:** Minister, you may be aware that, last week, the Infrastructure Committee visited the Ards peninsula. Indeed, the Agriculture and Environment Minister joined us for that visit. We saw at first hand the coastal erosion that is taking place on various parts of the peninsula. I agree with what the Minister said about early intervention being better. It is also cheaper. Will the Minister commit, budgetary pressures taken into consideration, to working with groups like Eric Rainey's in Ards to deal with the issues that are affecting them and those communities where footpaths are being washed away, young children are being left exposed and old people with no lighting —

**Mr Deputy Speaker (Mr Kennedy):** I think we have the question.

**Mr Humphrey:** — going to school or whatever in the mornings?

**Mr Hazzard:** Absolutely. The groups and individuals you met, for many a year, have been doing this work tirelessly themselves. They have a passion for it and the local communities, and, to a large extent, they have been ahead of the curve, so I am more than happy to meet those groups.

In my part of the world in south Down, there are activists who regularly plant willow and look to somehow copper-fasten the coast against this. Extensive works have taken place around Rostrevor and Warrenpoint to help this as well. As you say, it is local volunteers in communities who, for a very long time, have been involved in this. Yes, I would be more than happy to work with those people, because, as you say, prevention is certainly better than cure. It is also cheaper than the cure.

## Speed Limits

3. **Ms Seeley** asked the Minister for Infrastructure for an update on reducing speed

limits outside primary schools. (AQO 761/16-21)

**Mr Hazzard:** Schoolchildren and young people are amongst the most vulnerable groups using our roads. My Department delivers a wide range of road safety educational activities and engineering initiatives to improve their safety. Various protective engineering interventions have been developed over the years, leading to the production of Transport NI's policy and procedure guide, which traffic engineers can draw from when assessing safety at individual schools. These measures include provision of enhanced signing and road markings; central islands; lay-bys; and traffic-calming features such as road humps. The enhanced signing largely incorporates flashing lights programmed to operate during term times at school opening and closing times.

A more recent innovation has been the development of part-time 20 mph speed limits at schools, especially on roads where the national speed limit applies. The speed limit at these schools is reduced to 20 mph at school opening and closing times during term time.

I am particularly keen on this approach. However, the cost of providing these initial systems has been significant, with the most recent schemes costing, on average, £50,000 to install. I have therefore asked my officials to consider whether more cost-effective solutions are available that would allow us to increase the current level of provision and treat more schools, subject to available funding. I remain committed to continuing to work towards reducing deaths and serious injuries on our roads, especially amongst vulnerable road users such as school children.

## 3.00 pm

**Ms Seeley:** I thank the Minister for his answer. I recently received a letter from the pupils at St Mary's Primary School, Derrymore, which is a rural primary school. Why is the Minister focusing on rural schools where the national speed limit applies?

**Mr Hazzard:** It is fair to say that we need to target limited resources initially on schools on roads that present the greatest risk to the safety of children. There is clear evidence that the higher the speed a vehicle travels at, the greater the severity of the injury to a pedestrian. Research shows that, for every one mile an hour reduction in speed, there is a 5% reduction in collisions. We also have to consider that rural schools are frequently located on unlit

roads, which further adds to the hazards that schoolchildren are exposed to, especially in the dark winter days. Many schools in urban areas are already located in traffic-calming zones, where traffic speeds are already reduced to well below 20 mph due to the self-enforcing effects of speed-reducing features, such as road humps and crossing facilities.

**Mr Beggs:** I thank the Minister for his answer and, indeed, for piloting further 20 mph schemes outside schools. Can he give an indication on when the pilot scheme for the Model Primary School in Carrickfergus will be delivered? How soon thereafter will other schools, such as Eden Primary School on the busy A2 road or Toreagh Primary School, where there is a 40 mph limit outside the school door, be able to apply —

**Mr Deputy Speaker (Mr Kennedy):** I think we have the question.

**Mr Beggs:** — and be considered for future schemes?

**Mr Hazzard:** I thank the Member for his questions. As good as I have become at retaining information, I apologise that I do not have the specific information for those particular schools in the Member's constituency. Again, if he corresponds, I am more than happy to get back to him. Especially with regard to rural primary schools on roads where the national speed limit applies, I am actively seeking ways in which we can address their needs as soon as possible. There are approximately 150 of them, so it is something that I am very keen to do, and I want to move on it as soon as possible.

**Mr Dunne:** I thank the Minister for his answers today. I welcome the efforts in relation to the 20 mph speed limits. What is his assessment of the introduction of voluntary one-way systems, where applicable? Does he agree that it is important that we get inter-agency support to improve safety outside our schools?

**Mr Hazzard:** Yes, if we have any sort of solution that involves a partnership or inter-agency approach, it is to be welcomed, not just from a financial perspective but because, when you have more people working together with a single destination in mind, it is beneficial. I would probably give a guarded welcome to voluntary one-way systems. However, I urge caution because whatever we do — it goes back to the roundels etc that we use — it has to have a basis in law. It is important to ensure that if, God forbid, there is some sort of accident, we have not created a grey area

where we do not know who is right and who is wrong. We need to ensure that there is a sound legal basis, whichever way we go forward.

**Mr Lunn:** Would the Minister consider devolving speed limits to local councils, on the basis that it might allow them to reduce speed limits near facilities other than schools?

**Mr Hazzard:** No, it is not something that I have given any consideration to. I am not opposed to devolving powers to local councils; a range of powers between local councils and central government can be a good and healthy thing. When it comes to this, I am personally responsible for it, so I am more than happy to consider other facilities, such as leisure or community facilities, where it could be done. I was recently at a GAA club that is located on a rural road, much like a school and with similar numbers, and if we could come to similar arrangements, it would be fine. The Department can be just as sensitive to those demands as local councils.

**Ms Hanna:** I thank the Minister for his answers. I welcome the expansion of the safety zones, but the average safety zone is about 300 metres, and the mean average for a journey to school is around 1.8 km, so it will not make that much of an impact on active travel. Has the Minister given any consideration to extending the 20 mph zone in urban areas?

**Mr Hazzard:** I would love to extend the 20 mph zone to everywhere. I have to start somewhere, and, strategically, the areas of high priority are the, I think, 157 schools that currently sit on roads, especially rural roads, where the national speed limit applies. Again, the message has been key. Over the past week, there has been the tragic news of fatalities. We cannot engineer out some of the tragic news. More than 95% of road traffic collisions, some of which involve fatalities, are due to human error. We cannot end accidents and collisions simply by extending 20 mph zones. Doing that can have an impact surely, but we need to get the message out to drivers that they should pay attention to their speed, should forget about the phone and should never, ever drink and drive. It is important that we get that message out.

## **Greenways: Strategic Plan**

4. **Mr Douglas** asked the Minister for Infrastructure, given his £150 million commitment to develop a greenway network across Northern Ireland, to outline the

timescales for the delivery of his strategic plans for greenways. (AQO 762/16-21)

**Mr Hazzard:** I launched 'Exercise Explore Enjoy', my strategic plan for greenways on 9 November. The plan sets out my vision and a framework for a more strategic and ambitious programme to develop a greenway network across the whole of the North. Greenways can make a huge difference to the daily life of people by providing the opportunity to enjoy safe and easy access to fresh air and exercise; by encouraging more people to commute to work by foot or bicycle and more children to walk or cycle to school; and by providing an accessible leisure resource for local people and visitors alike.

The strategy outlines a longer-term plan for the development of a primary network of around 400 kilometres and a secondary network of around 600 kilometres. Page 23 of the strategy outlines a number of 10-year targets, including to have 75% of the primary network and 25% of the larger secondary network delivered by 2026. I have also set a target of increasing the number of journeys on the greenways network and the national cycle network to 50 million per annum by 2026. On 9 November, I also announced grant funding to councils for 20 greenway feasibility studies. Those studies will lay the groundwork for the development of detailed plans and designs so that councils will be in a position to move as quickly as possible to start construction.

**Mr Douglas:** I thank the Minister for his answer thus far. I declare an interest as a trustee of the Connswater Community Greenway. I know that we invited the Minister out there recently. I congratulate him for having the vision for a greenway strategy for a number of years. To make short-term gains, will he look at the potential of supporting initiatives such as lighting for the Comber greenway or linking up the Comber greenway and the Connswater Community Greenway?

**Mr Hazzard:** I thank the Member for his ongoing appetite and enthusiasm for the issue and for active travel in general. I am more than happy to meet the guys there. That has been a great success. I should put on record that I apologise that I was in the Chamber and could not get to the launch of C S Lewis Square. It is a fantastic venture, and I wish the guys involved in that all the best.

The strategic plan for greenways refers to guidance on engineering standards for greenways, and more-detailed information is

included in the AECOM and Sustrans report, which is available on the Department's website. My Department will shortly undertake a public consultation on the Belfast bicycle network, which includes the Comber greenway. The consultation will seek views on a number of improvements to the greenway, including lighting part of the route. Following consultation on the network, consideration will be given to whether lighting is appropriate on parts of the route, taking into account environmental concerns and the needs of the adjacent properties and neighbours.

**Mrs Palmer:** Will the Minister give a commitment to meet the Lagan Navigation Trust to explore the unique opportunities that exist in linking the greenways network with Lagan valley regional park and the blueways network to allow for the greatest possible benefit to the network?

**Mr Hazzard:** Absolutely, yes. I declare an interest, in that I am a regular user of the Lagan towpath in particular. It has great heritage and also great potential for the future. You only have to go on to it at the weekend to see that it is absolutely buzzing. It is like a high street in the town. It is great to see. The long-term vision of the Lagan linking into the restoration of the Ulster canal and even further is a project that is worth good attention in the years ahead.

I only wish that I had the money to start work tomorrow. As I say, it would be a fantastic project. Yes, I am more than happy to do so.

**Ms Mallon:** Given the call by the CEO of the Titanic Quarter for another major attraction in Northern Ireland, what is the Minister's assessment of whether greenways could be that attraction?

**Mr Hazzard:** I was delighted and privileged to launch the greenway plan just outside Dundrum on the old Belfast and County Down Railway line, which used to bring hundreds, if not thousands, of tourists from Belfast to north and south Down, including to Newcastle, my part of the world. There is no reason why we cannot extend out for active travel and cycling. When you talk to anyone involved in the tourism industry, they tell you that they want active tourism or activities that take people out of the city to destinations such as Newcastle. This can definitely be part of that. Some of the schemes for the glens and another one to link Carlingford lough and Lough Neagh are very exciting. There are some great schemes for us to be excited about over the next five to 10 years.



**Ms Bradshaw:** What discussions have you had with the council to progress the proposed greenway in Carryduff? As you know, the feasibility study is under way, and it would be great to get that greenway up the priority list.

**Mr Hazzard:** I have not had any specific discussions with Lisburn and Castlereagh City Council. The scheme first came on to my horizon when the Finance Minister, Máirtín Ó Muilleoir, talked about it. As someone who knows the lay of the land in that part of the world, I think that it would be a fantastic asset. It could also play a vital role in alleviating congestion from the city, considering the success of the Cairnshill park-and-ride facility. A greenway there from Carryduff through Belvoir forest would be a great asset. I encourage the council to do all that it can during the detailed design. Like other schemes that I have mentioned, it could be a huge asset.

### **Ballygroobey Roundabout: Safety Barriers**

5. **Mr Clarke** asked the Minister for Infrastructure to outline his plans to install safety barriers at the Randalstown Road exit of the Ballygroobey roundabout. (AQO 763/16-21)

**Mr Hazzard:** My Department's Transport NI is aware of a number of collisions in the vicinity of the Ballygrooby roundabout, including loss-of-control incidents for vehicles exiting the roundabout onto the A6 Castle Road travelling towards Antrim. Following an investigation of the causes, a scheme is being developed to provide high-friction surfacing and an amended white-lining layout on the exit towards Antrim from the Ballygrooby roundabout to address loss-of-control incidents. It is anticipated that that work will be completed in early 2017.

As part of the investigation into collisions at the roundabout, an assessment was carried out for the provision of additional vehicle-restraint systems on the exit from the roundabout towards Antrim. The location, however, did not meet the criteria for a scheme proposal to be taken forward. There are therefore no plans to provide additional vehicle-restraint systems at the roundabout at this time. It should be borne in mind that vehicle-restraint systems are used to protect the occupants of a vehicle from striking an off-road hazard after loss of control of the vehicle. The provision of high-friction surfacing is aimed at preventing loss of control of the vehicle in the first place.

**Mr Clarke:** I thank the Minister for his answer. The Minister will appreciate that I travel the

road daily. All the accidents happen on the Randalstown Road section where there are no safety restraints. Those that there are were placed on a section of the road where there are no hazards. Would the Minister, through his office, review the original decision to put in the vehicle-restraint systems, with a view, if they are in the wrong place, to putting in a more adequate mechanism than high-friction surfacing in the area where most of the accidents happen?

**Mr Deputy Speaker (Mr Kennedy):** I ask the Minister to give a speedy answer.

**Mr Hazzard:** The logic applied to previous questions was that prevention is better than cure. In this instance, we have engineered solutions that have the highest impact. I have no problem, when the works are complete in the next couple of months, in corresponding again with the Member and looking at this again if he feels that there is still a problem.

**Mr Deputy Speaker (Mr Kennedy):** That ends the period for listed questions. We move on to 15 minutes of topical questions.

### **Infrastructure Projects: Finance**

T1. **Mr Aiken** asked the Minister for Infrastructure to outline any discussions he has had with the Minister of Finance about working with councils on infrastructure projects. (AQT 546/16-21)

3.15 pm

**Mr Hazzard:** Yes. Formally and informally, as I have mentioned in previous answers, I have had discussions with the Finance Minister quite regularly since coming into post, most particularly regarding finance. As I have mentioned, there are somewhere in the region of £5 billion of projects sitting in my Department at different stages. Some of them are simply concepts on a piece of paper but some of them may be nearing the end — we all know well. I will get approximately £1.5 billion over the next few years to develop infrastructure capital projects. You can see that there is a massive gap between what we could do and what we can do. I have certainly put on record from the start that I want to look at equipping myself with a toolbox of funding arrangements and ways to finance these. I am aware that a number of councils are very keen. At the NILGA conference, I took the opportunity to talk about greater partnership and about delivering some of these projects. Certainly, I have got from the

business community a sense of a fresh approach; they want to do more also. I do not want to say no to everything. For me, everything is on the table. Let us consider it, but I caveat that by saying that it has to work in the best interests of the public purse in the long term.

**Mr Aiken:** I thank the Minister. You know what is going to come next, do you not? Can the Minister support the use of the infrastructure fund in joint-venture partnerships between the Northern Ireland Executive, councils and private enterprise for the much-needed Ballyclare bypass relief road and the dual carriageway to the airport? Please? *[Laughter.]*

**Mr Hazzard:** Again, there are a number of these projects across the place. I know that Lisburn and Castlereagh City Council is looking for one. In my area of Downpatrick, there is a need to address this type of project — projects where, up to now, finances from central government have dictated, "Look, we just simply do not have the money. Sorry, folks. Sin é. It is on the shelf, and that is it." I think that we should certainly look at whether there are other ways out there. Are there tools at our disposal here that we are not using? So I say to the Member that I am more than happy to look at it. If he wants to correspond with me, put some of these ideas down and have a discussion, I am more than happy to do that.

## A5: Irish Government Money

T2. **Mr Sheehan** asked the Minister for Infrastructure whether he believes that the Irish Government should reinstate their commitment of £400 million to help construct the A5. (AQT 547/16-21)

**Mr Hazzard:** In short, absolutely yes. I think now is probably a timely period. Once the £400 million was promised, and then the crash occurred and the Dublin Government seem to have got nervous and put £75 million back on the table. As we approach a mid-term review of national infrastructure investment in the South, it is timely for the Dublin Government to consider putting all of the £400 million back on the table. I think that a lot of people see the A5 simply as a project for the North and the Northern Executive. That is simply not the case. This is a key infrastructure project that would open up the entire north-west region, so I think there is a responsibility on us in Belfast and on the Dublin Government to do all that we can.

I was recently in Carrickmacross speaking to local people who said that their town would be dead if it were not so close to the major infrastructure linking Belfast and Dublin. I have spoken to the chief executives of councils along the proposed route of the A5 — Donegal, Cavan, Fermanagh and even into Mid Ulster — and they are crying out for this piece of investment. I am determined, obviously, to work with partners in Dublin to deliver. It was not perhaps as short as saying absolutely yes, but yes, they should.

**Mr Sheehan:** Gabhaim buíochas leis an Aire as an fhreagra sin. I ask the Minister briefly whether he has any plans to meet his Southern counterparts on this issue in the near future.

**Mr Hazzard:** I recently took the opportunity at a North/South sectoral meeting to speak with Michael Ring TD, the Minister of State for Regional Economic Development. I think that Fine Gael is certainly sensitive, coming out of the last election, that perhaps it was rejected in western and more regional parts over the lack of development in regional areas. So I think that Michael Ring has a sense that he wants to do something. He is very keen to work on projects such as this, to bring regional balance to investment. Also, next month — actually, in a couple of weeks — I have a meeting with Shane Ross, the Minister for Transport, to discuss a number of transport issues. Top of the agenda, of course, will be the A5.

## Parking Bays: Bangor

T3. **Mr Easton** asked the Minister for Infrastructure whether he would consider a review of the loading bays that have been put in place in Bangor town centre by Transport NI, leading to mass confusion among shoppers and residents who are trying to park. (AQT 548/16-21)

**Mr Hazzard:** Again, I have nothing instinctively against reviewing something like that. If the Member wants to correspond with me to shed some light on what he believes to be the problem, I would be more than happy.

**Mr Easton:** I thank the Minister for his answers so far. A lot of businesses have approached me. The loading bays are causing a lack of car-parking facilities in Bangor town centre and are affecting trade. Will the Minister maybe grant me a meeting to discuss this with some of the traders?

**Mr Hazzard:** Yes. The Member will appreciate that the diary is hectic, but, looking into the future and the new year, I would be happy to sit down and take five minutes to discuss it.

## A6: Update

T4. **Mr Middleton** asked the Minister for Infrastructure for an update on the A6 upgrade following the recent court decision and to state whether work on any section of the A6 will be able to begin in the meantime. (AQT 549/16-21)

**Mr Hazzard:** Not a problem. As I said last week, while I was disappointed, of course, that Justice Maguire came to the decision he did, I was not overly shocked or surprised, given that the bar is quite low when you are applying for leave to challenge that. I was pleased that he rejected five of the six grounds of the appeal. My Department will very speedily get our papers into the courts. I even welcome the remarks from Justice Maguire when he recognised the strategic importance of that piece of investment and that we need to have a speedy resolution to it. I am absolutely confident that, when it comes to the substantial hearing in the new year, the Department will be successful.

On the back of the decision, I took the opportunity to discuss with officials the technical possibilities of moving forward with the Moneynick section, which the Member, as a commuter, will know all too well. That is something we are actively now looking at. Preliminary work is ongoing on the stretch. That work will continue on that stretch at the very least. If we can progress with works within the legal contracts that have been agreed, we absolutely will.

**Mr Deputy Speaker (Mr Kennedy):** I call Mr Middleton for a supplementary question.

**Mr Middleton:** Thank you, Mr Deputy Speaker — *[Interruption.]*

**Mr Deputy Speaker (Mr Kennedy):** Order. I ask those Members with penetrating whispers to be a little quieter.

**Mr Middleton:** Thank you, and I thank the Minister for his response. Will he give a commitment that whatever finance has been allocated to the A6 will be secure and will not be spent elsewhere, as other Members suggested?

**Mr Hazzard:** Absolutely. The upgrade of the A6 is an Executive flagship project so, in short, the money is going nowhere else.

## Translink: Wages

T5. **Mr Carroll** asked the Minister for Infrastructure whether he plans to intervene to ensure that Translink becomes a fully accredited living wage employer, given that Translink management has betrayed the pledge that it made to do just that, with the result that it has refused to offer minimum wage workers anything more than the bare statutory annual increase, which will see the lowest paid workers lose out, with a 2% increase given to all other members of staff. (AQT 550/16-21)

**Mr Hazzard:** I engage regularly with Translink officials. I also had the opportunity to meet them. We had a very productive meeting with union members from Translink lately. The Member has raised an important issue, and the next time I meet Translink officials, I will raise it.

**Mr Carroll:** I thank the Minister for his reply. Will he agree to meet unions and staff affected by this particular proposal to hear their concerns about how low pay affects them and their families?

**Mr Hazzard:** Yes. I took the opportunity recently when meeting the unions to open up a continual and regular engagement with them. I sensed a frustration on their behalf that they maybe did not have that in recent years. I am certainly keen to open that up. I think it could be productive for my Department to do so.

## York Street Interchange/A5/A6

T6. **Dr Farry** asked the Minister for Infrastructure, while recognising that the A5 and A6 are absolute priorities, to comment on figures he provided that show that the peak number of movements at the York Street interchange is 111,000 cars, whereas the A5 and A6 peak at 20,000 and 26,000, and to state whether he believes that the York Street interchange is utterly essential not only to the economy of Belfast but to all of Northern Ireland. (AQT 551/16-21)

**Mr Hazzard:** There are other statistics we could bring out. I mentioned that already. Had you asked for the fatality statistics for York Street interchange and compared them with the fatality statistics for the A5 and the A6 — you just did that with something else — you would have an entirely different set of statistics. I may

be wrong, but I am not aware of any fatalities at the York Street interchange. I may be wrong about that. I am aware of nearly 50 fatalities on the A5 in the last decade. As I said, for me, strategically, there are a number of criteria that we can base this on. Certainly, one of the most important, for someone in my position, is to make our roads as safe as possible.

**Dr Farry:** I accept, of course, that good road design is important in road safety, as is enforcement of the traffic legislation by the police, but will the Minister recognise that the benefit-to-cost ratio for the York Street interchange is 2:33? I accept that the figure for the A6 at Randalstown is of a similar nature. Those two are the most beneficial to our economy. If the Minister is being rational in his approach to allocating funds in order to maximise the benefit to the economy, does he recognise that those two projects are top of the pile?

**Mr Hazzard:** I would not have stood in the House recently and made the decision to proceed with the York Street interchange if I did not accept the arguments that it is a strategic piece of infrastructure that not just the city of Belfast but the economy as a whole requires. I absolutely accept that, but, as I also pointed out, right now, I do not have the financial ability at my disposal to build everything that we want, so I need to prioritise. When looking at the economy — we need to get to this as well — we continue to talk in the House and on the public airwaves about moving cars. We need to talk about moving people. Moving people in and out of Belfast city is good for business; moving cars is not. What are we to do after York Street? Are we to bulldoze half of Great Victoria Street because we need two extra lanes in Great Victoria Street? Are we to demolish Belfast City Hall because we need a big roundabout at Belfast City Hall? We need to talk about moving people, not cars, in and out of Belfast.

**Mr Deputy Speaker (Mr Kennedy):** Good luck with that one.

**Mr Dickson:** Minister, you will be relieved to know that we probably have flogged the York Street interchange to death for today, but, believe you me, we will be coming back to it.

## Rural Roads: Landslides

T7. **Mr Dickson** asked the Minister for Infrastructure what action he will take to ensure that, this winter, the coast road in East Antrim will remain open, given that rural roads,

particularly the coast road in East Antrim, can be, from time to time, closed due to landslides. (AQT 552/16-21)

**Mr Hazzard:** As outlined, I am meeting the Agriculture, Environment and Rural Affairs Minister, Michelle McIlveen, next week to take forward a number of proposals for dealing with coastal erosion. It is an issue that we have to deal with and manage. We cannot eradicate it, so we need to work with it. I come from a rural background and a rural constituency. When I came into post, I made clear that we needed to do more in rural areas. It may be a drop in the ocean — excuse the pun — but the £10 million that I put towards investment in rural roads has gone down well in rural areas and is providing a good service. It is only a drop in the ocean. We require hundreds of millions of pounds more for structural maintenance. Due to the economic climate over the last number of years, there is somewhere in the region of a £1 billion backlog in structural maintenance. I will not solve that today or tomorrow. We need a longer-term strategic view on how to do that. It will be a very difficult thing to do in the economic climate in which we find ourselves.

**Mr Dickson:** The Minister referred to a strategic view, and it is important that there is a strategy for this road, not only for the tourists who use it and are regularly stopped because of landslips on to the road but, in particular, for the residents for whom it is the only way to get to work or school.

**Mr Hazzard:** Absolutely. I accept that. I know that £2 million has been spent on dealing with coastal erosion in that part of the world. I know that the Committee visited the Ards peninsula just recently. When you travel down the County Down coast to Warrenpoint and Rostrevor, you find similar problems that the Departments are starting to have to grapple with, and they will have to continue to grapple with them, perhaps at an accelerating rate, over the next number of years. That is why Michelle McIlveen and I have brought a bit of focus to this issue, and the two Departments will have to work together and set out a number of targets that we want to meet over the next number of years.

**Mr Deputy Speaker (Mr Kennedy):** I call Mr Phillip Logan for a quick question. There may not be time for a supplementary.

## Minor Works: Northern Fund

T8. **Mr Logan** asked the Minister for Infrastructure, given that he will be aware that the Member wrote to him recently about

Transport NI's northern fund for minor works, whether he will commit to reviewing that fund, particularly in the light of the fact that over 100 projects on the list will, with the fund that is available, take up to 10 years to complete. (AQT 553/16-21)

**3.30 pm**

**Mr Hazzard:** I do not mean to be facetious, but everybody in the Chamber could say exactly the same thing about their part of the world. That is the situation that we find ourselves in. As I mentioned, we have a structural maintenance backlog in the region of £1 billion. We know the economic forecast that is coming, especially from the Chancellor's statement last week, and that will not change over the next number of years — if anything, it may get sharper. We need to take a longer strategic view. I know that projects in a number of areas deal with road safety, so we need to look at what and how we prioritise. While in post, I will certainly continue to do that.

**Mr Deputy Speaker (Mr Kennedy):** Time is up. I ask the House to take its ease while we make changes to the top Table.

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

## **Executive Committee Business**

### **Policing and Crime Bill: Legislative Consent Motion**

*Debate resumed on motion:*

*That this Assembly endorses the principle of the extension to Northern Ireland of a number of provisions within the Policing and Crime Bill, by amendment at Lords Committee and Lords Report stage, in so far as they related to UK maritime enforcement powers; UK cross-jurisdictional arrest powers; anonymity for victims of forced marriage and pardons for convictions of certain abolished offences. — [Ms Sugden (The Minister of Justice).]*

**Mr Allister:** I beg to move the following amendment:

*Leave out all after the second "powers;" and insert*

*"and anonymity for victims of forced marriage."*

In moving the amendment, as is clear from it, I am wholly supportive of the first three measures in the legislative consent motion but totally opposed to the fourth component. In essence, in addressing the issue, my opposition probably falls under three interrelated headings. First, there is the process deployed to get us to the point that we are at. Secondly, there is the principle involved in what we have been asked to do. Thirdly, there is the active discrimination involved in what we are being asked to do. As I work my way through those, I begin with the process.

The House needs to come to terms with the novelty of what we are doing today. Never in the history of this jurisdiction has legislation been used to give retrospective pardons. I say that on the strength of an answer from the Minister when I asked her to detail on how many occasions a pardon in legislation in Northern Ireland had been provided for in respect of obsolete criminal offences. The answer was very clear:

*"I am not aware of any statutory provision, in modern times, for a pardon for obsolete criminal offences."*

What we are doing today, in granting a pardon for obsolete criminal offences, is without precedent, making it all the more remarkable that we have arrived at this rushed position without any consultation.

The House and the Executive like to pretend that they are big on consultation and like to consider what public opinion and stakeholders have to say on an issue; indeed, if you go to the NI Direct website, you will read many platitudes about public consultation. It says:

*"It is an important part of the policy-making process."*

It goes on to say:

*"running a consultation is not simply about more open government. It is about making policies more effective by listening and taking onboard the views of the public and interested groups."*

Yet, here we are today with a totally novel proposition to grant pardons for obsolete criminal offences and there has not been one iota of consultation on the matter. Then we compound that by saying, "In fact, we are so unconcerned about the issue, we will pass over the legislative function to Westminster". We are so disinterested, we are not even going to consider it ourselves.

A legislative consent motion is and always should be a serious matter. It is the House saying to all and sundry, "We are passing up our opportunity to legislate about something and gifting it to Westminster". When you do that without even consulting on the issue, it is all the more stark. When you do it in respect of an anticipated clause in a Bill that was not even in the Bill when it was published, it gets even more ridiculous.

The process by which we got here — the rush to get here — is very informative. We have a Standing Order — Standing Order 42A — that says that there is a stipulated, prescribed process for passing and getting to the point of passing a legislative consent motion. It requires the laying of a legislative consent memorandum, and it requires that to be laid within 10 days of the clause it wants to activate becoming part of the Bill. In this case, it seems that the relevant clause only became part of the Bill on 9 November in the House of Lords, yet the legislative consent memorandum was issued on 7 November. Such was the haste and the rush, we could not even wait for our own processes on this issue. There are many reasons in terms of the process —

**Mr Agnew:** I thank the Member for giving way. He outlines a number of procedural reasons for him not to be happy with this proposal. If all manner of consultation had happened and all checks and balances had been gone through, would the Member support it?

**Mr Allister:** No, the Member would not. I make no secret of that, but I am legitimately entitled to object to the farce that the process has turned into. I would have liked a consultation. I would like to have heard what Mr Storey's Caleb Foundation said about the proposal. I would like to have heard what various Churches that many Members belong to and that still preach that homosexuality is a sin thought of the proposal. The elders of some of those Churches sit in the House. Certainly, I would like to have known what, in consultation, they thought of validating homosexuality by virtue of pardons. We are not to be given that opportunity — maybe that is why — because this is something that the powers that be in the House want to rush through.

This proposal did not even come to the Executive. It was activated by the First Minister and deputy First Minister signing it off under emergency procedures, and then the Executive were told that it had been done. There was not even consultation within the Executive about the proposal; indeed, there was not even consultation in the DUP about the proposal. The members were simply told, "This is it. Suck it up". Not only was there an absence of consultation with the public and with stakeholders; according to some press, the only stakeholder the Minister met on the issue was the LGBT community. No one else had the opportunity to bend her ear about the issue. I make fundamental objection to her coming to the House today with a proposition that has been rushed and that she is attempting to push through the House without due process, never mind an equality impact assessment or anything else. The process is, I suggest, flawed.

What about the principle? What about the notion that we as legislators in 2016 can rewrite the statute book retrospectively and decide not what the law was in the 1920s, 1930s, 1940s, 1950s, 1960s or 1970s but what it should have been? My goodness, we as a House have difficulty enough legislating for 2016. The arrogance of it — we are going to now decree what the law should have been 20, 30, 40 or 50 years ago. The principle is wrong. It is not for the House — it has never done it in the past, and there is good reason for that — to rewrite history. If something was a criminal offence, it was a criminal offence. For the House to think

that it should impose its moral standards or immoral standards retrospectively is plain wrong.

Of course, for some, it is a matter of rewriting their party history. For the DUP, it is a matter of rewriting the party history on Save Ulster from Sodomy. What we are involved in here today has all the appearance of some contrived, collective act of contrition whereby, in the words of the Minister, we will:

*"right the wrongs of the past."*

It is certainly a matter of what is right and what is wrong, but it is not for the Assembly to rewrite the statute book. That is the effect of this pardon: to validate as non-criminal that which was criminal. To wish, pretend, sweep it away —

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

**Mr Allister:** I will.

**Ms Hanna:** Like many others, I think, I see this as righting a wrong of the past. Does the Member think that those acts should still be illegal?

**Mr Allister:** That is not the issue. The issue is whether the House in 2016, in its arrogance, thinks that it can take it upon itself to rewrite the law of 40 years ago. It cannot, and it should not. The law was the law. If those who chose to break the law, knowing what the law was, paid a penalty, that was the law taking its course, whether they were homosexual or heterosexual. I will say more about that in a moment.

It is not for the House to impose its standards retrospectively, because the inescapable effect of pardoning posthumously and creating a path to pardon for those still alive is to validate that which was a crime and to say that it should never have been a crime. That is what the Minister says, but is it what everyone who will allow this through today says? Yes, on this side of the House, that is probably so, but what about those who were going to save Ulster from sodomy?

Are they now validating sodomy? Are they now saying, "Let us rewrite that" or "Let us rub that out"? That is what you are doing the moment that you assent, either by acquiescence or active voting, to a pardon for this obsolete criminal offence. You can twist, turn or try to run away from it, but that is the reality.

**3.45 pm**

Indeed, it has been put very specifically by the Minister in answer to another question for written answer that I tabled to her. She said — she has said it again today — that it is about addressing:

*"historical wrongs suffered by gay and bisexual men who were criminalised over a long period for something that society regards today as normal sexual activity."*

Listen well: all who will endorse this pardon, by their silence or their vote, is accepting that homosexuality is a "normal sexual activity". Many of their Churches teach that homosexuality is still a sin and that buggery is still wrong. That is the teaching that many of them have. This is the challenge to the House and to everyone as an individual with his or her own conscience. Are they prepared, by their inaction or action today, to embrace and endorse the validation of homosexuality as "normal sexual activity"? There is no ducking and there is no diving: that is the question. That is particularly the question for those who are ruling elders in certain Churches that still take that stand. Some will have sat in the pews yesterday of Churches that still teach that homosexuality is a sin. Will they sit on their hands today and validate the view that it is not, as some of them hide in their room, running away from the debate —

**Ms Bradshaw:** Will you take an intervention?

**Mr Allister:** In a moment. They are hiding in their room because they do not want to be faced with that. There will come a day — it will not be here — when they will account for all that they have said and done. I will give way.

**Ms Bradshaw:** Given everything that you have said, do you believe that the chemical castration of the war hero Alan Turing was a suitable punishment after his service to this country?

**Mr Allister:** No, I do not think that chemical castration was ever a suitable punishment, but that does not mean that the law should not have been as it was in terms of what was legal and what was illegal. Just as we cannot undo that, it is not for us, 50 or 60 years later, to proclaim sanctimoniously, from these Benches or elsewhere, that that is how the law should have been. Fellow Members, it is not for us to do that. The law was as it was, and it is not our responsibility. If it was wrong, it was the

responsibility of those who made that law, not this House's.

What this is clearly all about is a fashionable pandering to a particular interest. It is now so fashionable to jump on board the LGBT bandwagon that you simply abandon all principles and leave your beliefs outside the door. I remember a debate not so long ago when Members on the DUP Benches told us how they could not and would not leave their beliefs outside the door. That is what they are going to do today, because they are not prepared to stand against the fashionable pandering to an interest.

That brings me to my third point. That fashionable pandering reeks of active discrimination, because it is only for homosexual crimes that we are embracing the idea of pardons. There are many heterosexuals who still, to this day, carry the stain, if you want, of being convicted of a criminal offence that is no longer a criminal offence, but no one is proffering pardons to them. As an afterthought, the Minister today said, "Oh, yes. We could look at that". Let me make my position clear: I do not think that it is right to give pardons retrospectively for homosexuals or heterosexuals. The law was the law whatever it was, and if you chose to break the law, you chose to break the law, so I do not believe in rewriting history, but the discrimination involved here is self-evident.

In my time professionally I appeared for a number of 17- or 18-year-old men who maybe had consensual sexual relations with a 16-year-old girl. They committed the crime of unlawful carnal knowledge, and many were prosecuted for it. Today, having sexual relations with a 16-year-old girl is not a crime because the age of consent is now 16, but for decades in this Province it was 17. So, why is no one up on their indignant high horse saying, "What a shame. What a stain on our collective history that we must perform this act of collective contrition and give pardons to all the young men convicted of unlawful carnal knowledge when, today, it would not be a crime". Is that not the hypocrisy of this situation? We are prepared to embrace the active discrimination that is wrapped up in this proposal; we only show interest in, concern for and act for the homosexual community, but, in our rush to get this through, we turn our backs and do nothing for the heterosexual community.

There are parties in this House — the SDLP is one of them — that loudly proclaim their undying devotion to equality. Where is the equality here? It is absent. Yet, today, the

SDLP will enthusiastically engage in this act of societal redemption.

**Mr Agnew:** I thank the Member for giving way. Will he not accept that there is a qualitative difference between the two points that he makes? A homosexual man was attracted solely to homosexual men and, therefore, was being outlawed effectively from having sex in a way that was natural to him, whereas, the example that you gave where the person had sex with a 16-year-old, their sexual attraction was not solely to 16-year-olds. They were not discriminated against by the state.

**Mr Allister:** They were discriminated against by the fact that the criminal law said that the act that they were engaging in was unlawful; that is the common denominator. That which the criminal law decreed as unlawful was unlawful in respect of heterosexual and homosexual offences. That is the common denominator.

What this really points up is the enthusiasm of this House to turn its back on that gross inequality. I make it plain again that I am not urging in that this House go through our statute book and offer pardons for every now obsolete offence. My goodness, where would you stop? It used to be an offence to be an incorrigible vagrant. An incorrigible rogue was the criminal offence. Some might think that it is a good job that it is not an offence now, but it used to be a criminal offence. Across the water, in recent years, they took 300 old criminal offences off the statute book, but they did not offer pardons.

They did not take it arrogantly upon themselves to rewrite the law. They said, "Those offences serve no purpose. Let's remove them". Our own Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 took away in this old House many old criminal offences but no one ever said that you must pardon those because they really never should have been offences. Why the difference today? Why are we so overrun and overwhelmed by this fashionable fad that we have to do something for the single community of LGBT? The attitude seems to be that we have to cleanse ourselves, but, for everyone else: tough. That is how the law was. You chose to break it: tough. That is how it should be for everyone, and this is a totally unnecessary and fruitless exercise that only exposes the inequality that this House is prepared to embrace as well as some embracing that which in their past they said was wrong but apparently today is going to be right.



**Mr Frew (The Chairperson of the Committee for Justice):** The Minister of Justice has already outlined the purpose of the legislative consent motion, so I do not intend to rehearse everything that has already been said. However, I do want to outline the Committee's consideration of the policy areas covered by the motion. Whilst the Justice Committee is of the view that, where possible, legislative change should be taken through the Assembly, on this occasion it agreed that a legislative consent motion would be the most appropriate course of action.

First, I want to set out the background to the Committee's consideration of all the proposals submitted to it for possible inclusion in the Policing and Crime Bill. At its meeting on 16 June 2016, the Committee considered departmental written briefing papers on three proposed LCMs for the Policing and Crime Bill. The LCMs covered maritime enforcement powers, police powers across UK jurisdictions and biometric retention in relation to foreign convictions. At the request of the Committee, departmental officials attended the meeting on 15 September to give evidence on the proposals. On the same day, the Committee also considered a written departmental briefing on a fourth proposed legislative consent motion on lifelong anonymity of victims of forced marriage.

At the meeting on 22 September, the Committee agreed that it was content with the proposals to extend the provisions for lifelong anonymity of victims of forced marriage and police arrest powers across UK jurisdictions to Northern Ireland. It also agreed that it was content with the proposal to extend the biometric retention provisions in relation to foreign convictions in the Policing and Crime Bill to Northern Ireland by way of an LCM. Sinn Féin members of the Committee, however, indicated that they were opposed to this proposed legislative consent motion. At the meeting on 6 October, the Committee reached agreement on the LCM on maritime enforcement powers. The Committee agreed that it was content with the proposed legislative consent motion on maritime enforcement powers subject to a number of conditions. The reasons for the Committee's conditional agreement will become clear when I come to talk specifically about the maritime enforcement provisions.

On 27 October, the Department of Justice laid a legislative consent memorandum for the Policing and Crime Bill which included a consolidated draft motion covering three out of the four previously considered policy areas:

maritime enforcement powers, not including hot pursuit powers I might add; UK cross-jurisdictional arrest powers; and anonymity for victims of forced marriage. Therefore, we had one LCM covering three out of the four policy areas considered — not four as had been originally intended — and one of those areas had changed considerably since it was last considered by the Committee. The Committee learnt later that the Department had circulated a draft paper on the proposals for consideration by the Executive at their meeting on 27 October and, following feedback on the draft, the final paper tabled and ultimately approved did not include the provisions relating to biometric retention in relation to foreign convictions.

#### 4.00 pm

On 7 November, the Department of Justice laid a further legislative consent memorandum for the Policing and Crime Bill that superseded the memorandum laid on the 27 October. The further legislative consent memorandum covered the three areas in the 27 October memorandum and an additional policy area, that is, pardons for convictions of certain abolished offences.

Now that I have outlined how we got to this point, I will cover each provision separately. I will deal with the provisions relating to UK maritime enforcement powers last, as the Committee spent a considerable amount of time on that area and not without difficulty or frustration.

On the UK cross-jurisdictional arrest powers, the Home Office is proposing an amendment to the Criminal Justice and Public Order Act 1994 to fill a long-term gap that prevents an officer in their own jurisdiction arresting a person without warrant on suspicion of having committed an offence in another UK jurisdiction.

The Policing and Crime Bill will allow police officers in England, Wales, Scotland and Northern Ireland to arrest a person in their own jurisdiction for a serious offence committed in another. Consequential changes will also be made to the existing powers of entry and search but only for offences that are indictable, and it is noted that consequential amendments to current PACE codes of practice will also be required. At its meeting on 22 September 2016, the Committee for Justice agreed that it was content with the proposal to extend the police powers across UK jurisdictions — these are provisions in the Policing and Crime Bill — to Northern Ireland by way of the LCM.

The Committee was fully supportive of the provision on anonymity for victims of forced marriage being extended to Northern Ireland. At present, a victim of forced marriage in Northern Ireland may be granted anonymity only at the discretion of the court, so, in reality, anonymity is not automatic. The proposed amendment to the Policing and Crime Bill would provide automatic lifelong anonymity to victims of forced marriage and prohibit publication or broadcast of any information likely to result in the victim being identified, whether that is in traditional print, broadcast or social media. The prohibition can be reversed only if the victim applies to the court to remove it. Anyone found guilty of breaching it will be subject to a fine not exceeding level 5, which is £5,000 on summary conviction.

The Committee agrees that there is significant value in making provision for the anonymity of victims of forced marriage in Northern Ireland at this time. The Committee understands it is a very rare crime in Northern Ireland, but it concurs with the Department's view that it is important that victims here are afforded the same level of protection as those in England and Wales. At its meeting on 15 September, the Committee agreed to seek clarification on whether anonymity for a UK citizen who is a victim of forced marriage extends to other jurisdictions outside the UK. The Department responded, clarifying that the offence of breaching a prohibition on publication of the identity of a victim of forced marriage will apply on a UK-wide basis but does not extend beyond the UK. In relation to social media, any domestic service providers established in England and Wales, Scotland or Northern Ireland who publish a prohibited matter in a European Economic Area state, other than the UK, may be liable to prosecution.

At its meeting on 22 September, the Committee for Justice considered all the information available to it and agreed it was content with the proposal to extend the provision for lifelong anonymity of victims of forced marriage to Northern Ireland by way of the legislative consent motion.

At the meeting on 10 November, the Committee for Justice considered for the first time new provisions that were in the legislative consent memorandum laid in the Assembly on 7 November to provide for pardons for convictions relating to now-abolished homosexual offences. Departmental officials attended the meeting to update members on the revised legislative consent memorandum laid on 7 November and the new provisions. Officials advised the Committee that on 7

November the Minister received through urgent procedure Executive agreement to seek agreement from the Assembly to extend the provisions to Northern Ireland.

Late amendments to the Policing and Crime Bill tabled at Lords Committee Stage would provide in England and Wales statutory pardons for persons with convictions, including military convictions under service law, for abolished homosexual offences involving consensual activity with persons over the current age of consent. Those amendments build on existing provision in England and Wales in the Protection of Freedoms Act 2012, which introduced a disregard scheme for such offences.

Subsequent amendments tabled by Lord Lexden would make provision for Northern Ireland by introducing the disregard powers in the Protection of Freedoms Act 2012, along with the new provisions that will provide statutory pardons for abolished homosexual offences. Officials informed the Committee that inclusion of these provisions in the legislative consent memorandum would allow the UK Parliament to include Lord Lexden's amendments and thereby provide the same arrangements in Northern Ireland as are proposed for England and Wales in relation to the pardoning of abolished homosexual offences.

During discussions, Mr Roy Beggs expressed reservations about the pardoning of abolished homosexual offences that were illegal in the context of the age of consent at that time. Ms Clare Bailey asked whether the pardon would be accompanied by an apology from Westminster or the Executive Office. In response, departmental officials advised that an apology did not form part of the provisions being put forward in the House of Lords.

While the Committee agreed at its meeting on 10 November that it was content with the proposal to extend the provision for pardons for convictions for abolished homosexual offences to Northern Ireland, it also agreed to ask the Minister of Justice whether she is minded to undertake a review to identify the scale of other anomalies specific to Northern Ireland that may need to be addressed in relation to heterosexual offences. The response received from the Minister was that she has asked officials to consider this matter, and her comments today have expanded on that. I thank the Minister for giving the House that clarification. It was a very, very clear statement, so thank you very much, Minister, for that.

I turn to the provisions on maritime enforcement laws and powers. In April of this year, the Home Office wrote to the Department seeking legislative consent for law enforcement officers in England and Wales to exercise maritime enforcement powers in Northern Ireland waters in hot pursuit situations. Following that, the Scottish Government requested that law enforcement officers in Scotland be provided with powers corresponding to those conferred on members of police forces in England and Wales and on certain other law enforcement officers. They included powers of hot pursuit from Scottish waters into Northern Ireland territorial waters, which also required the legislative consent of the Assembly. The Department advised the Committee that, given the Scottish Government's request for powers corresponding to those conferred on members of police forces in England and Wales, officials consulted the PSNI on whether a case could be made for equivalent maritime enforcement powers in the Bill to be extended to Northern Ireland. In response, according to the Department, the PSNI advised that it had limited maritime capabilities and that there was no pressing need for additional powers to be made available to its officers at present. Based on the PSNI's view, the Department indicated that it was minded not to extend the maritime powers to Northern Ireland. However, officials highlighted that a legislative consent motion would still be required to provide legislative consent for law enforcement officers in England, Wales and Scotland to exercise their powers in Northern Ireland waters, but only in hot pursuit situations.

The officials also advised the Committee that discussions were ongoing between the Department and the Home Office on the accountability arrangements for the hot pursuit powers in the Bill, which, at the time of introduction, were contrary to that which the previous Assembly provided legislative consent for in relation to the hot pursuit provisions in the Modern Slavery Act. The Modern Slavery Act memorandum provided consent for the Police Ombudsman for Northern Ireland to investigate any complaints made against officers from police forces in England and Wales in the exercise of hot pursuit powers in Northern Ireland waters. However, the Bill contained a clause that would have the effect of extending the jurisdiction of the Independent Police Complaints Commission in England and Wales to the hot pursuit powers in the Modern Slavery Act and the Bill.

Following the oral evidence session with departmental officials on 15 September, the Committee agreed to request information from

the Minister of Justice on accountability arrangements in relation to the Police Ombudsman. The Minister confirmed that her Department had agreed an approach with the Home Office that makes provision for local accountability where hot pursuit maritime powers are exercised in Northern Ireland waters, to ensure that officers are properly held to account, and that the Police Ombudsman was content with the oversight arrangements.

The Committee also wrote to the Chief Constable asking why the PSNI held the view that maritime enforcement powers in relation to hot pursuit should not be extended to Northern Ireland. In response, Assistant Chief Constable Todd stated that while, at present, it was unlikely that the PSNI would have occasion to use hot pursuit powers in Northern Ireland waters, it was not its intent to in some way create a safe haven. The PSNI was of the view that, to ensure consistency across UK waters, it would be in the national interest to extend the proposed enforcement powers to Northern Ireland by way of a legislative consent motion.

The Committee's concerns, however, did not centre on law enforcement officers from other UK jurisdictions being provided with maritime enforcement powers in Northern Ireland waters in hot pursuit situations. Rather, the Committee was considering whether the PSNI should get equivalent powers to go into other UK jurisdiction waters.

The Committee considered the responses from the Minister of Justice and the PSNI and agreed to seek further information from the Minister of Justice on the accountability arrangements to the Policing Board for incidents involving law enforcement officers from any of the UK legal jurisdictions exercising hot pursuit powers in Northern Ireland waters. The Committee also agreed to advise her that it was minded to recommend that maritime enforcement powers of hot pursuit be extended to Northern Ireland but would consider the matter further on receipt of the additional information requested.

The Committee agreed to seek clarification from the Chief Constable on his position on extending the powers of hot pursuit to the PSNI and on the reasons why the PSNI did not seek or support maritime enforcement powers of hot pursuit being extended to Northern Ireland in the first instance.

The Minister of Justice responded on 21 September, providing information on the proposed accountability arrangements to the Policing Board for law enforcement officers from any of the UK jurisdictions exercising

maritime hot pursuit powers in Northern Ireland's territorial waters. She indicated that she was not minded to include a provision that required either the Chief Constable or chief officers of other GB forces to report to the Policing Board on the exercise of hot pursuit powers.

Assistant Chief Constable Todd confirmed in his response that he was content that the powers of hot pursuit be extended to the PSNI. He also clarified that the original position attributed to the PSNI appeared to be the result of an informal conversation between staff who were trying to be helpful in progressing the matter and had not been fully considered at a senior level at that time. That is absolutely astounding.

At the Committee meeting on 29 September, members considered the responses from the Minister of Justice and the PSNI and indicated that they still did not have the level of clarification necessary to reach a decision on the proposal to extend maritime enforcement powers in hot pursuit circumstances. The Committee, therefore, requested further information from the Minister on whether the PSNI had ever had to stop a hot pursuit operation because it would have resulted in officers going beyond Northern Ireland's territorial waters; what implications, if any, there would likely be for the PSNI in terms of additional resources and funding if maritime enforcement powers were provided; and the legislative changes required to provide the accountability powers to the Police Ombudsman, details of the amendments and how they would be taken forward.

In relation to law enforcement officers from any of the other UK jurisdictions exercising maritime hot pursuit powers in Northern Ireland's territorial waters, some members indicated that there needed to be an accountability mechanism to the Northern Ireland Policing Board for such operations and suggested that that could take the form of retrospective accountability by the Chief Constable. The Minister was, therefore, also asked to outline her proposals to address that issue.

In the Minister's response, she advised that engagement had taken place at assistant chief constable level in the PSNI and that the Chief Constable was also sighted on the matter. The Minister reiterated that the PSNI would welcome reciprocal maritime powers, including powers to cover cases in which PSNI officers might enter other UK territorial waters in hot pursuit circumstances. In such circumstances, the Department clarified that it had been agreed

with the Home Office and the Office of the Police Ombudsman that the Police Ombudsman would continue to have oversight of PSNI officers operating in England and Wales waters. The Minister also advised that, to date, there had been no cases in which the PSNI had had to stop a hot pursuit operation because it would have resulted in officers going beyond Northern Ireland's territorial waters.

In respect of the likely resource and funding implications of the PSNI being given maritime enforcement powers in hot pursuit situations, the Department confirmed that the PSNI had purchased new boats in 2015 that were capable of going beyond the 12 miles required to leave Northern Ireland waters. The only identifiable cost, therefore, would be minimal and related to participation or training in any exercises that arose as a result of the new powers.

#### **4.15 pm**

In relation to the legislative changes that would be required to provide accountability powers to the Police Ombudsman for Northern Ireland, the Minister informed members that amendments would need to be made to the Police (Northern Ireland) Act 1998 and the Police (Northern Ireland) Act 2000 and to some associated subordinate legislation. The Minister advised that the amendments would be incorporated into the Policing and Crime Bill and would ensure that the Police Ombudsman retained proper powers of investigation in relation to all officers when exercising the powers of a constable in Northern Ireland waters and PSNI officers when in other UK territorial waters.

In the same response, the Minister referred to an issue around accountability that had arisen in relation to Scottish officers. The Minister informed the Committee that the Scottish Government were not in a position to agree to the proposed model of oversight of Scottish officers by the Police Ombudsman for Northern Ireland. However, the Department was working with the Home Office and Scottish Government to resolve that issue. The Minister suggested that, to progress the legislative consent motion, the appropriate provision relating to the exercise of powers by Scottish officers in Northern Ireland waters should remain in the Bill but on the firm understanding that they would remain only when all parties were agreed on appropriate accountability arrangements.

At its meeting on 6 October, the Committee for Justice agreed that it was content with the proposed legislative consent motion on maritime enforcement powers, subject to the

following: the addition of maritime enforcement powers in relation to hot pursuit being extended to the PSNI; that the Policing Board was content with the proposals for retrospective accountability by the Chief Constable to the board; and that the provision for maritime enforcement powers in relation to hot pursuit by Scottish officers in Northern Ireland territorial waters should remain only if the Scottish Government agreed the proposed model of oversight by the Office of the Police Ombudsman for Northern Ireland.

At the Department of Justice evidence session on 10 November, officials advised members that, following the Committee's conditional agreement to the proposed LCM on maritime enforcement powers, departmental officials attended a meeting of the Policing Board on 22 October and discussed the proposed oversight and accountability arrangements. The Department advised that, whilst some board members were supportive, the board was unable to reach an agreed position and sought further time to consider this matter. The Department also advised that it had not been possible to secure the agreement of the Scottish Government to oversight of Police Scotland officers when operating in Northern Ireland waters. The Department indicated that the issue was around Scottish officers being subject to greater scrutiny in Northern Ireland waters. When asked whether the hot pursuit provisions could be extended to Northern Ireland, England and Wales only, departmental officials advised that it was the Home Office's view that any arrangements for maritime enforcement powers in hot pursuit situations should cover all jurisdictions and be included in the same legislative vehicle.

In the absence of agreement, and given the tight legislative timescales associated with the passage of the Bill through Westminster, the Department removed from the legislative consent memorandum the provisions for hot pursuit into Northern Ireland waters. The Department confirmed, however, that it remains of the view that there was merit in seeking to resolve these issues and reach a mutually acceptable agreement in slower time. Therefore, the draft motion included in the legislative consent memorandum, tabled on 7 November, does not cover hot pursuit powers.

In relation to maritime enforcement powers, the draft motion seeks the extension of wider maritime enforcement powers that would give the PSNI powers to seek to prevent, detect, investigate and/or prosecute offences committed on vessels in Northern Ireland waters. In practice, the PSNI would be able to

stop, board, divert and detain a vessel; to search and obtain information; and to arrest and seize evidence of any offence on vessels in Northern Ireland territorial waters. This, of course, is to be welcomed and was supported by the Justice Committee.

Members, I apologise for the length of time I have taken to set out details of the scrutiny that the Justice Committee has taken in respect of this legislative consent memorandum and motion, but it is vital to highlight the need to consider proposed LCMs in detail — after all, it is legislation — and to illustrate the handling of it, in particular the maritime enforcement hot pursuit element, by the Department.

I refer to the Committee's report:

*"... the Committee expressed extreme disappointment and frustration at the series of failures by the Department in its handling of the issue of maritime enforcement powers in hot pursuit situations, which ultimately resulted in hot pursuit powers being removed completely from the Legislative Consent Motion and the Bill. Concerns included delayed engagement with the Policing Board when it was clear there were accountability issues, and the informal arrangements for engagement between the Department of Justice and the PSNI on legislative matters."*

The Department went to the Policing Board only on 22 October. This Bill had its First Reading in February, yet the Department only saw fit to go to the Policing Board, at the request, if you like, of the Justice Committee, on 22 October. It also alarms me that there was a very loose informal arrangement between the Department of Justice and the PSNI on these legislative matters. It is something of very great importance, yet it seems that the PSNI were being helpful when they did not request, require or see the need for hot pursuit powers going the other way. It was obvious to the Committee at the very first meeting that we would require or ask the Department to have those same powers. If it is good enough for England, Scotland and Wales to come into our waters in hot pursuit, how would it not be the same, then, for PSNI officers going the other way?

*"The Department acknowledged that it could have done better and apologised that it had been distracted by trying to solve the issue of oversight by the Police Ombudsman, and as a result had omitted to engage earlier with the Policing Board. The Department also confirmed that formal arrangements had now been put in place for engagement*

*at the proper level with the PSNI, on legislative and other important matters."*

I think this is a lesson for everyone on the importance of proper scrutiny of LCMs by Committees, appropriate attention to detail and provision of accurate and clear information on the relevant provisions by Departments.

The Committee for Justice agreed, on 10 November 2016, that it was content with the proposal to extend maritime enforcement powers to Northern Ireland by way of a legislative consent motion, subject to the Minister giving a commitment during the debate on the legislative consent motion that work will be progressed as quickly as possible by the Department of Justice to make provision for maritime enforcement powers in hot pursuit situations for PSNI officers and to identify an appropriate legislative vehicle to give effect to this at the earliest opportunity.

The commitment outlined by the Committee has now been given by the Minister, subject to the agreement of the Policing Board in relation to accountability and reaching agreement with the Scottish Government on the oversight arrangements for Police Scotland officers when in Northern Ireland waters. Therefore, the Committee for Justice supports the Minister of Justice in seeking the Assembly's endorsement of the legislative consent motion. However, I want to point out that the Committee is of the view that the PSNI getting hot pursuit powers should not be dependent on agreement with the Scottish Government. The Committee would like to see the PSNI getting hot pursuit powers regardless of Scotland's position, and would expect the Department's negotiations with the Home Office to take this into account, although it is a matter for the Department of Justice and, indeed, the Home Office.

In conclusion, this has not been an acceptable way of dealing with LCMs between the Department and the Committee. There has been a litany of errors throughout the process since our first briefing. It is not good enough to go the Policing Board in October when the Bill had its First Reading in Westminster in February. It is not good enough that the Justice Committee has to remind the Department of the accountability structures in Northern Ireland and to ask for the consent of the Policing Board and the Police Ombudsman. It has not been acceptable that we have had to extract all of this from the Department and its officials throughout the process.

It left time very tight for us to get the LCM before the House today.

I have seen many messes in my time as an MLA. I was on the ETI Committee when it had to deal with the energy branch — horrendous — and was on the PAC when things have gone wrong in Departments, but I must say to the Minister of Justice that this mess, with its litany of errors, ranks right up there. I do not want to lose my temper. I will leave it at that, but I expect much more from the Department of Justice when it comes to engagement with the Justice Committee and with organisations that are stakeholders in any legislative process, whether it be the Policing Board, the Police Ombudsman or any other theatre of justice on legislation that the Department brings before the House. I hope that lessons have been learnt in this case. I will leave it there.

**Mr Beattie:** I support the LCM in its entirety, as outlined by the Justice Minister. I do so personally and on behalf of my party. I will not reiterate what the Chair of the Justice Committee said. He went into it in quite some detail. He really did need to go into that detail, because, since we started dealing with the LCM in June, it has been incredibly frustrating. Things could certainly have been done differently. We were exasperated weekly by the lack of progress on the maritime enforcement powers and the hot-pursuit issues. I welcome the Justice Minister saying that she will pursue this at a later stage. Hopefully, we will be able to get around that.

I do not want to go through the different component parts of the LCM, but I am slightly disappointed that the provision on anonymity for victims of forced marriage does not go further. As it stands, if you are a UK citizen, it is chargeable offence to mention the name of somebody who is a victim of forced marriage, but, if you leave the country and use a server in another country — Pakistan or somewhere like that — you can quite openly use the name and then return to the United Kingdom, and no offence will have been committed. It would have been nice to see that provision extended further. I am still thankful that we have it as it stands now, however.

It is right to say the Justice Committee has had time to scrutinise the LCM in detail, and it has been important for it to do so. I do not want to focus too much on the fourth component of the LCM and change the whole debate, but the pardon for convictions for certain abolished offences did come late to the Committee, and, because of that, it is fair to say that scrutiny was possibly rushed. I can concede that. I see this as a legislative process and these things being viewed on a case-by-case basis. Those who were shot at dawn were pardoned 90 years

after. That was a good pardon. Alan Turing was pardoned in 2013. That was right. The decriminalisation of homosexual acts in Northern Ireland came into force 34 years ago. This LCM puts right the consequences of a bad law. Therefore, I believe, like the Chair, that the Justice Committee has scrutinised the LCM at the right level. I will certainly be supporting it.

**Ms Boyle:** I thank the Chair for the level of detail that he gave the House on the LCM. On behalf of the Sinn Féin Justice Committee members and, indeed, my party, I put on record and register our concerns about the way in which the Department handled the process, particularly the maritime pursuit powers in the LCM.

#### 4.30 pm

We believe that departmental officials must take a methodical approach to handling these matters; they must respect other accountability mechanisms, specifically the Policing Board. Full transfer of policing and justice powers must work effectively and efficiently, and we welcome the full sweep of policing and justice powers here. However, by the same token, all the accountability mechanisms must work together for open and transparent reporting on such matters. Indeed, I would like to echo a valid point raised with officials at the Committee meeting on 10 November by the Chair, Paul Frew: when legislation goes to the PSNI, it must be dealt with at the highest level by a person with the skills and expertise to form an opinion on whether it is good or bad from a policing point of view. I want to echo the Chair's sentiment. That is critical for the legislative process.

The appropriate level of communication is key to many aspects of accountability. As the Chair stated, lessons need to be learned from what happened. This matter would probably not have been pursued other than at the behest of the Committee. That is what a scrutiny Committee is all about: ensuring accountability and ensuring that accountability is upheld. However, we appreciated the Department admitting that it could have done better.

The LCM makes provisions in four areas: maritime enforcement powers, excluding hot pursuit for reasons outlined by the Chair; cross-jurisdictional arrest powers; and pardons for convictions of abolished gay and bisexual offences. I want to speak briefly on the latter. These should never have been offences in the first place; this was a cruel, unjust, homophobic law — a dinosaur law — and lot of people have

been harmed as a result. No one should be discriminated against or found guilty of a crime for falling in love. The Minister's proposals are a step in the right direction, and we welcome them. The Minister's approach to such laws has to be welcomed in the House.

We support the motion and ask others to do so. We will not support the amendment.

**Mr Attwood:** I apologise to the Chair of the Committee and to Mr Allister: I was called away to an unscheduled meeting and missed both their contributions. I did, however, hear the Minister's contribution prior to Question Time. I apologise if I cover ground that has been addressed by others.

From what I have heard, questions have been raised, and rightly so, about the management of this business, on both PSNI and Department of Justice sides. My view is that what may be revealed by how the Department managed this is a failure of understanding at Department level of the thresholds and requirements of Patten as regards accountability for police actions in the North. What worries me, whatever the detail of how it was managed at Department level in response to the probing of the Committee, is the wider issue of the understanding at Department level of the requirements for policing accountability in Northern Ireland. I would be more alarmed by a systemic problem than by the management problem that was clearly identified in how this was approached by the Department. When there is a management problem, you can put in place processes and tick boxes to make sure that it is managed properly. However, if there is a cultural problem — a failure to understand that the actions of anybody with police powers in Northern Ireland, besides the PSNI, should be accountable to the Policing Board — that is a much deeper issue.

The reason why I am concerned about the wider, deeper issue that may or may not be advertised by what happened in this case is that it is not so long ago that a lot of time and effort was engaged in trying to rectify the false approach that was being adopted by the Home Office and some in the Department of Justice when it came to accountability for the National Crime Agency. It was only in February 2014 that that matter was corrected in the right thresholds of accountability when it came to the conduct of the NCA. Yet it appears that, a short time later, the Department of Justice was making proposals that did not give due authority and recognition to the role of the Policing Board in the conduct of police officers in Northern Ireland. I would like the Minister to respond to that issue.

Is there any failure of understanding at departmental level that, when a police officer or a person with police powers is operating in Northern Ireland, be it the PSNI, the NCA or police officers from another police service in Britain, there must never be any doubt about accountability to the Policing Board? A doubt was created in that regard by this particular LCM. I think that this is fundamental, and it needs to be fundamental going forward because, in the view of the SDLP, accountability around policing has been degraded over a period of time. We do not need to see any more degradation when it comes to the authority of the Policing Board and accountability for police actions in Northern Ireland. I would like the Minister to give that reassurance, to ensure that, at departmental level, there is no lack of understanding as to the thresholds that were established. They should be jealously guarded, otherwise we will be in a much more severe place.

It may be that this particular instance about the accountability of police officers outside Northern Ireland for their activities here might not arise very much, but once bitten, twice shy. Let us ensure that there is no repetition of the failure of management, on the one hand, and, hopefully, on a much worse level, the failure to recognise how these things should be conducted when it comes to these matters.

I also want to be fair to the Chair, the Deputy Chair and the Committee. This is a personal view, and I was on the Justice Committee for only a very short period of months, but the Justice Committee in the last mandate, in my view, in my experience and from what other people said, when it came to the conduct of Committees, actually fulfilled higher levels and thresholds when it came to calling to account Ministers and public policy generally. That was a recognition of the membership and the Chair and Deputy Chair of the last Committee. I have to say that my experience in the short life of this Committee is that those thresholds and standards are again being upheld. That is good for the life of the Assembly and good for the life of the Justice Committee.

However, just as the Committee has been attentive and vigilant — I also have to acknowledge the work of the Committee staff, and the Clerk in particular, in all of this — this does tell the Assembly to be very vigilant when it comes to LCMs. We had an unfortunate experience in the Chamber this morning where an LCM was pushed through, the consequences of which I do not believe the Assembly fully understand, about how third-level education is being fundamentally

reconfigured. Therefore we should be very mindful about LCMs. The conduct of the Justice Committee, and the work of the Chair in particular, in this matter is worthy of further consideration.

The third point is that an interesting concept is now being created. I am not going to challenge the words of this, but police officers from other jurisdictions in Britain who might come to Northern Ireland through their maritime activities will now retrospectively account to the Policing Board. Well, they might want to retrospectively explain, but I do not know if "retrospectively account" is the right phrase. Under Patten, the police legislation and the NCA, very rigorous requirements are laid down in terms of what accountability looks like, and retrospective accountability for what a police officer might have done in Northern Ireland is different, in my view, from the thresholds that apply now in respect of the NCA and in respect of the PSNI to the Policing Board.

I put down a marker that, if we think retrospective accountability will look identical to the other examples of accountability to the Policing Board, we might be disappointed.

The SDLP supports the LCM across the range of its content, including that which has arisen most recently on pardons for abolished offences. We should take any opportunity in the Assembly to right wrongs. That is what the proposal does with pardons for abolished offences. For that reason, we will oppose Mr Allister's amendment.

**Mr Lunn:** We also support the LCM in its entirety. Like others, I do not want to repeat a whole lot of what has been said. The Minister laid out the terms of the LCM quite adequately. Mr Frew certainly did justice to the concerns the Committee had about the process and the hoops we had to go through. Every Committee meeting seemed to have another twist and turn. I agree with the Minister to the extent that the Department did not cover itself with glory in that episode. To my mind, neither did the PSNI, which could not seem to make up its mind whether it wanted hot pursuit, even though it has two lovely new boats that will go more than 12 miles. The Policing Board also could not seem to make up its mind; it could not come to an agreement about the way forward. It was not the Department's best day, but it was not helped by those other organisations.

As regards the hot pursuit issue, words fail me. I wonder what happened to the "U" in "United Kingdom" in all this. The fact is that we have a 12-mile limit in Northern Ireland, and so has



England, Scotland and Wales. Presumably, so has the Isle of Man; I do not really know, but maybe it has.

**A Member:** It does.

**Mr Lunn:** It does? Well, there you are; there is another one. They are going to have to carry a computer to decide whose water they are in. This is all to do with trying to apprehend criminals and chasing boats around the Irish Sea, which is not much bigger than a big pond. It is ridiculous that we are having to go through all this just to try to establish whose jurisdiction it is in the United Kingdom, who should be accountable to whom and who can enter whose territorial waters. I had better not go on about that. We are not talking about the Baltic Sea or the Red Sea or that wee bit of water between Cuba and America.

**Mr Aiken:** Thank you very much indeed for giving way. The unfortunate point is that, if we still had a Royal Navy left, we could let it do the hot pursuit, as was traditional.

**Mr Lunn:** Presumably, if Mr Aiken had his way, we would use submarines to do a bit of hot pursuing; they would not even know they were there. This is over the top, frankly, but we are where we are.

Another bit of the LCM is to do with maritime enforcement powers; they are now being extended for Northern Ireland — the PSNI — to operate in its own territorial waters. That is a good thing. Prior to this LCM, the police had to try to establish whether the boat was one they were suspicious was operating in human trafficking, slavery, forced labour or servitude. In other words, if the police thought it was carrying drugs, they could not do anything about it. Presumably, if they thought the boat was stolen, they could not do anything about it either. Now, at least, that has been tidied up. That is a good thing. Maybe it is a good start for the PSNI, in that it can now rigorously enforce our law in our territorial waters.

The cross-jurisdictional arrest powers are also a very good piece of tidying up that is probably long overdue. I note it applies only to very serious offences that carry the potential for a 10-year sentence. That is pretty severe. It means the police can do the natural thing. If they see somebody who is wanted, with or without a warrant, they can arrest them for a fixed period while the necessary paperwork comes through, for want of a better description.

The last section is the pardon for homosexual offences. I do not know what to say about this, but I will say something anyway. I just hope that Mr Allister never has a relative who is LGBT, because, frankly, I wonder what he would say to him or her. I listened to Mr Allister with considerable respect because he has a very good legal brain, although he let himself down eventually. He talked about process and pointed out some defects in the not quite normal way in which this has been dealt with. There should have been a consultation and all the rest of it, but that does not make it any less desirable that we do something about a law that, as Ms Boyle said, should never have been passed in the first place. This is putting something right that was never right to start with. Frankly, I think that Mr Allister, as he went on, betrayed his own prejudice and his own feelings several times. I will not detail what he said — it is in Hansard — but it is pretty obvious. Even the way in which he says LGBT, as if he has a bad taste in his mouth, is disgraceful, and he refused to answer questions from various Members. Mr Allister's problem is that he does not like homosexuality.

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

**Mr Lunn:** I will in a minute. He finds it distasteful. He has said so, so many times, and now it is on the record. He has said it in the open, in the Chamber, and it is there for posterity. In the future, people will decide what they think about it. I will give way to him.

**Mr Allister:** The Member referred to me refusing to answer questions. I think that I gave way to any and every Member who asked me to give way, as is my wont. What did I fail to deal with?

**Mr Lunn:** You did not answer Claire Hanna's question, for a start.

**Mr Allister:** I did.

**Mr Lunn:** No, you did not. I suggest to people like Mr Allister that they should reflect on their views on this issue. On a different side of the issue, Members will be aware that I had a change of mind on homosexuality and same-sex marriage. I suggest to Mr Allister that he should engage with those in the LGBT community and find out what their feelings are about this and the sort of attitude that he portrays. He might also have a word with the British Psychological Society, which had such an effect on me in the circumstances. I am putting on the record that I think that his amendment is disgraceful. I sincerely hope that

he cannot get the second teller because, if it is forced to a vote, it will be a sad reflection on the House.

**Ms Bradshaw:** I welcome the opportunity to speak on the legislative consent motion and thank the Justice Minister for bringing it to the Assembly. Other Members have spoken about its various elements, but, like my colleague Trevor Lunn, I want to focus on the convictions of homosexuals for certain abolished offences. I would like to remind Members of Jim Allister's behaviour in 2013, when, without consultation, he signed an amendment to the Criminal Justice Bill 2013 that aimed to ban Marie Stopes clinics here. A lot of what he said today hinged on this being put forward without consultation. I call that hypocrisy. The Bible calls hypocrisy a sin, and, if he wants me to, I will go through some of the verses that refer to that. I would just like to put on record that I was really disgusted by the tone and the content of Mr Allister's remarks today. He is talking about nearly 76,000 individuals.

I will focus on Alan Turing, whom, as some of you may have heard, I mentioned at the start. What happened to him was absolutely deplorable. He gave years of his life to national service, was pivotal in breaking the wartime Enigma code and, as a result, made significant contributions to the Allied forces winning World War II. Despite this, his dedication and contribution to his country were repaid by chemical castration, and, sadly, he committed suicide at the age of 41. Had Alan Turing been heterosexual, there would have been an outcry in the Chamber and across the UK at the shocking manner in which someone so pivotal to the World War II effort was treated, but he was guilty of just one crime: being a homosexual and embracing it in a consensual relationship. Accordingly, it is good and right that he was pardoned by the Queen in 2013, but we must remember that his case is well known for the disrespectful way in which this war hero was treated.

Although Alan Turing popularised the issue, 75,895 other individuals underwent the mental trauma of being vilified for who they were and the shame of a conviction for something that should never have been deemed illegal. I acknowledge that the number of people who will be affected by the outcome of the motion is small compared with the numbers in England and Wales. However, the gesture in and of itself from the Chamber today will be far-reaching because it will be a positive public gesture of goodwill to and compassion for the LGBT community, who often feel ostracised and separate from Northern Ireland society.

We are also faced with an irony today in that the conviction is overturned as if it is perceived that the crime had never taken place, but marriage equality remains a distant reality. That means that, privately, homosexuals can engage in a consensual and loving relationship, yet that relationship continues not to be recognised by the state as it would be with the marriage of a heterosexual couple. I stress: that is by the state and not the Church. I hope that the motion will go some way to recognising that in the Chamber and that, one day, we will see marriage equality.

To conclude, I support the LCM but not the amendment. I hope that the pardons will go some way towards making amends and that we can spark a more positive relationship between the Chamber and the LGBT community.

**Ms Bailey:** I support the LCM in its entirety. As a member of the Justice Committee, it has been fascinating to watch the level of scrutiny, the hard work and the sheer determination and perseverance that Committee members have put into this. It certainly sets the bar very high for the years to come. It has been a huge learning curve for me, so well done and thank you for being part of that.

The majority of the work has been highlighted, and we talked about maritime powers. I will not go through everything again, except to say that the Green Party does not object to anything in the LCM. However, we cannot support the amendment. We welcome the last piece of the LCM: pardons for convictions for now abolished offences, specifically statutory pardons for persons with convictions for now abolished offences under what was historic anti-gay legislation. We welcome that, but I also expect that this will be the first time that the House has ever affected positive, progressive change through a vote on a matter of equality related to sexual orientation.

Our social attitude towards gay people still has a long way to go. Transphobic and homophobic hate crimes are still largely under-reported, if reported at all. We still have people elected to public office who advocate the re-criminalisation of LGBT people and others who believe that it is possible to cure being gay. Many people in the past, who had to carry these convictions with them, ended up taking their own lives. Who knows what and who they might have gone on to be — perhaps doctors, lawyers or Members of the House as parliamentarians? Others carried the shame with them for the rest of their lives without being able to speak to family members or loved ones about it. There are some who might be alive

today who are classed as criminals for now non-existent crimes. I hope that all Members can support the extension of the LCM in its entirety and help to send out a very clear message to our LGBT community that they are not criminals any more than the rest of us.

For these reasons, the Green Party will not be supporting the amendment, which seeks to exclude the posthumous pardons altogether and leave LGBT equality lagging behind the rest of the UK yet again. I hope that the extension of this LCM can bring a focus on equality legislation, in general, to this House over this mandate. If the Programme for Government seeks a more equal society, where we care for others and help those in need and where:

*"We are a confident, welcoming, outward-looking society."*

then we must make moves on equality for all people. This must include the equal treatment of people on the basis of their sexual orientation and gender identity. This is a cornerstone principle of a modern democracy. We support the LCM.

**Mr Agnew:** Often when we talk about privilege in our society, we mean wealth. I was not born with a silver spoon in my mouth, but I recognise that I have many other privileges that I was born with rather than earning them. I am white, I am able-bodied, and I am a cisgendered straight male, and with that comes many privileges that I have been fortunate to benefit from.

I want to be part of a generous majority. As someone with privilege, I want to extend, as much as possible, the benefits I have to others. As somebody who grew up in a society, and certainly in the school playground, where the term "gay" and other derogatory terms to allude to sexuality were used as terms of abuse, I would like to apologise, on my own behalf only, because I do not have the status to do so for the state or for others. I apologise if I used any of that language or those derogatory terms in ignorance as a child.

This should be and is a proud day for this Assembly. In fact, it is a proud day for Northern Ireland. As my colleague Clare Bailey pointed out, assuming it is passed, this will be the first piece of legislation to come to this House to promote and advance the rights of the LGBT community to be passed in Northern Ireland. Civil partnerships came into being in Northern Ireland under direct rule, and homosexuality

was only decriminalised through court action. I welcome the fact that we stand on the verge of making a democratic decision to support and enhance the rights of our LGBT community.

I do not accept it when Mr Allister used terms such as "rushing enthusiastically" for LGBT rights or said that we jumped on the bandwagon. That is the last thing we can say this Assembly has done, although I would welcome it if we had. Today is an important first step.

I do not accept that today we validate homosexuality. It is valid. We do not have the power or the right to do that. It is normal sexual practice by virtually every definition of the word normal. I welcome the large degree of consensus here today, but let us not overstate our power. We do not validate homosexuality; we are not so arrogant. It is normal, and it is valid.

There is an important distinction to be made between the criminalisation of homosexuality and other laws that have become obsolete. In cases of clear discrimination, whether it be against, as in this case, the LGBT community, on the issue of slavery or, further back, with the burning of so-called witches, there is shame in our past. We as a state and as legislators should recognise that and seek, where possible, to make reparations and put it right.

#### 5.00 pm

As I say, today, we, acting as a generous majority, take the first step towards our LGBT community. It is a small first step, and others must follow.

**Mr Allister:** I do not, for one moment, question the sincerity of those who have spoken against my amendment; they have done so honestly and with integrity. In a way, I respect their contributions more than those who chose to have nothing to say about this subject. I will return to that in a moment.

*(Mr Speaker in the Chair)*

I will pick up on one of Mr Agnew's latter points. He said that there have been many wrongs in the past. The point I was making is that that may be right, but why is it that we are being selective in the pardoning process? Why is it that we are choosing only obsolete offences within the realm of sexual crimes committed by homosexuals? Why is it, indeed, that in the wider criminal calendar — he referred to witches; we had the Islandmagee witches, but

there has been no pardon for them, so to speak — we are being so selective in deciding that we are going to push aside all the due process and rush forward with this single proposition relating to gay pardons and everything else does not matter? That is the message that this House is sending out. There are multiple obsolete offences in every sphere of the criminal law, but only one recommends itself to this House for retrospective pardon. That is the point that I am making. The selectivity of that is wrong; the discrimination of it is wrong. I illustrated that with the many heterosexual offences that have now become obsolete.

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

**Mr Allister:** Yes, certainly.

**Mr Agnew:** I come back to my previous point. He talks about heterosexual offences, but they were not by virtue of heterosexuality. This was discrimination against the whole homosexual community, and therein lies the difference. There is no law that has been repealed that discriminates against the whole heterosexual community in this way.

**Mr Allister:** With respect, the Member is wrong. The offences that I referred to were sex offences. Unlawful carnal knowledge with a 16-year-old, committed by heterosexuals, was a significant criminal offence that is now obsolete. Buggery committed by a homosexual has been chosen specially for pardon. Why? It is because, as I suggested, the fashionable fad is to be on that bandwagon. This House betrays its true intent by the fact that it has glossed over and rushed past all those other offences in order to get to the point of offering these pardons. That is the point about the principle of it being wrong.

We foolishly think that we can rewrite the law retrospectively and that we, the legislators of 2016, should take upon ourselves the burden of being the legislators of the 1950s or whenever. We have enough to do looking after 2016. Yet that is the purpose of this added amendment.

I said that I respected those who disagreed with me, and I understand entirely the logic of their position. I indicated that I have more respect for them than those who have kept silent in the debate. We have not had a DUP speech in the debate. We had a speech by the Chairman of the Committee, but he did not at any point, as is normal, speak on behalf of his party. Why? Because his party does not want to have anything on the record about the matter. That is why. The party of "Save Ulster from

Sodomy" does not want to have it on the record that it said anything about the matter, which is why it is so anxious that there should be no vote in the House on it. It is because of its embarrassment. The DUP has those in its ranks who carried the placards saying, "Save Ulster from Sodomy", and they know that the action that the House is taking is validating that very thing by saying that it was wrong for it to have been an offence. That is the inescapable import of the retrospective pardon. It is a collective, societal contrition for the fact that it was ever an offence. That, of course, embarrasses the party that is the DUP, because it was so lined up with that campaign.

I am disappointed that the DUP's instruction to its Members is a three-line whip against the amendment. Of course, they are hoping that it will not come to a vote. They have been strangely silent on the issue — not so strangely but totally silent. This is the party that told us, properly, during the Asher's case what a shameful assault it was on freedom of conscience, yet, when it comes to this issue, its Members are not allowed to have a conscience, even though I know that there are those on those Benches who do not agree, they say, with the retrospective pardon. They are not allowed a conscience on it.

I must say to the Ulster Unionists that I have often heard Mike Nesbitt boast of the fact that his party takes pride in having free votes on issues of conscience. Not today. Mr Nesbitt too has Members who are unhappy about the matter, so where is the freedom of conscience?

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

**Mr Allister:** Yes, certainly. Where is the freedom of conscience on that side of the House on the issue? Why is it being suppressed?

**Mr Nesbitt:** It is frankly close to outrageous for the Member to suggest that there has been any suppression of opinion in the Ulster Unionist Party. We debated the matter at length this morning and are treating it not as a moral issue but as a legal one. End of.

**Mr Allister:** Not end of. What that means is that there is a party policy to vote against the amendment. Of course, both the Ulster Unionists and the DUP are hoping that there will be no vote. Some of them do not want the embarrassment of having to go through the No Lobby on the amendment, in favour of the retrospective gay pardon. They are hoping that Allister might shout out for his amendment but

that no one else will, and that, even if he gets a Division, there will be no Teller. They can then go around the country and pretend and say, "There was no vote" and "Oh, we did not vote for that". That is the stratagem that is being deployed, particularly by the party that made a central plank of saving Ulster from sodomy. It is now going to validate that very thing.

As I said in my opening remarks, we are told that there are many in the ranks of the DUP who have a strong religious view and who are ruling elders in a Church that still proclaims homosexuality a sin and believes that buggery is wrong. Yet, today those elders like Mr Storey, Lord Morrow and Mr Tom Buchanan will sit on their hands, and, if it comes to it, put party before principle. Mr Buchanan, just a couple of years ago, addressing schoolchildren, was quoted in the 'Ulster Herald' as saying that homosexuality "isn't right" and is "an abomination". Which Mr Buchanan is here today? Where is he hiding? Where is Mr Storey hiding? Where is Lord Morrow hiding? Where are the others who sat in pews yesterday in a Church that still holds that homosexuality is a sin? That is the real challenge for those people. Are they going today to walk in their first ways like Jehoshaphat? Are they going to follow the fashionable crowd? Are they going to take the hard road or the easy road? Are they going to do what is right or what is wrong? Very soon we will know, Mr Speaker.

**Ms Sugden (The Minister of Justice):** I thank Members for their contributions to the legislative consent motion. Specifically, I wish to put on record my sincere thanks to the Justice Committee for its report and the Executive Committee for its consideration of the issues at hand. I entirely take on board the Justice Committee's criticisms of my Department in respect of the accountability around the legislative consent motion.

I also want to put on record that I fully respect the role of the Committee; I appreciate its scrutiny of the legislative vehicle and, more generally, of the Department. I am also fully respectful of the role of the Policing Board and the Police Ombudsman. Yes, my Department could have performed better, and for that I apologise. We will perform better and be fully cognisant of the accountability mechanisms that exist in and around my Department.

In particular, I want to assure Members that I am entirely mindful of the role of the Policing Board and that my Department is in no doubt of the role of the Policing Board either.

I am pleased generally by the support that has been shown around the Chamber for the four elements of the legislative consent motion, and I believe that it is sensible that the provisions be carried forward in the Westminster Bill.

Mr Allister outlined three reasons for putting forward his amendment. The first was process. Mr Allister accused me of not consulting on this area. However, I think that these late amendments to the Policing and Crime Bill in Westminster have shown that we need to take these opportunities where possible. Indeed, we did consult on the process, and I want to put on record my sincere thanks to Mr Allister for his contribution because, if anything, it has made me more mindful of seizing this opportunity and what we need to do: right the wrongs of the past.

He refers to principle and whether we should be rewriting the statute book, as he put it, and asked whether we are arrogant. No, I do not think that we are. I think that this was always a wrong piece of legislation. There is an opportunity, through this legislative consent motion, to right the wrongs of the past, and I congratulate all those Members who will support us in doing so because, as Mr Agnew said, this is a first step, and I stand here very deeply proud as Justice Minister of Northern Ireland that we will support it.

The second reason is discrimination. Again, I thank Mr Allister for bringing this to my attention because, at the outset, when it was revealed that we would move to table the LCM, and this part of the LCM in particular, Mr Allister raised concerns about Northern Ireland's difficulties around section 75 areas. We listened and we took those on board, and we are quite happy to proceed with the age of 17. It is only for Mr Allister's intervention that we can proceed on that. So, I thank Mr Allister for enabling this legislative consent motion to go through in the way that it will go through because it has strengthened what we can do moving forward. So, thank you, Mr Allister, for that.

I believe that, on this occasion, it is appropriate that the amendments will be made in the Westminster Bill. I ask the House again to support the passing of the motion, and I thank all those who will do so.

**5.15 pm**

*Question put, That the amendment be made.*

*Question put a second time.*

**Mr Speaker:** I am satisfied that Standing Order 27(4) provides that, if within a reasonable time two Tellers for each side have not been nominated, the Question shall not be carried.

*Question accordingly negatived.*

*Main Question put and agreed to.*

*Resolved:*

*That this Assembly endorses the principle of the extension to Northern Ireland of a number of provisions within the Policing and Crime Bill, by amendment at Lords Committee and Lords Report stage, in so far as they related to UK maritime enforcement powers; UK cross-jurisdictional arrest powers; anonymity for victims of forced marriage and pardons for convictions of certain abolished offences.*

**Mr Speaker:** I ask Members leaving the Chamber to do so quietly.

## **Civil Legal Services (Scope) (No. 2) Regulations (Northern Ireland) 2016**

**Ms Sugden (The Minister of Justice):** I beg to move

*That the draft Civil Legal Services (Scope) (No. 2) Regulations (Northern Ireland) 2016 be approved.*

The draft statutory rule is made under article 12(6) of the Access to Justice (Northern Ireland) Order 2003. The purpose of the statutory rule is to bring two new public protection orders — the violent offences prevention order (VOPO) and the slavery and trafficking prevention order (STPO) — within the scope of legal aid services as services that may be funded through legal aid. To ensure that legal aid remuneration is available for these proceedings in the civil and criminal courts, separate consequential amendments have also been made to the Legal Aid for Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005 and the Civil Legal Services (Remuneration) Order (Northern Ireland) 2015.

It would be helpful to remind Members of the background to the orders. The violent offences prevention order is a new civil preventative order aimed at helping to mitigate the risk of violent reoffending. The new order was developed with a very similar legislative framework to that for the sexual offences prevention order, which is used by relevant criminal justice practitioners to help to manage the risk of serious sexual harm. The violent offences prevention order will allow the court to place relevant prohibitions or requirements on the behaviour of violent offenders. Those subject to the order will also be automatically subject to notification requirements similar to those for the sex offender register. The requirements involve the offender providing personal information to police, and they remain in place for the duration of the order. The order can be made only where the court is satisfied that it is necessary for the purpose of protecting the public from the risk of serious violent harm caused by the offender. It will not form part of the person's sentence, nor will it automatically apply to all violent offenders. Breach of the order's conditions or notification requirements without reasonable excuse will be a criminal offence punishable by up to six months' imprisonment on summary conviction or up to five years' imprisonment on indictment.

I know that Members have been supportive of the proposals during the passage of the legislative provisions, and, like the criminal

justice agencies that will use them, are keen for their introduction. I believe that the introduction of the order will strengthen the existing public protection arrangements for violent offenders and enable public protection agencies to more effectively manage the risk posed by violent offenders in the community.

The slavery and trafficking prevention order is aimed at protecting the public in general or specific persons from the physical or psychological harm that would result if the defendant committed a slavery or trafficking offence. The orders are a preventative measure to deter unlawful and harmful activity and can be made only against individuals aged 18 years or older. They place prohibitions or requirements on the activities and behaviour of a slavery or human trafficking offender. The orders are intended to be an additional tool available to law enforcement agencies to regulate the behaviour of individuals who may otherwise cause harm by committing slavery and human trafficking offences. The order does not form part of a person's sentence and is not automatically applied to all slavery and human trafficking offenders. The orders are made by the court on consideration of the risk posed by the defendant. While they are civil orders, an offender who fails to comply with a prohibition or requirement contained within the order commits a criminal offence. Similarly, a breach of the notification requirements is a criminal offence.

In putting forward these enhanced public protection measures, I have listened carefully to concerns raised by Members, the public and the justice agencies that will be responsible for delivering and managing the new arrangements. Both orders draw on the experience in England and Wales. However, we have strengthened the provisions to make the orders more effective in this jurisdiction.

The regulation that is the subject of today's debate will amend the Access to Justice (Northern Ireland) Order 2003 to allow for publicly funded representation for the orders. Given the demand-led nature of cases appearing before the courts and as is the case in any demand-led environment, it is difficult to establish precisely the potential costs of introducing the new orders. The costs to the legal aid budget have been estimated at approximately £220,000 per annum: the VOPOs are estimated at £213,000 per annum and the STPOs at around £6,500 per annum. The Legal Services Agency will keep the costs under review.

I commend the draft statutory rule to the House.

**Mr Frew (The Chairperson of the Committee for Justice):** I am pleased to speak very briefly — you will be glad to know that, Mr Speaker, as will the House — on the motion on behalf of the Committee for Justice.

As the Minister has outlined, the statutory rule amends schedule 2 to the Access to Justice (Northern Ireland) Order 2003 to provide that representation in a court of summary jurisdiction in relation to applications for slavery and trafficking prevention orders and applications for violent offences prevention orders may be funded as civil legal services.

The previous Justice Committee considered the policy intent of violent offences prevention orders as part of its scrutiny of the 2014 Justice Bill and supported the creation of the order. The Committee also supported the introduction of the slavery and trafficking prevention orders that were introduced by way of a legislative consent motion as part of the Westminster Modern Slavery Act 2015.

On 27 October, the Committee considered the policy aspects of the Department's proposal to make the statutory rule and agreed that it was content that the rule be made. On 23 November, the Examiner of Statutory Rules confirmed that she had no issues to raise with the technical aspects of the rule. At a meeting on 24 November 2016, the Committee agreed to recommend that the statutory rule be affirmed by the Assembly and, therefore, supports the motion.

As an MLA and someone who has been pushing the Department on VOPOs, I say that this is a good day for Northern Ireland and for the Assembly. It is good to make sure that the system is backed up and funded by the civil legal services. This is an essential piece of kit to rid our society of domestic violence and other heinous crimes.

**5.30 pm**

**Some Members:** More, more, more.

**Mr Speaker:** Is somebody calling for order? Sorry.

**Ms Sugden:** The draft regulations are before the House following consultation with and the approval of the Justice Committee. Any increase in legal aid expenditure can be seen as negative, and balancing spend against access to justice is a sensitive issue. Since taking up post as Minister of Justice, I have been clear that one of my priorities is protecting

the most vulnerable in our society, and the introduction of the orders and the funding for representation fully reflect that commitment.

The purpose of the statutory rule is to bring violent offences prevention orders and slavery and trafficking prevention orders within the scope of civil legal services that may be funded. I invite Members to support the motion.

*Question put and agreed to.*

*Resolved:*

*That the draft Civil Legal Services (Scope) (No. 2) Regulations (Northern Ireland) 2016 be approved.*

## **Assembly Business**

### **Extension of Sitting: Standing Order 10(3A)**

**Mr Speaker:** I have received notification from members of the Business Committee of a motion to extend the sitting past 7.00 pm under Standing Order 10(3A).

*Resolved:*

*That, in accordance with Standing Order 10(3A), the sitting on Monday 28 November 2016 be extended to no later than 8:00 pm. — [Mr Clarke.]*



## Private Members' Business

### House Sales Scheme

**Mr Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes in which to propose and 10 minutes to make a winding-up speech. One amendment has been selected and published on the Marshalled List. The proposer of the amendment will have 10 minutes in which to propose and five minutes to make a winding-up speech. All other Members who wish to speak will have five minutes.

**Mr F McCann:** I beg to move

*That this Assembly calls on the Minister for Communities to suspend the house sales scheme until such time as a full review into the long-term impact of this scheme on the provision of social housing stock has been carried out.*

The motion is straightforward. It is folly to continue to sell off the social housing stock. Whilst the number being sold has dropped dramatically, a sudden upturn in people's economic fortunes could change that. In 2002-03, more than 6,000 social homes were sold to tenants. It is estimated that, since the scheme was introduced, we have sold up to 120,000 social dwellings, thus seriously impacting on our ability to deal effectively with social housing waiting lists.

I admit that the scheme was hugely popular among many, but it has had a detrimental impact on those who require a home. It would be interesting if we could establish how many of the houses were sold on again. In many cases, houses have been sold on for huge profit. How many people who were encouraged to buy have lost their home due to the collapse in the economy? How many of those who lost their home have ended up in hostels for the homeless requiring a social house or in the private rented sector? No doubt, the number is well into the thousands.

I have spoken to many people over the past year who curse the day they ever bought their social house. Not only have they lost their home but they are now in debt for a lifetime because they were encouraged to borrow to renovate and repair. I was looking at figures, a few days ago, that told me that, in 2004-05, 17,000 people presented as homeless. In 2006-07, that had risen to just over 20,000,

and, in 2014-15, 19,621 presented as homeless. Of course, there are many reasons why people take the step of presenting as homeless. The common thread is their need for somewhere to live.

If you look at the figures over the past 10 years, you see that they remain stubbornly high. We have constantly debated the issue in the Chamber to try to make sense of the persistently high numbers of people who make up the waiting lists, and we come to the same conclusion, which is the need to build more social housing. That is correct, but the reality is that we are not spending enough to provide the number of houses required to have an impact on the waiting lists.

Whilst new build provides a safety valve, it is not the only aspect of supply that housing providers depend on. When a new estate comes up for allocation, they will take people directly from the waiting list, but they will also allocate to transfers, which will allow them to get two for one. However, the main source for social housing is allocating from within the existing social housing stock. These are people who have given up their tenancies for a number of reasons or people who have passed away. In 2004-05, there were 8,766 allocations and 3,384 transfers — a total of 13,042. In 2014-15, there were 8,129 allocations and 2,763 transfers — a total of 10,892 transactions. Some of those came from the new build that was provided. However, it also shows how dependent social housing providers are on relets becoming available and then being allocated. There is no doubt that the house sales scheme has impacted directly on the number of relets becoming available. If we continue to sell off our housing stock and there is an upturn in sales, we are looking at the total erosion of the social housing stock in a generation.

All housing experts agree that the house sales scheme is wrong and has outlived its usefulness. Many thought it was useful. They would say that we need to be protective in investing in our stock for future generations. That is the road that Scotland has gone down. Some say that over 300,000 houses were sold off, but, by 2014, they realised that they were in danger of losing what was left of their social housing stock, and the Scottish Parliament passed legislation that reduced the incentive and set a date for right-to-buy to end, which was enacted on 31 July 2016. The Welsh Government were concerned about the demise of their social housing stock. They moved in the first instance to halve the incentive available to tenants, this ahead of abolishing the scheme before the end

of their mandate. It makes sense that we should begin that process, because it will send out all the right messages.

**Mr Stalford:** I am grateful to the Member for giving way. The Member knows that there are nearly 90,000 social housing units under the control of government. Last year, the total sold was 400, and there is a wide range of reasons for that. The idea that the right-to-buy scheme is taking a scythe through our social housing stock is not borne out by the figures.

**Mr F McCann:** I thank the Member for that, but, when you consider that, at one stage, there might have been 220,000 social houses, you are looking at the loss of 120,000 over that period. I know the respect that the Member had for the architect of this — Margaret Thatcher — at the time. Over that period, we have lost well over half the social housing stock that was available.

Whilst there is a dependence on new build, the big dependence is on relets. The more you sell off, the less likelihood there will be for those relets to come through. There is a need to suspend and review the scheme. If Scotland and Wales have shown that they are willing to protect their social housing, it is not much to ask that we go down the same route.

**Mr Agnew:** To further counter Mr Stalford's point, whilst 500 out of 88,000 does not seem a lot, it is a significant number when we are only proposing to build 2,000 a year.

**Mr F McCann:** It has a big impact, and, in the Assembly, we have seen the different political parties that held Social Development over the past number of years make it easier for people to acquire their house by increasing the incentive and the ways that they could staircase onto the property market. People were not told that once they went down that road, they were responsible for all repairs, and many people had no idea about that and ended up losing their home as a result.

I will try to bring my contribution to a conclusion. I was reading a briefing paper from NIFHA, which was provided to everybody here, and it said that the house sales scheme has reduced the capacity of the social rented sector to provide accommodation for those in housing stress. Housing associations are building to meet ambitious targets at present for new social homes, and they say that it is counterproductive to mandate the sale of homes at substantial discounts. It went on to say that the house sales scheme is increasingly ineffective in

delivering home ownership. Other interventions, such as co-ownership, have proven more successful in recent years. Other voluntary housing groups believe that the scheme should be suspended. I have spoken to individual Members who said that whilst they support the right to buy, they see the merits of suspending the scheme because of dwindling supplies.

I appeal to the House to support this motion and send out a clear message that we want to protect what is left of the social housing stock for future generations. That is where it lies. If we can get an agreement to move forward by speaking to everybody involved in the broad housing family, then we will send out that message. It is the right thing to do and it is the best way to develop the protection of social housing for future generations.

**Ms Bradshaw:** I beg to move:

*Leave out all after "Communities" and insert*

*"to commission immediately a full review into the long-term impact of the house sales scheme on the provision of social housing stock."*

I thank Sinn Féin for tabling the motion this afternoon and welcome the opportunity to address the Chamber on the amendment. Over the last few months, the Assembly has debated housing reclassification, the make-up of the common selection scheme and the issues facing our private sector housing. Last month, we even saw this very motion in the form of an amendment from Sinn Féin. It is clear that the delivery of housing is a complex issue facing the Department for Communities and decisive action must be taken over the course of this mandate to address shortages in housing stock and the increasing demand from a growing population.

The Alliance Party believes that housing is essential for a good quality of life. A home that is both safe and of good quality is vital for the lives of those who live in them. This can be done in a number of ways, as we know, through social housing, co-ownership, though to a lesser extent now, home ownership and private rental. The question at the heart of today's motion is the right of people in social housing to have the opportunity to purchase their home from the Housing Executive or a Housing Association.

Sinn Féin's motion acknowledges that there is a significant issue in social housing, and it aims to

address this via the suspension of the house sales scheme while a review is undertaken on how it can be operated better. The scheme gives eligible tenants of the Housing Executive or a registered housing association the right to buy their property from their landlord at a discounted cost. This starts at 20% of the market value of the property, with an increase of 2% for each additional year's tenancy. This has been an option over the last number of years and has assisted, we believe, to stabilise neighbourhoods. Through the house sales scheme, it has been possible for people who have struggled to get on the property ladder to do so and mould a house into a home that they can be proud of. The benefits of this are far-ranging and include giving people pride in their area, encouraging family stability and fostering good community relations.

#### 5.45 pm

As Mr McCann stated, in 2002-03, almost 6,000 properties were sold under the scheme. Since its introduction, the numbers have fallen year-on-year. We appreciate that the figures are low. However, the great beginning and dramatic fall demonstrate that the scheme began too ambitiously and was the victim of its own success. That is why I believe that the solution is not to abandon it at this stage despite its merits and bury our heads in a review that could last for an unspecified period.

Our amendment recognises that the house sales scheme needs to be refined and that a review is necessary to move forward. However, it operates as a fair compromise that acknowledges the issues in the social housing sector but, rather than throwing the baby out with the bathwater, allows those people who are currently seeking to buy their home under the scheme to be given the freedom and support to do that while a new framework is developed.

Our amendment shows faith in the scheme, and we believe that, through conducting a review as a matter of urgency, we can begin to investigate the issues that the house sales scheme has had and its long-term impact on the provision of social housing stock and can look to how we can make it better and more sustainable. The Minister said that, next year, he ambitiously plans to build at least 1,600 new social houses in Northern Ireland. If the house sales scheme were to continue, the figure could essentially, roughly speaking, be 200 to 300 lower owing to those houses that are sold, especially in redevelopment areas. That further demonstrates that it is not the fault of the

scheme that is the issue but how it is poorly applied.

Tightening the discounts, for example, could be looked at, as could reducing the number of sales. Those could figure in that review. We need to balance the finances and potentially ensure that, every time that a house is sold, a replacement is built so that we do not continue to deplete the housing stock. At the same time, I acknowledge that such a like-for-like scheme is difficult to achieve under present budgetary constraints. However, given that there are 20,000 properties lying dormant across Northern Ireland, as noted in previous debates, perhaps a cheaper avenue is to explore looking at houses that are currently void and derelict. A review could look at ways of establishing that.

Aside from the scheme being poorly applied at times, there is the wider issue of our divided society. The lack of will in the Assembly to promote shared social housing and a common selection scheme that can be abused by paramilitaries mean that we are perpetuating social dysfunction by creating a population that is frightened to think beyond their own area. In your constituency of East Belfast, Mr Speaker, leaflets were distributed at the weekend by anonymous individuals in an attempt to strike fear into their community. What image does that create for someone from a nationalist area in, for example, north Belfast, which is an area that has massive housing shortages, who might consider moving to other parts of the city? Does that not send out a message that they are not welcome in other parts of our great city?

Finally, it has been argued that by suspending the housing —

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

**Ms Bradshaw:** Yes.

**Mr F McCann:** I understand what you are saying, and I respect your position, but, in 2014, your sister party, the Liberal Democrats, realised the damage that was being done to the social housing stock by the house sales scheme and pushed for its suspension as a way in which to protect what is left of the social housing sector.

**Ms Bradshaw:** We are not suggesting that the scheme is perfect. What we are saying is that it is unfair to penalise people who are currently in the process of buying their own house. A precedent has been set, and, until we have a new set of frameworks and rules governing the

sales, it is unfair to suspend the scheme entirely.

It has been argued that suspending it may ensure the swift return of housing associations to the private sector. I do not agree with that assessment, as reclassification came in because it was clear that our housing sector was operating in an unsustainable fashion. Accordingly, suspension is a broad-brush approach. Instead, we need to demonstrate that we are willing to operate the system on a sound financial footing and promote a fair and sustainable system that encourages shared housing, like so many other modern housing association systems. I commend the amendment to the House.

**Mr Bell:** It is important, when looking at housing policy and at this particular aspect of it, that, first, we look towards the goals that we seek to achieve. What we are seeking to achieve is more affordable homes. That is why I am very proud that our party and Minister have decided to take forward one of the most ambitious housing policy proposals of any Programme for Government. Let me spell it out so that there is no confusion: 9,600 additional social homes during this Programme for Government.

I will vote against the motion, but let me put one thing on the record: I respect the Member's integrity on the housing issue. Many Members around the House have enjoyed his expertise and witnessed his hard work and effort. So, while I will vote against his proposal, the goals that we want to achieve are, I believe, identical: more affordable homes, more socially affordable homes, and more social housing.

John Donne is famous for saying, "No man is an island." In housing policy, no single aspect can be considered in isolation from other aspects. The mistake today has been to look solely at the right to buy, a hugely successful policy that I endorse going back some four decades to 1979 when it was first conceived.

What do we need to do? We have to get a larger land bank; we also need to look at what we can do with the private sector. Here is the deal as far as I am concerned: by the end of this Programme for Government, let us have those 9,600 additional homes across Northern Ireland; let us have the 3,700 affordable homes by 2021.

I would like the Minister to discuss with us, if he can, what progress has been made to date with the £100 million successfully secured from government loan funding to support co-

ownership and what progress is intended over the next period.

There is the view that, if we were simply to stop the scheme, there would be additional costs. The reality is a lot more complex. When somebody buys their own home, there are no longer social maintenance costs for that home. There are other ways —

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

**Mr Bell:** Sure.

**Mr Stalford:** People talk about the loss of 120,000 social housing units, but the reality is that they have been bought by people who live in them, by and large. Instead of someone paying rent all their days and having nothing but the furniture in the house to show for it, at the end, when they have paid their mortgage, they own an asset.

**Mr Bell:** The honourable Member makes his point very well.

**Mr Speaker:** The Member has an extra minute.

**Mr Bell:** The amendment has been well proposed. However, a comprehensive review has already taken place and concluded in the last number of weeks. If that comes out factually, the Alliance Party may want to consider withdrawing its amendment. A review has taken place. It is relevant, up to date and current; it is under analysis at this point. It would be a waste to seek another review when we have one on the table.

Let the detailed work be done. I know that people have said that, in England, there are research reports showing that some of the houses that are owned ultimately go into the private sector and to the private rented sector. I am not sure that there is sufficient data in Northern Ireland to stand over that.

Let me conclude by saying what we want to do as a party. I am delighted that we have a Minister who is interested in, ambitious about, and is delivering on increasing the number of new homes, bringing empty homes into use, looking for the housing to be of good quality —

**Mr Speaker:** I ask the Member to conclude his remarks.

**Mr Bell:** Finally, it allows affordability so that people can buy their houses. Right goal; wrong

method, I think. I encourage Members to vote against.

**Mr Allen:** As a public representative, I can confirm that the biggest single issue for the people I see coming into my office is the need for social housing. Indeed, a number of years ago, albeit not through the house sales scheme, I had the honour and privilege of purchasing my own home. The pride I felt in being able to provide that roof to put over my family's head is immeasurable.

As elected representatives, we should be doing all we can to give our citizens — our people — the opportunity to purchase a home, and the house sales scheme does just that. I understand and take on board fully the concerns that some have about the scheme. They have highlighted those quite clearly. In 2002-03, 6,000 Northern Ireland Housing Executive houses were transferred to individuals. However, those numbers have dramatically decreased over the years.

The problem here does not lie, in my belief or that of the Ulster Unionist Party, with the house sales scheme per se. The problem we have before us is the lack of social housing and the lack of housebuilding. During the Opposition debate, I welcomed the commitment that we got from the Minister. He is going to build 9,600 new social builds over the course of this mandate and that will go a long way to providing much valuable social housing to those in need. It has been recited throughout the Chamber on numerous occasions that there are 37,347 households on the social housing waiting list, of which 22,986 are deemed to be in housing stress and 15,747 are deemed to be statutorily homeless. To put that into context, the number of households on the housing waiting list would fill Windsor Park twice or the SSE Arena three times. That is startling. We are in an epidemic here. We need to address this. We have far too many people languishing on the housing waiting list. Placing the house sales scheme at the crux of the argument is invalid. The scheme is not the problem; the problem is the lack of houses that we have built over a number of years.

We also have concerns. If the scheme were suspended, what would happen to those who have already signed up to it? Would they be left to languish?

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

**Mr Allen:** Yes.

**Mr F McCann:** It is happening in Wales at present. They are having a graduated approach. They have reduced the incentive and they are saying that they will move to abolish it. In Scotland, they took a decision in 2014 but it only came into force at the end of July 2016.

The other point that I want to make is that, whilst we rely on social new builds coming through, the biggest supplier of social housing at the minute is through relets. The more houses you sell off, the fewer relets you will have left to allocate.

**Mr Speaker:** The Member has an extra minute.

**Mr Allen:** I accept the Member's point but I will make it clear: the Ulster Unionist Party believes in the values of the house sales scheme and we will not renege on them. We do believe that a review has been carried out, as the Member pointed out. Perhaps the Minister, in his response, can give us a clear and detailed overview of that review.

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

**Mr Allen:** Yes.

**Mr Stalford:** In relation to Scotland, does the Member agree and recognise that the actions of the Scottish Government in relation to the right to buy were nothing more than vicious party politics because the SNP was so imbued with hatred for the person who introduced the scheme in the first place?

**Mr Allen:** I take that point from the Member, and I thank him for that. He mentioned vicious party politics; we often see that in here.

**6.00 pm**

I will go back to the point I made before I gave way to the Member for West Belfast. What will happen — maybe the Minister will clarify this point — to those currently in the system who signed up to the scheme with the outlook of purchasing their own home? Will they not be able to avail themselves of the scheme if it does not go ahead? If an individual signs up to the scheme to purchase their social house, the reality is that they were going to remain in that home anyway. If they purchase the home from the housing sales scheme, the argument is irrelevant; that is not going to free up housing stock. Yes, it is going to remain within the Housing Executive, but that person is still going to be there. At the end of the day, we will still

have 37,000-odd households on the housing waiting list. That brings it back to the reality of not building enough houses over the course of the mandates. We will address the problem by building more social and affordable houses.

**Ms Mallon:** I support the motion, and I thank Fra McCann for bringing it to the Floor today and giving us the opportunity to debate the issue.

The SDLP supports home ownership. We support positive measures to assist as many people as possible to purchase their own home in a way that is affordable. The issue we have with the house sales scheme is that we currently have a housing crisis. As has been highlighted in the Chamber several times of late, there are almost 40,000 households on the social housing waiting list, of which 23,000 are living in housing stress and over 15,000 are statutorily homeless. In light of those facts and the fact that the number of new-build social housing units to be delivered in this mandate falls below what is required to meet demand, to our minds it is counterproductive for the Executive to, at the same time, pursue a policy that reduces our social housing stock. That is particularly acute, given the added dimension of the scheme having no mechanism for taking into account housing need in areas of high demand, such as in my own constituency of North Belfast. While purchase levels under the house sales scheme have fallen significantly in recent times, that still results in a depletion of urgently needed social housing stock, often in areas where it is needed most and at a time when it is needed most.

To further complicate the issue, we also have the recent decision by the Office for National Statistics (ONS) to reclassify housing associations. Whilst the house sales scheme is not specifically referred to by the ONS in its decision, in all probability, its existence or not will be a factor in deliberations on the reclassification reversal. As such, its suspension would support that outcome, which is an outcome that, I think, all parties in the Assembly support.

Critically, the continuation of the scheme in the face of a housing crisis created by a failure to build the levels of new-build social housing units required is the compelling reason to support the motion without the amendment. However, I appreciate that, for other parties, the issue comes down to ideology and the principle of and respect for the right to buy. I respectfully urge Members to look at the success of the house sales scheme as a vehicle to achieve that aspiration. In particular, I urge them to

compare it with other homeowner-purchase schemes, such as the co-ownership scheme, which, unlike the house sales scheme, does not deplete an already severely restricted and desperately needed social housing stock.

If we look at, for example, 2013-14, we see that co-ownership assisted more than 1,200 households in acquiring their home. By comparison, between 2012-13 and the end of January 2016, which is a period of four or five years, 1,623 Housing Executive tenants availed themselves of the right to buy their property. My argument is that the evidence demonstrates that other schemes are better enablers to realise the aspiration of buying your own home. Therefore, support for a suspension pending the outcome of a review with clear terms of reference and within a clear and specified time frame does not, I urge Members to note, amount to an abandonment of that principle.

I seek reassurances today from the Minister that the Committee for Communities will be involved in and consulted on the parameters of any review that comes forth from this debate.

A suspension of the house sales scheme pending a full review of its long-term impact on the provision of our social housing stock is just one of the many measures required to tackle the housing crisis that is devastating the lives of so many of our constituents. I do not want to sound like a broken record, but the game changer in tackling the crisis is to build more new social and affordable housing. We should have clear and ambitious targets, particularly for accommodation for older people and bungalows for disabled people, because that is where the housing need is most acute. If we do not do that, if we do not make land available, if we do not build more social houses —

**Mr Speaker:** I ask the Member to conclude her remarks.

**Ms Mallon:** — if we do not reform the common selection scheme in the private rented sector and if we do not understand that homelessness is much more than rooflessness, we will have failed.

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

**Ms Mallon:** Yes, go ahead.

**Mr Allen:** Does the Member agree that the availability of land is a key aspect in building new and affordable social housing? Indeed, when we met the housing associations, they

voiced their concern about readily available land.

**Mr Speaker:** The Member has an extra minute.

**Ms Mallon:** The Member is right. We met a range of stakeholders in the housing sector, and it certainly was a concern of theirs. It is a prerequisite if we are to move forward. I understand, from tabling questions, that the Minister is undertaking a review of the public land available, and we look forward to its findings.

As I said, there is a range of issues that we need to look at and a range of interventions required if we are to tackle homelessness. If we do not do that, we are just tinkering around the edges and continuing to fail the many men and women and their children who come to our constituency offices looking for help.

**Mr McQuillan:** I oppose the motion and the amendment. The housing sales scheme has been part of the fabric of housing policy for nearly 40 years. Its purpose is twofold: first, it has been utilised as a means of generating income to build more social housing, through the price paid for the house and the savings made from the house maintenance budget; and, secondly, its central purpose is to assist those on low incomes to get on to the property ladder. The scheme offers long-term tenants a significant discount on their home — a home that they have been living in for some time. It offers tenants the freedom to buy their home at a knock-down price. Generally, that has been welcomed.

Evidence has shown that those unable to purchase their home through the scheme are likely to continue to rent the property. Suspending or scrapping the scheme would, therefore, not provide additional homes for the social housing sector. Everyone is aware of the pressure on the social rented sector, given the number of people in statutory housing stress. Those individuals, perhaps, cannot afford to rent in the private rented sector due to the need for a deposit. However, there are agencies out there to help people, such as Smartmove Housing. The Executive are committed to providing affordable homes to our population, and, with the growth of independent housing associations, new homes have been built that, given the economic downturn and the reduction in our block grant, might not otherwise have been built. The Executive are also committed to the Co-ownership scheme, which supports people buying a home, and the Minister has secured an additional £100 million for it.

Another block to providing new and affordable homes is down to the availability of land. Land is in short supply in already developed urban settings that are suitable for new social housing. Land that is suitable also tends to be in demand, which pushes the prices up, making it less affordable. Members will be only too aware of the recent review of the scheme undertaken by the Department for Communities. It was completed only in the last number of weeks, and the Minister will, no doubt, review the conclusions and recommendations in due course. There is, therefore, little need to conduct another review, which the signatories to the motion call for. All government policy is subject to regular review, and the housing sales scheme is no different.

The Programme for Government sets out the aim to provide an additional 9,600 new homes by the end of the mandate. That is an ambitious but achievable target. Therefore, I welcome the commitment of the Minister and the Executive to delivering additional homes for those in the social rented sector, as well as the Minister's commitment to helping people buying homes through the Co-ownership scheme.

**Mr Humphrey:** I thank the Member for giving way. Does the Member agree that, going back a number of years, tenants of a housing association property who were in a position to purchase the house were frustrated? Does he agree that hard work should always be rewarded and that, if people have the opportunity to buy their house and pass it on to their family, that is something that we should encourage?

**Mr Speaker:** The Member has an extra minute.

**Mr McQuillan:** Thank you, Mr Speaker. I certainly agree with my colleague from North Belfast, who has made a very good point. When people were not able to buy their housing association house, there was uproar.

I support the house sales scheme and the right of long-term social housing tenants to buy their home. I am, of course, conscious of housing need, especially in my constituency, and I favour policies that lead to meeting that need.

**Ms Gildernew:** I welcome the opportunity to speak on the motion. Given that the focus so far on housing in general tends to be on urban areas, I will make particular reference to housing need in rural areas. At the moment, NISRA classifies all settlements below a population of 5,000 inhabitants as rural. On the basis of that definition, there are just under 600

settlements located in the rural hinterland, which accounts for approximately 75% of the land mass of the North of Ireland. In 2011, 667,000 people or 37% of the population resided in rural areas.

The review of the outgoing rural homes and people policy in 2015 identified key statistics for rural areas. Between the censuses in 2001 and 2011, the rural population increased by 15% and the urban population by 7%. Weekly incomes are, on average, lower in rural areas, particularly in the west, where almost 24% of individuals who have low incomes reside. There has been a dramatic decrease in owner-occupancy in rural areas from 76% in 2006 to 67% in 2011 and an increase in the private rented sector in the same years from 9% to 13%.

In March 2016, approximately 13.5% of those on the waiting list for social housing and 11% of those who were registered as homeless wished to be housed in a rural area. The proportion of social housing stock in rural areas, which is about 7%, remains significantly lower than in urban areas, where it is around 18%. Unfitness is higher in rural areas, as is fuel poverty. Analysis of the current waiting list indicates that the main cause of homelessness in rural areas is unreasonable accommodation: a home that does not adequately meet the needs of the occupant. That scenario may be the result of a number of factors, and every case requires a different solution.

In rural areas in particular, where there is a lack of social housing — actually, a lack of available housing for any tenure, including bungalows for disability access — some customers have to make the decision to stay in inadequate or unfit accommodation rather than move to a location away from their family and support network. Therefore, a more flexible approach is required to meet housing need in rural areas.

In spite of all that, the Housing Executive, a major landlord in the North of Ireland, currently has only approximately 14,000 dwellings available to rent in rural areas. We are still not building enough homes, and that is even starker in rural areas. In response to Assembly questions this year, the Department identified that 1,655 people were in housing need in my constituency of Fermanagh and South Tyrone. However, while the figures do not correlate exactly, the housing need projection figures amounted to 72 homes in the Fermanagh and Omagh district and 538 homes in Mid Ulster — a total of 610 homes when our identified need was for under 2,000 people. Those figures

cross three constituencies, so the need is far greater than the projected figures indicate.

While we are waiting to add to our social housing stock, we must in the meantime stop selling off the assets that we have. Young people find it increasingly difficult to get onto the housing ladder, and uncertainty in the job market means that, for many young families, a Housing Executive home with some security of tenure and more affordable rent than in the private rented sector is the best option available. Unfortunately, only the very lucky few will be in a position to do that.

We have to look at good examples elsewhere, as has been mentioned. I was a beneficiary of the right-to-buy scheme. I was born and raised in a Housing Executive house that my parents bought and raised my family in.

However, of me and my nine siblings, not one of us was able to access a social house in the area where we grew up, in our community, despite numerous attempts to encourage the Housing Executive and housing associations to build new stock.

I have travelled extensively, and this is one of the few places I have been where owning your house seems to be the be-all and end-all. We need a greater stock of rented accommodation, and we need people to be able to access that.

**6.15 pm**

**Mr Speaker:** I ask the Member to conclude her remarks.

**Ms Gildernew:** Therefore, I ask the House to support the motion and suspend the house sales scheme.

**Mr Stafford:** My background has made me very appreciative of the value of good social housing. I was born in Annadale Flats in Ballynafeigh and reared at the bottom of the Ravenhill Road in Carrington Street in a Housing Executive property that my parents were fortunate enough to buy. They availed themselves of the right-to-buy scheme, and, just as I am the first person in my family to get to university, they were the first people in our family to own their home.

I believe in a property-owning democracy, because it is one in which everyone can participate in the economic life of the nation. People have the right and should have the security that comes from owning their own



home. I think it was Kenny Guinn, the Governor of Nevada, who said:

*"There is something permanent, and extremely profound, in owning a home."*

The right-to-buy scheme tapped into the profound yearning in the working-class community that I come from for people to own their home. Why did the people want to own their own home? Well, to have an asset increases their freedom, their security and their stability. It increases their wealth in the longer term — wealth is not a bad word. At the end of your life, it is an asset that you can pass on to your children to help make their life better and more comfortable. I believe strongly in the right-to-buy scheme. The genesis of —

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

**Mr Stalford:** Yes.

**Mr Agnew:** The Member talks in very strong words about the permanence and security of owning your home. At a time when we have just come through an economic crash and a number of repossessions, does he not agree that the bank owns your home until you have paid it off?

**Mr Speaker:** The Member has an extra minute.

**Mr Stalford:** Your solution and the solution offered to us by big-state parties like the Green Party is that people should live their life as clients of the state. The state should provide your home. The state should provide and control every aspect of your life, and at the end of your life — after a lifetime of paying rent — what is there for your children to inherit but the sticks of furniture in your house?

Of course, people were hurt by the collapse of the housing market, but people can be relied on to make decisions for themselves. They do not need us to live their life for them. They do not need us to tell them how to spend their money. You are absolutely right that investing in property, like investing in anything else, brings risk. As I look around the Chamber, I suspect there are very few people here who are not fortunate enough to own their home.

**Mr Humphrey:** I am grateful to the Member for giving way. My background is exactly the same as his, and I welcome and agree with everything he has said so far. Will the Member agree that it is important that the House does not disincentivise or dissuade people from working hard, buying a home and providing for

their family, as others have said? Is there not a certain hypocrisy in some parties suggesting that people should not be in a position to buy their house when they themselves live in houses that they own?

**Mr Stalford:** "Class" is the word that has not been talked about in the debate. I always enjoy listening to middle-class politicians telling me that grammar schools are a bad thing. I always enjoy middle-class politicians telling me that working-class people should not avail themselves of the right to buy and should not have the opportunity to purchase their home. It is easy to say things like that when you possess the resources, whether through inherited wealth or other ways, to travel through life comfortably. People should be afforded the opportunity. When people purchase their home, it is a really empowering experience that brings stability and strength not only to their family but to the wider community.

I said at the start that I recognised the importance and value of social housing. I welcome the fact that the Government are committed to building more social homes than have ever been built before. It is important that we do that because the housing problems in Northern Ireland will not be solved by complete right to buy or complete state control; we will have to use various prongs in this battle. I welcome the fact that we will build more social homes and that money is being invested there. I do not think, however, that the solution to our very real housing problems can be achieved by us, as politicians at Stormont, saying to people, "You do not have the right to avail yourself of schemes and systems like right to buy that many of us availed ourselves of or many of our parents availed themselves of". It is for the same reason that I support grammar schools: I do not believe in climbing to the top of the ladder and then kicking it —

**Mr Speaker:** I ask the Member to conclude his remarks.

**Mr Stalford:** I do not believe in climbing to the top of the ladder and then kicking it away from the communities that I come from.

**Mr McCrossan:** I welcome the opportunity to participate in today's debate, and I thank Fra McCann for bringing this forward. It is a very important debate, and it is one that we could all talk on for a considerable period.

The DUP Member has missed the point of this. My colleague certainly did not say that this is about removing the opportunity to avail oneself

of owning a home; it is about the reality that we are in. We are in a housing crisis. We are in a housing crisis. We are in a housing crisis. The Minister needs to grasp that very quickly. I note, from the statements that he has put out in recent months, his vision to build 9,000-plus new social houses across Northern Ireland. In my constituency and in many constituencies, particularly those represented by the Members who have spoken so passionately in the Chamber today, the reality hits hard. There is no availability of social housing.

In the last week, a mother with five children came to me. Due to financial difficulties, her house had been repossessed, and she has nowhere to go. She has a son at university in Liverpool who cannot come home for Christmas because she does not know where she and her other four children will be. When she presented to the Northern Ireland Housing Executive, she was told that she had 120 points. Even if she had 150 points, she still would not be housed, because there is no available housing. Another mother, who is separated from her husband and has three children, two with learning disabilities, is homeless and has nowhere to go. She came to my office — she may have attended Sinn Féin's office in the same constituency — begging —

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

**Mr McCrossan:** Yes, I will.

**Mr McQuillan:** Will the Member perhaps tell us how suspending the scheme would help his constituent?

**Mr Speaker:** The Member has an extra minute.

**Mr McCrossan:** We need to ensure that, if we are to sell off stock, we replenish it, reinvest and build. That has not happened for years. We have heard for years about the need to build houses. Thankfully, following his appointment, Minister Givan has, in recent times, finally grasped the nettle. The Government have finally woken up and realised that there is crisis and difficulty in our constituencies. When people cannot get housed, we are in severe difficulties with the confidence that people have in the House.

The figures are stark and have been repeated throughout. As an MLA in a rural constituency, I share the very real concerns articulated by Michelle Gildernew. I also listened to the MLAs from the cities, and it is the same there. The solution is to build houses. This is not about preventing people from owning their home; the

SDLP has largely supported the positive concept that that has been for some years. I have family members who bought their social house and benefited hugely as a result of that. They have put their children through university and done many other things. When the supply is not there, however, we have to look after what we have. The House needs to note that very quickly indeed.

We have huge housing challenges ahead of us, but the motion before us is the right one, given the circumstances that we are presented with. We must suspend the scheme until we have houses built. At the minute, all that we are looking at is a figure of 9,000 houses, and we are saying, "Let's build houses. Let's build houses". Until they materialise, however, it is only a dream and something that is written on paper.

My constituency is probably the one out of all 18 constituencies that has had the fewest social houses built in the past number of years. Anyone who has listened to the debate will know that every party in the House feels strongly about the issue, which affects us all. It affects everyone throughout our communities. It is not about talking around the Chamber but about grasping the reality. Minister, there is a crisis, and we must suspend the scheme for now. I urge the House to support the motion until such times as the figure of 9,000 or 9,500 materialises as actual houses. I should say that I would like to see it go much further than the figure that has been put out there.

**Mr Agnew:** I note that, as we debate the motion, the Simon Community, which, of course, provides services and accommodation to the homeless, is recruiting for 100 new jobs. As our social housing sector contracts, unfortunately, our homelessness sector grows. As a former employee of the Simon Community, I suppose that I welcome the good work that it does as an organisation, but I know that those who work for it ultimately do not want to see the charity having to grow. They want to see the problem of homelessness resolved.

I speak on the motion with that experience. I ask myself, quite genuinely, what impact the right-to-buy scheme has on the most vulnerable in our society. If you are looking for the most vulnerable, you do not need to look much further than the homeless. You can talk about aspiration in this society, but the people whom I worked with had an aspiration of a permanent roof over their head, whether owned or otherwise. It was for a secure place to live, and the house sales scheme was not going to help them in that objective. In fact, as we have seen

the number of houses in our social sector decrease —

**Mr Stalford:** I appreciate the Member giving way. He says that the right-to-buy scheme denies the most vulnerable people a roof over their head. How can that be when the people who are buying under the scheme are those who occupy the house? Therefore, it is the roof over their head that they are purchasing.

**Mr Speaker:** The Member has an extra minute.

**Mr Agnew:** I thank the Member for his intervention, but I do not think that I used the words that he said. I will tackle his point head-on: many people will have purchased their house under the house sales scheme who may have otherwise, were it not for the house sales scheme, bought from the existing homeowner sector. Ultimately, as a state — we are a party that likes a big state, as the Member put it — we are reducing our ability to accommodate the most vulnerable in our society. Over time, through the gradual privatisation of our social housing stock, we are reducing our ability to provide for the most vulnerable — the homeless.

I come to the issue of the 9,600 homes that we intend to build, announced by the Minister. I welcome that figure, but I welcome it in the context of the low estimation of 11,000 homeless, 22,000 in housing stress and almost 40,000 on the waiting list. If we look at recent sales, in the past couple of years, we have sold approximately 500 social houses through the house sales scheme. I do not believe that we can, on the one hand, subsidise the building of new homes while, on the other hand, we are subsidising the selling-off of our social housing stock.

### 6.30 pm

We need a sustainable solution to homelessness, and we cannot expect to find one if we build with one hand and sell with the other. Any review of the house sales scheme would find, when we look over the duration of the scheme, that, ultimately, we have sold more than we have built, thereby reducing our ability to provide for the most vulnerable in society.

I do not accept the point that this is somehow middle-class politicians telling working-class people that they do not have the right to buy. I could debate my working-class credentials with Mr Stalford all day if we so desired, but it is not about my identity nor his, my background nor his; it is about the reality of the situation, which

is why not only do I propose and support the suspension of the house sales scheme, which I believe has been detrimental to our social housing provision, but it is why I am willing to stand up in this Chamber and say to my constituents that we should remove the rates cap, as, as I put it, my constituents in Kilcooley are subsidising my constituents in Cultra.

I will stand up and say that those who have more should pay more, and, in doing so, say that there should be more money in the pot to build new houses. It is not simply saying that we have to set against each other those in social housing who may wish to buy and those who can only hope for a social house; it is saying that, as a society, we should invest in social housing. As part of that, we should suspend the house sales scheme, but we should also look at the wealth in our society and look at the wealthiest and ask them to contribute more so that those who do not have more can get the very basics of life — food, shelter, warmth and security in their own home.

**Mr Speaker:** I call Mr Eamonn McCann, who has three minutes.

**Mr E McCann:** I have no idea why that stipulation excited some amusement among Members of the Alliance Party. It has been said by Mr Stalford, who, I see, is not present any more, and that is fair enough, that people who supported the suspension of the scheme were denying other working-class people the right to buy their own homes and, moreover, that the people who buy their own homes then live in their own homes. Therefore, there is no question of it having an effect on the stock of social housing.

If you look across the water and at experience anywhere, including here, you will discover that a considerable percentage of houses sold under right to buy schemes end up not in the hands of the people who were living in the house in the first place but in the hands of buy to rent landlords. That is increasingly the situation. I can tell you that, where I come from, it is not unusual for individuals to own three, four, five and six houses that they rent out and they make a fortune, and they buy them from the people who bought them. If you buy your own house, you buy it at less than market value, and then there is an opportunity in one or two years' time to sell it and make a profit. That is happening over and over again, and it is depleting not increasing the stock of social housing.

As we all know, housing is terrifically important in this society. More than 40 years ago, the

shortage of housing, more than any other factor, caused a general crisis in this society, yet what are we doing after all that time? We are flogging off social housing, and, at the same time, we are strangling the Housing Executive, which was created by mass pressure as a result of the crisis that I just mentioned from about 40 years ago.

We need a lot more social housing; if we had sufficient social housing for everybody who needs it, this question would not need debated at all. Here, very briefly, in half a minute, is my plan for doing that. The Housing Executive should be brought back fully into the public sector and allowed to borrow money on the market. At the moment, you can borrow for next to nothing at minimal, effectively zero, interest rates. The money borrowed should be used for a crash programme of building social housing. If you build social housing on a sufficient scale, not only are you solving the housing crisis but you are creating work for chippies, electricians, plumbers, plasterers, painters, glaziers —

**Mr Speaker:** I ask the Member to conclude his remarks.

**Mr E McCann:** — and all the rest of it. Stop this scheme. Do not just suspend it; abolish it.

**Mr Givan (The Minister for Communities):** I thank Mr McCann for tabling the motion and giving us an opportunity to discuss matters relating to housing. In the first six months during which I have held office, it is housing by far that has brought me most into the Assembly and for justifiable reasons. I have been able to get engaged on a range of issues, not least with Mr McCann, who brought me to Divis tower recently to meet tenants there. That was an experience in itself, and I saw the conditions that they are living in and heard the concerns that they have. I was able, with Mr Stafford, to go to the men's hostel in Utility Street in the Village area, and I have been to Stella Maris. I have also been to the launch of the new builds that we are doing in Ballymena, Bangor and Ballyclare, for example. Housing is a big part of this Department, and I recognise its importance to the community that we all serve.

In dealing with the house sales scheme, we must recognise that the way that we need to address our housing demands is much broader, rather than looking at one specific area in isolation from the whole gamut of debate that exists around how we will provide the housing that we need and the framework that we need to use to meet the challenges that exist in

respect of borrowing money. It is not as simple as Mr Eamonn McCann's suggestion for the Housing Executive. If only it were as easy as that, but it is not when you have to deal with the real world. The fact that the motion looks at this in isolation is, I think, the reason why our party is not in a position to support it.

It is certainly an issue that, as Minister, I am looking at and will continue to consider because there are aspects of this, not least the scheme itself and the principle behind the scheme, that we can debate. Is the discount being offered justifiable based on current market values? Should the levels of discount be looked at more immediately? Some may argue that, at this time, it is too generous and some may argue that, for people on low incomes, the discount scheme enables them to be able to get access to their home. That is an area that may be under consideration.

I will now deal with the specifics around the motion. Members have highlighted the fact that the house sales scheme has been a part of the housing policy landscape for nearly 40 years. An important part of good policymaking is ensuring that we keep our policies under ongoing review with the aim of establishing whether they are still fit for purpose. The house sales scheme is no exception to that rule and, therefore, my officials have carried out a number of periodic reviews of the scheme, with the most recent review being concluded only within the last few weeks. I will be considering the findings of that review and the options for the way forward in the near future.

This most recent review was broader in scope than previous reviews as it included an examination as to what extent the house sales scheme has met the wider policy objectives around increasing home ownership, supporting social mobility and delivering mixed tenure. The review also considered other key aspects of the scheme including its financial implications and its impact on our social housing stock over the medium to longer term.

As might be expected, my housing officials have collated and analysed a wide range of primary and secondary evidence during the review process. This has included information on the number and location of house sales over the past 37 years; academic research on the wider policy aims underpinning government support for home ownership; evidence on how the house sales scheme has impacted on the provision of social housing; and, where possible, detailed financial data, including how the house sales scheme impacts on overall cash flows of social landlords. The review

concludes that the house sales scheme, which has facilitated the sale of over 120,000 houses to sitting tenants over nearly 40 years, has undoubtedly contributed to a reduction in our social rented stock, particularly in those areas of high social need. I know, Members, that that conclusion was not unexpected.

The issue of house sales is more complex than it first appears and is more complex than Members have outlined. It is simply not the case, as many claim, that over 120,000 more houses would be available to let to those on the social housing waiting list if the house sales scheme had not been introduced.

Indeed, the evidence strongly indicates that many sitting tenants would have remained in their social home as a renter because they would not have had the financial means or inclination to become homeowners without the house sales scheme.

The financial ramifications of the scheme are also less clear-cut than might perhaps be expected. There is often a significant deficit between the revenue achieved from a sale and the cost of building a new social home. That said, the sale of homes reduces the Executive's social housing maintenance bills, particularly when those sales are of older stock social homes. The house sales scheme is also a source of revenue to fund the maintenance of residual social housing stock, as well as to provide part-funding for new-build development.

Of course, finance is not the only barrier to replacing and enhancing our social housing stock. The lack of suitable land for housing development in areas of high demand for social housing, which, coincidentally, are also those areas of higher house sales, is another key barrier.

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

**Mr Givan:** I will indeed.

**Mr F McCann:** I understand what you are saying about the 120,000 houses that may have been under Housing Executive control, but would it be safe to say that if there are close to 9,000 houses a year that are available for relet, either to people who are homeless or others who are on the waiting list, and if you sold off over half your housing stock, that would seriously increase the number of houses available for relet? Selling off your stock impacts on the numbers of people who can be rehoused or considered for rehousing.

**Mr Givan:** I acknowledge the point the Member makes about selling off houses. It reduces the availability of housing for meeting the social needs that exist. That is a point I accept. The solution to that, however, is something we might part company on when asking how we go about providing the houses we need whilst maintaining, or adapting and changing, the housing sales scheme. That is something I am looking at in how we go forward in this scheme. But taking that in isolation without addressing the broader issues on the need to build more homes, the issue is how you can unlock the potential that, I believe, exists in the Housing Executive to re-engage on this issue. Members know that, for many years, the Housing Executive has not been in a position to borrow money because of the Treasury rules it operates under. Is that an area we can look at to help us ultimately meet the end objective, which is to provide more social and affordable homes that can meet the demands of our population?

Let me just say it is important to highlight in the context of the motion that the era of high social housing sales is long over and, I suggest, is unlikely to return. Over the last financial year, only 387 Housing Executive and 30 housing association properties were sold to sitting tenants. The majority of today's social tenants have limited disposable income. That fact, coupled with the imposition of more stringent mortgage market regulation in the wake of the economic downturn, means that homeownership will remain out of reach for many social tenants for some time.

Therefore, the abolition or suspension of the house sales scheme would have a limited impact on increasing housing supply and reducing levels of housing stress, at least over the short- to medium-term future. That was, indeed, highlighted when Mr McQuillan put that very point to Mr McCrossan, who, I know, often uses opportunities in the House to grandstand. He asked, "What difference would that make to constituents coming into my office today?", and Mr McCrossan was not able to answer. That, indeed, is the valid point about suspending the scheme now. It would not address the short- to medium-term issues we are facing.

The ambitious programme of work, ongoing and planned, to deliver 9,600 additional social homes across Northern Ireland by the end of this Programme for Government period will ultimately take us much further forward in addressing the need to meet the demand that exists.

I know we have addressed a range of issues in previous motions on affordable housing. Nichola Mallon mentioned the ONS, which, indeed, is an emerging issue in how this scheme operates. Again, that is something that is being dealt with as we continue to navigate through that process.

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

**Mr Givan:** Thank you, Mr Speaker.

**Mr Allen:** Minister, are you in a position to advise how much of the money raised from sales under the housing sales scheme has gone directly into social housing?

**6.45 pm**

**Mr Speaker:** I am not sure whether the Minister had decided to give way or had finished. Do you wish to respond, Minister?

**Mr Givan:** I had finished, but I will come back to the Member.

**Ms Armstrong:** It will come as no surprise that I urge the Chamber to support the amendment. Looking at the motion and the amendment, you see that the amendment flips the motion on its head. Doing the review first means that you can establish whether we should suspend the scheme. One of the things that I have to ask is this: what about the people who are currently in the process? If we suspend the scheme, we take their opportunity away from them. I speak personally and as a rural dweller, and I have listened to others talk about being in a rural area. I know one lady who bought her home after her children had left and her husband had died, because she was terrified that she, as a single woman living on her own in a rural area, would lose her home to a family. She thought that there was the potential that she would be asked to move out, so she bought her home. That is one of the benefits of the scheme.

I do not think that we should suspend the house sales scheme until a review has been completed. I heard what some on the DUP Benches said, and the Minister talked about reviews happening. If the reviews are happening, let us see the outcomes, Minister. That means that we should not suspend the scheme until we see those outcomes. It is perfectly reasonable to do that, and then you could support the motion — I am smiling.

The point of the review would be to assess whether a suspension of the scheme would be wise. It may not be wise. The scheme is in

operation. It cannot simply be suspended. As I said, that would let down people in the scheme, and it would have a very negative impact on families who are in the process. It would take away their opportunities.

Jonathan Bell spoke about different bits and pieces and talked about a review, but we need to look at the long-term impact. What is the long-term impact? If there is the potential for another 9,600 houses to be built, and the homes that have already been sold are out of the system, what will the impact be? I think that everybody in the Chamber has said that we need new houses, that we need more houses and that we need more suitable houses. Believe me: some three-bedroom Housing Executive houses would not be fit to go on sale today. I see the damp; I see the damage; I see the maintenance needed. Sometimes, I feel for people who bought those houses, but they were built many, many years ago.

Andy Allen, I could not agree with you more: the scheme is not the problem. Our problem is that we do not have enough suitable housing. You are absolutely right about that. However, we need to review the house sales scheme because there is a bit of a problem with it.

Michelle Gildernew talked about rural areas. There are a number of derelict homes in the rural area of my Strangford constituency, which, if fixed and put back into circulation, would take away some of the problems that I see regularly when people come to me — people who have to rent from the private sector and then have to go for food bank vouchers at the end of the month because they cannot afford to eat. We need to have a review and look at the whole system. It is not just the houses that were sold off; it is the houses that are sitting derelict and wasted.

Christopher Salford was correct when he talked about permanence and security. That is all that people want. My dad lives in a Housing Executive house. We moved into it when I was about a year and a half. I will not give my age away, but he has been there for quite a number of decades. He will not be moving out any time soon. People live in homes, and they want that security and permanence.

I am not saying that the house sales scheme is perfect. I am saying that there is an issue with it, and we need to look at a review. We need to consider what the difficulties are. We need to grow our housing stock; we need to sort out the problem of empty and derelict homes; and we need extra housing to deal with the growing waiting lists. That needs to be suitable housing,

including pensioners' houses and houses suitable for people with disabilities.

I do not want to have to continue having a feeling of powerlessness when a constituent comes to me in my Newtownards office for help in finding a house. All I can tell them is how long the waiting list is. It is a feeling that I am sure everyone in the Chamber has had, and we do not want that to continue. That is why we need to review and reform: to create a system that builds for every need in the Northern Irish community. We must give this great thought and consideration. We should have a review, not go for an immediate suspension. Doing so would harm people who have striven to buy their own home and who are taking benefit of the discount.

I ask the Chamber to support the amendment, and I ask the Minister to consider the timescales. Will he comment on the contents of the review and how that can go forward? That would give us something to tell people —

**Mr Speaker:** I ask the Member to conclude her remarks.

**Ms Armstrong:** — and give them hope for better housing.

**Ms Ní Chuilín:** I thank Fra McCann for proposing the motion. This is not the first housing motion that we have debated in the Chamber, and, hopefully, it will not be the last. Our position has been very clear: we cannot support the Alliance Party amendment. The Alliance Party is either not listening or does not understand. Fra McCann explained that the suspension would not be immediate and used examples from Wales and Scotland to try to give some succour and assurance. It is your right to table an amendment, but we will not support it.

People come at this issue differently, but there is agreement across the board that we need to look at the whole area of housing. I would use that support during other debates. If people are being genuine — I believe that they are — when they say that the right to a social home is fundamental to people's sense of who they are, how they look after themselves and their family and their sense of well-being and security, we need to take that into consideration when we look at aspects of debates in this place.

The house sales scheme is OK in and of itself. If you are doing everything else, it is grand, but the difficulty is that we have not been doing enough of everything else. Eamonn McCann

raised the point that I was going to make, but I know that people who bought their houses in north Belfast went on to sell them to landlords who put tenants in. The new tenants are often the same people who sold the house; they are getting housing benefit to pay rent for the house that they bought. That is not saving the public purse any money.

Equally, I heard the Minister and Jonathan Bell talk about saving on maintenance costs as if there is a massive maintenance budget and a huge maintenance programme. There is maintenance, some of which I can see in my constituency, and my constituents really appreciate it, but let us not kid ourselves that there are all these diggers and tradespeople out with hard hats and belts doing all this maintenance, because they are not. We are not doing enough of that work.

Michelle Gildernew made the point about rural communities. I have seen some of the houses in rural areas, and they are disgraceful. That is not something that any of us can be proud of. I am not saying that it is the Minister's fault — it is not — but it is not good. I sit in a very densely populated constituency, but you can go to a house in a rural area, particularly an older couple's house, and find that they are paying an absolute fortune to heat the place because it does not have great insulation. None of us wants that.

If there are all these white vans, send them into the country areas to get some of those houses fixed.

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

**Ms Ní Chuilín:** I will, surely.

**Mr Allen:** The Sinn Féin motion calls for the suspension of the housing sales scheme until a review has been carried out into the long-term impact of the scheme on social housing. Was Sinn Féin not aware of the review that the Minister has been carrying out?

**Ms Ní Chuilín:** I was not aware of the review, and I do not think that you were either. I sense that others were also not aware of it. From being in a Department, I know that reviews happen all the time. It is good to come into a Department and look back at what had happened in order to go forward. I do not have an issue with that, but I will have an issue if we do not find out the outcome of the review because we sit on the Committee. We will all find out the outcome, and that is accepted. That is scrutiny. I was not aware that a review

is ongoing, and I certainly did not know the terms of reference until the Minister mentioned them. Jonathan knew about them, but that is OK because he and the Minister are in the same party. I would expect that, and none of us can carp about it.

This has been a good debate, despite the fact that there is going to be a Division. People welcome the fact that almost 10,000 social homes will be built in this mandate. We need to look at that to try to bring more back in.

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

**Ms Ní Chuilín:** Very quickly, Daniel.

**Mr McCrossan:** I will be very quick. I thank the Member for clarifying the 10,000 figure, but it will be about five years before we see that come through. What will the list be like then? Does the Member have concerns about that?

**Ms Ní Chuilín:** I do, and you just interrupted me at a good moment, because I think a few Members mentioned empty homes. If the empty homes strategy was robust enough and there was investment in it, you would have the availability for more people to have a home.

The Minister and others mentioned that we need to have suitable land for the development of social housing. I have asked many Departments, including some of my colleagues' Departments, about the availability of land for regeneration, including social housing. I have to say that some of the answers I got back were complete waffle. What I see is that, when it comes to regeneration, if it was to build a 40-foot all-shiny, glassy thing in east Belfast, it would happen, but, if it is 40 houses in north Belfast, it might not. I have a problem with that. I have a big problem with that. No disrespect to anybody in east Belfast, but there was never an issue when it came to regeneration, when land was made available there, but when it comes to regeneration in some parts of your constituency — I am talking about regeneration generally — it did not happen, and it did not happen at a pace. Christopher is coyly acknowledging what I say, even though he probably does not agree.

**Mr Stalford:** Will the Member take a point?

**Ms Ní Chuilín:** Just a wee one.

**Mr Stalford:** Thank you. I agree with you about how it is unfair. Some people seem to think that Belfast consists of east Belfast and west Belfast. In that vein, can she have a word with

the Finance Minister about getting me a rates relief area for Sandy Row and Donegall Road?

**Ms Ní Chuilín:** Unfortunately, the people of Sandy Row and Donegall Road are subsidising the people who live in BT9, and the Member knows that. I am glad he welcomes the Finance Minister's move on rates, even —

**Mr Stalford:** Business rates.

**Ms Ní Chuilín:** I know, but — do you know what? — I am on my feet, so I will talk about my own, and you can talk about yours.

We need to have a proper, mature discussion about the provision of social housing. Greater investment is needed.

I am delighted but not really surprised that the SDLP is supporting the motion and not the amendment. They too, in their constituencies, see the difficulties that their constituents face with homelessness, but they have also probably seen examples of social housing that was bought by tenants now getting sublet by private landlords, who are using public money. I do not think that anybody, including the Minister and his officials, could stand over that and are not going to.

I would like to see, as Fra said, a serious discussion after the review. Once that review is concluded and goes in front of the Committee, I would like to come back to this discussion. There are examples of what happened in Scotland, as Fra outlined. Indeed, I acknowledge the work of the research service for the debate; it has been very good. We will use the research on the outcome of the review that is under way and that the Minister is analysing to see what we do next. If there are not, as the Member and other Members said, the sales that there were in 2003, all the predictions are that that is likely to increase. If that is going to increase and we do not have a like-for-like project running in parallel, what are the alternatives? They are not great for the social housing stock unless we build at the rate at which we sell, and I am not arguing for even that.

It has been a good debate. Most of the debates we have had, particularly on housing, have been good. A lot of people watch the debates and read them afterwards. It is helpful that they are not as pointed or, at times, as offensive as they have been. At times — it is no surprise — we come to this and future debates from different ideological positions. That is OK — that is what politics is about — but I am



particularly pleased to see that there is overwhelming support for additional social housing provision. That is a good thing. I am disappointed that we will not get support for our motion, but that is politics.

*Question put, That the amendment be made.*

*Question put a second time and negatived.*

*Main Question put.*

*The Assembly divided:*

*Ayes 35; Noes 49.*

### **AYES**

*Mr Agnew, Mr Attwood, Ms Bailey, Mr Boylan, Ms Boyle, Ms S Bradley, Mr Carroll, Ms Dillon, Mr Durkan, Ms Fearon, Ms Gildernew, Ms Hanna, Mr Hazzard, Mr Kelly, Mr Lynch, Mr McAleer, Mr E McCann, Mr F McCann, Mr McCartney, Mr McCrossan, Mr McGlone, Mr McMullan, Mr McNulty, Mr McPhillips, Ms Mallon, Mr Maskey, Mr Milne, Mr Mullan, Ms Ní Chuilín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane, Ms Seeley, Mr Sheehan.*

*Tellers for the Ayes: Ms Gildernew and Mr F McCann*

### **NOES**

*Mr Aiken, Mr Allen, Mr Allister, Mr Anderson, Ms Armstrong, Mrs Barton, Mr Beggs, Mr Bell, Mr M Bradley, Ms P Bradley, Ms Bradshaw, Mr K Buchanan, Mr T Buchanan, Ms Bunting, Mr Butler, Mr Chambers, Mr Clarke, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Frew, Mr Girvan, Mr Givan, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Mrs Little Pengelly, Ms Lockhart, Mr Logan, Mr Lunn, Mr Lyons, Miss McIlveen, Mr McKee, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Nesbitt, Mrs Overend, Mrs Palmer, Mr Poots, Mr Robinson, Mr Ross, Mr Smith, Mr Stalford, Mr Weir.*

*Tellers for the Noes: Mr McQuillan and Mr Robinson*

*Main Question accordingly negatived.*

*The sitting was suspended at 7.14 pm.*

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