

# Official Report (Hansard)

Tuesday 17 February 2015  
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Wilson, Sammy (East Antrim)

# Northern Ireland Assembly

Tuesday 17 February 2015

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

*Members observed two minutes' silence.*

## Ministerial Statement

### Individual Funding Request Process: Evaluation Findings

**Mr Wells (The Minister of Health, Social Services and Public Safety):** Mr Speaker, at the outset, I thank you for your letter regarding my wife's health. It was much appreciated, along with all the messages of support that I have received from Members throughout the House.

My predecessor launched an evaluation of the individual funding request (IFR) process for specialist drugs on 24 September 2014. The evaluation is now complete, and I want to take this opportunity to brief the Assembly on its findings and on how I propose to take the issue forward.

Like the previous Minister, I have heard the concerns raised by cancer patients and survivors, charities, the pharmaceutical industry and, indeed, many colleagues in the Assembly that the current process of providing access to new specialist medicines in Northern Ireland could be strengthened. Before going into the results of the evaluation, I should be clear that, while I absolutely recognise the importance of new drugs to patients, we do need to acknowledge that drug therapies are only one aspect of cancer treatment. Early diagnosis, timely surgery and radiotherapy are of paramount importance in improving patient outcomes, and those are also the treatments that have the potential to lead to actual cures.

In recent years, we have seen significant investment in cancer services in Northern Ireland, and that has led to real improvements in outcomes for patients across a range of cancers. A recent European-wide study has shown that survival rates for lung, breast and prostate cancers in Northern Ireland are the best in the United Kingdom. The improvements that have been made have been brought about through investment in cancer services and by a major refocusing on how the service is

delivered. We have established cancer targets, instigated extensive reforms and invested in the staff and infrastructure necessary to bring our cancer services up to the standard expected of a modern high quality health service. We have also been able to provide better access to a wide range of evidence-based treatments, including drugs and radiotherapy. Cancer services have been reorganised in recent years so that professionals with an expertise in treating the most common cancers can be brought together.

Patients who are treated by professionals specialising in cancer and working together as a multidisciplinary team have a better outcome than those not managed by such teams.

Investment in cancer services over the past 10 years has been considerable. It has included: the opening of the Belfast cancer centre in 2006 at a cost of £70 million; additional radiotherapy capacity at the Belfast cancer centre, where two new linear accelerators have been installed at a cost of around £3 million; and a £66 million investment has provided a new radiotherapy unit at the Altnagelvin Hospital, which is planned to open in 2016, by which time the Belfast cancer centre will have reached full capacity. Older Members of the Assembly will remember that, at one stage, that very welcome new facility was cancelled because of an apparent lack of funding. I am glad to say that my predecessor, Edwin Poots, made absolutely certain that funding was found for that much-needed facility, and I have committed myself to providing the funding for the running of it, in conjunction with my colleagues in the Irish Republic.

The improvements have been impressive, but we cannot afford to be complacent. This has all been achieved against a background of increasing demand. The next few statistics that I am about to give you will be quite shocking. Since 2009-10, the number of patients receiving treatment for cancer after an urgent referral has increased by 42.3%. There are approximately 8,500 new cases of cancer diagnosed each year in Northern Ireland and, with an ageing

population, that is likely to increase. Indeed, on World Cancer Day, Cancer Research UK announced that, according to its findings, one in two people will be diagnosed with the disease over the course of their lifetime. That is a staggering statistic, but it is also at least partly good news, in that it means that more people are being diagnosed and are surviving longer. Although that is categorically a good thing, it will of course lead to increased pressure on our cancer services.

I move on to the IFR evaluation. The evaluation in the report that I am dealing with this morning was originally intended to test purely whether the IFR process was meeting its objectives. However, its remit was later widened to include additional factors, such as: arrangements for access to specialist drugs in other UK jurisdictions; the early access to medicines scheme (EAMS); the pharmaceutical price regulation scheme (PPRS); and the potential for the reintroduction of prescription charges to finance a specialist drugs fund.

The evaluation report covers each of those areas, and I will outline the findings in a moment, but I want to make it very clear, to the avoidance of all doubt, that I am opposed to the introduction of a cancer drugs fund (CDF) similar to that operating in England. I am opposed to that. There are a number of reasons for that, not the least of which is that specialist drugs are used to treat a large number of serious conditions other than cancer. We should not simply confine our understanding of the situation to cancer alone. As I see it, any solution should therefore address access to specialist drugs for all patients, rather than focusing on one distinct group, to the disadvantage of the rest. Furthermore, there are a large number of new licensed drugs coming onto the market each year. In order to determine which of those new treatments offers the best prospect of improvement over standard therapies, they must be assessed for clinical and cost effectiveness before they are made routinely available. The National Health Service and Health and Social Care (HSC) in Northern Ireland are guided in that process by the National Institute for Health and Care Excellence (NICE), which has an international reputation of excellence in scientific rigour, independence and objectivity.

In its original format, CDF offered no incentive to the pharmaceutical industry to keep prices low and, in fact, introduced a risk that companies could bypass and undermine NICE assessment of new drugs. Indeed, in the aftermath of the well-publicised overspend of

£150 million on the CDF, the authorities in England are developing an enhanced link to clinical and cost effectiveness for any drug to be made available through it. The new Scottish system, the new medicines fund, is a more attractive model, offering as it does a new clinical peer-review process and an enhanced role for the patient within that.

However, the Scottish national health service is in a very different financial position to our own and is using receipts from the pharmaceutical price regulation scheme to resource this new fund. The PPRS agreement is a UK-wide arrangement, negotiated between the Department of Health in London and the Association of the British Pharmaceutical Industry (ABPI). The 2014 PPRS was implemented in Northern Ireland on 1 January 2014. At this stage, I cannot be definitive about the scale of the payments Northern Ireland is likely to receive through PPRS. The current financial pressures on the health service also mean that it is not possible to commit to using PPRS receipts solely to fund new medicines. However, I very much welcome the scheme and the positive way in which the ABPI has worked with government to bring it about.

In Northern Ireland, the IFR process was originally set up to provide access to specialist drugs that are not normally commissioned in circumstances in which there is an agreed clinical need. Officials in the trusts and the Health and Social Care Board have worked hard and shown great commitment in making decisions about access to new specialist drugs within the constraints of the existing IFR system. I thank them for this work and emphasise that the changes that I am now proposing are no reflection on their performance; rather, they are about improving the system in which they operate. Having considered the available evidence, I still believe that, with the significant changes that I will now outline, the IFR process can remain an effective mechanism for providing access to specialist drugs for patients in Northern Ireland.

With this in mind, the findings of the evaluation are as follows. First, the existing exceptionality criteria should be amended to remove the reference to 95%. In the course of discussions with stakeholders, the most commonly cited difficulty with the current system has been the 95% exceptionality criteria, whereby clinicians who seek to apply for an IFR must be able to demonstrate that their patient is:

*"outside the range of clinical circumstances presented by at least 95% of patients with the same medical condition at the same*

*stage of progression ... and is likely to gain significantly more benefit for the intervention".*

While it is reasonable to expect clinicians to demonstrate some level of exceptionalism, there is a compelling case that the current definition applied in Northern Ireland sets the bar too high. Many groups have contacted me in the last four or five years in my position as Chair of the Committee, Deputy Chair of the Committee and currently as Minister to say that they felt that this is an incredibly high threshold and is very difficult to meet.

The second main recommendation is that the establishment of regional scrutiny committees should be considered to ensure that all IFR applications are subject to regionally consistent clinical input and peer review. At trust level, the scrutiny of IFR applications varies significantly, which may result in some variation in decisions made regionally. The Department also heard anecdotal evidence that this local variability can have the effect of discouraging applications and may have a negative impact on patient confidence through a perceived lack of transparency in the process. To resolve this, the Department proposes to work with the Health and Social Care Board and the trusts to establish one or more regional scrutiny bodies to consider all IFR applications at trust level.

The third recommendation is that the existing IFR guidance should be revised to include greater transparency. Throughout the evaluation process, the team received feedback criticising the alleged lack of openness of the process for patients. The team also found that there was a perceived lack of accessible information on the numbers and detail of unsuccessful applications. As well as reviewing the administrative arrangements, as I mentioned, it would be a worthwhile exercise to review the existing guidance to increase transparency for clinicians and patients in the overall process.

The fourth recommendation is that the Department should establish a specialist medicines fund to meet the costs of administering and maintaining access to specialist drugs.

I suspect that there will be a lot of interest from Members in that recommendation.

**10.45 am**

Removing the 95% exceptionalism criteria and creating one or more regional scrutiny

committees will, of course, attract costs, whether due to the increased number of IFR applications or the administrative costs attached. To ensure that the changes are sustainable, I propose the creation of a specialist medicines fund to fully resource the developments and support wider medicines pressures.

To resource the new fund, the recommendation is that the HSC reintroduce charges for prescriptions. I empathise entirely with patients who have undergone trauma and stress related to their treatment, and I want to make certain that they receive the most effective treatment possible for their condition. However, we need to face the fact that my Department does not currently have the finances required to introduce the changes that I have set out in a sustainable manner. The issue is one that I feel passionately about. I want to make sure that the changes happen and that they are sustainable in the long term, but I cannot do it sustainably without finding a source of additional funding.

Prescription charges were abolished in Northern Ireland in April 2010. The cost of providing free prescriptions was found from increased efficiencies in the Department of Health's budget at that time, and no additional funding was sought to support the introduction of that policy. In view of the current financial position, I do not think that it is unreasonable to ask people to contribute to the cost of their prescriptions and to provide a financial foundation for innovative and specialist medicines for the future. I believe that this is an appropriate time to reconsider the provision of free prescriptions in Northern Ireland.

Reintroducing charges for prescriptions is about making funding available for specialist medicines in a secure and sustainable way in the long term. I understand that it will take time to put this into practice, and, in the coming months, I will explore every possible option for making the changes to the IFR process as quickly as possible. I assure Members that once the public have had their say on this important issue, I will bring it to the attention of the Executive as a matter of urgency.

In view of the tremendous interest in the evaluation, I release today the findings of the report for public consultation. The consultation period will run for 12 weeks from today, and my Department will hold a number of consultation events to make sure that everyone's voice is heard before we finalise these proposals. I look forward to hearing the public's views, and I also look forward to hearing the views of Members,

especially those who sit on the Health Committee, on this important issue.

**Ms Maeve McLaughlin (The Chairperson of the Committee for Health, Social Services and Public Safety):** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement on a hugely important topic to us all. I welcome his acceptance that the exceptionality clause is set too high. It is a barrier for clinicians, GPs and patients alike. The question is this: what will it be replaced by? I note that the Minister was very specific in his opposition to the cancer drugs fund in England. A view shared by a number of charities is that it is not sustainable.

The Minister talked up the concept of a specialist medicine fund. I think that most people would accept that as a concept. However, will the Minister clarify to the House the current cost of waste in the system, the potential savings from the use of generic drugs and, importantly, the cost of implementing the scheme that he refers to today? If he is convinced that prescription charges are the only answer, maybe he will clarify to the House, given the huge health inequalities, exactly how much people will be expected to pay.

**Mr Wells:** The Chair asks some very valid questions, which I would expect from the House. First, the model that we are thinking of, which will go out to public consultation, is along the lines of a 30p, 50p or £1.00 charge per prescription per person for everyone. However, because there are so many people with long-term conditions who could not possibly afford to pay that regularly, we are thinking about a season ticket — let us call it that for the sake of argument — costing, we think, although we do not know, about £20.00 or £25.00.

Those are the sorts of figure that are being suggested. We are still working on the model at the moment. Figures will be released for the consultation to work out how much each of the models would produce. That would cover all prescriptions for an entire year. In GB, in England, at the moment, the cost is £26 a quarter. Many people have told me that they would welcome the chance to make some contribution to health-care provision. They feel that it is unfair that people are getting prescriptions entirely for free.

The Chairperson makes a very valid point about wastage. As she knows, the permanent secretary is looking at administrative wastage in the service, with a view to taking out significant savings. I see the administration of what is being proposed costing several hundred

thousand pounds rather than several million pounds. There will definitely be costs associated with it. We found that, when we had prescription charges under the old model, we were spending a very large amount of money on enforcement and scrutiny. That was not a good use of resources. In the proposed situation, it would not be a case of having to check prescriptions to see whether a person was entitled to free prescriptions. It would be relatively easy to scrutinise because everyone would be paying.

We have been driving up the rate of our use of generic drugs. I think that the last time that I looked at it, it was at 72%. It is still 72%. Each one percentage point rise saves us £6 million a year. Of course, the difficulty is that we have picked the low-hanging fruit. The result is that it is more and more difficult to increase the level of use, but I certainly want to see that work continue. For instance, the cost of the administration of prescription charges under the old model was £2.5 million a year. That was a drain on resources. We have here an initial set-up cost and administrative costs. Again, we are working on those models. I certainly want to keep cost down to an absolute minimum.

**Mrs Cameron:** I very much welcome the Minister's statement. The issue of cancer drugs was first raised to me by the late Mrs Una Crudden. I think that her husband and family will also very much welcome the statement and a move towards looking at the reintroduction of a prescription charge that could potentially lengthen the lives of the terminally ill, especially cancer patients.

Can the Minister confirm that the income raised from any such charge would be dedicated to specialist drugs and not be eaten up in any other part of the health service?

**Mr Wells:** That is a very important question. Members will not agree to anything that simply fills a black hole in some other part of the health service budget. What we are committing ourselves to is to using the money to help establish the specialist medicines fund to support approved and unapproved medicines. I can guarantee that the additional funding will allow HSC to improve access to unapproved drugs, but some of it may also be required to meet pressures in approved drugs. I will commit myself here to openness and transparency on that. We are more than happy to allow the Health Committee, the cancer charities and so on sight of exactly what is coming in and where it is being spent. There has to be absolute openness and transparency, because we are going to ask people to make a

small contribution for their prescriptions. If they are handing their 30p, 50p or whatever across the counter, they will want to know that it is being used to help people in need.

One of the most painful experiences that I have had as Health Minister was sitting across the table from Una Crudden on several occasions and her making an impassioned plea for a drug that would help those with ovarian cancer and extend their life. The present system means that we were unable to offer people such as Una hope. I hope and pray that, as a result of the changes, we will be able to look at those people and say that, provided that the local committees are happy that it is an effective treatment being provided, we can offer them that hope. Implicit in what we are doing here is a significant increase in expenditure on specialist medicines. That is why we need the extra money.

More will be spent on those specialist treatments in Northern Ireland, but we cannot have the situation of an open-ended chequebook that has occurred in England, which has run out of control. It still has to have some form of exceptionality test. I will give you an example. I dealt with two drugs yesterday, which I will not name. One of them costs £220,000 per year per patient for four people in Northern Ireland, and the other one costs £252,000 per patient in Northern Ireland. That is the sort of money that we are talking about. Those drugs are often what are called orphan drugs. The costs of development are spread over such a small number of patients that the cost is incredibly high. That is unfortunately where we are moving and is why we need the extra money to fund them.

Last year, we spent an extra £12 million simply funding the NICE-approved drugs that became available automatically. That has eaten up any PPRS income almost entirely. Therefore, we need a fresh source of income so that we can offer hope to those very needy people. I do not want to sit in my room any longer and say to folk that, because of our restrictions and the 95% exceptionality test, we cannot offer them any possible outcome.

**Mr McKinney:** The SDLP welcomes the announcement in large part. It is a tribute to the many people who have campaigned against what is a fundamental inequality in that many of these drugs have been available elsewhere in the UK but not here. I welcome, as a point of principle, the fact that the Minister has made a number of announcements. The SDLP will have reservations about tying it to prescription

charges, and we will reflect those in any consultation.

In relation to openness and transparency, I note that the Minister has not revealed any details around the PPRS. Will the public not need to be doubly convinced? The PPRS was about making drugs available to people, yet it has been used elsewhere in the system. What practical guarantees can the Minister give today and throughout the process that any concept of a prescription charge will relate to specific cancer and specialist drug provision?

I have one other comment, if I may. The Department is in dispute with pharmacies over moneys, and they find themselves very stretched. Who will collect that? Will they get remunerated for doing so?

**Mr Wells:** If I was sitting in his chair, I would be asking those exact questions. I am indebted to MLA John McCallister, who asked a question on that subject very recently, albeit that the answer may not yet be available on the website, and so I can answer Mr McKinney's first point specifically. He asked me to outline the quarterly income from the PPRS to the health service budget. In quarter 1, which is from January to March, it was £3.53 million. In quarter 2, it was £3.83 million. These are all 2014 figures. In quarter 3, it was £3.92 million. It does not take a mathematical genius to add that up; I can do it. If you extrapolate that, you are talking about over £12 million. That has been entirely eaten up by the extra £12 million that we have committed to spend to deal with the increase in NICE-licensed and agreed drugs. While all this is going on, NICE is still adjudicating on a series of new treatments. Once NICE agrees with that at a GB level, we are then in a position where we have to implement those treatments. Therefore, the money has been swallowed up. Whilst we welcome the PPRS — it is good news, and I am very happy that ABPI has agreed to it — the reality is that it does not provide us with the new money that we need.

He also raises the issue of wastage, which is a very valid point. Having listened to him talk about that issue in the media, I know that he feels that, at the moment, he is not in a position to sign up to any administrative charges for prescriptions if there is still perceived wastage. We have set the pharmaceutical budget a very stringent target of £20 million of savings next year, and that will be the tool that we will use to eliminate any perceived wastage.

I can say to him that that aspect of our budget has become more and more efficient. When I



was Chair of the Health Committee, we spent £400 million a year on community pharmacy. That is now down to £362 million, largely because of a decrease in wastage, but also a greater uptake of generics. I want to satisfy him that we are dealing with this before I would expect him to agree to what we are proposing. This is a different model; this is not going back to prescription charges of £6.40 per script or £8 in England. This is a standard tariff for every man, woman and child in Northern Ireland, with a ceiling for the year of an unspecified figure, which, we hope, is affordable to the entire community.

**11.00 am**

**Mrs Dobson:** Minister, I hope that you share my belief that cancer sufferers, including my constituent the late Mr Brian Coburn, should not be focusing on having to pay thousands for treatment in the final few months of life. Minister, you say in this statement that early diagnosis is paramount, and your ministerial target for treating people following an urgent referral for suspected cancer is 95% within 62 days. Last month, we heard that less than two thirds — just 64.5% — of patients were seen within this time. Is there a crisis in cancer waiting times? What are you doing to address that, considering that it affects all types of cancer?

**Mr Wells:** First, I pay tribute to Mr Coburn. I watched the programme on BBC 1 about cancer at 3 o'clock in the morning in the Royal on my iPad as I was sitting with my wife. I was taken by his comments, which were very legitimate. Mr Coburn had, of course, made an outstanding contribution to the economic life of Upper Bann.

We face huge pressures on cancer referrals at the moment; I accept that. We get periods when we do not meet the target. That is caused, on this occasion, by an increase of 8,500 people per year getting the bad news about their condition. I am somewhat relieved to hear that, despite that pressure, our outcomes for many forms of cancer are excellent by UK standards. That is the benefit of concentrating resources in the Belfast cancer centre at the City Hospital site, where all the experts on the conditions come together to give the best possible treatment. We are working hard and trying our best to get back to the target of 95%. Again, however, this emphasises the need for additional resources for cancer treatment.

If some of those drugs were available, it may be that the outcomes for patients in life enhancement would be better. That would put more pressure on the system, because if people live longer, they have to be treated for longer. I made the very important point in answer to one of my first questions in the Assembly — from Mr Brady in 2014 — that, for the first time ever in Northern Ireland, more people who have been diagnosed with cancer will be alive in 10 years than will have passed away. There was also a very useful question from Mr McKinney, which is in the system, asking for an outline of where those improvements have occurred. For some conditions, like childhood leukaemia and prostate cancer, the outcomes are extremely good in Northern Ireland. However, we have a long way to go, and I need a mechanism to raise additional resources to continue that improvement.

**Mr Lyttle:** I welcome this overdue action today and pay tribute to all those who have been involved in the campaign for equal access to cancer drugs in Northern Ireland, including Cancer Focus NI. I hope also that this demonstrates a departure for the DUP from political campaigning against responsible, fair revenue-raising as a way of funding essential services. I welcome the leadership that the Minister has shown in that regard.

I would like to scrutinise further his dismissal of a pharmaceutical price regulation scheme as an option. He said in his statement that, at this stage, he cannot be definitive about the scale of payments, and he went on to detail those and, indeed, in his answer to my question, he detailed receipt of around £3 million by the regional Health and Social Care Board in June 2014. I ask the Minister to state again why the pharmaceutical price regulation scheme has not been used for a Northern Ireland cancer drugs fund or a specialist medicines fund as per Scotland and what it is being used for instead of achieving equal access to drugs for cancer patients in Northern Ireland?

**Mr Wells:** Mr McCallister's question for written answer is dated 18 February, so it is literally hot off the press. No doubt he will use that against me in the local press and say that he was on the ball.

We need to understand that PPRS is based on a refund to the Department based on receipts of drug expenditure undertaken. Therefore, to some extent, it is difficult to predict exactly how much is going to come in. It always comes in retrospectively. We introduced the PPRS in Northern Ireland only on 1 January 2014, so

whilst we very much welcome it, it is still in its infancy. The Member needs to understand that that income, which, according to the answer given to Mr McCallister, could be £12 million or £13 million, is in the context of £165 million that I need to find to deal with financial pressures in 2015-16. I made the point that we are already committed to spending £12 million in increased budget for pharmacy simply to take cognisance of decisions that NICE in London made. So, we are not yet in a position to be definitive, but it is pretty clear that we are running fast to keep still. That will not provide us with the additional money that we need to do what we should, which is to offer hope to many cancer patients and other patients. Keep remembering that this is beyond cancer. Other life-threatening conditions in Northern Ireland also require those specialist treatments. I know that he has written to me on several occasions on behalf of his constituents on these issues, as has almost every Member and every MP.

The sums clearly indicate to me that the PPRS is useful, but it is not going to meet our ultimate need. I welcome his support for some form of additional charge for prescriptions. I want the Health Committee and the Assembly to debate the issue and to come to a thought-out view on it. At the end of the day, I am going to need that support because the system that we have here in the Assembly means that things can be stopped very quickly if they do not have cross-party support.

**Mr Speaker:** We have just completed the first round of questions. I have quite an extensive list of Members who have their names down. I ask Members to come as quickly as possible to their question and to restrict themselves to one question. That will give us the opportunity to bring in those who are on the list.

**Mr Givan:** I welcome the Minister's statement, particularly the news that Northern Ireland has one of the best survival rates for some types of cancer anywhere in the United Kingdom. I commend the Minister for wanting to take forward the issue. I believe that he is with the public on this, who are ahead of some politicians on the reintroduction of prescription charges.

Cancer Research UK has indicated that the cancer drugs fund in England is not financially sustainable and does not sit well with other cost-effective assessments, such as NICE. Will the Minister elaborate on why he believes that the cancer drugs fund established in England is not the best way forward for Northern Ireland?

**Mr Wells:** We spend £600 million a year on drugs in Northern Ireland, and we spend £27 million on specialist cancer drugs already. I do not want people thinking that we are not already committed to that field. All NICE-approved cancer drugs will be made available to people in Northern Ireland.

The English CDF was established at £200 million a year. There has been a growing consensus throughout England — it was echoed by many of the respondents to the consultation on the individual funding requests (IFR) review — that it is only a short-term fix to a complex problem. It is not sustainable or equitable because it deals only with cancer patients; it does not give hope to those with other conditions. In 2014, it went over budget by £140 million. That is on the basis of a £200 million budget. That indicates the enormous stress that it is under. English authorities are having a rapid review of how they are doing things to make it more sustainable.

We have looked at models in Wales and Scotland. I like to think that what we are proposing takes extracts from all the models to try to bring some form of sustainable model to Northern Ireland. When we go out to consultation on this, if folk feel like we have got it wrong, by all means, please let us know. We are trying to find a system that offers hope to many hundreds of people in Northern Ireland but does not lead to an unsustainable model where we are going to end up having to close the fund because it is running out of control. We feel that we have a fine balance between the various models. I understand that, at the moment, we are spending about £1.9 million a year on these specialist, non-NICE-approved drugs. Our model suggests that that could treble or quadruple under the proposals that I am making this morning. That is a genuine commitment to many people, but there will still be patients in Northern Ireland to whom the committees, after they have looked at the applications, will say no. There will still be situations where the assessment will be either that the drug is not effective or it is not cost-effective. There will still be difficult decisions to make, but much fewer than today.

**Ms McCorley:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a ráiteas agus cuirim fáilte roimh an ráiteas s'aige inniu. I thank the Minister for the statement, which I welcome. The establishment of regional scrutiny committees is a welcome recommendation, because it is about addressing inequalities in the system where local variations may exist. In that context, can he give an assurance that a new regional

scrutiny committee coming into being to consider applications for IFR will not incur any unnecessary delay for people requiring treatment?

**Mr Wells:** The benefit of those new committees is that they will not be bound by the 95% threshold which, we all agree, is so ridiculously high that very few people can avail themselves of it. We will be asking these committees, which will be made up of experts in the field, to move quickly on applications, examine them very carefully and be transparent. Part of the problem at the moment is that many patients are left without any detailed knowledge of why their IFR application was not made.

I also need to emphasise that inherent in what we are doing is that many clinicians who, up to now, have felt it was not worthwhile applying because of the 95% exceptionality criteria will now feel that it is well worth their effort in going through the paperwork to apply. Initially, there is going to be a surge in applications if we go into this model. The committees will meet weekly, which will certainly help the situation, and it will be a much more efficient system. It will also ensure that there is equal access to drugs throughout Northern Ireland, so we will have some consistency. Do not be surprised if the numbers of IFR referrals rise quite significantly in the first few months; that is good news, because that means that clinicians feel that, under what we are suggesting, there is a much more realistic chance of getting the drugs made available and paid for. We will watch that very carefully.

I find this issue very difficult personally, because some of the people whom I have dealt with have passed on even in my short time as Health Minister. I want a system that allows me to look patients straight in the eye and say that we have a lean, fast and efficient system that will give you a decision quickly on your clinician's IFR referral. I will be watching this very carefully to make certain that bureaucracy is kept to a minimum and that we ensure that we can offer hope to these people, who are often at a terribly low stage in their lives.

**Mr Spratt:** I thank the Minister for his statement to the House this morning. Given that I benefited from a specialist drug some two and a half years ago from an oncology point of view, I certainly welcome the statement. The Minister is just after saying that the scrutiny committees would have experts in the field. Will he ensure that those experts will be the oncologists, the surgeons and the very dedicated teams that we have that deal with cancer and things such as

MS? I welcome the fact that other drugs are included, as well as cancer drugs.

**Mr Wells:** I thank Mr Spratt for his question and pay tribute to Mr Spratt, Ms Bradley, Mr McMullan, Seán Rogers and others in the Assembly who have gone through that journey of a cancer diagnosis and who have been courageous enough to come forward and make their views known in the Assembly about their personal circumstances. We have all learned a lot from listening to their experiences, and that has been helpful in the improvement of services.

#### 11.15 am

I can absolutely guarantee that this is not going to be a committee made up of administrators or bureaucrats. This will be a committee largely of experts in the field, the oncologists who know what they are talking about and whether a drug treatment or new form of treatment will lead to a real improvement in the condition of the patient.

Sadly, most of these drugs are not life-preserving; they are life-enhancing and increase life expectancy. There are very few treatments that we can say lead to a cure, although Allister Murphy from east Antrim, who came to see me to lobby on this issue, made the point that sometimes that can extend the life of a patient to the point when another drug becomes available. Therefore, it can, on occasion, offer hope.

The committees will be made up of leading clinicians. Oncologists will be an important component because 66% of IFR applications are the result of cancer diagnosis. One committee will be dedicated to oncology and one to other conditions. These are the people at the coalface; experienced clinicians who are European leaders in the treatment of cancer and who will be making the decisions. I would put my trust in them because the evidence would indicate that the cancer centre, particularly under the management of Paddy Johnston and his team, was producing first-rate results for people in terribly difficult circumstances.

**Mr Brady:** Go raibh maith agat, a Cheann Comhairle. I, too, welcome the Minister's statement. Minister, obviously you envisage a specialist medicine fund that will include other conditions. Mr Spratt mentioned MS and other chronic and debilitating conditions. The Chair asked about cost. I am not sure if you gave her a figure, so I am just wondering whether you

have any projected figure at this time for that specialist medicines fund.

**Mr Wells:** No. We envisage that the cost of running the committees would be relatively small in the overall scheme of things. Remember that we are already spending. For instance, last year we spent £1.5 million on 170 individual funding requests. It is difficult to separate out the cost of the additional expenditure on drugs from the cost of the committees, but I do not see them being a large component of the overall cost.

Going by the Barnett formula as a guide, if we were to implement the cancer drugs fund on the same ratio as the rest of the United Kingdom, it would be between £6 million and £10 million. Our model is being considered specifically for Northern Ireland and is not directly comparable, but we expect the extra cost in drugs to be between £4.8 million and £9.5 million, roughly. Please do not hold me to that because that model has to be refined significantly. That, of course, depends upon at what level the committees agree to funding. It could be up to the higher end.

That is on top of all the other pressures that we are facing in Northern Ireland in health. Unfortunately, there are some difficult decisions to be made in terms of finding the £50 million in savings in the non-health trust element of the budget — that is, the Fire and Rescue Service, the PHA, the BSO etc — and the £165 million in efficiency savings that have to be found within the six trusts. I can tell you that there is some burning of the midnight oil going on within the Department as we work out how to do that. What we simply do not have in that context is the extra £6 million to £9 million required to fund cancer and other drugs on top of the £12 million that we have to find for the NICE-approved drugs.

We are coming through a very difficult phase. I know that Members will say, "Well, what's different now from the decision made by Mr McGimpsey six or seven years ago?" Since then, we have moved on to a totally different financial planet for health in Northern Ireland, and that is the problem. Demand is rising inexorably. When you consider that there has been a 43% increase in referrals for cancer diagnosis since 2009, that gives you an indication of the speed with which this condition is growing in Northern Ireland. One in two means that 54 people in this Chamber will face cancer. That is how frightening it is. Four have faced it already, but there could be another 50. That is where we are going with this disease.

**Mr Byrne:** I welcome the statement by the Minister. Paragraph 4 states that early diagnosis, timely surgery and radiotherapy are of paramount importance to client outcomes. What advice will the Minister give to a family that has a member who has been diagnosed with cancer and needs surgery but cannot get it under the NHS for at least six months? They could get it next week if they pay £2,000 to a surgeon who works in the NHS but who also does private work.

**Mr Wells:** That would be an unusual case. It is mostly orthopaedic surgery that is carried out in the private sector. He, from the Western Trust area, can at least tell his constituents that in 2016 there will be a state-of-the-art £66 million facility at Altnagelvin in Londonderry, which will be co-funded by our colleagues in the Irish Republic and will mean that the capacity problems that we have at the City Hospital are somewhat relieved.

That is a commitment that I have made, and Edwin Poots also made it. Others said it could not be done, but the Member will no doubt be invited to the ribbon-cutting of that much-needed facility in a year's time. That offers hope for his constituents in Omagh and Strabane that there is extra capacity.

In the meantime, we are working as hard as we can to relieve the waiting list. If a case is re-flagged — if it is put forward by the oncologist as an urgent case — we will endeavour to see that person within two weeks. I am very interested in the case the Member raised, and I ask him to write to me and quote the difficulties. I am very keen to see why that person has been waiting six months and is looking at the option of private treatment. I would like to check with Western Trust officials and the City Hospital's cancer centre to see why that is happening, because something just is not right about the difficult dilemma his constituent is in. If the Member writes to me, or even emails me today, we will turn that round as quickly as we can.

**Mr Beggs:** I too welcome the Minister's statement and indicate my continuing support for a specialist medicines fund in Northern Ireland similar to that in Scotland. I have concerns about a potential £25 charge, or £1 charge, for those who may have long-term conditions and particularly those who may be living in poverty. Given the recent Northern Ireland Audit Office report into primary care prescribing, which indicated that very significant savings could still be made and that one drug alone — Pregabalin — could be costing an additional £10 million because of

oversubscription. The report also found that some GP prescribing rates per patient are twice that of others. Why is he not gaining efficiency savings to fund such a proposal?

**Mr Wells:** That is a very valid point. First, we are imposing very stringent savings on the budget for 2015-16 to try to deal with those issues. Like everyone else, I am determined to drive down the cost of prescriptions; and we have been successful in the move to generic medicines.

He made the point that I expected to be made at the very start of this debate on the £25 or £20. The consultation, which will be open to all of the public, will have several options, including the "do nothing" option, which would mean that we stay as we are. Various models will be set out, and one of them includes the figure of £25. We want to set it at a figure that is affordable to our community. For most people, £25 for an entire year's supply of drugs, the value of which could be running into tens of thousands of pounds worth of value, is welcome.

My wife is on four or five prescriptions a day, and I am sure that that is running into thousands of pounds per year. Obviously, I could pay the £25, but what I want to hear from the community generally is whether that is acceptable. If we drop it to £15, the fund will be smaller for vital drugs. The difficulty is in getting a model that produces the income in a way that is sustainable in the community. From the various views I have received, a figure of £25 could be seen as a sensible compromise for people who could not possibly afford to pay £1 every time they went into the pharmacist because it would cause real poverty.

That is why the consultation will be so important. What do the public really think about that suggestion? Generally speaking, I find a lot of support in the community. People regularly write to me and say, "Why don't you address this issue?" and, "Why, when I go into the pharmacy, am I not expected to make a small contribution?" Remember that the pound comes nowhere near the cost of the prescription; it is only a tiny fraction of its value. We were paying £6.40 before the end of prescription charges. In England, they pay over £8.00. A season ticket in England costs over £100. Ours will be significantly different. We continue to press on inefficiencies, and it is a long-term situation.

I have seen some of the figures that have been quoted for bespoke designer drugs for specific patients. With the sort of money that is coming

down the pipeline for what can be assigned to a particular patient for a specific condition, we will have to develop a model that will mean that we can answer that demand on a long-term basis. Some of those drugs are incredibly effective, but the prices are, quite honestly, frightening, so we need a long-term, sustainable model that we can use to pay for them. I cannot see the health service being in a position, in the foreseeable future, to meet that increasing demand. I know that the Member's constituents in East Antrim will be lobbying him intensely when those drugs become available.

**Mr Dickson:** Minister, thank you for your statement. I welcome and recognise your point that you cannot make those changes or make them sustainably without finding a source of additional funding. So I will turn to the additional funding and the suggestion that there may be a £20 or £25 charge. The previous prescription-charging regime was a shambles, and more of the income went on administration than on what the job was supposed to be about: paying for drugs. We are talking about very specialist drugs, and that is very welcome. Will the Minister assure the House that the administration of any future prescription regime will be effective and efficient? From my £25, I expect only a few pence, if even that, to go on administration.

**Mr Weir:** I thought that that point would have been raised in the second or third question today. As we are guaranteeing total transparency, people will know exactly what is coming in and what is going out. If we are successful, I want to be able to stand here in a year's time and show Members that, if we have brought in £20 million, we were spending £19.5 million or whatever on specific cancer drugs and other drugs. That is why that commitment, which I will also make to the Committee, is so essential. The Member will be able to see the costs.

One interesting model has been suggested, although none of this is concrete. At the moment, we pay pharmacists a small administration charge of about a £1 for every drug that they dispense. One idea is to stop paying that and simply collect the £1 and put it into the kitty. That would eliminate a huge amount of administration. I am sure that that is too simple and that there would be resultant issues. I have spoken to pharmacists about the concept and their overall view of it, and there is general support for it. We do not want a model that will eat up vast amounts of money in administration.

The Member is absolutely right about the old prescription charge. We had communities in Northern Ireland in which 90% of those who walked through the door of the pharmacy got free prescriptions. I find that very hard to believe. That happened even in areas in the Member's constituency, like Carrickfergus, which is not an area of rural poverty and where there are high rates of employment. It always amazed me that practically everybody got free prescriptions.

When I was quite ill, just before the end of the prescription-charging regime, I was asked whether I got free prescriptions. I thought that that was a pretty silly question, but I was invited to sign the back of the form — not that I did. I thought to myself that, if I signed the back of the form and was not entitled to do so, what would the chances be of getting caught. We were spending £2.5 million a year trying to police that, and one of the reasons why I supported Mr McGimpsey when he abolished prescription charges was that I did not see it as an efficient model, as we were spending so much money policing it.

The good thing about a small blanket charge is that there are no problems with enforceability or fraud, because everybody will pay it. People need to get their heads around the fact that there will be people in Northern Ireland who will be paying that small charge for the first time ever. That is understandable.

There is a second issue in that, since the abolition of prescription charges, the numerical demand for prescriptions has risen very significantly. If you put some value on a prescription, albeit quite a small value, people will stop and think whether they really need it and whether they should be demanding it for free when they can buy it across the counter. That aspect is a very minor consideration in the overall scheme. We are trying to purchase essential drugs, not save on demand.

**11.30 am**

**Mr Allister:** I welcome the Minister's return to full operation and wish his wife a continuing and full recovery.

On the issue of potential prescription charges, the Minister seems fairly clear that he is looking for something modest and universal. Does it therefore follow that he emphatically rules out, as I think that he should, means-testing, so that there are no out-of-control administration charges? What assurance is there that, once introduced, these charges will not creep or gallop endlessly upwards?

**Mr Wells:** That is the third question that I predicted was going to arise.

We have a specific idea of the sort of funding that we need to meet demand. We are working on various models as to how we achieve that. We will definitely not be going down the route of means-testing, I can assure him of that. That would negate the whole issue. Let us be honest: it is quite clear that, under the old scheme, people were getting free prescriptions who were not entitled to them. We have to accept that. If you are the local pharmacist in a community and are faced with someone you have known all your life saying, "I'm entitled", in what position is the pharmacist to contradict that? It is very difficult for the customer/pharmacist relationship. In the consultation, a number of options will be set out for prescription charges and the potential exemptions; in other words, the fee. We are finalising those models, and it is not possible at the moment to give any further detail.

I am very aware that this could be seen as a tax by stealth, which we would gradually crank up. We will have total transparency around how this is operated. Members will know what is needed and what we are doing with it. Of course, the Committee will be consulted regularly as to how it is operating. Even if we did not do that, I know that the present Chair would be constantly badgering us about it anyhow. I do not know who will be Minister by the time this is all up and running, but, for as long as I am there, I certainly will not be using it as a way of funding other aspects of health service budgets. We are certainly not going to use it to plug any black holes, of which there are many, in the health service budgets. It will be very clearly ring-fenced for this purpose. It has to rise, but it will rise because demand for these essential drugs and treatments is rising. It is not rising because we are using it as a way of finding money for other things. In addition to the cancer drugs, other treatments are coming online, which are expensive. I would like to be able to offer people the prospect of those new services as well; for example, vaccines. That is my commitment. I know how the House would react if we tried, by stealth, to use it as simply a fundraising device for health generally.

**Mr Agnew:** I thank the Minister for his statement. I welcome the advances in cancer treatment. As the Minister knows, many of us have been affected by cancer, directly or indirectly. Less than four years ago, I lost a very close friend to it.

The Minister has acknowledged that there will be those who would have been exempt from

paying under the old scheme who will now have to pay under this proposal and those of us, like me and him, who can afford to pay more than what is being proposed. Has any consideration been given to a voluntary payment scheme, which would not have the administrative burden of means-testing but would allow those in need to get their prescriptions free of charge?

**Mr Wells:** We are talking about maybe 50p or £1. We are not talking about going back to the model of £6.40 or, as in GB, over £8. Certainly, in the consultation, I will be interested to hear whether anyone suggests a voluntary approach. The problem is this: what degree of certainty can you achieve with a voluntary approach? We know what we need to meet the demand for these drugs. We will model how that need can be dealt with, given the fact that we have very clear knowledge of the present demand for prescriptions. The problem is that you could end up committing yourself to very substantial expenditure on much-needed drugs and find that the voluntary income comes nowhere near what one would expect or need. Whilst initially it is attractive, I do not see it being realistic.

Equally, once you get into means-testing and the situation where you ask people whether they have the income to pay, previous evidence shows that, unfortunately, the vast majority of people prefer not to pay. What worries me is that people had the opportunity to be open and honest under the old scheme, and, in many communities, the vast majority chose to say that they could not pay for prescriptions.

I have my doubts about whether all of them were in that position. The figures from his constituency were quite remarkable. I am not convinced that over 80% of the people living in North Down were consistently in a position in which they could not afford prescriptions.

**Mr McCallister:** I am glad to see the Minister back and wish his wife continued progress in her recovery. I was a little nervous, Mr Speaker, when, as soon as the subject of raising money came up, the Finance Minister rushed down to the Minister's side. I would like an assurance from the Health Minister that health will keep any money raised.

Will the Minister come back with more detailed proposals on how much he thinks that he needs to raise and what an acceptable level of charge is? In many aspects, Mr Givan is right: the public are ahead of the politicians on the need for some level of charging. Will he also look at things like using money from the charge to

extend the HPV vaccine programme to young boys?

**Mr Wells:** I am glad that the Minister of Finance is here with me because I will make absolutely certain that this is additional money. I am certain that the Minister of Finance, even in his darkest hour, would never dream of saying, "The health service is introducing a scheme. The public will take the pain of the small charge and raise £10 million. Therefore, I will reduce the health budget by £10 million to compensate for that". I know that the honourable Member for Strangford is a man of honour and integrity. He would never dream of such a thing, but I remember that additionality was a problem in European funding. This will be extra money, and it will be hypothecated — I was dying for a chance to use that word — in order to secure additional funding.

The Member asked about the amount of money needed. Various models are being postulated. It could be £6 million; it could be £9 million. If I wanted to introduce all the additional services or drugs, including the vaccine that the honourable Member mentioned, it could be up to £24 million or £25 million, but it is a matter for public consultation. The options will be clearly set out, and option 1 will be to do nothing. I will be very interested to hear what the public say on the "do nothing" option, which would mean staying as we are but with no funding for these much-needed treatments.

I welcome the Member's very positive engagement and detect that all Members are at least keeping an open mind. I understand entirely where the Chair of the Health Committee is coming from — I do — and, if I were her, I would be raising the very same points. We have to decide whether our community is ready for this. Will they buy into it? Will they buy into it on the basis that they know that every penny that they put into the till will go towards much-needed treatment for their friends, relatives and, maybe, ultimately, for them?

**Mr G Robinson:** I thank the Minister for his very welcome statement. How have the numbers of people diagnosed with cancer been changing in Northern Ireland?

**Mr Wells:** Earlier, I mentioned that the figures are rising very significantly, by 8,500 new diagnoses a year. I do not think that any of us who have not been through that experience — of course, four of our Members have — can understand what a body blow it is for someone to be brought into what is known as "the bad

news room". Within the last fortnight, I have been in the "bad news room" twice, so I know exactly what that entails. Individuals sit down with their husband, wife or family and are told, "I'm afraid, Mr Smith or Mr Jones, that the diagnosis is cancer". To this day, that phrase instils fear in the hearts of many. However, I have a friend who has had stomach cancer for 23 years and had a work colleague in Saintfield who has had breast cancer for 19 years. We meet such people regularly. A gentleman in my church was diagnosed with prostate cancer nine years ago and thought that it was terminal. Since the diagnosis, he has become a grandfather three times, got a degree and is still very much alive and healthy thanks to the magnificent treatment that he received in the Belfast City Hospital cancer centre. Therefore, we have to accept that, as we age as a population, there will be more and more cancer. Indeed, I have to set aside £35 million a year in my budget simply to take account of the fact that we are living longer and that much of the disease that we encounter is a result of age.

As we become more successful in treating cancers such as breast cancer and prostate cancer, costs will rise even further, because we will have to continue to find the drugs and treatment to keep those people alive and healthy. The fact that we have four MLAs who are serving their constituents diligently in this House — they are very much with us, I am delighted to say — indicates that real success is being achieved. We want to see that becoming the norm. We want to reach a situation in which cancer is seen not as a death sentence but as a long-term condition. For 50% of the population, that is where we are at. I believe that the extra money can ensure that others reach that position. We would all be quite happy to pick up the tab for that because it would mean that people are living long, fulfilling and active lives with a long-term condition.

**Mr Speaker:** Thank you, Minister. That concludes questions on the statement.

## Executive Committee Business

### Budget Bill: Consideration Stage

**Mr Speaker:** I call the Minister of Finance and Personnel, Mr Simon Hamilton, to move the Consideration Stage of the Budget Bill.

*Moved. — [Mr Hamilton (The Minister of Finance and Personnel).]*

**Mr Speaker:** No amendments have been tabled to the Bill. I propose therefore by leave of the Assembly, to group the Bill's nine clauses for the Questions on stand part, followed by the five schedules and the long title.

*Clauses 1 to 9 ordered to stand part of the Bill.*

*Schedules 1 to 5 agreed to.*

*Long title agreed to.*

**Mr Speaker:** Well done, Minister. That concludes the Consideration Stage of the Budget Bill. The Bill stands referred to the Speaker.

### Public Bodies (Abolition of the Advisory Committees on Pesticides) Order 2015: Assembly Consent Motion

**Mrs O'Neill (The Minister of Agriculture and Rural Development):** I beg to move

*That this Assembly consents to The Public Bodies (Abolition of the Advisory Committees on Pesticides) Order 2015 in the form of the draft laid before the UK Parliament on 15 December 2014.*

Go raibh maith agat, a Cheann Comhairle. I am seeking the consent of the Assembly to the abolition of the advisory committees on pesticides (ACPs).

The Public Bodies (Abolition of the Advisory Committees on Pesticides) Order 2015 will abolish the advisory committees on pesticides. In practice, the order dissolves the ACPs in law. By way of brief background, the ACPs are based in Britain and the North of Ireland. They are non-departmental public bodies (NDPBs) that were established under the Food and Environment Protection Act 1985 to give independent advice to government on all matters relating to pesticides.

The ACPs advise Ministers in DEFRA, the Department for Work and Pensions (DWP), the Department of Health, the Scottish and Welsh Governments, and our own Executive.

The Advisory Committee on Pesticides covers England, Scotland and Wales, while the Advisory Committee on Pesticides NI covers the North of Ireland. In practice, the same body of experts has been appointed under both regulations, meaning that a single committee serves as both legal entities.



Although there is currently no one from the North of Ireland appointed to the ACP here, there is local representation on various pesticide bodies. The Agri-Food and Biosciences Institute (AFBI) is an observer member on the ACP and the working group on pesticide residues in food. The ongoing local representation on relevant bodies is appropriate and sufficient.

The Government's intention to replace the statutory ACPs with an expert committee was announced on 14 October 2010 as an outcome of their 2010 review of public bodies. The First Minister and the deputy First Minister obtained the agreement of the Executive and, subsequently, the Assembly in March 2011 to a legislative consent motion on the then Public Bodies Bill. The ACPs are listed in schedule 1 to the Public Bodies Act 2011 as public bodies that could be abolished.

Following the passing of the Public Bodies Act, DEFRA carried out a wide consultation exercise in March 2012 on the future of the ACPs, with the intention that it would be reconstituted as an expert committee. No responses to the consultation were received from stakeholders across the North of Ireland. Analysis of the 45 responses showed majority support for the British Government's preferred option, and DEFRA made the recommendation that the ACPs be reconstituted. The procedure to move that forward requires the ACPs to be abolished by the making of an abolition order, and for the new expert committee on pesticides to be formed and operate to terms of reference agreed by DEFRA and the devolved Administrations. Existing members will be invited to transfer to the new expert committee.

#### 11.45 am

The running costs for the activities of the ACPs are modest and met by DEFRA, which will continue to fund the new successor expert committee. The abolition of the ACPs is the joint responsibility of the four Agriculture Ministers in Britain and here. The making of the abolition order therefore requires, in line with section 9 of the Public Bodies Act 2011, the consent of our Assembly, the Scottish Parliament and the National Assembly for Wales. The British Government have requested such consent from us, and that is the purpose of the debate today. DEFRA laid a draft order before Westminster on 15 December 2014 under the Public Bodies Act 2011 to abolish the ACPs.

The change to the status of the ACPs is essentially an administrative issue. The

members and functions of the committee will remain the same in the new single expert committee. The impact for the North is therefore regarded as minimal. However, legal procedures are required to implement the change, and this includes the bringing of an Assembly consent motion. I therefore commend the motion to the Assembly.

#### **Mr Irwin (The Chairperson of the Committee for Agriculture and Rural Development):**

In March 2011, the Assembly agreed to a legislative consent motion on the Public Bodies Act 2011, which allowed certain public bodies to be dissolved or abolished. One such body is the Advisory Committee on Pesticides, the ACP. The ACP is a non-departmental body established under the Food and Environment Protection Act 1985 to give independent advice to government on all matters relating to pesticides. The function of the Advisory Committee on Pesticides is to provide independent advice to government through the four devolved Administrations. Its key output is about whether a pesticide or an active substance is approved for use. It examines whether it is safe, whether controls can be put in place to make it safe and so on. Essentially, it is the key advisory body on pesticides policy and safety.

The Advisory Committee on Pesticides covers England, Scotland and Wales, and the Advisory Committee on Pesticides NI covers Northern Ireland. In practice, the same body of experts has been appointed for both, meaning that there is a single committee serving both legal entities. The Government have proposed to abolish both those ACPs and replace them with an expert committee of DEFRA. That committee would work for the UK Departments, including the Food Standards Agency and the devolved Administrations, including DARD. The new expert committee on pesticides will be formed and operate to terms of reference agreed by DEFRA and the devolved Administrations.

The process will see the abolition of the committee and will result in its re-establishment as an expert committee, meaning that the committee will be under a different name and status, but its functions and members will remain the same. The procedure is essentially an administrative change that has no real practical impact on the functions that the committee carries out. The main outcome expected from the abolishment of the ACPs and replacement with an expert committee is greater transparency and more effective working. It is considered a non-controversial issue, as it is an administrative change only.

As part of the process, a UK-wide consultation took place, with DARD advising local stakeholders. A total of 45 responses were received, with none from Northern Ireland. As a Committee, we considered the proposal from the Department at the meeting on 9 December 2014 and at the meeting on 13 January 2015. The information received by the Committee clearly showed that the abolition will have minimal effect in Northern Ireland. Therefore, the Committee is content for the Department to proceed in seeking the Assembly's consent to the Public Bodies (Abolition of the Advisory Committee on Pesticides) Order 2015.

**Mrs O'Neill:** I thank the Chair of the Committee for his comments on the motion and welcome the opportunity to remove from the statute book the Advisory Committee on Pesticides and Advisory Committee on Pesticides for the North of Ireland as listed in schedule 1 to the Public Bodies Act 2011. I commend the motion to the Assembly.

*Question put and agreed to.*

*Resolved:*

*That this Assembly consents to The Public Bodies (Abolition of the Advisory Committees on Pesticides) Order 2015 in the form of the draft laid before the UK Parliament on 15 December 2014.*

## **Judicial Pensions Regulations (Northern Ireland) 2015**

**Mr Ford (The Minister of Justice):** I beg to move

*That the draft Judicial Pensions Regulations (Northern Ireland) 2015 be approved.*

Under the provisions of the Public Service Pensions Act (Northern Ireland) 2014, my Department is the responsible authority for establishing a pension scheme for devolved judicial office holders, principally the tribunal judiciary. The judicial scheme must be established by scheme regulations, a draft of which must be approved by the Assembly.

Following the recommendations of the Independent Public Service Pensions Commission, chaired by Lord Hutton of Furness, all public-service pensions are being reformed. The purpose of the reforms is to make public-service pensions more sustainable and affordable in the long term and fairer to scheme members and other taxpayers.

On 8 March 2012, the Northern Ireland Executive agreed to commit to a policy for a new career average revalued earnings scheme model, with pension age linked to state pension age, to be adopted for general use in the public-service schemes and to adopt that approach consistently for each of the different public-sector pension schemes, in line with their equivalent schemes in Great Britain, and not to adopt different arrangements for Northern Ireland. The 2014 Act provides the statutory framework for the reform of public-service pension schemes. The main changes are the replacement of final salary pension schemes with career average revalued earnings pension schemes and the linking of normal pension age to state pension age for those schemes.

I believe that the reforms to judicial pensions constitute a fair balance between judicial pension scheme members and other taxpayers. The scheme regulations make detailed provision for the operation of the reformed scheme, including the payment of pensions and other benefits and new governance arrangements. The scheme regulations also contain certain technical modifications of primary legislation that must also be made for the other public-service schemes. The other schemes must do this in a separate instrument, subject to the draft affirmative procedure. In accordance with the Executive's agreement, the scheme regulations are closely modelled on the Ministry of Justice's pensions scheme regulations, establishing a new career average revalued earnings scheme for eligible members of the judiciary in England and Wales, Scotland and the non-devolved judiciary in Northern Ireland.

The Department of Finance and Personnel consents to the regulations. At this stage, I thank the Justice Committee for its careful consideration of the draft regulations. It is with the Committee's support that I bring the draft regulations before the House and commend them to it.

**Mr Ross (The Chairperson of the Committee for Justice):** I am pleased to speak very briefly on the motion on behalf of the Committee for Justice.

The Committee considered the proposals for the statutory rule in May and December of last year. The Committee then considered the draft statutory rule more recently at the meeting on 4 February 2015. As already outlined by the Minister, the rule provides for the establishment of a career average revalued earnings (CARE) pension scheme for the devolved judiciary and sets out the governance arrangements for it.

As Members are aware, the establishment of the scheme is a small part of the wider reform of public-service pension schemes across the United Kingdom. As the Minister stated, there is a strong imperative for the scheme to be in place for 1 April 2015, as benefits to the devolved judiciary under existing schemes end on 31 March.

The Committee noted during its consideration of the rule that, whilst the Department of Justice was statutorily responsible for reforming pensions for judicial office holders, responsibility for the devolved judiciary was a matter for a number of Departments, including the Department for Employment and Learning and the Department for Social Development. The Committee also noted that the scheme regulations had been closely modelled on those made by the Department of Finance and Personnel for civil servants and by the Ministry of Justice for the non-devolved judiciary, which is in keeping with the Executive's decision to adopt an approach in line with equivalent schemes in Great Britain. On that basis, the Committee agreed that it is content with the statutory rule and, therefore, supports the motion.

**Mr Lynch:** Go raibh maith agat, a Cheann Comhairle. I want to say that I am sorry; I have just arrived in. Things are moving on. This is in relation to the Road Traffic Bill. On behalf of Sinn Féin, I rise —

**Mr Speaker:** Sorry, I have to correct you: this is the draft Judicial Pensions Regulations (Northern Ireland) 2015.

**Mr Lynch:** Sorry, I did not know that I was down for this, a Cheann Comhairle. Absolutely nobody warned me.

**Mr Speaker:** OK, we will proceed.

**Mr Lynch:** Thanking you.

**Mr Speaker:** As no other Members wish to speak, I call the Minister to respond.

**Mr Ford:** At this point in these technical debates, I tend to thank all those who spoke but perhaps not today. I thank Mr Ross for his contribution on behalf of the Committee, and, again, I genuinely recognise the close collaborative working between the Department and the Committee on many of these technical matters and, having said that and noted the Committee's full approval, I formally commend the regulations to the House for approval.

*Question put and agreed to.*

*Resolved:*

*That the draft Judicial Pensions Regulations (Northern Ireland) 2015 be approved.*

## **Police Pensions (Consequential Provisions) Regulations (Northern Ireland) 2015**

**Mr Ford (The Minister of Justice):** I beg to move

*That the draft Police Pensions (Consequential Provisions) Regulations (Northern Ireland) 2015 be approved.*

I am tempted to say, "Welcome to Groundhog Minute". In respect of the motion that we have just passed, I mentioned consequential provisions regulations as they will apply to the judicial scheme. I will endeavour to be brief in my summary now, given that the same instruction applies and that these regulations will also provide similar benefits to the police pension scheme.

DFP, on advice from HM Treasury, has identified three areas regarding scheme design that require modifications to the Public Service Pensions Act 2014. All three areas of change to the police pension scheme will be beneficial for members and are summarised as follows. First, the 2014 Act requires the police pension schemes to assign a different pension age to active and deferred members. That will mean that actuarial reductions for long- and short-term benefits will use different factors depending on the member's age and employment status. This modification will prevent the police pension scheme discriminating against deferred members by treating them differently to active members. Secondly, the amendment will ensure that police scheme members will have their benefits uprated as if they were active members. Their right to a cash equivalent transfer value and cash transfer sum will apply only when they leave the new 2015 scheme. The amendment will also ensure that the member, if leaving early, will have the right to a refund of contributions only when they leave the new scheme. Thirdly, DFP has agreed that ill-health benefits in the 2015 scheme should use the single-source model, as that prevents the threat of legal challenge from those who might otherwise claim residual rights under the old scheme.

The draft consequential provisions regulations before the House today have been subject to targeted consultation. The consultation ran from 21 October to 14 November last, and no specific comments were received. The regulations have been subject to an equality screening exercise, and no equality issues were identified. On 14 January, the Justice Committee agreed that it was content with the draft regulations, and it is, therefore, again, with its support that I bring the draft regulations before the House today and commend them.

**Mr Ross (The Chairperson of the Committee for Justice):** Brevity is the order of the day, so I shall try to keep to that in my contribution on this statutory rule.

In October of last year, the Department of Justice advised the Committee of the changes required to be made to the Public Service Pensions Act 2014 and that the police pension scheme was one of the schemes affected by the changes. In December, the Committee noted the detail of the proposed changes and, more recently at the meeting on 14 January 2015, the statutory rule itself. As the Minister has outlined, the rule makes transitional and consequential provision in relation to public-service pensions for members of the Police Service of Northern Ireland.

I do not intend to rehearse the detail that the Minister has already set out, other than to say that the Committee noted that the rule would make provision for short-service benefits to facilitate split pension age; transitional provisions to stop transitional members being treated as deferred members of their pre-2015 scheme; and consequential modifications to the tax regime in respect of ill-health benefits. At its meeting on 14 January 2015, the Committee agreed to recommend that the Assembly affirm the statutory rule, and it therefore supports the motion.

**Mr Speaker:** I call the Minister of Justice. On this occasion, justice does not grind slowly.

**Mr Ford:** Thank you, Mr Speaker. We will grind it as quickly as possible. I thank again the Chair and the Committee members in total for the work that was done with my officials, and I commend the regulations to the House.

*Question put and agreed to.*

*Resolved:*

*That the draft Police Pensions (Consequential Provisions) Regulations (Northern Ireland) 2015 be approved.*

## Private Members' Business

### Road Traffic (Speed Limits) Bill: Second Stage

**Mr Ramsey:** I beg to move

*That the Second Stage of the Road Traffic (Speed Limits) Bill [NIA Bill 30/11-15] be agreed.*

First, I place on record my appreciation and thanks to the Bill Office for its continued support and advice leading up to the introduction of the Bill. I also thank the staff of the Regional Development Committee and the Environment Committee, as well as the Chairs of both. I know that the Chair of the Regional Committee has changed. I appreciate their help in facilitating the briefing sessions that I had with them.

#### 12.00 noon

The Bill is not simply about reducing speeds on local roads; it offers an opportunity for neighbourhoods to reclaim their streets and for children to play safely. It is a fresh opportunity for us all to build better communities at minimum cost for a maximum return. There is no higher value in society than that of life. I am in no doubt that the new lower limits will save lives, perhaps not this year or next, but, if we save one life or reduce the seriousness of a victim's injuries with the passing of the Bill, surely it is good legislation.

Key to the success of the legislation is the mechanism for how we launch it. It will not be successful if new limits are imposed. Rather, we seek not a blanket ban but a phased-in, community-requested, community- and stakeholder-led approach with the Police Service, the public transport service and residents and young people alike. Community consensus is key to the success of the initiative. Having undertaken a considerable amount of consultation, I can report to the House in good faith that the reaction to and support for the Bill has been incredibly encouraging.

**Mr Ross:** I thank the Member for giving way so early in his contribution. He talked about the number of stakeholders. Does he share my concern that the Institute of Advanced Motorists

(IAM) has pointed to evidence that suggests that the numbers of serious accidents and slight accidents in 20 mph zones have gone up in the last 12 months? Indeed, Simon Best, chief executive of the IAM, has said that recent advice and guidance and the relaxation of regulations has been making it easier for councils to put in place 20 mph zones, but they do not seem to be delivering fewer casualties. Indeed, that evidence is backed up by the Department for Transport. Second Stage is something that we can agree on, but it is important that we look at that in Committee. Does he share the concerns that have been highlighted by the Institute of Advanced Motorists that this does not deliver the results that some claim it does?

**Mr Ramsey:** I thank the Member for his intervention. The whole purpose of any private Member's Bill is to have a fully fledged consultation, reflecting everyone's consideration, but I will share clear, definitive evidence with the Member from other places, particularly Britain, that there has been a reduction in injuries and deaths on the roads.

Today, we are working hard to protect and improve life, reduce injury and make our streets more user-friendly and community- rather than road- and car-orientated. I also believe that the Bill will tackle obesity rates and improve community health to increase rates of walking and cycling. If that does not carry the Bill past the threshold of worthwhile legislation, I wonder how high we set the bar.

Let us examine the reality of life on our roads today. In 2013, seven pedestrians and four pedal cyclists were killed on Northern Ireland's roads. In 2013, 162 pedestrians and 42 cyclists were seriously injured. In 2014 —

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

**Mr Ramsey:** Yes.

**Mr Wilson:** Since he is into the statistics of this, perhaps he will tell us if those casualties were on the residential roads that are referred to in his Bill, or were they on roads that would not be covered by his Bill?

**Mr Ramsey:** I thank the Member for his intervention. As I progress through my speaking notes, it will be obvious that a number of clearly identified deaths on our roads have occurred in 30 mph zones. There are clearly other deaths on our roads that occur elsewhere and are not covered by the Bill.

In 2014, a total of 79 prematurely bereaved families were forced to deal with the consequences of a fatal road collision. Some 523 serious road traffic collisions were recorded by the Police Service of Northern Ireland between January and November 2014. Of those deaths, provisional figures for 2014 show that five pedestrian deaths occurred on urban roads where the limit was 30 mph. In response to the Member who intervened I say that there is evidence where five people have lost their life on roads where the present zoning is 30 mph. That number rises to 21 deaths on 30 mph urban roads where statistics for the last four years were collated. Last week, we lost a further two lives on the roads in Northern Ireland. I am not saying that this legislation would have any impact if implemented on those particular highways, but it is a starting point of legislating to reduce deaths on the roads.

Of course, as at all times, I extend my sympathy to those families on their tragedies last week. In the same manner, I extend my sympathy to those of the more than 600 people seriously injured as a consequence of road traffic collisions in 2014. I have some personal experience of the matter. I am aware that my own words of condolence will have minimal effect on families who are traumatised and struggling to come to terms with the death of a loved one, but they will have some. What is of more benefit is redoubling our efforts as legislators to improve and continuously improve road safety across the roads of Northern Ireland.

In the five years prior to 2014, the number of people killed on the roads in Northern Ireland halved from 115 in 2009 to 57 in 2013. That was certainly a good sign, but it is still too many. It is still too many to have one death in Northern Ireland and a family having to come to terms with the knock on the door by a police officer come to tell them. In 2013, a total of 720 was the lowest rate of serious injuries since records began in 1971. That is not a reason to reduce our efforts; rather it is timely to reinforce them. Certainly, I believe that the public are and will be listening to the debate. Only yesterday, campaigners for "Jake's law", proposing a 20 kph limit in housing estates in the South of Ireland, commenced a vigil outside Leinster House. My condolences go to the mother, Roseann Brennan, who lost her six-year-old child, Jake, in a road traffic accident outside her home in Kilkenny. It is specifically that type of loss that we seek to circumvent, prevent and stop by the progression of the Bill.

Most of us will be aware from the early stages of the Bill and television awareness campaigns

that those hit by a vehicle travelling at 30 mph have a one-in-five chance of being killed. That is a 20% chance of death at 30 mph. Those struck at 20 mph have a 97.5% chance of surviving or a one-in-40 chance of dying. There is a huge difference there. I ask Members genuinely to reflect on the statistics that I have presented.

I will return to models of best practice internationally. It is worth noting that Transport for London found a reduction of 57% in serious and fatal accidents, while incidents causing lower-scale injuries fell by 42% in 20 mph zones. The Transport Research Laboratory (TRL) evaluation of 250 20 mph zones found that the average speed fell by nine miles per hour. Accidents reduced by 60%. Importantly, accidents involving children fell by 67%. These are not my figures: these are from the Transport Research Laboratory. The number of incidents involving cyclists fell by almost 30%. Incidents involving cyclists fell by almost one third despite a substantial growth in the number of those cycling in the new 20 mph zones. Hull City Council recorded a growth of six times the incidence of cycling after introducing 20 mph zones. Imagine the tourism ad for Northern Ireland: "Safe for you; safe for cycling; safe for your family". Maybe I am getting ahead of myself. In earlier consultations, many of the key stakeholders —

**Mr Wilson:** Will the Member give way on that point?

**Mr Ramsey:** Yes.

**Mr Wilson:** Maybe the Member will tell us how many tourists cycle around the Castlemara estate in Carrickfergus or the Antiville estate in Larne. If he is making an argument on the basis that this will increase cycling and tourism, at least let us be realistic about it. The streets that he is referring to are, by and large, not tourist streets. Let him be upfront about that.

**Mr Ramsey:** The streets that tourists visit when they come to Northern Ireland are in the city centres. That is where they will find a safer environment. They will not come into the streets but they will come into our city centres. I ask the Member to reflect on what appeared to be his very sarcastic questions identifying areas, knowing that I would not have a response to him.

In earlier consultations, many of the key stakeholders balked at the thought of a blanket reduction. I have reflected on that and will probably take it on board through possible

amendments as we progress — hopefully we will do — to the next stage. We are not seeking blanket coverage, but the Bill offers a bottom-up perspective in lawmaking and social engineering. It will allow communities to come together and shape their own neighbourhood. It will allow us to reshape our public realm across many of our villages and cities as we see fit.

**Mr Spratt:** I thank the honourable Member for giving way. My point is on enforcement and lawmaking. If it is legislation, it should have to be enforced. I am sure that the Member remembers the contribution that the PSNI made to the Committee at a very early stage. It has very serious reservations in relation to 20 mph speed limits and the enforcement of such limits given that it struggles, it is fair to say, to police 30 mph and 40 mph speed limits in most cases and in most areas. That is one of the complaints that most of us, as MLAs, get on a pretty regular basis. Given the police's reservations and that the policing budget has further reduced since that evidence was given to the Committee for Regional Development, I wonder what discussions the Member has had with the Police Service on enforcement. Frankly, any legislation without enforcement is useless.

I also wonder what conversations the Member has had with the Department for Regional Development on signage, because legislation requires proper signage. It is fair to say, during my tenure on the Committee for Regional Development, that the Department was very successful with a number of traffic calming measures in areas where they were necessary. Maybe the Member will shed some light on the conversations he has had on those issues.

**Mr Ramsey:** I thank the Member, the former Chair of the Regional Development Committee. He makes some good points. Legislation by itself will not change mindsets. There needs to be a cultural change in driving patterns. There needs to be a change in mindset. The Member previously referenced driving instructors possibly; maybe I picked him up wrong. It will evolve. It will take major changes. I will directly respond to your questions. I met two assistant chief constables and have correspondence from the police that is most encouraging. I will quote them verbatim. They said that I am pushing an open door. They want to see a bottom-up approach to the introduction of 20 mph speed limits in residential areas in Northern Ireland. That is your answer. I have met them. I can copy you into the correspondence that I had with them. In fact, I

met them only four weeks ago in Knock PSNI headquarters. I hope the Member is reassured by what I have said today.

### 12.15 pm

No one is seeking to impose these new speed measures. This is about engagement, education and actioning residents' views. It is important to allow young people to make a contribution and participate in the consultation on the streets that they see as their play area. Neighbourhoods will be empowered to make their streets safer for children to play in. In a small way, article 31 of the UN Convention on the Rights of the Child — the right to leisure, play and recreational activities — will be realised. This Bill would assist in creating what the UN Convention describes as the optimum environment for the child: a street setting that is free from stress. Many of us as parents, as we get older, can reflect on the days when we did not have high volumes of vehicles on our streets, where we all played actively. Can many of us say that today? Would you allow your child or grandchild out on the streets to play? I think, at the very least, most mothers would have their heart in their hand at the mere thought of it.

The whole purpose of this Bill is to create an environment that encourages and motivates parents and grandparents. Reducing the speed on these roads will also secure greater participation and recreation in line with elements of the Programme for Government. I refer back to my conversation with Mr Spratt on the police and make the point that more people walking on our streets will deter crime in the community. People trying to break into houses will be deterred by grandparents out walking with their grandchildren, cyclists etc. It will have a hugely positive impact.

**Mr A Maginness:** I thank the Member for giving way. The Member referred to attempts to change attitudes and mindsets and said, quite rightly, that legislation alone does not change mindsets immediately. Effective legislation, however, imports values into society that change behaviours. Take, for example, no-smoking legislation. Some 10 years ago, smokeless zones in buildings, public service vehicles etc were unimaginable. Attitudes to smoking have been changed fundamentally. In the same way, this legislation could change attitudes. I see the Member disagreeing, but bear with me. That is the real effect, not immediately but down the line, of this type of legislation.

**Mr Ramsey:** I thank the Member for his intervention and example. Another very obvious example is seat belts in Northern Ireland. A few years ago a private Member introducing legislation requiring the use of seat belts would have been laughed at in here. Now there are policing campaigns across Northern Ireland on a monthly basis to make sure that people are wearing their seat belts.

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

**Mr Ramsey:** Yes.

**Mr Clarke:** I want to address the previous contribution, when I was seen shaking my head. I do not make any apologies for shaking my head, because Mr Maginness's comparison with 20 mph zones is ridiculous. The ban on smoking in public places is easy to enforce. However, we have got 30- and 40-mph limits, and there is no evidence to suggest that reducing them will actually help. Indeed, the 30, 40, 50, 60 and 70 mph zones are there, but the enforcement is not. The ban on smoking in a public place is, however, easy to enforce. The enforcement has to be right. Indeed, if the 30 mph limit was enforced, there would be no need to reduce it to 20 mph or lower.

**Mr Ramsey:** I thank the Member for his intervention. I had genuinely hoped to meet with him as Chair of the Regional Development Committee, but time was not on our side. I know that he has reservations about enforcement, but I hope to convince him. The police have the unenviable task of managing the enforcement of the present limit of 30 mph. What difference would it make to enforce 20 mph? We are creating an environment of change across Northern Ireland. We are getting into schools, primary schools, post-primary schools and youth clubs. We are getting involved with policing and community safety partnerships across the new council areas. We are involving the new council areas. That mind change is necessary. Producing a Bill will not change things; it will take a generational change. If it takes a generation to do that, I am content, because it will make a difference.

I am sorry, Trevor, but I thought that I gave good, clear evidence from other places, and I will give it again. There is evidence of a reduction in road fatalities. There has been a serious increase in the number of pedestrians and cyclists killed. I will quote from some groups that clearly want to champion and advocate this cause. The Bill would assist in

creating what the UN convention describes as the "optimum environment" for the child: a street free from stress, and:

*"An environment sufficiently free from waste, pollution, traffic and other physical hazards to allow them to circulate freely and safely within their local neighbourhood".*

Such an environment would increase opportunities for leisure time and an accessible space and time for play. The Bill would create a space and opportunities to play outdoors in a diverse and challenging physical environment with easy access to adult support when necessary.

After medical illness, traffic is the biggest cause of death in children. I want to repeat that: after medical illness, traffic is the biggest cause of death in children. Chief among the supporters of the Bill is the Northern Ireland charity PlayBoard. It is the lead organisation for children and young people's play in Northern Ireland. It makes no bones about it and told me that it would prefer a much lower speed limit than the one that I am proposing. Traffic volume and speed are a major anxiety for parents and people living in communities. PlayBoard research consistently shows that traffic is a recurring concern for children, young people, parents and grandparents. Traffic and the speed at which it travels are a serious barrier to children playing outdoors. In 2013, PlayBoard research found that 33% of children surveyed reported that their favourite place to play was the traditional playground and their favourite games were street games. One comment was that it was not safe because cars drive up and down the street and people park their cars on footpaths. PlayBoard reported that one in five children interviewed said that they did not have a safe place to play outside their own front door. Cars and traffic are the major inhibitors. Among the recommendations made by those children and young people to policymakers was that there should be traffic-less streets and roads for children to play on temporarily, more zebra crossings and restrictions on cars in areas where children play.

Road safety is an issue, as is the consequential failure of children to acquire the independent mobility required to develop and nourish their well-being. PlayBoard is in little doubt that a 20 mph limit in residential areas would considerably help children, young people and their parents to feel safer and less anxious, and it would also improve their children's development, well-being, physical activity, common sense and competency. The Bill is a

step in that direction. It will show that the House recognises, respects and resources play opportunities, which in turn allow our children to flourish.

That said, the Bill is not slowing down drivers solely to benefit our children. It will, when desired, bring out many other members of our community. The more people who occupy public areas, the better public ownership we have, the greater sense of pride we have, and a greater sense of spirit will flourish in those communities. Air quality improves in such zones. I think that some members of the Regional Development Committee visited Edinburgh, which reports that its 20 mph zones have the best air quality in Scotland, bucking national and European trends. The evidence suggests that reduced acceleration and braking reduces fuel consumption and associated emissions. The Minister of the Environment assures me that he will continue to make safer driving and road safety a high priority despite a major reduction in his budget.

However, I repeat my earlier point: this is minimal cost for maximum return.

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

**Mr Ramsey:** Yes.

**Mr Spratt:** I referred earlier to the cost of signage. The Member has just referred to the visit to Edinburgh, and I think that Mr Dallat was there with the Committee. One issue was the high cost of establishing what is a very small area in the city of Edinburgh. I think that the cost of signage for that was in the region of £25 million or £30 million. Perhaps the Member will now tell us what discussions he has had with the Department about signage, because with legislation and enforcement comes the need for signage. I note that he referred to his Minister, but the signage would come from the DRD budget. What discussions have taken place, given the difficult position of a Minister who had to turn out the lights recently?

**Mr Ramsey:** I thank the Member for his intervention. There are clearly circumstances in which capital investment will be required. It will not happen within any one year; it will be phased in to ensure the greatest impact. I tried to secure a meeting directly with the Minister. I met his special adviser this week, and we had a detailed and lengthy discussion about the elements of the Bill. I will let the Minister speak for himself, but I think that he will be very encouraging. I certainly want to work with the Minister for Regional Development, who has



overall responsibility for roads in Northern Ireland, to ensure that we have the greatest impact and effect —

**Mr Ó hOisín:** I thank the Member for giving way. He said that the provisions could not be enacted within a single year, but clause 7 specifies a period of two years. Is that an adequate period to bring in such measures?

**Mr Ramsey:** I appreciate the intervention, Cathal, which is a reasonable one. I said at the beginning of the debate that I would reflect on the submissions and on Members' contributions today even if it meant a longer lead-in period. I made the point previously that this will require educational change, cultural change and a change in the mindset of all those who drive in Northern Ireland. A number of elements of the Bill would have to be amended to help it to have more effect. We do not know the full costings, for example, and we will have to get them. There is absolutely no doubt about something that I will come to later in my speech, but I am not sure whether the Speaker might call me to task soon.

**Mr Speaker:** I will not call you to task, because it is important that you set out your argument, but perhaps you will advise me how much longer you require.

**Mr Ramsey:** I suspect that I will possibly need another 15 minutes.

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

**Mr Ramsey:** Yes. *[Interruption.]*

**Mr Speaker:** Please continue.

**Mr Dallat:** Is the Member aware that more people were killed on the roads during the darkest days of the Troubles than through violence? Does it not seem a bit disappointing to him that we are hearing arguments about the cost of road signage that could be introduced over one year, two years or 10 years? Is he aware that the 20's Plenty for Us scheme is not just in Edinburgh but in Glasgow, where I spent some leisure time walking around and witnessing for myself how neighbourhoods had been returned to the people who live in them and how children, for the first time, had the right to go out and play in the street? Does the negativity that we are experiencing here not disappoint him a little?

**Mr Speaker:** Perhaps you would respond to that, and then it would be an ideal time to call the lunchtime suspension.

**12.30 pm**

**Mr Ramsey:** I welcome the Member's intervention. I will not use the word "negative", but I will take on board any constructive comments from any Member, whether negative or positive. *[Laughter.]* I was about to get on to it, but it would not be fair to do so, given the Speaker's ruling. We are talking about the cost of a life lost on the roads of Northern Ireland. I remember putting a question to Sammy Wilson when he was the Minister of the Environment a number of years ago, and, at that time, it was £1.6 million. That is the cost to Northern Ireland of a death on our roads. Is somebody telling me that the investment of £20 million — if it is £20 million — is not a good investment for the families across Northern Ireland who are still coming to terms with the loss of a loved one? Is that not an investment to save, if we can in any way create an environment in which we save someone's life?

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

**Mr Speaker:** May I intervene, given the time? The Business Committee has arranged to meet immediately after the lunchtime suspension. I propose therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm. The first business when we return will be Question Time.

*The debate stood suspended.*

*The sitting was suspended at 12.31 pm.*

*On resuming (Mr Principal Deputy Speaker [Mr Newton] in the Chair) —*

**2.00 pm**

## Oral Answers to Questions

### Health, Social Services and Public Safety

**Mr Principal Deputy Speaker:** Questions 9 and 11 have been withdrawn.

### Transforming Your Care: Costs

1. **Ms McCorley** asked the Minister of Health, Social Services and Public Safety if the commissioning plan direction 2015 is compatible with the financial costs of

implementing Transforming Your Care. (AQO 7590/11-15)

8. **Mr McGimpsey** asked the Minister of Health, Social Services and Public Safety to outline the latest time frame and costs associated with implementing Transforming Your Care. (AQO 7597/11-15)

**Mr Wells (The Minister of Health, Social Services and Public Safety):** Mr Principal Deputy Speaker, with your permission, I will answer questions 1 and 8 together.

In response to the agreed budget for 2015-16, a financial plan has been developed that is expected to deliver a balanced position for 2015-16. However, that financial plan does not permit funding for any new service developments, including those that might support the delivery of Transforming Your Care (TYC). That said, the delivery of TYC remains a priority for my Department, and the draft commissioning plan direction is clear that the Health and Social Care Board (HSCB) should, in setting out how services will be delivered in 2015-16, strive to shift services into the community or primary care settings in line with the objectives of TYC.

I and my predecessor have always been clear that ideally we are working to a three- to five-year implementation framework. That, of course, is dependent on financial circumstances. That remains the case, as does the broad requirement identified in the original report for transitional funding to support the new model.

**Ms McCorley:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagra. I thank the Minister for his answer. Will he confirm that only £27.5 million has been shifted to care in the community, even though there was a target to shift £83 million?

**Mr Wells:** The Member is broadly right in her assessment of the situation. We had envisaged a shifting left, to use the parlance. John Compton, the author of 'Transforming Your Care', could not have envisaged the present financial backdrop. We have made bids to achieve the £83 million, most of them in the monitoring round, and they have not been successful. Therefore, that has put the whole Transforming Your Care process under considerable stress.

It is worth saying, however, that there are two aspects to TYC. First, there is the sea change

in the trusts as they align their working practices within TYC, which does not require additional service development or resources. Secondly, there is the £83 million required to make the major changes. The trusts are implementing service changes on the ground every day. It is difficult to quantify their value, but they are reaching the goal of TYC.

I have the task of trying to find or campaign for the funds to enable us to obtain the additional resources that we need to implement TYC. When I was first appointed to this position, I was asked for my three priorities, and I said that finding the resources to implement TYC properly was my number two target. We are still striving, as effectively as we can, to obtain that funding.

**Mrs Cameron:** What potential do GP federations offer for delivering Transforming Your Care more quickly?

**Mr Wells:** The formation of about 20 GP federations covering all of Northern Ireland was one of the basic tenets of Transforming Your Care. In some areas, particularly greater Belfast, there has been a great deal of progress. In other areas where I have visited individual GP practices, I have been a bit worried that there has not been the same success in setting up the federations.

The federations are absolutely essential because a one-man or a father-and-son practice in some remote part of Northern Ireland operating effectively on its own is simply not a sustainable model. Therefore, it is important that GPs come together. A practical example can be seen through GPs telling me that a huge amount of their time is spent on prescriptions and repeat prescriptions. One of the aims of the federations is to employ a full-time pharmacist who would take on that entire administrative role to free up the time of GPs for diagnosis, referral etc. I see it as a vital component of TYC. It is clearly working and working well, but, in other areas, it is certainly not making the progress that we had assumed it would.

One of my priorities will be to follow up with the board and the implementation team to see what we can do to encourage GPs to coalesce and have the quantum of resources and experience that is needed to deliver a 21st-century model of GP care. I do, of course, realise that, underlying that, is the problem that we are 20% short on our GP numbers in Northern Ireland. Through workforce planning, we will have to ensure that we get the numbers back up to a level that will allow us to create federations.

That is a priority, as we are certainly not attracting enough young medical graduates into the field.

**Mr McKinney:** I thank the Minister. Minister, there are some who are trying to divert attention from the Donaldson review to the issue of hospitals and the number of hospitals. You will be aware that the people of Downpatrick, south Down and the wider area gave their answer to that in Downpatrick on Saturday.

The Donaldson report contained other very important issues, including an underpowered commissioning system and a TYC system that is not working. Given that the funding for TYC was to come from monitoring rounds and that the Minister maybe did not apply for it in the January monitoring round — certainly, he did not get it — is the system now not only not making progress but in reverse?

**Mr Wells:** First, I want to concur with him. The estimates are that between 12,000 and 15,000 people were on the streets of Downpatrick to express their support for the Downe Hospital. I issued a statement that I still see the Downe Hospital playing a crucial role in health-care provision in the South Eastern Trust in the future. Indeed, there are more patients going through the doors of that hospital than ever before, but I accept that the local community has difficulties and feels that it is the wrong sort of patient and that there are not enough ED, accident-and-emergency and surgery patients. Still, that indicates that there is a positive role for the Downe Hospital, and I welcome the huge support that the community has for that new facility.

On TYC, we are not going into reverse. Everyone, including even perhaps the Member, is agreed that it is the best way forward for our health-care structures in Northern Ireland, although it has made less progress than we would have liked. I would argue with him about the monitoring rounds: we have made a large number of monitoring round bids for extra resources for TYC. However, I accept that, on many occasions, there have been much more pressing demands on the Department of Finance and Personnel. I would not like to be in the shoes of the Minister during those four monitoring rounds each year, because, frankly, it is a wisdom-of-Solomon choice that he has to make.

We will continue to make those bids and will continue to find ways of freeing up resources in the Department to push TYC forward. The fundamental point that John Compton made — this is the one that we will all be very uncomfortable with — is that, if we do not crack

the issue by 2025, the health service simply will not be able to continue in the way that it is going. We have far too many people up the ladder of health-care provision commensurate with their needs. Unless we tackle that issue and grasp it, we will be in a difficult position.

There was to be a three- to five-year horizon for the implementation of TYC, and I would like to have seen it happening slightly quicker than that. We are going at a slower pace, but we are still going in the same fundamental direction. I need to emphasise that, on the ground, apart from the funding issue, major progress is being made on the implementation of TYC. No one has been able to tell me that there is a better option for care in the future.

**Mrs Overend:** Will the Minister outline the costs, financial and otherwise, of removing the substance misuse target from the plan? I understand that the inability to develop the service in 2015-16 was due to a lack of funding.

**Mr Wells:** There is always one question that comes completely out of the blue that all the soothsaying and predictions of those in the Department have not been able to identify. I will get the facts on that for the Member. That is an important issue but one that has not had huge publicity. I will get the answer to the honourable Member for Mid Ulster. I will write to her and give her chapter and verse on it. That was one that I did not see coming at all.

**Mr McCallister:** I have listened to the Minister's earlier answers. In his report, Sir Liam Donaldson said:

*"The policy document Transforming Your Care contains many of the right ideas for developing high quality alternatives to hospital care but few believe it will ever be implemented or that the necessary funding will flow to it. Damaging cynicism is becoming widespread."*

Does the Minister agree that that damaging cynicism among the public, hospital managers and doctors is doing enormous harm to the credibility of the health service, with people maybe wanting to leave through the voluntary exit scheme?

**Mr Wells:** I reassure him that we will not use the voluntary exit scheme to take out staff who are essential to front-line delivery only to replace them at the same cost. That does not make sense. I see the voluntary exit scheme as a way of perhaps looking at administration and management, rather than front-line

services. We are still recruiting staff. It is worth mentioning that, since March 2011, we have recruited 218 full-time equivalent consultants, 823 full-time equivalent nurses and midwives, 91 staff grade and speciality doctors and 409 qualified allied health-care professionals. I know that people do not like to hear those facts, but that indicates to me a solid investment in front-line services throughout the health trusts and the Ambulance Service. I accept that, whilst we are doing that, we still have to concentrate on delivering TYC, and of course those staff will be doing so.

It is interesting that Sir Liam Donaldson, a world authority and internationally renowned expert on health — as I said, the Sir Alex Ferguson of health provision — concluded that TYC was still the best way forward. He understood the difficulty that we are having with funding. Therefore, I see it as a process that is not going as swiftly as we would like, but I believe that we are going in the right direction. We will eventually get there, but it will be at a slower pace. It is my role to try to ensure that my colleagues in DFP recognise that and continue to release resources to deliver a project that is fundamental to future health provision in Northern Ireland.

## **Medical Appointments: Non-attendance**

2. **Ms P Bradley** asked the Minister of Health, Social Services and Public Safety for his assessment of the cost to the health service of patient non-attendances at medical appointments. (AQO 7591/11-15)

**Mr Wells:** It is not possible to quantify the financial effect of missed appointments on GPs and health and social care organisations. However, it is clear that the real cost to the health service is the missed opportunity for GPs, consultants and other healthcare professionals to see and treat other patients, which in turn has an adverse impact on waiting times for other patients to receive the treatment they need. We all have a key role to play in ensuring that missed appointments are kept to a minimum and that our valuable health and social care resources are utilised in the most effective manner. I therefore encourage everyone who cancels a GP or hospital appointment in advance because they cannot attend to at least inform the health-care professionals so that the slot can be allocated to another patient. I accept that there are times when life becomes very complex and individuals cannot make it to the GP's surgery, clinic or hospital, but the very least that they should do is give adequate warning of that, so

that another person who is perhaps waiting for an appointment can be slotted in at short notice. A deep concern of mine is that people are not showing that courtesy to health-care professionals by letting them know in the first place.

**Ms P Bradley:** I thank the Minister for his answer thus far. I am certainly in agreement with him that this is one reason why other patients have to wait longer for appointments. Has the Minister considered setting a target for the number of cancelled appointments? Could that improve the situation?

**Mr Wells:** It is worth adding that, by March 2016, I hope to have reduced the number of hospital-cancelled consultant-led outpatient appointments by 20%. Sometimes, the problem is not with the patient; the problem is with the consultant or doctor. Indeed, when the Health Committee looked at the issue, we discovered that the Southern Trust had implemented a new policy to drill down on cancellations caused by clinicians, which led to a dramatic fall in numbers. If we could get the rest of the health trusts to the same standard as the Southern Trust, we would have a much more efficient system.

I think that the honourable Member almost mentioned the possibility of charging —

**Ms P Bradley:** Targets.

**Mr Wells:** Yes, well, the target is that, by 2016, we will have reduced this by 20%.

Some Members have suggested to me that we charge for missed appointments; in the same way that I recently had to pay £25 to my dentist for a missed appointment. Unfortunately, I turned up on Friday and he extracted two teeth. I wish I had missed it in the first place. *[Laughter.]* I believe that it would be difficult to implement this on a Province-wide basis. It is not like the discussion we had this morning, where people may not be able to turn up for all sorts of reasons, and it places the GP or the doctor in a very difficult position. So, I am not minded to go down that route. I am glad to say that there has been a noticeable drop in the number of cancellations recently, so we are moving in the right direction. Again, however, informing the office of the relevant condition is absolutely essential.

**2.15 pm**

**Ms Maeve McLaughlin:** Go raibh maith agat. I thank the Minister for that response. The

Minister will be aware that one of the reasons given for the cancellation of consultant appointments was, "Consultant on annual leave". Will the Minister comment on that? Will he also clarify the cost to the system of cancelled appointments by consultants?

**Mr Wells:** The honourable Member for Foyle is absolutely right. Indeed, when the Southern Trust was implementing its change of policy, it made it very clear that that was a totally unacceptable reason for the cancellation of an appointment, on the basis that someone who was taking a holiday would presumably have had to book their flights and accommodation. They would have known in advance, so that should have enabled the trust to fill the gaps created. I commend the Southern Trust on that measure, and I urge other trusts to do the same.

It is difficult to pinpoint the total cost. There is, certainly, an intangible cost here because it leads to inefficiencies in the system. We are continuing to monitor and report the number of cancelled appointments. We have also established a short life working group to establish how information on cancelled appointments can be recorded in order to identify where there has been a direct impact on patients and to quantify actual lost capacity. As a result of that work, information on the number of hospital-cancelled consultant-led outpatient appointments that have had an impact on patients is now available.

It is a terribly difficult thing to put a financial figure on, because what happens in most cases is that, if Mrs Smith does not turn up, Mrs Jones or Mr Jones, who have been waiting, go up the queue. Therefore it is difficult to assess the cost of generating the appointment and the cost of reappointing, and the amount of time that was spent by the consultant in, perhaps, reading up before the patient arrived. It is very difficult, but it is certainly a frequent complaint from clinicians at all levels in Northern Ireland that people continue to do this in an irresponsible way. The good news, however, is that the message is getting home and the situation is improving.

**Mr Beggs:** Missed hospital appointments have been particularly high in some units and in some specialised areas. Can the Minister advise what action he proposes to take in the forthcoming year to try to address that specific issue, particularly in relation to those who may have mental health conditions, an area in which absentee rates have been particularly high?

**Mr Wells:** The difficulty with many of the patients involved is that there are co-morbidities; there is a mixture of conditions. Whilst the person may be coming in to have a consultation on their back, for instance, they may have had depression or have a bipolar condition etc. Therefore, it can be very difficult to identify the reason for people not attending. We are not going to differentiate between various reasons or conditions where there have been cancellations or missed appointments. We are sticking to the target. If we can get it down by 20% by March 2016, I think that we will have done very well. In addition, the Department is proposing a number of performance indicators to monitor outpatient cancellation and non-attendance for new and review appointments.

The overall consultation rate in Northern Ireland rose from 4.04 consultations per person in 2003-04 to 6.6 in 2013-14. That is an increase of 63% in the Northern Ireland consultation rate per person. That is an incredible increase in such a short period — a 10-year period. That shows the pressure that our consultants and clinicians are under. Equally, as far as GPs are concerned, we have an average of 6.9 appointments per year per person. That is for every one of our 1.82 million population. In the Irish Republic, the average is three, yet the Irish seem to have very similar outcomes in health to ours.

Clearly, Northern Ireland people are very much in love with their GPs and consultants and are very keen to see them, but we need to, first, rationalise the demand on the service and, secondly, make certain that, once people are booked, they turn up and present themselves for treatment. The other aspect, of course, is that this can lead to people's conditions deteriorating significantly, adding further expense to the health service. There have been many cases of people whose onset of cancer and other serious conditions have been missed because they did not turn up for their appointment.

**Mr Dallat:** I am really sorry to hear that the Minister has been in trouble with his dentist, and I hope that his mouth is getting better.

The Minister will be aware that 180,000 people a year fail to meet their appointments. That is matched only by the hospitals themselves, which cancel 180,000 appointments. Does the Minister agree that the practice at the Causeway Hospital in Coleraine, where text messages are sent the day before an appointment, is good exemplary material? Will he look at that and see how that can be rolled

out to other institutions, which, clearly, are not on top of it?

**Mr Wells:** I hope that the honourable Member for East Londonderry will not mind me commenting on the very helpful letter that he recently sent us about the Causeway Hotel — the Causeway Hospital, sorry. That was a Freudian slip. *[Laughter.]* I think that he knows what I am referring to. It was very helpful that he highlighted a high standard of service at the Causeway Hospital.

There has been a significant reduction in missed appointments. I have some cold, hard statistics. For instance, in 2009-2010, there were 1.5 million appointments, of which 172,000 were missed because people did not show up. That is a did-not-show rate of over 10%. That rate has gone down in 2013-14 to 9.1%. That is a 1.2 percentage point drop, which is significant. It is an improvement of more than 10%. Clearly, the message is getting through to the public that you really need to treat your health service with much more respect. I would like to see a continuation of that and to bring the rate down to the best performance in Northern Ireland.

We are not reinventing the wheel. In many aspects of health, if we could get all our trusts performing as well as the best trust in any particular field, many of our problems would be solved.

## Donaldson Report: Recommendations

3. **Mr Lynch** asked the Minister of Health, Social Services and Public Safety whether he will implement the recommendations from the Donaldson report. (AQO 7592/11-15)

14. **Mr McNarry** asked the Minister of Health, Social Services and Public Safety how he will increase the pace of change in health service delivery to take into account the recommendations of the Donaldson report. (AQO 7603/11-15)

**Mr Wells:** Mr Speaker, with your permission — Mr Principal Deputy Speaker; I will have to get used to that accolade — I wish to answer questions 3 and 14 together.

As you will be aware, the Donaldson report makes 10 recommendations. In my statement on 27 January, I set out a number of actions that are being taken forward to progress some of those recommendations. However, many of the recommendations pose fundamental

questions, and I want to ensure that stakeholders have the opportunity to provide their thoughts. That is why I have asked for views and comments on the recommendations to be submitted to my Department within a 12-week period.

Transformational change takes time, and it will be important to map out such a change fully at the outset and to address the budgetary issues. You will also be aware that some of the changes required to address the recommendations will require legislation and some will require Executive approval. However, I am determined to make substantial and steady progress wherever it can be made. With that in mind, I have already asked Sir Liam Donaldson to return to Northern Ireland next year to review progress against the implementation of his recommendations. Following the completion of the consultation on Sir Liam's recommendations, I will inform the Assembly of its conclusions and any further actions that may arise.

**Mr Lynch:** Go raibh maith agat. Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for his answer. Can he clarify the position around recommendation 1, and can he confirm the cost of the review and whether it represents value for money?

**Mr Wells:** The Chair of the Health Committee announced that the cost of the Donaldson review was £118,000, from memory. As we had engaged one of the leading authorities for a significant period to look at our health service, I felt that that was justified. Yes, I can stand over that. Will we, if we implement the Donaldson review, effectively save £118,000? We certainly will, and a lot more.

Recommendation 1 is only one of 10 recommendations in the Donaldson report. Indeed, it has been slightly disappointing that almost all the press attention has homed in on that issue. We have to have a very honest and open debate in this Chamber because this is where the decision will be made.

If we were starting with 1.862 million people today, bringing them to an area the size of Northern Ireland and configuring a hospital service, we would never start from where we are, with 10 A&Es, the Royal Belfast Hospital for Sick Children and six local regional hospitals. That is a model that would never be implemented anywhere in the Western world. We have to accept that, because of history, tradition and local support, we are in a rather different situation. The only way forward is for us to have an intelligent debate to decide how

we progress and how we reconfigure our health service to ensure that a modern, high-tech, high-level service is given to all our people. Frankly, at the moment, some aspects of our health service, particularly in rural areas, are under the most enormous stress and strain, and we need to start that debate.

Some of you may have seen an interview that I did on the BBC on this very issue with Mark Carruthers. I call it elder abuse because I was given an absolute pasting for 15 or 20 minutes on the issue, when he tried to tease out of me the same answers that the honourable Member for Fermanagh and South Tyrone is trying to get. I am not going to pre-empt that debate by saying what my views are on how we should go forward. I am encouraging the entire community to look at this terribly difficult situation, which for me is one of the most intractable problems that we face in Northern Ireland, and for us to reach a consensus.

**Mr McNarry:** Minister, as with many things these days, it appears that the Victor Meldrews and the Sir Humphreys are performing to their best. What is your assessment of the change in the balance of the health service between front-line staff and back-room bureaucrats? What obstructions, if any, are you encountering with interest groups acting to block the pace of reform?

**Mr Wells:** I have just quoted to the House the huge increase in front-line staff that my predecessor, Edwin Poots, instigated and which I support. The equivalent of 1,400 full-time additional staff have been employed in the health service since 2011. If Minister Foster were to announce a factory employing 1,400 full-time staff, we would all congratulate her on an outstanding achievement; fortunately, she has been making announcements like that in the last three or four years. That indicates that, under my predecessor's role and my own, we are making that commitment. We know that those folk are there because we are paying them, and we know that they are on the ground working hard. It is wrong, therefore, to indicate that we are overstaffed at administrative level and not bringing resources to front-line care. I accept, however, that there is a perception that we could be doing more to look at admin and management, which is why the permanent secretary has been tasked to do a full analysis of the structures of health care in Northern Ireland to see whether any further level of administration can be taken out to pump money into front-line services.

I will give the Member a few figures. We could maybe save £15 million or £20 million, but that

is being very optimistic. I have to find £165 million in efficiency savings for 2015-16 and an additional £50 million out of non-health trust expenditure. That is real money from the Fire Service, BSO and the Public Health Agency. So I have to find £215 million. Even if we waved a magic wand and looked at his concerns about management, we are talking about only 12% of that. That is the difficulty that we are in, and we have to make some terribly difficult decisions in the next few weeks.

**Mr G Robinson:** Will the Minister outline what work is under way to implement some of the Donaldson recommendations?

**Mr Wells:** When you throw a document out into the public domain for consultation, you have to be very careful that you are not seen to pre-empt some of the outcomes. The six trusts, including the Ambulance Service, have already been asked to work with each other, their staff and their stakeholders to develop a combined response to the report and its recommendations by the end of April 2015 and to consider urgently the "never events" list for England and determine its applicability to Northern Ireland, and initial discussions on that have taken place with the board. I am sure that Members will remember my explanation of a never event. The RQIA has been asked to speed up the programme for unannounced inspections of hospitals, and a number of pilot inspections will take place between April and June 2015.

I hope that that shows that, in areas where there was not much in the way of dissension or where there had already been discussion, we are already setting up procedures to implement it. We also want to hear the public's view on Donaldson, particularly recommendations 2 to 10, on which we need an awful lot of debate, as well as recommendation 1.

2.30 pm

**Mr Principal Deputy Speaker:** That concludes the listed questions to the Minister. We move to topical questions. Question 1 has been withdrawn.

## Organ Donation: Opt-out System

T2. **Mr Flanagan** asked the Minister of Health, Social Services and Public Safety for an update on the introduction of the legislation proposed in the public consultation, which the previous Health Minister launched in February 2013, and which had the support of the First Minister and the deputy First Minister, on the move to an opt-

out system for organ donation, especially in the light of the tragic death last week of 13-year-old Oisín McGrath from Belcoo, a boy who had achieved much in a very short life and whose passing is a terrible loss to his family, the wider McGrath and Dolan families and his many friends, and particularly because, as a result of Oisín's death and the bravery of his parents, five people have benefitted from his organs and have been given a chance to experience a more fulfilling life. (AQT 2122/11-15)

**Mr Wells:** I thank the honourable Member for giving me an opportunity to pay tribute to Oisín's family, who took the very brave decision in tragic circumstances to save or enhance not only one but several lives by giving up his organs. I think that that example will help enormously in our debate on the issue. I had intended to contact the family to praise them for their courage.

We await the introduction of a private Member's Bill from the Member for Upper Bann Jo-Anne Dobson and for the results of the PHA's second survey on public attitudes to organ donation. So we are very much in a situation of watching and waiting. We are also waiting to see the outcome of the Welsh model. The Welsh passed legislation on the issue, and we want to see what happens there. Does legislation lead to a radical increase in organ donation? We have had an advertising campaign to encourage organ donation and employed nurses whose role is to liaise with distressed families and encourage them to donate organs. This is a very complex and important period in the whole debate. I suspect that, when Mrs Dobson's Bill eventually comes forward, there will be a free vote for many of us. I would like to think that progress will be made within the next few weeks because of the coming together of various events.

**Mr Flanagan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for his answer and comments. Oisín's parents, Nigel and Sharon, were forced to make a very difficult decision on whether to donate their son's organs. They decided to do so, in the belief that it was what he would have wanted. In doing so, they demonstrated huge strength in dealing with their tragic loss, but parents and families should not be forced into making that decision. I say this to the Minister and his Executive colleagues: let one of Oisín's many legacies be the introduction of opt-out organ donation legislation. I support the introduction of such legislation. When that happens, will the Minister row in behind it and support it, as his predecessor and the First Minister appeared to do previously?

**Mr Wells:** I will be guided by the honourable Member for Upper Bann on when we can expect the introduction of her Bill, which deals with the very issues that the Member raises. As Minister, I am in a difficult position because I previously expressed my personal views on this. However, it would not, I think, be helpful if I were to hold hard and fast to those views as Minister. All I can say is that the debate will be a very interesting test of the maturity of the Assembly.

It is very difficult to predict what will happen because I suspect that it will be a free vote for every Member, and, therefore, 107 different views will become clear. So, we await the Bill with interest. I hope that Mrs Dobson will get a chance to come in on this because I am very keen to learn how it is progressing.

I realise that Oisín's family had to make a very difficult decision, but, no matter what happens, even under Mrs Dobson's Bill, families will still be consulted. They will still have to make that difficult decision. I am on the register and have made it very clear that, if I go under a bus, you are welcome to any part of me that saves lives.

I remember the courage of a Coalisland family when a young man was killed in a traffic accident. The donation of his organs saved three lives and enhanced another three. That example is tremendously important as we encourage people to have the conversation and make the right decision on organ donation.

## **Fire and Rescue Service: 2015-16 Savings**

T3. **Miss M McIlveen** asked the Minister of Health, Social Services and Public Safety whether he believes that savings of 10% can realistically be delivered by the Northern Ireland Fire and Rescue Service in 2015-16. (AQT 2123/11-15)

**Mr Wells:** Earlier, I said that I have to find £50 million in direct reductions in funding out of what are described as the non-health trust organisations. I also mentioned that I have to find a huge amount of savings in 2015-16, and we have asked the arm's-length bodies initially for their scenarios based on 5%, 10% and 15% reductions for 2015. We have had an initial examination of the proposals for the Fire and Rescue Service, and, frankly, I consider savings at the upper end to be unachievable. They are not achievable while retaining a safe service. Consequently, the Fire and Rescue Service is working now on a 5% savings target for 2015, and I have made it clear that its focus



should be on support functions and central management structures rather than on front-line service delivery. I have also made it clear that I am opposed to any form of compulsory redundancy in the Fire Service. I will require full detailed plans on how Fire Service savings can be delivered, and a final agreement on the savings proposals will take place after public consultation and be based on public safety.

This has been a very difficult issue. The very fact that we have been in a position in which we cannot define the Fire and Rescue Service as a front-line service in the same way as, for instance, blood donation or ambulances is causing us huge difficulties, but that is what the Executive agreed. We are working with the Fire and Rescue Service to find ways in which it can achieve its savings with the least possible impact on its front-line services, which, of course, are not only fires but traffic accidents, flooding and so on. I have seen proposals to take some management staff out of Fire and Rescue Service headquarters in Lisburn. We think that that is doable without affecting front-line support services, but this has been one of the most difficult issues that we have faced as a Department.

**Miss M McIlveen:** I thank the Minister for his answer. In acknowledging the challenges that he has outlined, does the Minister believe that the Transatlantic Trade and Investment Partnership (TTIP) would make health service challenges even more difficult.

**Mr Wells:** I have had a lot of letters and questions from Members across the board on that particular issue. For those who are not aware, TTIP is a transatlantic trade agreement between the United States and the European Union. My colleague in DETI is very keen on the arrangement because it could open up new markets for Northern Ireland exports and further trade across the Atlantic, but there is a concern that it will open the door for private American companies to come in and take over the running of the health service in Northern Ireland. I have seen a petition calling for the NHS to be taken out of TTIP, but there is no evidence at all to indicate that it is to be included, and there is never any indication in the negotiations that that will happen.

Contrary to that, as Members will have seen in some of my written replies, I have received assurances that EU member states will remain in full control of their public services, including their public-health provision. The EU has followed a consistent line of excluding public-health systems from free-trade agreements, and I want Northern Ireland to continue to

determine how it runs its public services. I want the fundamental basis of the health service in Northern Ireland to remain the same, which is that it is free at the point of demand, paid for by the taxpayer and available to all. I cannot see how that model sits comfortably with any buy-in from the United States. Frankly, even if I in a wild, mad rush decided to do that, the Assembly would block it immediately, and that would be absolutely right.

For the foreseeable future, I see no change in the provision of the health service in Northern Ireland, and I do not see the remotest interest from elected representatives to change the present model in any way.

## Mental Capacity Bill

T4. **Mr Milne** asked the Minister of Health, Social Services and Public Safety when he intends to introduce the mental capacity Bill. (AQT 2124/11-15)

**Mr Wells:** I have sat on the Health Committee and on the Justice Committee. On six separate occasions, I think, I asked when we will see that legislation. I am told that it is definitely coming before Easter of this year. That is absolutely crucial because, if we are to get it through the Assembly in this mandate, we need to see the legislation very quickly. The complication has been because we decided, about a third of the way through the process, to combine the Bill to cover health and adults in the Prison Service. That caused complications. I am working alongside DOJ on the development of the Bill, and it is my aim to submit a draft Bill to the Executive next month. We hope that the Executive will pass that very quickly, with a view to the legislation having its First Reading in the Assembly in March 2016. Therefore, that is absolutely imminent. If that does not happen, I will ask some very pertinent questions.

This is perhaps the most important legislation that my Department will be pursuing in this mandate. I was here when the previous Bill went through in 1984, and little did I think that I would still be here for the next updating of that legislation. I am absolutely certain that I will not be here in 25 years when the third Bill arises. The Member raises an important point, and I will check again with my officials to see that that deadline of March 2016 will occur.

**Mr Milne:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagraí go dtí seo. I thank the Minister for his answer and for his determination in producing the Bill and bringing

it to a conclusion. How will the Minister address the concerns that the legislation leaves out the under-16s?

**Mr Wells:** The Children's Law Centre has been lobbying us consistently to include under-16s in the Bill. First, I have to say that that lobbying started at a time of the Bill's formulation that meant that, if we had gone down that route, we would have had to re-consult on the entire Bill. That would have knocked it back for a very long time and, really, it was impractical. I understand that there have been negotiations with the Children's Law Centre. It is reasonably reassured as to why we have taken this decision.

The Bill is a decision-making framework for adults. There is already a decision-making framework in place that, at its core, safeguards children and that recognises the importance that society places on the role of parents when it comes to making decisions in respect of children. The Bill, as proposed, will not affect that. It will not require any changes to the present situation. It will enhance the existing safeguards in the Mental Health (Northern Ireland) Order 1986, which will be retained as a temporary measure.

I think that it is unfortunate that that request was not made at an earlier stage, but even if it was lobbied for very early on, I do not think that we would possibly have reached the stage of at least giving a tentative commitment that we will have the Bill by March 2016. I can see both arguments, but I saw the greater good of getting a fit-for-purpose, modern mental capacity Bill to cover all over-16s quickly because we simply cannot afford to delay this any further.

## Loane House, Dungannon

T5. **Ms McGahan** asked the Minister of Health, Social Services and Public Safety what assurances he can give to the 8,100 people who signed a petition to oppose the closure of Loane House in Dungannon that rural dwellers will be facilitated through the Ambulance Service and other vital transport provision to access the relocated services at Craigavon, given the fact that the Southern Trust approved the closure of Loane House without having conducted a full rural impact assessment. (AQO 2125/11-15)

**Mr Wells:** The Member has lobbied extensively on this issue, and I met her, along with the MP for the area, this morning to discuss it. As she knows, I have become a bit of an authority on

Craigavon Hospital over the last two weeks. The difficulty is that all the medical evidence is telling me that care for an elderly, frail person is best done in the community, or, if the person has severe needs, it is best done very close to full-blown A&E and ED services and all the diagnostics, equipment and expertise that is there.

The commitment is for a new 64-bed unit in Craigavon. Loane House will not be touched until that is up and running. As I said to her this morning, we have committed to that. There may be budgeting issues, but we will watch the progress very carefully. Until I or my successor is absolutely certain that we have a fit-for-purpose unit available in Craigavon to look after the needy people of Dungannon and south Tyrone, there will be no change in the configuration of Loane House.

I had negotiations on Wednesday with folk in Newry who were making the same point about the transfer of stroke services from Daisy Hill to Craigavon. I hope that I was able to indicate to them that the statistics show that the best chance of surviving a stroke and recovering quickly is when you are taken to a bespoke, specialist centre of excellence.

It is the same model for moving stroke patients and intermediate care bed patients from Loane House to Craigavon.

As a rural representative, I know how difficult this is for the community to accept. All that I can guarantee to the Member is that there will be no question of anything happening to Loane House until we are absolutely convinced that the alternative service in Craigavon meets the needs of her community.

**Mr Principal Deputy Speaker:** There is no time for a supplementary.

2.45 pm

## Justice

### Courthouse Closures

1. **Mr Weir** asked the Minister of Justice for an update on the proposals to close eight courthouses throughout Northern Ireland. (AQO 7605/11-15)

9. **Mr Dunne** asked the Minister of Justice to outline the rationale to close Newtownards courthouse. (AQO 7613/11-15)

11. **Mr D McIlveen** asked the Minister of Justice to outline the rationale to remove the only remaining courthouse in the new Mid and East Antrim Council area. (AQO 7615/11-15)

13. **Mr Swann** asked the Minister of Justice how the closure of Ballymena courthouse will help to alleviate the delays within the justice system. (AQO 7617/11-15)

**Mr Ford (The Minister of Justice):** With your permission, Mr Principal Deputy Speaker, I will take questions 1, 9, 11 and 13 together. I may require a little additional time to do so.

On 29 January, I launched a consultation exercise aimed at seeking the views of the public on the closure of up to eight courthouses across Northern Ireland. The consultation has been launched against the backdrop of the Executive's programme for public-sector reform and restructuring.

In the context of a significant reduction in the funding available to my Department, it has been necessary to reduce budget allocations to all spending areas, including the Northern Ireland Courts and Tribunals Service (NICTS). It is simply no longer sustainable to operate 20 courthouses in a place the size of Northern Ireland. In response, the service has established a modernisation programme aimed at ensuring that the organisation is structured and resourced to provide an efficient and effective service that is affordable. The programme will involve a comprehensive review of current processes and practices, with a view to designing an enhanced, integrated and affordable service delivery model. NICTS is also seeking to rationalise the court estate in order to deliver efficiencies and to ensure that a reduced estate is used to its maximum potential.

The recently published consultation document explains in detail how rationalisation could be achieved. NICTS has strategically reviewed the current court estate in order to identify venues that could be closed and business transferred to an alternative court venue with minimal impact, thus ensuring continuing efficient and effective service delivery. The proposals seek to make greater use of the more modern or larger court buildings in the court estate. The transfer of business from Newtownards to Laganside Courts, for example, will afford court users, including victims and witnesses, a better standard of facilities and accommodation. There is also a proposal for a dedicated family court centre in Belfast.

In relation to impact and delays, there are no proposals to reduce the number of scheduled sittings; capacity will therefore be unchanged. In addition, the colocation of judges dealing with a particular type of business offers greater scope for them to work collaboratively and to deal more effectively with the cases before them.

Under the proposals, a number of local government districts, including Mid and East Antrim, would not have a court building. There is no requirement for each council area to have a courthouse, nor is it the case that there is a courthouse in each of the existing local government districts.

I look forward to receiving the views of the public and will consider them carefully following the closure of the consultation exercise.

**Mr Weir:** Given the fact that the Lord Chief Justice is against the proposals, how will access to justice be guaranteed, particularly for the people of Bangor, Newtownards and Holywood, where approximately 150,000 people will be left without even a courthouse in the area? How can access to justice be maintained for the people in those circumstances?

**Mr Ford:** Access to justice does not mean having a courthouse at the bottom of the street; it means having access to a working courthouse that has suitable facilities for the arrangements that we now need, including facilities for witnesses and vulnerable victims and segregation from defendants. All those are more easily provided in the more modern facilities. There will be no change to the number of court sittings. There will be significantly enhanced use of court buildings, so that, instead of having a number of buildings with empty courtrooms, there will be greater and more efficient use of the buildings that are in use.

**Mr Dunne:** When Bangor courthouse closed in 2013, business was transferred to Newtownards. The legal representatives in the area warned that it was not fit for purpose. Now, Newtownards is closing. What additional resources is the Minister putting in place to serve the people of North Down and Ards? For 150,000 people, is it just a matter of rough justice?

**Mr Ford:** The population of North Down and Ards or Ards and North Down — whatever the district is to be called — is of no relevance to the issue of the services provided. The issue is

whether there are adequate courtrooms available to provide for the services that are required. If Members had actually read the consultation document, they would have seen that there are plans to have the number of sittings in Laganside and to develop the dedicated family centre to ensure that the same number of sittings can be held as would have been the case spread across a wider number of buildings, with the result that there will be significant savings in costs at a time when the Department of Justice is under very significant pressure.

**Mr D McIlveen:** I thank the Minister for his answers so far. Does he agree with me that spending £1.7 million on Ballymena courthouse in one year and then subject it to closure the next shows a Minister and a Department that are fiscally irresponsible?

**Mr Ford:** That simply is not the case. A significant amount of money was spent a few years ago to comply with the Disability Discrimination Act 1995 and to ensure that there was a roof that did not leak. Given that Ballymena courthouse is a listed building, the DOJ has obligations to maintain it, and that was carried through. That does not mean that we can continue to use old, inefficient courthouses that are half empty when there are alternative facilities available in more modern buildings in, in the case of Ballymena, Antrim and Coleraine that will provide a better service for those who use courthouses even if they have to travel 12 miles from Ballymena to Antrim to make use of them.

**Mr Swann:** Minister, not only must justice be done but it must be seen to be done. Local courthouses can be covered by local newspapers so that the local population has the confidence that your justice system actually works in some cases. Can the Minister give any reassurance as to how that will be facilitated?

**Mr Ford:** I can see no reason why, in the case of Mr Swann's constituency, a reporter from the 'Ballymena Guardian' or the 'Ballymena Times' cannot travel to Antrim courthouse and report what happens there, rather than sitting in Ballymena and reporting what happens there. These are fundamental issues of vital reform to ensure that the DOJ can live within budget. There is a very significant sum of money to be saved by making the reforms, and the DOJ budget is unsustainable if we do not carry through the reforms. Instead of focusing on having a courthouse in every town, people need to focus on the facilities that are provided and the way in which victims and witnesses are

treated in courthouses, particularly some of our older ones. While they may be beautiful listed buildings, they are, in many cases, not providing the services that I believe our citizens need in the 21st century.

**Mr Lynch:** Go raibh maith agat, a LeasCheann Comhairle. I think that we have done the rounds, but another one of the courthouses is in Enniskillen. It may be old, but it is not inefficient. They are proposing that they go to Dungannon, which is almost an hour's drive away. That will hit the most vulnerable people, and it is the only courthouse in the county. Do you agree with me that it will impact on the most vulnerable people?

**Mr Ford:** I think that, if Mr Lynch reads the document, he will find that the bulk of business is intended to transfer from Enniskillen to Omagh. Of course there will be elements of impact in terms of people having to travel. We are not denying that, but one issue that was followed through was to ensure that there was a reasonable travelling time, even by public transport, to an alternative court venue, with the opportunity for people using public transport to arrive before court sits and to get home later in the day. The key issue has to be how we save the money that has to be saved whilst making use of the better facilities that exist in some of the more modern courthouses. I accept that there are particular issues with the age of the court estate in the west of the region and how we deal with that to ensure that we make the maximum use of the facilities that we have but do not spread resources so thinly that we cannot provide a decent service to those who make use of it.

**Mr D Bradley:** Go raibh míle maith agat, a LeasCheann Comhairle. Taking into account what has been said by the Lord Chief Justice and the fact that millions of pounds have been spent on Armagh courthouse, will the Minister agree with me that it would demean Armagh's status as a city to have its courthouse closed?

**Mr Ford:** No, I cannot agree with such a suggestion. The reality is that Armagh is no bigger than many other rural towns that do not have a courthouse.

I do wonder what some Members of this Assembly think of their constituents, when they suggest that a courthouse is so necessary for them, as if there were a major crime wave in their area. The reality is that the facilities at Craigavon and Newry courthouses are significantly better than those in Armagh, and

we must make use of the better facilities that we have.

**Mr Dickson:** Would the Minister agree with me that the type of measures he is taking, which are similar to those proposed by his colleague the Minister for Employment and Learning for public finances, need to be taken by all Executive Ministers to meet the public service requirements under this current Budget?

**Mr Ford:** Yes, Mr Principal Deputy Speaker. I understood that we had an agreement in the Executive to reform, restructure and cut out waste. It is easy for Members to engage in special pleading for a building in their constituency, but I am responsible for managing the budget for the Department of Justice, which is currently unsustainable over the next financial year unless we implement very significant cost-saving measures across a range of services.

If Members read the full consultation plan, rather than merely looking at the concerns that they have about a building in their constituency, they would see that the potential savings across the Courts and Tribunals Service and the prisoner escort and court custody service are in excess of £1.5 million. That simply cannot be ignored in the face of the difficult budget that is set for the DOJ. Unless Members can come up with something better than saying, "My constituency is special", they have not put forward rational grounds for doing anything other than what I am trying to do, which is totally in line with the Executive's overall policy.

**Mr Allister:** Why does the Minister think he knows better than the Lord Chief Justice? Does the David Ford who wants to close eight courthouses know better than the David Ford who spent £4.5 million upgrading those same eight courthouses? How many of the eight courthouses has he even visited?

**Mr Ford:** Mr Principal Deputy Speaker, I lost track of the number of questions. There is, as I have explained, an obligation to maintain courthouses while they are in operation, which means keeping the buildings functional. It is easy for Mr Allister to sneer. I could not tell you off the top of my head how many I have visited but I have visited a significant number of courthouses.

The Lord Chief Justice has certain responsibilities, and we will certainly listen to what he has said. It is the responsibility of the Courts and Tribunals Service, however, to manage the estate efficiently and to ensure that

there are adequate sittings available for judges to hear cases. We are looking at the detail of that at present. I hope that, instead of the sneering, derisory comments we have had from Mr Allister, he and others will put forward serious suggestions as to how we address the budgetary difficulties, provide better facilities in more modern buildings for victims and witnesses and make the justice system work more speedily and efficiently in the interests of something other than maintaining nice old buildings.

## Faster, Fairer Justice

2. **Ms McGahan** asked the Minister of Justice, given his proposals to cut legal aid and close courthouses, how he intends to deliver faster, fairer justice. (AQO 7606/11-15)

**Mr Ford:** The proposals to reform legal aid and to close courthouses should not impact on the delivery of faster, fairer justice. I have just explained the proposals to close courthouses. I have also set out my plans to reduce legal aid expenditure on a number of occasions. Further significant reforms will be implemented shortly.

The need to reform legal aid is evident and urgent as the demand continues to outstrip the available budget. Let me reiterate what I have told the House previously. The forecast expenditure on legal aid for 2015-16 is £103.6 million. Following the cuts imposed by the Executive, the legal aid budget was reduced by 15% from £75 million to £64 million. This leaves a pressure of £40 million — more than the entire budget for the core Department. I have, by cutting elsewhere in my Department, allocated a further £18.5 million to the legal aid budget, which still leaves a pressure of over £20 million. I am resolved to bring forward further measures to reduce the legal aid spend. I am introducing further cuts to Crown Court fees, saving some £7 million a year. I am bringing forward measures to reduce the spend on civil legal aid, which will realise savings in the region of £13 million per year. I am also considering measures to reduce the scope of legal aid that will entail removing specific areas where representation has, until now, been paid for out of the public purse.

Due to the life cycles of these cases, these savings will take some time to be fully realised. Therefore, in the absence of additional funding, I have proposed to the Executive the introduction of emergency legislation to impose a temporary levy of up to a maximum of 15% on all legal aid payments where the forecast exceeds the available budget. That is designed

to be a temporary measure. It will be strictly controlled; it will require Executive and Assembly approval. None of that affects the programme to deliver faster, fairer justice.

**3.00 pm**

**Ms McGahan:** Go raibh maith agat. I thank the Minister for his response. Does he not accept that the closure of so many courthouses will result in a backlog and a loss of confidence in the criminal justice system?

**Mr Ford:** No. As I have explained, there is adequate accommodation in the 12 courthouses that are proposed to continue in operation to provide courtrooms for the sittings required that are currently carried out over 20 courthouses. Therefore, there is no reason whatsoever to believe that that would slow up the programme. Indeed, as I said earlier, by co-locating judges, we have the opportunity to get better and more efficient management of lists and, therefore, potentially speed up justice.

**Mr Ramsey:** Following Bronwyn's question on legal aid, does the Minister not accept that there will be a hugely detrimental effect on progressing family law cases and developing them in court?

**Mr Ford:** Mr Ramsey certainly has a point about family cases, but I do not accept that there will be a huge effect. The reality is that we are looking in detail at the way in which cases are funded. The key issue around matters of some family cases is that, whilst the intention is to continue funding initial hearings, such as in the case of a divorce or separation, there is no doubt that, in some cases, people on modest earnings who, therefore, are ineligible for legal aid, will find themselves being subjected to repeated court cases by an ex-partner over things like the exact timing or duration of access to children, because a partner who can get legal aid will continue to go back to court. That is not the kind of thing that anybody funding themselves would do. It is not the kind of thing that we can afford to pay for continuously from the legal aid fund. It must be about getting the decision right and then finding better ways of arbitration or mediation rather than funding continual challenges where one party uses legal aid to damage the other party.

**Mr Elliott:** Will the Minister at least accept that, currently, there are unacceptable delays in bringing cases to a conclusion? If he accepts that, will he explain to the House how his actions are going to speed up delayed cases?

**Mr Ford:** Mr Elliott does not explain what kind of cases have unacceptable delays. What I have seen across a variety of criminal cases in Crown Courts, Magistrates' Courts and youth courts is a speeding up in recent years. There is not as much progress as we would have hoped at times, but the delays are certainly not getting worse. I do not know many times I need to repeat this: the issue is not the number of buildings; it is the number of court sittings that take place to allow judges to hear cases. There will be no reduction in the number of court sittings, even with the proposals to close a number of courthouses. Therefore, there is no issue of that adding to delay.

### **Abortion: Lethal Foetal Abnormality**

3. **Mr Agnew** asked the Minister of Justice whether, as part of his consultation on abortion, he has received any evidence that lethal foetal abnormality cannot be diagnosed accurately. (AQO 7607/11-15)

**Mr Ford:** With permission, Principal Deputy Speaker, I will answer questions 3 and 7 together. Sorry; I was going to, but the Member who planned to ask question 7 has disappeared.

A large number of responses to the consultation have been received, including detailed submissions from the relevant medical professional bodies. Although the process of analysing the responses is not yet complete, and I do not want to pre-empt the outcome, it is my understanding at this stage that the main professional medical bodies have not raised any issue about the ability of clinicians to diagnose accurately foetal conditions that are lethal. A full assessment of the responses to the consultation will be reflected in the summary document, which I hope to publish as soon as possible.

**Mr Agnew:** I thank the Minister for his answer and clarification of the issue. He will be aware of the statement made by Dr Alasdair McDonnell on the 'Inside Politics' programme that fatal foetal abnormality was difficult to predict. He may have given couples and women who have received that diagnosis false hope that the diagnosis may be inaccurate. Will he make it clear that Dr Alasdair McDonnell was wrong in what he stated and that politicians should not be so irresponsible when trying to protect their party position?

**Mr Ford:** I will leave it to Dr McDonnell to justify his stated political position. I can go only on the evidence that I have — for example, from the

Royal College of Midwives, the Royal College of General Practitioners, the department of foetal medicine at the Royal Victoria Hospital, the Royal College of Obstetricians and Gynaecologists and the BMA. As I understand it, all those bodies make clear their belief that it is possible to diagnose accurately fatal abnormalities of a foetus of the sort that is proposed in the consultation, which is that two doctors will certify that there is a fatal abnormality that is incompatible with life and that no treatment can be offered after delivery that will make the situation any better. Those are the conditions that were being looked at. It appears to me, from a preliminary look — I am not trying to prejudge the issue — that those with the most knowledge suggest that it is possible that that can be an accurate diagnosis.

**Mr Givan:** Does the Minister accept that his consultation document departs from long-established principles whereby a mother's life — physical and mental — is the determining factor in providing choice in these circumstances and that his legislative approach would create an automatic entitlement to an abortion on the grounds of conditions that are incompatible with life, as subjective as that notion could be?

**Mr Ford:** Yes, just as an assessment of a mother's long-term physical or mental health may be subjective and may also be objective, those are exactly the same grounds that would be applied to determine, in the context of fatal foetal abnormality, the clinical judgement.

**Mr A Maginness:** I thank the Minister for his answers. Obstetricians and gynaecologists, to my knowledge, have said that option 4, which the Minister favours in his consultation paper, is not clear or precise and does:

*"rely on an artificial or arbitrary line separating some difficult and sensitive cases."*

That gives rise to a situation in which a proper diagnosis cannot be made in all circumstances and which, I believe, is indicative of medical opinion on this very difficult area. I ask the Minister to comment on that.

**Mr Ford:** I would be in danger of prejudging the entire outcome of the consultation if I went too far on that. There may, indeed, be difficult cases. Mr Agnew's question was brought about by a comment from Dr McDonnell that "doctors always get it wrong". I do not believe that that is the case.

**Mr Cree:** Will the Minister clarify, in the case of foetal abnormality, whether there is a set number of weeks when a termination can be performed?

**Mr Ford:** At the moment, the answer to whether there is a set number of weeks in which a termination can be performed is no. Termination on the grounds of fatal foetal abnormality is not lawful in Northern Ireland at present. That issue would have to be considered if there were a proposal to change the law as to exactly how it would apply. However, Members need to be aware that, in many cases, the diagnosis, for example, in anencephaly, the condition that is most commonly cited, does not tend to arise until the 20-week scan, so there are issues that would not relate easily to the normal termination time as the law applies in GB.

**Mr McCartney:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for his answers so far. We welcome the consultation. As people bring their arguments to the table, they should do so on the basis of evidence and fact, but I ask the Minister that they should also consider a degree of compassion.

**Mr Ford:** I certainly agree with Mr McCartney's point. It is easy to bandy statistics or opinions or whatever, but the reality is that the small area in which the consultation recommended changing the law is about dealing with the traumatic and absolutely horrific situations in which a small number of women find themselves every year. If we cannot deal with them with compassion, whatever our preferred outcome, we are not in a very good place as a legislature.

## **Policing Board: Payments**

4. **Mr Spratt** asked the Minister of Justice, given that he is responsible for the Policing Board budget, to outline the payments to the chairman, vice-chairman and independent members of the board. (AQO 7608/11-15)

**Mr Ford:** The Northern Ireland Policing Board is an independent public body. The level of detail sought in outlining all payments to the chair, vice-chair and independent members is not retained by my Department. The Policing Board's website contains a summary of all payments paid to political and independent members over the previous five years, including expenses. The current annual remuneration rates are as follows: chair, £58,606; vice-chair, £43,954; and independent members, £19,437.

I propose to reduce those to £48,000, £24,000 and £12,000 in line with payments to members of other public bodies.

**Mr Spratt:** I thank the Minister for his answer. Given the stringent cuts to the policing budget, will he ensure that further cuts are made to the budget for the Policing Board, which has already had a dramatic cut in staff, as well as those that he suggests making to the remuneration rates for the independent members, chair, vice-chair etc?

**Mr Ford:** We need to consider the role that the Policing Board has to perform in overseeing the PSNI and the potential increase flowing from the Stormont House Agreement, meaning that it may well have a wider role in historical work. In addition, the Assembly has now agreed that the National Crime Agency should have a role in the devolved sphere in Northern Ireland, and the board would have a role there. However, I entirely take Mr Spratt's point that no part of the justice system can be exempt from the cuts needed as a result of the Executive's Budget decisions.

**Mr Sheehan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Does the Minister agree that no steps should be taken by him that would undermine the effectiveness of the Policing Board in carrying out its work without fear or favour?

**Mr Ford:** I certainly agree with Mr Sheehan on that point, and I do not believe that I have taken or am contemplating taking any such steps. If he is hinting at the potential change in the way in which members of the Policing Board are appointed, I do not believe that, if we were to move to a rolling appointment system — that decision has not yet been taken — it would impinge on the independence and responsibilities of the board, but that is still under discussion in the Department.

**Mr Beggs:** Does the Minister agree that the cuts to the Police Service that have been highlighted and the effect that they will have on the ground mean that the public will want to ensure that appropriate funding is committed to administration and will want to see reductions in that area? Whose call is it, ultimately, to set the figures? Is it his call, and how will he deal with existing appointments?

**Mr Ford:** I accept my responsibility as Minister to look at the rationalisation of remuneration for the Policing Board and potentially for other bodies in line with the prevailing rates for similar bodies in Northern Ireland. If you compared, for

example, the responsibilities of the chair of a health and social care trust with those of the chair or members of the Policing Board, you might well find that they are not much less onerous, yet the salary is significantly lower. We need to ensure that we have a rational way of determining appropriate remuneration.

I agree with Mr Beggs's general point. With significant cuts being imposed on the DOJ, it is not possible to continue to afford significant payments to those who serve on such boards. Given that the term of office of current members is up in the early summer of this year, this will not impact at all on current members. Those who wish to be appointed to the board when it is reconstituted will be fully aware of the salaries.

## Prisons: Drugs

5. **Mr Dallat** asked the Minister of Justice what action is being taken to address the increased levels of drugs found in Maghaberry, Magilligan and Hydebank prisons. (AQO 7609/11-15)

**Mr Ford:** Substance misuse is a societal issue and is a significant factor in offending behaviour. For that reason, it is a problem inherited by and concentrated in the whole criminal system, not just prisons. By the time someone enters the criminal justice system, it is very likely that a number of interventions, including those in respect of education and health, will have been unsuccessful.

There is a real and concerted effort by the Northern Ireland Prison Service to address substance misuse based around a three-strand approach: restrict supply, reduce demand and assist recovery. In 2013, the Prison Service increased its focus on intelligence-led searching. The increase in drug finds in all three prisons is clear evidence that the approach is targeting the right people and drugs in particular are being detected. NIPS has also established a team to address the recommendations of the recent CJINI inspection report, 'The Safety of Prisoners Held by the Northern Ireland Prison Service', working in partnership with the South Eastern Health and Social Care Trust, which has responsibility for providing health care in prisons. That includes an examination of the strategy to manage substance misuse in prisons.

**Mr Principal Deputy Speaker:** That ends the period for listed questions. We now move to topical questions.

3.15 pm



## Roe House: Investigation

T1. **Mr D Bradley** asked the Minister of Justice whether the independent assessment team, led by Peter Bunting of the Irish Congress of Trade Unions, has investigated the disturbances in Roe House last week and, if so, whether he has received a report from the team. (AQT 2131/11-15)

**Mr Ford:** I thank Mr Bradley for the question. I have two slight quibbles. First, I am not sure that the other three assessors would necessarily agree that Peter Bunting is the leader; I think that they regard themselves as four equals. Secondly, it is not their job to inspect specific incidents. There are other arrangements for that, including the role of the Prisoner Ombudsman. However, it is certainly the role of the assessors to make a collective assessment of the situation as it stands in Roe House at different times. I will meet them shortly to discuss their current view of the situation there.

**Mr D Bradley:** I thank the Minister for his answer. Will he share with the House the report that he receives from the assessment team?

**Mr Ford:** To talk about sharing reports suggests that sometimes they are more formal than some of the verbal reports that I or the director general of the Prison Service receives. The report published last year on the stocktake of the 2010 agreement was a clear example of openness in that respect. Much of the other work that the assessors do is at a rather more informal level than publishing a report.

## Policing and Community Safety Partnerships: Recruitment

T2. **Mr McQuillan** asked the Minister of Justice for an update on the recruitment process for the policing and community safety partnerships (PSCP). (AQT 2132/11-15)

**Mr Ford:** At the moment, my understanding is that the Policing Board is managing the appointment process for independent members of PCSPs. I believe that councils will largely nominate members to the new PCSPs at the initial AGM, which in most cases is held in March, I believe. The expectation is that independent members, when appointed by the Policing Board, will be in place by June this year.

**Mr McQuillan:** I thank the Minister for his answer. Given the pressure on budgets that we heard about earlier, are PCSPs talking shops? Are they a luxury that we can afford at the present time?

**Mr Ford:** Ironically, I was at a meeting in Coleraine Town Hall last night with Mr McQuillan's local PCSP. What I see when I visit PCSPs — maybe I visit only the best ones — is that good work is being done in a number of areas and on a variety of topics, such as addressing crime and the fear of crime; antisocial behaviour; diversionary work for young people; providing reassurance to older and vulnerable people; and rural crime, with trailer-marking and trackers. All of that is work that is being done because local partnerships have identified the needs in their immediate area. Although there may be cases of not all PCSPs being as efficient as they might be, there is no doubt that some extremely good work is being done. We are trying to spread the message of that good work to all of them.

## Legacy Inquest Cases: Funding Disparity

T3. **Mr Allister** asked the Minister of Justice why there is such a disparity in anticipated funding in the Stormont Castle agreement in respect of the legacy inquest cases, where some £19 million a year is being sought, in contrast to the Historical Enquiries Team (HET) cases within the historical investigations unit (HIU), where only a third of that figure is thought necessary to investigate hundreds of cases. (AQT 2133/11-15)

**Mr Ford:** I am not quite sure what point Mr Allister is trying to make. If he is saying that the funding that is proposed for the HIU is significantly greater than that that goes into the HET, that is entirely correct. Indeed, the Stormont House Agreement did not see the Government provide all the additional funding that was thought necessary, and detailed work is continuing on exactly how that will be managed as we look at the HIU establishment.

**Mr Allister:** Just to make it clear: the Stormont Castle agreement anticipated a budget of £19 million for legacy inquest cases. The question is this: why was that such an inflated figure in comparison with that required to investigate the hundreds of overhanging HET cases? Is there a hierarchy of victims in this matter? From a funding perspective, it certainly very much looks like it.

**Mr Ford:** I think that the figures that Mr Allister is quoting from — I have the Stormont Castle agreement in front of me — is the current issue of the costs of funding those elements that will go into the historical inquiries unit. He is quite correct that the current costing estimate for legacy inquests is significantly higher than that for HET cases. Of course, he needs to acknowledge that, when we get into legacy inquests, we tend to involve a large number of lawyers, many of whom will be funded by the state, as opposed to the HET's work, which is largely funded by people on the equivalent of police officer salaries.

### **Legal Aid: 15% Levy**

T4. **Ms McCorley** asked the Minister of Justice, following his earlier statement about his plans to introduce legislation to impose a temporary levy of up to 15% on legal aid payments, how long temporary is likely to be and whether there is a danger that the levy could become permanent. (AQT 2134/11-15)

**Mr Ford:** I assure Ms McCorley that is not my intention that that will be the case. Subject, of course, to Executive and Assembly approval, the intention is that emergency legislation will provide for a levy of up to 15% on bills at the point of payment. The maximum levy to be set in any one year on the basis of the difference between the estimated expenditure and the budget allocated for it is allocated on a year-by-year basis with Assembly approval.

The DOJ's current intention is to have a sunset clause in the primary legislation at the end of the next Assembly mandate in 2021. I stress that the maximum deduction will be 15%. If the calculated deduction is less than 5%, it would not apply at all. The expectation is that, as reforms bed in to ensure that the legal aid system is managed more efficiently and effectively, the reduction would reduce over that time.

**Ms McCorley:** Go raibh maith agat, agus gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for his answer. Does he accept that perhaps not enough consideration has been given to the implications for the most vulnerable, particularly those involved in family courts?

**Mr Ford:** I answered something of that point to a colleague earlier. The expectation is that the cuts would apply evenly across all bills because there is no other way of doing it. At the same time, we are looking at instituting the wider reforms. I highlighted private family law

proceedings where one ex-partner can make life extremely difficult for another by continually going back to court over minor issues of precise times for and duration of access to children, for example. It is certainly the case, as a number of MLAs have put to me, that an ex-partner on legal aid frequently does that against an ex-partner who does not qualify for it. Those are the kinds of issues that we have to address. The important point is to maintain the basic provision of legal aid for the key hearing and then to ensure that there are better ways of mediating to deal with those sorts of issues that, frankly, should not have a court hearing, such as determining whether access is half an hour earlier or later.

### **Racist Attacks: Police Resources**

T5. **Mr Ó Muilleoir** asked the Minister of Justice, without moving him into policing matters, to give the House an assurance that the police have the resources and the will to bring to book those who are responsible for racist attacks, particularly those in south Belfast over the last year, for which, thus far, there have been no convictions. (AQT 2135/11-15)

**Mr Ford:** Mr Ó Muilleoir raises a serious issue that features a number of causes for discussion. As he highlighted, dealing with an attack is an operational matter for the police, and I shall definitely not stray into the Chief Constable's territory there.

We see good work being done. For example, the district policing and community safety partnership in south Belfast recently ran an ending hate crime event. Work is being done to train people in a variety of different areas on how we deal with the problem. The DOJ has responsibility for the hate crime multiagency group, and we part-fund the practical action scheme for dealing with the effects of hate crime. However, the important issue is to stop it happening. That involves partnership working and political leadership from every quarter to ensure that people stand up collectively against those who engage in hate crime of any kind. We should also acknowledge that there was an incident at St Anthony's Church in Willowfield last night, which presumably was not racist hate crime but was sectarian hate crime. That seems to be just another side of the same coin.

**Mr Ó Muilleoir:** Mo bhuíochas fosta leis an Aire. I thank the Minister. It is important to pay tribute to Anna Lo, your representative in South Belfast, who has borne the brunt of many of these racist attacks. In terms of language and leadership from all in this House who are in

positions of civic leadership and leadership in society, can you assure the House that you and your Department will stand four-square behind those who give the type of leadership that a multicultural society desires and demands?

**Mr Ford:** I thank Mr Ó Muilleoir for his tribute to Anna Lo, although we should not be asking her or others from ethnic minorities to stand up against racist hate crime; we should be asking people from the majority community to stand up against hate crime. The DOJ will continue to do the work, because, for example, the community safety strategy includes elements that relate to hate crime and the wider issues of partnership, particularly through PCSPs, through a variety of other issues and through seeing the agencies working better to tackle the reasons why hate crime appears to rise. All those are issues that need research, partnership working and a single, united voice from this community that hate crime will not be tolerated and that this House and the wider community will show the leadership that it should show against such crimes.

## National Crime Agency

T6. **Mr Lyttle** asked the Minister of Justice what impact the extension of the National Crime Agency to Northern Ireland will have on the ability to tackle heinous crime in our community, such as the attacks in east Belfast on St Anthony's and the memorial garden at Pitt Park. (AQT 2136/11-15)

**Mr Lyttle:** I join the Minister in condemning the attacks on St Anthony's in east Belfast and on the memorial garden at Pitt Park in east Belfast this week and welcome his commitment to supporting the fight against that type of hate crime in our community.

**Mr Ford:** My colleague raises an interesting point. I am not sure that the National Crime Agency will be the key agency for dealing with issues like hate crime, but there is no doubt that some of that comes in alongside those who are engaging in a variety of organised crime and seek to use threats and intimidation — in many cases, principally against those who are perceived to be from minorities — to make life easier to carry out their fairly obnoxious operations. There is no doubt that having the National Crime Agency in place would help to deal with those organised criminals, although the front-line issue of dealing with hate crime will, naturally, fall to the PSNI, but it is with —

**Mr Lyttle:** Human trafficking as well.

**Mr Ford:** And human trafficking, which seems to have just been added.

Human trafficking is clearly an issue where there is a matter of international reach and national intelligence and reach. We cannot expect the PSNI to fully solve that problem on its own. As we heard on the BBC radio documentary at the weekend, it would have been pretty difficult for the PSNI to have somebody reading the Chinese language press in London to identify that people were being trafficked for the sex trade. There are other issues, namely people from organised gangs forcing others into forced labour, principally from central and eastern Europe. All of those are issues where the National Crime Agency's organisational reach and intelligence will be a major boost to the PSNI.

## 3.30 pm

**Dr McDonnell:** On a point of order, Mr Principal Deputy Speaker. Is it in order that I have been misrepresented and misquoted in recent times? I want to put it clearly on the record that I never insinuated or implied that the doctors always get it wrong. I happened to be in another part of the Building, heard myself being misquoted in that way and felt it appropriate to challenge that. There was a reference to a radio programme during which the question of the termination of pregnancy or abortion was raised. The circumstances in which a woman has to consider a termination of pregnancy are stressful and difficult enough, and the subject deserves to be treated with sensitivity and compassion. Some of us believe that termination should be avoided if at all possible, while others take a more flexible approach, but no purpose is ever achieved by any of us grossly misrepresenting another.

**Mr Principal Deputy Speaker:** The Member has put that point on the record, and I thank him.

**Mr Ford:** Further to that point of order, Mr Principal Deputy Speaker. Dr McDonnell appears to be challenging my recollection of what he said on the radio programme. If I was wrong, I apologise, but I do not believe that I misquoted what I heard on the radio.

**Mr Principal Deputy Speaker:** I thank the Minister for that.

## Private Members' Business

### Road Traffic (Speed Limits) Bill: Second Stage

*Debate resumed on motion:*

*That the Second Stage of the Road Traffic (Speed Limits) Bill [NIA Bill 30/11-15] be agreed.*

**Mr Ramsey:** Unfortunately, my contribution had to be cut short earlier. I want to come back to an intervention that was made by Alastair Ross earlier in the debate. I want to quote from Rod King MBE, the founder and campaign director of the 20's Plenty for Us group. He commented:

*"We are amazed and disappointed that the Institute of Advanced Motorists should make ... a woeful mistake in their conclusions from the DfT statistics. In fact, wherever 20mph limits have been piloted, on looking at the casualties in detail, councils have concluded that there was a positive effect on road safety and subsequently widened the implementation across most areas. Now 20% of the UK population live in towns, cities or villages where the Traffic Authority is convinced that 20 is plenty for most streets. The IAM conclusion is bogus and reflects a poor understanding of either the changing numbers and success of 20mph limits or basic statistics."*

It is very clear that it is important to place that on the record.

**Mr Clarke:** I thank the Member for giving way. I was looking for an intervention before the Speaker called the business to a halt before lunch, and I know that the Member was minded to give me that intervention.

I want to put two things on record. First, your colleague John Dallat referred to the type of the debate and said that he was disappointed at how it was going. However, this is a debating Chamber and people can have different opinions. I do not think that the language from anyone from these Benches indicated that they did not support the Bill's going forward, although I think that there is work to be done. You will accept — sorry, through the Chair, the Member will accept that, when I had a private conversation with him, we said that we would support the Bill going to the next stage. It was also interesting to note from your comments

that you recognise that amendments are required.

The other thing that I want to put on record is that you referred to my colleague, who is not in the Chamber at the moment, and said that you spoke to another body about statistics. Maybe you will want to go back to the same folks in relation to 2020, because that does not address the Department for Transport figures that show that there has been an increase in accidents where a 20 mph speed limit has been introduced.

**Mr Ramsey:** I thank the Member for his intervention. I stand over any of the comments, figures or statistics that I have tabled and can provide the evidence of those. It is important that a debate of this nature flows. What disappointed me is that I spent some considerable time addressing the Regional Development Committee, which you are now the Chair of, and the Environment Committee, and the level of questions and concerns was not even raised. In fact, if truth be told, I got a much more favourable response and encouragement.

I know that the former Chair of the Regional Development Committee, Jimmy Spratt, who is not in his place, made reference to a visit to Scotland. On many occasions in the House, we look to the Scottish Parliament for best practice. They have a good practice guide. I say to the Member, as the Chair of the Regional Development Committee, to take a look at the Scottish guide. I am going to quote some of it:

*"The Scottish Government is also keen to see a transformation of our towns and cities to ensure people are prioritised over motor vehicles and increasingly choose to walk or cycle when they make short journeys. ... The Scottish Government is committed to protecting vulnerable road users such as pedestrians and pedal cyclists on our streets."*

I will read three more short paragraphs. The Scottish model says:

*"Introducing such speed restrictions will help us to reduce the number of accidents, casualties and fatalities on Scotland's roads. 20 mph speed restrictions can also help promote ... travel choices and can result in improvements to both the local and wider environment."*

*Inappropriate and excessive speed is a significant cause of death and injury on the*

*roads. Travelling too fast for the conditions or excessive speed is reported in 13% of all reported accidents and 20% of fatal accidents. Transport Scotland and its road safety partners want to see all road users travel, not just within the legal speed limit at all times, but at the speed most appropriate for the conditions, taking into account other road users."*

I am sure Members will agree that, over the past number of decades, we have seen a tsunami of an increase in vehicle ownership in Northern Ireland. In those circumstances, we have roads from 30 years ago that are not fit for purpose for the number of vehicles on them these days. I encourage the Member to look at the Scottish model. I am sure that the Committee and the Committee for the Environment will examine that as well.

I want to address the elephant in the room, as unpalatable as it might be to convert collisions and road deaths to financial figures. Doing so provides the best counterargument to those who cite cost as a reason to reject the legislation, so while it may leave a bad taste for some people, I ask for your indulgence. First is the cost of enforcing limits. As the PSNI agreed, enforcing 20 mph limits costs exactly the same as enforcing 30 mph limits. That is their language, not mine. Moving attention to the cost of changing road signage: in the last 10 years, Transport Northern Ireland spent £230 million on local transport and safety measures. Of that, £22 million has been spent on speed-reduction measures. We know what those measures are, and both Committees have raised traffic calming measures. We are all inundated with issues to address and take to the Department. Unfortunately, at times, it does take incidents of deaths before the criteria are met or the police are convinced that they are necessary. As we are seeking a phased-in, prioritised, community-requested approach, it is entirely feasible that the introduction of 20 mph would fall in line with scheduled maintenance works over a number of years, therefore minimising the effect on annual budgets. I repeat that this Bill offers a maximum return for a minimum outlay.

Road fatalities change lives. They destroy families. Families will be forever traumatised by the loss of a son or daughter or a father or mother on the road. There is no shying away from the fact that it is true to say that they have financial implications for the economy. I made the point earlier that, when Sammy Wilson was Minister, I recall putting a question on that to him. It was £1.6 million. Department for Transport figures suggest that the figure today

is as high as £1.95 million per fatal collision. That figure includes police costs, administration costs, insurance and the cost of damage to vehicles and properties. The cost to the economy resulting from collisions and slight injuries ranges from £15,000 to £23,544.

I ask people who may be opponents of the Bill, how those figures would stack up against the cost of road signage.

Let us examine best practice in other jurisdictions. Edinburgh, Birmingham, Liverpool, Manchester, Hull, York and Bristol have introduced them to great effect. At present, a total of 8 million people in Britain live in neighbourhoods that are governed by 20 mph limits. In Edinburgh, 60% of respondents to consultations were strongly supportive of these proposals. Evaluating the initial schemes of 500 roads, Bristol council discovered that 89% of residents were in support of 20 mph limits on residential streets. That is a huge consultation. Almost 90% of residents favoured that limit on Bristol streets. A total of 65% of Bristol roads saw a reduction in speeds. Over time, they were able to analyse and audit the speeds on those roads. The Bristol scheme will cost in excess of £2 million and will be funded by a local sustainable transport fund and the local transport plan. Bristol, however, has introduced a blanket ban. At this stage, I am certainly not seeking to do that.

The Bristol scheme was initially opposed by the business community. However, I say to the business community across Northern Ireland, particularly in Belfast, who may have a resistance to this, the scheme in Bristol proved that footfall increases as speed is reduced. More people want to get into the city centres as the car speeds are reducing. People feel a lot safer in the city centres. That is the evidence in Bristol. It will encourage more people into urban areas where they will spend more time and money. Footfall has risen by levels of 20% to 40% in some of the schemes that I have mentioned. Again, I say to Members that those figures are hard to ignore. Bristol also discovered that walking rates increased by 23% and cycling by 20%. Therefore, the evidence clearly suggests that these zones generate more walking and cycling while lowering incidents and accidents on the roads.

Hilden in Germany introduced a citywide limit, and the percentage of journeys completed by cycle rose by 23%. Put simply, more people cycle when convinced that the roads are safer. That has a knock-on effect on health — mental and physical well-being — and life expectancy.

Holland is clearly among the models of best international practice. I think the Minister will have knowledge of that. Holland has the highest percentage of journeys undertaken by cyclists.

**Mr Wilson:** And no hills.

**Mr Ramsey:** Probably. Of all journeys undertaken, 27% are completed by cycle, yet, and this is an important point, Holland reports the lowest cycle fatalities in Europe. So, there is a lesson there, in the country that is doing it right in encouraging more people into the use of cycles.

The public clearly support the Bill and want it to progress. The support has taken me by surprise. Not only have I been stopped in the corridors of this Building by Members from all parties, but the man and woman on the street stopped me, during the period when there was some engagement with the Committee, to tell me to support this move.

I want to move on to the PSNI, on which some Members made interventions. Clearly, the PSNI is the main player in enforcement and in dealing with the aftermath of every casualty and road fatality. Its feedback was overwhelmingly supportive. In fact, the PSNI assured me, as I said earlier, that I was pushing an open door as far as its support was concerned. That is straight from the horse's mouth.

I will not labour the point any longer except to take this opportunity to commend all those officers across Northern Ireland who, in the face of extreme and recurring carnage and tragedy, turn up to work every shift with professionalism, knowing that, that night, they might have to knock on someone's door to give them the awful news that a member of their family has been killed on the roads.

The PSNI's concern was also on a blanket ban. Allow me to reiterate that. The PSNI said that it was engaging in a bottom-up approach to social and road engineering. I am not interested solely in introducing lower speed limits when they are not requested by local communities. The success of this move depends on local communities, stakeholders, the police and transport providers, including public transport, believing and buying into the fact that new lower limits will improve their way of life.

**3.45 pm**

**Mr Lyttle:** I thank the Member for giving way, and I commend him on his work and on the

important public debate that he is generating on the issue. I seek some clarification. It is my understanding that the Bill, as it stands, proposes a blanket approach to the introduction of 20 mph sign-only speed limit streets on all residential roads in Northern Ireland. He is now talking about a bottom-up approach that also includes traffic calming measures, but I do not see that in the Bill. Perhaps he could take the opportunity to clarify that.

**Mr Ramsey:** I know that the Member is very supportive of this course of action. As I said to other Members during the consultation, in discussions in Committee and in today's debate, it would be wrong not to reflect on points that are made to me. I will reflect on the best course of action, including in my discussions with the Minister's office, on how this can be best delivered. It would be wrong of me not to take those points on board.

I have said that I will take stock after the debate and bring forward, if necessary, some amendments of my own, if that improves the Bill and I get buy-in from the Department that takes the lead on the issue. My overall desire is to ensure that we put something in place that will make a difference to people's lives.

**Mr Wilson:** I thank the Member for giving way. Does he accept that, if he goes along the route of the changes suggested by Mr Lyttle, so that it is not just about sticking up signs at the beginning and end of a 20 mph limit area, the Bill will become significantly different, especially its cost?

**Mr Ramsey:** Yes, and I am also mindful of that. During the consultation and when I briefed the Committee, a number of Members made the point that traffic calming measures are important for many parents in our communities. Ramps have the physical effect of slowing cars down. Thankfully, we have that engineering and design in most new development schemes across Northern Ireland, particularly in social housing, where they are designed into plans from the outset. It also happens in private housing. We have to look at that. It is not part of the Bill at the minute. The Bill does what it states.

I hope for and have a full desire to have road signage across Northern Ireland that will ultimately mean change. I say again that this is about transforming the culture that people have had for decades in Northern Ireland. It is about trying to ensure that, over the next number of years, we go into primary and secondary schools to teach the drivers of the future to slow

down and about the impact that they have in their communities. It should also be part of the driving test. It is about buy-in.

Consensus is important. When the new councils are set up, it would be wrong of me not to have a further consultation with them and with the new community and public safety partnerships. I want to hear from communities that want to be talked to. Young people have a voice, and I want to hear that as well. I am trying to find a mechanism to enable young people to come forward so that I can hear that voice.

DRD has told the Committee that it will back the Bill but not a blanket position of 20 mph. The Minister believes that the idea is right but that we may have to work hard at ensuring that we get the implementation mechanisms right. I fundamentally agree. The Department's preferred approach, as communicated to the Committee, would be to enable the introduction of reduced speed limits but not to impose them. That is a matter for debate and for Consideration Stage.

The Northern Ireland Fire and Rescue Service said that it would support the speed limit reduction in smaller residential streets. It welcomed the move as the most effective means to reduce incidences of deaths and serious injury on the road. Sustrans stated:

*"We support the Bill and any move to reduce death on the roads."*

It went further:

*"Road injuries are amongst the leading causes of accidental loss of life and disability worldwide."*

According to the latest available figures, seven pedestrians and four cyclists were killed on Northern Ireland's roads in 2013. Additionally, 162 pedestrians and 42 cyclists were seriously injured. That was not 20 years ago; that was 2013.

Sustrans supports a 20 mph limit on residential streets:

*"as a vital tool in achieving the cycling revolution and improving the safety and quality of life in urban areas".*

I think that the Minister would probably concur with that, as I know that he has been very obviously promoting and championing it since taking up post.

Sustrans made this final point:

*"We welcome the introduction of this Bill as a very important step to help to expedite the delivery of 20 mph as the default speed limit on residential roads. It is important to note that this Bill refers to sign-only speed limits, not traffic-calming measures. We suggest more thought needs to be given to its implementation".*

That is what we are doing today, and, if the Bill passes its Second Stage today, it will be given further consideration at Committee Stage.

The Northern Ireland Commissioner for Children and Young People welcomed:

*"the key proposal to introduce 20 mph limits in designated restricted areas, particularly in respect of its potential to improve children and young people's safety and reduce the number of casualties amongst this age group".*

Another important group, Disability Action, told me:

*"We support this campaign as a means to improve the accessibility of our streets for people with a disability, who are less mobile and would feel much more comfortable on the roads".*

At consultation stage, the road safety charity Brake said:

*"We really support this Bill. We have found that, even when there is no increase in enforcement activities, the average speed still reduces on 20 mph limit roads that are signed only".*

I quote, as I have quoted all day, "This will save lives".

**Mr Lyttle:** I thank the Member for giving way and commend the work that he is doing. Does he accept that the evidence suggests that in a 20 mph sign-only street, the speed reduction, on average, is in the region of 1 mph? That, in itself, is, of course, to be welcomed, but it compares with an average 9 mph reduction in a street that contains traffic calming as well.

**Mr Ramsey:** That was one of the quotes that I was going to use. I welcome the intervention, and I agree with him.

The Northern Ireland Cycling Initiative agreed, stating:

*"The public health benefits of more people walking and cycling, fewer injuries and what would be a more complete street environment would be an additional benefit of this legislation".*

Cycling group C2C supports the Bill, and a number of councils that responded to the consultation very clearly support it. We received responses from councils across Northern Ireland, not least my own Derry City Council, along with Strabane, Dungannon, Banbridge, Lisburn and Omagh.

As I finish, Members, I appeal to you to have common sense. My entry point on this has always and solely been to prevent loss of life on the road, particularly the lives of children, and there is clear evidence for that. I am absolutely sure that the introduction of the Bill would reduce the trauma and awfulness that come to a family home following the loss of a child. Thank you for your support.

**Mr Clarke (The Chairperson of the Committee for Regional Development):** I welcome the opportunity to contribute to the debate in my capacity as Chair of the Committee for Regional Development. I will also speak in my own right.

I immediately place on record that the Committee for Regional Development agrees with the principal objective of the Bill, which is to reduce the number of road accidents and fatalities. We had concerns that the Bill, as it stands, proposed a blanket approach to 20 mph, and I am pleased that the Member has said that he is amenable to amending that should it progress to Committee Stage.

The Department already has the power to reduce the speed limit to 20 mph, but that power is normally exercised on a zonal basis. One of the key elements of the zonal approach is the support of residents in the zonal area. This has been integral to driving through 20 mph initiatives in the likes of Edinburgh, Portsmouth and Bristol and in the 500 or more 20 mph zones currently in Northern Ireland.

In briefing papers that it provided, Sustrans welcomed Edinburgh's approach to 20 mph speed limits in residential areas and acknowledged that that had been done zonally, rather than by default. Key to the success in Edinburgh was the garnering of public support for the pilot schemes. The Department's pilot schemes have shown that not everyone is in favour of the 20 mph zones. Three out of the four completed pilots run by the Department received objections — namely, Belfast city

centre, Merville Garden Village and Ballymena — and cannot be progressed until the objections are resolved or set aside. In addition, there were only 44 responses to Mr McDevitt's consultation, and those are unlikely to be a representative geographic or demographic sample. Therefore, we need to have a wider consultation, and I hope that we will when the Bill gets to Committee Stage.

Among the other comments and concerns that the Committee will need to explore is the statement in the DOE's road safety strategy 2020 that, in 2007, 79% of fatalities caused by speeding happened in rural areas. The Bill as drafted does not cover any rural areas, so Members may wish to explore that particular aspect.

Of course, a number of references have been made to the enforcement of the schemes. Without the possibility of better enforcement, they will not succeed.

In conclusion, the Committee feels that the principal objective of the Bill — reducing the number of fatalities — is a worthy one. However, it will require a great deal of more detailed information on how that might successfully be achieved.

If you allow me, Mr Principal Deputy Speaker, I will now speak in my capacity as a DUP Member. I want to put it on record that Mr Ramsey afforded me the opportunity yesterday to meet him, but, unfortunately, time did not permit that. I would have been interested in meeting him because it would have been fair to do so. We had only a brief discussion in the corridor on the Bill.

I will not be opposing the passage of the Bill to Committee Stage. Hopefully, my colleagues on these Benches will also support it so that we can see what improvements can be made to the Bill.

As elected representatives, we have all been involved in discussions in our various areas on speed ramps and in calling for better enforcement of speed limits by the PSNI. It is interesting that Mr Ramsey said that, with the police, he was "pushing an open door". However, where the PSNI is involved, it has been a revolving door, as whomever you speak to is here today and gone tomorrow. As a representative of South Antrim, where there have unfortunately been many incidents and many fatalities, I find that, when you speak to them, it is difficult to get the police to carry out enforcement. The Member is right. Whatever the speed limit, should it be 30 mph, 40 mph or,



indeed, 20 mph, enforcement falls to the PSNI. If enforcement were carried out in a proper manner at present, there would not be such a requirement to reduce speed limits to 20 mph.

Reference was made to how much it will cost to implement the Bill. Mr Ramsey has changed the face of what he is suggesting. Perhaps the Minister will see fit to give us an indication of the cost. It will be interesting to find that out. I agree wholeheartedly with the Member's comment that one death is one too many. However, 2014 has recently ended, a year that saw the highest number of road deaths in many years. There has been no change in different areas as a result of those figures, and that is not because of higher speed limits; rather, it comes down to driver habit, and that is what I am most afraid of. In my area, we lobbied DRD officials, and they succumbed to pressure from public representatives to put in traffic calming measures. Where evidence of a high rate of violations was gathered by officials, traffic calming measures were introduced, yet one car was detected as travelling at twice the speed limit after measures had been put in place. That is one of the things that surprised me most. Therefore, we can put in place traffic calming measures and 20 mph zones, but, if we do not change driver habits, none of it will have any effect.

I take the Member's point about going into schools. He will meet no opposition from me on that. It is disappointing that DRD, or else DOE, has reduced its road safety budget. That is ill-judged. The more education that goes into our schools, the better. It is important to try to educate young people before they get behind the wheel of a vehicle.

I noticed an intervention or two from the Member's colleague on the Back Benches Mr Dallat. Let me remind Mr Dallat that, when he goes over the bridge heading from here to the M3, a 50 mph limit applies. On many nights, Mr Dallat goes past me, and you would not see him for dust. Maybe if this were to go into these zonal areas, Mr Dallat would need some sort of device on his car to get him to reduce his speed to 20 mph. I was not joking; that is true, but, on a more serious note, we cannot get away from the fact that far too many people are losing their life on the roads.

The only other thing that concerns me about this Bill is that we are focusing on urban areas. The highest number of deaths on our roads have been in rural areas, and, as someone who represents a rural constituency, I would not like to see a position where, although the highest number of deaths have occurred in rural areas,

we are trying to address an issue that is urban-centric.

#### 4.00 pm

**Mr McKay:** I support the legislation before us, and I certainly support ensuring that it goes to Committee Stage. As someone who has brought a private Member's Bill to the House previously and is planning to do so again, I appreciate that a lot of the work goes into it. To the former Member and to Mr Ramsey, I say that it takes a lot of time, work and effort. Thanks also to the staff who are involved in trying to bring this legislation forward. A lot goes on behind the scenes that many in the public do not realise. A number of years ago, I tabled legislation on the carrier bag levy, and the Member for East Antrim opposed that as well. I am sure that he is delighted by its success. The point about that is that the Bill that I brought to Second Stage was completely different from the Bill that came out the other end at Final Stage, but, at the end of the day, the policy objectives were still met.

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

I certainly welcome the approach by the proposer of the Bill that he is open to compromise, and I hope that other parties are open to compromise on this particular issue because it is vital to our communities. It always comes up on the doors of constituents, whether in estates or in rural areas. This Bill is focused on 20 mph zones. It is about urban areas, villages, towns and cities, and I wonder whether there is capacity in this Bill to look at the issue of rural areas. Maybe that is something that we need to look at separately, but there is a problem of people losing their life in rural areas, and those lives are just as important as those of people in our towns and cities. Of course, this kind of proposal will meet resistance from many quarters. As Members said, there was resistance to the smoking ban, to seat belts being made mandatory and even to drink-driving legislation. Of course, all those things were introduced, and, within a couple of years, they became normal practice and acceptable in society.

This particular issue was raised with me two years ago by a constituent in Ballycastle concerning the speed of vehicles in Leyland Farm and Leyland Meadows in the town, and the Minister will be aware of this case. Philip Robinson's daughter Maebh was almost hit by a Volvo estate that was travelling at an excessive speed in this residential area of some 100 homes. He has written at length about the

need for a 20 mph limit in built-up areas and he refers to the fact that we live in a driving culture where 30 mph is considered a minimum speed. He is absolutely right. The first thought that will come into the head of the majority of people and, dare I say, Members when it comes to 20 mph limits is that that is so slow or, "I could not drive that slow or my car will conk out". That is the kind of reaction that you are going to get. People think that 20 mph is such an inconvenience to their daily commute.

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

**Mr McKay:** Yes.

**Mr Wilson:** The Member has cited a specific example, which is not always the best way of deciding what policy should be. Will he agree that, if a Volvo were travelling at excessive speed in a 30 mph limit, it would be likely to travel at excessive speed in a 20 mph limit? If he is using the example that he has given as justification for this Bill, it is a very poor argument.

**Mr McKay:** It is a very good argument because it is proven. The proof has already been put on the Floor that, when speed limits are reduced, even without the environmental measures, the speed ramps and so on, average speeds come down. Therefore, the risks come down as well. We can argue about how much the risk reduces, but it does reduce, and it makes it less likely, to one degree or another, that a child will be hit in a residential area in Ballycastle, Antrim, Carrickfergus or elsewhere in our communities.

When I refer to the natural reaction of commuters and drivers, there is no immediate thought given to the safety of children in residential areas of reducing the number of people killed and seriously injured on our roads. As public representatives, we all know of cases where people have died on our roads; we have all been to the wakes and the funerals again and again. In my view, there is an opportunity to reduce the number of people killed or seriously injured on our roads. It will not deal with the huge problem of people losing their lives on our rural roads, but it will help to reduce the number of adults and children who are hit by cars, vans, buses and lorries in our villages, towns and cities.

The financial, as well as the personal, cost of road deaths is huge. There is a financial cost to the Bill, and the Member has already referred to that. Each death on our roads, in addition to the huge tragedy that it visits upon a family and

a community, costs the economy some £1.7 million. That does not include the cost of the seriously injured. There are police costs, costs for healthcare, drugs, counselling, the Fire Service, insurance, the physical damage and the years of medical care that result from serious injuries. So, when you look at it like that, it is clear that the human cost and the financial cost are greater by not supporting the introduction of measures to reduce speed and to change how people behave on our roads.

The estimated benefit to London from casualty reductions in current 20 mph zones has a value of at least £20 million per year, according to the Assembly there. In our villages and towns, we have many young families of all shapes and sizes. As we know, many families live in homes with no gardens, and there is nowhere for children to play. You can shout at the weans, as we say, all you like about not playing in the street, but they will do it anyway. When your back is turned, they will be out on the road kicking a ball about. Many people who have gardens have not had them fenced off to the road at all. So, it is not right that in cul-de-sacs and estates vehicles can legally drive at 30 mph. It is too great a speed limit and increases the risk of a child losing their life.

**Mr Ó hOisín:** I thank the Member for giving way. Central to the entire argument and to any amendment to the Bill is the definition of what constitutes a residential area and a built-up area, even the differentiation between urban and rural and the definition of through roads in some cases.

**Mr McKay:** Absolutely. The Committee has a great opportunity to delve into those issues in detail because the definition has to be got right. There has to be clarity, and there should not be any opportunity for this to be defined in such a way that the Main Street in Dungiven, for example, would come under a 20 mph zone. There will be, and should be, exceptions for main thoroughfares through towns and settlements.

When we talk of our cul-de-sacs and estates, I think of Bamford Park in my home village of Rasharkin where there has been a campaign to reduce the speed limit to 20 mph. I know the area well, and if you were driving at 30 mph and a child were to slip out between the parked cars, they would not stand a chance. That is not tenable; it needs to change.

We were talking about traffic calming earlier and Transport NI. One of the inconsistencies that angers me is the fact that it has always

been easier to get traffic calming towards the west than it has been in the northern area.

For example, there are road humps all the way through the likes of Ballinascreen and Draperstown, but when it comes to villages and towns in the area that I represent, there is fierce resistance to getting road humps down where they are needed.

**Mr Frew:** I thank the Member for giving way. He raises the example of Dunloy. We have worked in partnership to make roads in Dunloy safer. When we were there on site, Roads Service personnel stated that it was actually safer in their eyes if they extended the 40 mph speed limit and reduced the 30 mph speed limit, if my memory serves me right. You and I could not get our heads round that, but they said that it was factually correct. How does that sit with the Bill?

**Mr McKay:** I thank the Member for his intervention. I did not mention Dunloy specifically; I was thinking of other examples. Certainly, we have all been at site meetings and haggled with Roads Service officials as to what the best solution is. There is a need for greater traffic calming, especially in the estates around places like Dunloy, Broughshane, Glenravel, Ballymena town and so on.

Like I say, the Bill that is before us today needs scrutiny. It needs to go to the Committee and be amended. I think that its proposer recognises that as well. We have to get this right. That is especially true in some of the super-sized residential estates that we now have, where there are hundreds of houses in a single estate, with many branches of avenues, closes and parks. Because they are so large, there is more opportunity for vehicles to speed up and do 30 mph and beyond in those estates. It would take many, many years for Transport NI to introduce all the deterrents that we would like to see in different parts of our constituencies: ramps, mini-roundabouts, etc. A 20 mph limit, in my view, is a deterrent in itself. Yes, there are questions about enforcement and other physical measures to deter, but who here in this House, if they saw a 20 mph limit, would think that they would have to break that limit? No one, I would hope. Even if there were zero enforcement measures, introducing a limit that says that 20 mph is the law will ensure that the average speed of drivers will fall.

The Department for Transport's current guidance in England says that where average speeds are already around 24 mph on roads,

introducing a 20 mph speed limit through signing alone is likely to lead to general compliance with the new speed limit. There will be enforcement. I will allow the Committee to delve into the issue of enforcement in greater detail. I mentioned this to a couple of Members yesterday when we were discussing the Bill: if the police are currently responsible for enforcing the speed limit, which is 30 mph today, on, say, five miles of road in a town, and the speed limit changes to 20 mph on that five miles of road tonight, the police would still have five miles of road on which to enforce the speed limit. The only difference is that they will have to adjust the numbers on their speed cameras. I do not accept that we should not strive to prevent people from getting killed on roads because the police do not have enough resources. That is not a good enough reason to kill this Bill. If there is an issue of resources, we, as elected representatives, should strive to address that.

Injuries are mainly fatal if a pedestrian is hit by a vehicle that is travelling between 30 mph and 40 mph. Pedestrians who are hit at speeds below 30 mph receive mainly survivable injuries. At a traffic speed of 20 mph, the pedestrian survival rate is increased to 97%, and 20mph limits are fast becoming the norm in many parts of Europe. Dublin City Council was the first local authority in Ireland to introduce a 20 mph or 30 kph speed limit, which has been enforced since 2006. This was introduced in the interests of road safety and to make the city centre more attractive to pedestrians and cyclists. The council now plans to extend this scheme beyond the city centre by introducing a default 20 mph or 30 kph speed limit to all residential areas in the city.

There were eight pedestrian fatalities in the Dublin city area between 2003 and 2007, and 224 pedestrians and 77 cyclists were injured. In September 2011, however, Dublin was reported to have the safest roads of any capital city in Europe. The gardaí chief superintendent Aidan Reid, head of the Dublin metropolitan area traffic corps, said that the 30 kph enforcement zone was a success. That was put down to enforcement, the ban on five-axle HGV trucks in the city centre and a huge increase in the volume of cyclists, which was down to the Dublin bike system. If the gardaí chief in Dublin says that it is enforceable in Dublin, I think that the PSNI should be equally capable of enforcing such a proposal in Belfast. Look elsewhere in the island and you will see that Cork county, Cork city, Clare and many other areas are introducing 30 kph zones.

**4.15 pm**

In 2011, the European Parliament adopted a resolution urging local authorities across the European Union to introduce a 20 mph standard speed limit in residential areas. In Portsmouth, the 20 mph scheme has been well supported by local residents and appears to be achieving its primary objectives of reducing vehicle speeds and associated road casualties. Levels of pedestrian, cyclist and public transport usage have all increased there as a result. In London, as I said earlier, there are 400 20 mph zones, and those have reduced fatal and serious casualties by 46%. The number of people who lose their life and are injured reduced by 46%. Manchester City Council announced in 2012 that it will also introduce 20 mph limits. Liverpool also plans to impose 20 mph zones on 70% of its residential roads by 2016. The number of car-related accidents on Newcastle's residential streets in England dropped by more than half in some areas of the city following the council's introduction of 20 mph speed limits. This is happening all over Europe and all over these islands, and we need to make sure that we are not left behind.

British Government research shows that the most effective way of saving lives is to slow traffic, and, in trial areas where speed has been cut to 20 mph, the number of cyclists killed or seriously injured fell by 50% and by 60% among child cyclists. A Norwegian study found that a 10% decrease in the average speed would result in a 37.8% reduction in people losing their lives. The Grundy study, which was published in the British Medical Journal, found that a reduction to a 20 mph limit led to a 40% fall in casualties from collisions over a 20-year period until 2006.

Graz in Austria became the first European city to introduce a 30 kph limit in 1992, which was 23 years ago, and those limits cover approximately 80% of the city's road network. The main aims of the scheme were to improve road safety, reduce pollution and cut noise. The limit is in place on all residential roads, school zones and areas around hospitals, which equates to over 75% of the city's roads. Speed limits of 50 kph, which is 31 mph, remain on the through-roads through the city. They also found that, after two years, the majority of people who were against the proposal had changed their views, and support for the scheme is now widespread in the city. The result of that is that the number and severity of road accidents have been reduced by some 25%. The evidence is overwhelming.

As has been mentioned, what has greatly frustrated me, as a public representative, about my work on road safety over the years is the

thresholds that have to be met in order for works to be done. I remember when we were lobbying for safety barriers on a fast road outside a village in my constituency and beside the road were a number of trees. It was a heavily wooded area and, given the speeds of vehicles and the shape of the road, the risk was very clear. However, it did not meet the threshold in place. A young man was then involved in a car accident in which he lost his life. The threshold was then met. The works were carried out, and there have been no serious accidents there since.

I applaud the fantastic work of Roads Service officials in significantly reducing the numbers of people who have lost their life on our roads over the years. They do over and above what is necessary to reduce the risk on our roads. However, I have absolutely no sympathy for the argument that the speed limit in residential areas should not be reduced from 30 to 20 mph because there are no accident statistics. Fathers, mothers, grandparents — all those living in these areas — see the risk, and the risk is always there because the potential for human error is always there.

According to the latest figures, 162 pedestrians and 42 cyclists were seriously injured on our roads in 2013. Seven pedestrians and four cyclists lost their lives. That is not good enough. A number of countries in Europe are looking at a zero tolerance approach. As much as humanly possible needs to be done to ensure that nobody loses their life on the roads. We are not there yet — far from it.

**Mr Lyttle:** I thank the Member for giving way. Would the Member accept that the debate is about not so much whether we reduce speed to 20 mph on residential roads as what is the most effective way of doing so?

**Mr McKay:** We need to find the most effective way of doing so. There has been much discussion today of environmental zones as opposed to limits. Ideally, we want 20 mph zones to ensure that you do not have people speeding through the area regardless of the speed limit, as the Member for East Antrim argued earlier. But the fact of the matter is that the limit itself does deter people from going over it; it is as simple as that. There will always be people who break the limits regardless of what it is, but setting the limit in law will affect people's behaviour, particularly drivers' behaviour.

The Minister talked of bringing about a cycling revolution. The revolution is not here yet, but this will certainly help it on its way. Making our

roads significantly safer will make it safer for people, especially children, to cycle. At the moment, roads and streets are far from safe and, in some cases, getting less so. Rolling out the 20 mph speed limits on streets where people live is a key part of the cycling revolution to which he refers.

The potential health benefits are huge as well. Recent analysis of cycle deaths in London found that virtually all fatal collisions occurred on roads with a speed limit of 30 mph or higher. Research in London also found that, of pedestrians hit at 40 mph, 90% are killed; of pedestrians hit at 30 mph, 20% are killed; and of pedestrians hit at 20 mph, 3% are killed. Therefore, reducing the speed limit and drivers' speeds towards 20 mph reduces the chances of people being killed on our roads by a huge margin.

The cost of road signage should be weighed up against the many benefits of 20 mph limits, which include boosting walking and cycling, in particular, but also related health and environmental benefits and the reduction in roads casualties. Streets with 20 mph limits have 40% fewer road casualties and the greatest reduction in numbers of young children killed and injured. Default 20 mph limits are also cheaper to implement and can reduce the need to spend on significant new infrastructure. The benefits of 20 mph limits reach far beyond road safety to increased social interaction and physical activity, along with improved air quality and noise levels.

Sustrans research has shown that parents are far more concerned about road safety than so-called stranger danger to their children, and speeding traffic is the most common concern in our communities.

Sustrans make a very important point: all the North will be doing is catching up with elsewhere, where 20 mph zones are already being rolled out.

The Institute of Public Health outlined the potential health benefits arising from the introduction of a 20 mph speed limit in residential areas. It points to increased safety for residents, pedestrians and cyclists. Slower vehicle speeds result in perceived and actual changes to the built environment, which generate opportunities for walking and cycling. Increased physical activity will help to tackle obesity, reduce the risk of chronic conditions, improve cardiovascular health, improve social cohesion among communities, improve mental health and well-being and reduce emissions that contribute to climate change and air and

noise pollution. We have to recognise that the 20's Plenty idea fits well with the public health agenda, not like the nonsense that we have seen from the Tories across the water, such as cutting benefits from people according to their weight. We need to take that seriously.

People want and should be given better choices. A better urban and community environment will make it more likely that people will make healthy choices about their lifestyle. We need to do more to promote the health benefits associated with increased physical activity as part of efforts to reduce overweight and obesity levels and improve mental health and well-being. That is consistent with the Health Department's strategy to tackle obesity, which aims to empower the population to make healthy choices and reduce the level of harm related to overweight and obesity by creating an environment that supports and promotes a physically active lifestyle and a healthy diet. A number of factors can contribute and create barriers to participation in physical activity. Fast vehicle travel is commonly cited as a barrier to walking and cycling. In promoting cycling and encouraging greater uptake, safety remains a key concern. The NI cycling strategy outlines that it will examine the recommendations of the speed management review in Britain and, where appropriate, introduce further measures to reduce traffic speed in the North.

The introduction of 20 mph speed limits in inner south Bristol brought about a 12% increase in cycling and pedestrian activity and a 40% reduction in the number of cycle casualties in the first six months of the speed limits being introduced. Average speed reductions of 1.4 mph to 5.3 mph were reported across a range of roads in the area. Slower vehicle speeds are associated with increased opportunities for walking and cycling. According to the Health Forum in England, the associated benefits of walking and cycling include increased physical activity, encompassing weight reduction, reduced chronic conditions and better cardiovascular health, improved mental health and well-being, better social cohesion in communities and safer areas for children to play. We can see that the evidence speaks for itself.

Clause 1 concerns the speed limit on residential roads. The definition of a residential road has to be watertight; it has to address any possible anomalies. That should be discussed in detail in Committee. Some common sense has been shown in the Bill's memorandum, which states that the Department can apply 30 mph speed limits to residential areas if they are a main thoroughfare, but concerns about the definition

need to be addressed through the Committee's scrutiny.

Clause 7 gives the Department two years to put the changes in place. The question is: how much will it cost? The Committee needs to establish what the projected costs are. Are the projected costs put forward by the Department accurate? Is two years enough? That is the key question that the Committee should consider. There needs to be discussion about what changes can be made at the edges of the Bill, but we would be missing a huge opportunity if the Bill were not to be introduced into law in one form or another.

Last month, Edinburgh's bid to become the first 20 mph city in Scotland moved a step closer when councillors approved a map of 20 mph, 30 mph and 40 mph limits for the city. The council said that it wants to dismiss a number of myths concerning that. Those myths are equally as applicable to here as they are to Scotland. Myth one is that slower speeds will increase congestion. The council does not anticipate any increase in congestion. In fact, research indicates that vehicles flow more smoothly through junctions at slower speeds.

Myth two is that slower speeds will increase emissions and worsen air quality. Research indicates that vehicles flow more smoothly through junctions at slower speeds. Additionally, as a result of reduced acceleration and braking, a 20 mph limit may help to reduce fuel consumption and associated emissions. Some environmental benefit from the change is expected from helping to unlock the potential for walking and cycling, as I mentioned earlier.

#### 4.30 pm

Myth three is that the 20 mph speed limit will not be enforced. The legal speed limit on all roads in Edinburgh is enforced by Police Scotland, which says that this will be no different. Whether a street has a 20 mph, 30 mph or 40 mph speed limit, the police will direct their resources to particular problem areas as they do currently, and drivers caught flouting the limit will face a warning or fine.

Myth four is that 20 mph limits in shopping streets will be bad for businesses. It is considered that businesses will benefit from the increased liveability that slower speeds foster in their area, with more people attracted to spend time in shopping streets where they feel safer and the environment is generally more pleasant. Opinion research carried out in the south Edinburgh pilot area found that residents felt that the new speed limit had had a range of

positive impacts, the most often mentioned being improved safety for children and for walking and cycling.

Myth five is that the city would be covered in speed humps. The new limit will be introduced without traffic calming measures. However, if monitoring finds that speeds remain significantly above 20 mph on certain streets despite signage, speed-reducing measures on the roads concerned will be considered.

Another myth is that signs alone do not lower drivers' speeds. Evidence has shown that sign-only 20 mph speed limits can help to reduce average speeds and improve safety. Evidence from the pilot scheme in south Edinburgh showed similar results: average speed reduced by around 10% to just over 20 mph, and there was a larger fall of about 14% on roads that had higher average speeds before the limit was introduced. Of 1,000 people surveyed in the south Edinburgh pilot area, 79% supported the 20 mph limit and just 4% opposed it.

Roseanne Brennan lost her young son Jake when he was knocked down and killed by a car outside his home on an estate in Kilkenny last June. She is sleeping outside the Dáil in a bid to force the Government to reduce speed limits in housing estates. A couple of days ago, she launched 'Jake's Law' with my party colleague Mary Lou McDonald TD in an effort to reduce the speed limit in residential areas. To lose your son like that and go on and campaign for a law that would prevent another family going through the same trauma is an extremely courageous thing to do, and we should commend the Brennan family for that.

The speed limit in that estate in Kilkenny is 50 kph, which is 30 mph, the same as applies in all our estates and residential areas here. It is too high for areas where our children live and play. Whether it is in the North or the South, it does not matter. We have to protect our children, our families and our communities.

Sinn Féin supports the Bill's principles and objectives and the approach of political parties in the House today. Some may have issues with it, but they are willing to take the Bill to the Regional Development Committee for further consideration and amendment, if necessary. Issues were raised about cost — the cost of the Bill can be counted in pounds and pence; the cost of not implementing it will be measured in lives.

**Mr Lyttle:** I welcome the opportunity to speak on this important Bill. I commend the proposer, Mr Pat Ramsey, for the work that he has

undertaken to bring the Bill to Second Stage, and I acknowledge its initial sponsor, Mr Conall McDevitt, and the work that he did on it.

As an MLA, chair of the Assembly all-party group on cycling and member of the Regional Development Committee, I wholeheartedly support the objectives and principles of the Bill, which I understand to be to increase road safety on residential roads; to reduce collisions, injuries and fatalities on residential roads; and to facilitate an environment that enables active travel in our community. I will, of course, support the Bill's passage to Committee Stage for further scrutiny. However, the Assembly should not confuse robust scrutiny with negativity. Members raised significant concerns today and will want to raise them again at Committee Stage.

It is important that we improve our scrutiny of legislation and absolutely ask the questions that measure whether legislation will achieve what it states it wants to achieve. We need to ask what exactly the Bill is proposing, how it will do that and whether this is the best and most cost-efficient way in which to achieve its objectives — objectives that, I think, everyone in the Assembly gives support to today.

The Bill proposes to make law sign-only 20 mph speed limits on residential roads. It attempts to define "residential road". I would have liked to hear a bit more from the proposer on his definition. The Bill proposes a public information campaign, and I would like to hear more about what that would look like and how much it might cost.

The Bill sets out a power for the Department for Regional Development to exempt certain residential roads. I ask the Minister for Regional Development how many roads are likely to require exemption and how much that might cost. It is important that we look at evidence, as some MLAs have done, to see whether having sign-only 20 mph speed limits on all residential roads is the best and most cost-effective way in which to achieve road safety and active travel.

The World Health Organization states that speed is the single most important contributor to road fatalities. The Department for Transport states that someone hit by a vehicle at 20 mph has a one in 40 chance of being killed, compared with someone hit at 30 mph, who has a one in five chance of being killed. Those are startlingly different statistics that show the improvements that can be made.

I ask the proposer of the Bill and the Minister whether any evidence can be brought to bear to highlight how many injuries and fatalities we have each year on 30 mph roads compared with those on roads on which the Department for Regional Development has piloted sign-only 20 mph speed limits and 20 mph zones. That information would really help us draw out the potential benefits of the law being proposed.

In England, we have seen mostly 20 mph zones, which have indeed led to a reduction in injuries and fatalities among pedestrians and cyclists. In London, 20 mph zones have seen a 41.9% reduction in road casualties and a 51% reduction in child casualties, which is to be welcomed. In Portsmouth, a 20 mph speed limit has reduced road casualties by 22%. In Bristol, a 20 mph speed limit pilot has seen an increase in walking of up to 36% and in cycling of up to 37%. In Hilden in Germany, the introduction of 20 mph speed limits has seen cycling journeys increase by 23%.

The Commission for Integrated Transport stated that 20 mph speed limits have transformed streets:

*"from being noisy, polluted places into vibrant, people centred environments".*

Therefore, there is evidence to suggest that increased road safety and active travel are achieved by having 20 mph speed limits. However, there is also significant evidence to suggest that 20 mph zones can achieve that in greater measure, through speed limits, infrastructure, traffic calming measures and engineering combined.

In order to help our consideration of the proposals, I ask the Minister if it would be possible to take an opportunity today to provide the Assembly with a more detailed update of the outcomes that he has seen being achieved by the around 500 20 mph zones that have already been implemented by the Department for Regional Development in comparison with the five 20 mph sign-only speed limit areas he has piloted.

**Mr Lynch:** I thank the Member for giving way. I live in one of those housing estates that has been given 20 mph zones and traffic calming measures. I can say from experience that the traffic has reduced considerably. Would the Member agree?

**Mr Lyttle:** I am not clear if it is a 20 mph sign-only pilot area or a 20 mph zone. I take it from the Member's intervention that he believes that

both measures would contribute to a positive outcome, and I agree.

As I said earlier, we have to ensure that, with limited resources, we achieve our shared belief in the objectives in the most effective way possible. That is why we need to get into the evidence.

The Department for Regional Development's Transport NI speed limits policy guide goes into significant detail in relation to these issues. It states:

*"Drivers are likely to expect and respect lower limits"*

for a number of reasons: road function; road geometry; road environment; road density, and traffic composition. It goes on to state that without effective engineering changes to roads:

*"actual ... speeds are unlikely to be reduced below the new limit."*

It also clearly supports 20 mph speed limits and zones in situations where there is a particular risk to vulnerable road users, especially in residential areas and at schools. It states that there is clear evidence that reducing traffic speeds does indeed reduce collisions and casualties on urban roads with low speeds and that any 1 mph reduction in average speed can reduce collision frequencies by 6%. I think that those are all positive aspects of these proposals.

It states that 20 mph encourages:

*"healthier and more sustainable transport"* including walking and cycling. Again, I think that this is something that the Assembly should give its full support to.

It also states that 20 mph has environmental benefits, particularly because when drivers drive at a steady pace, they save fuel and reduce carbon dioxide emissions as long as they are not using an unusually low gear.

Based on these reasons, the policy encourages 20 mph zones or sign-only limits for residential streets, cities, towns, streets where pedestrian and cyclist movements are high, schools, shops, markets and playgrounds, and where they are not part of a major route.

It goes on to state that 20 mph zones reduce speed more than sign-only 20 mph limits, and that zones make up more than 90% of all 20 mph schemes in England.

I think the policy supports both types of 20 mph provision but is moving towards suggesting that the evidence shows that the package of measures is the most effective way of achieving the objectives we all wish to achieve.

The DRD Transport NI head of engineering services gave evidence to the Regional Development Committee — before my time on the Committee — and had helpful contributions to make. He said clearly:

*"speed limits should be set as part of a package with other measures to manage vehicle speeds and improve road safety".*

He also said clearly that a:

*"blanket approach ... to establish a mandatory, enforceable 20 mph speed limit on all unclassified ... roads will impose the limit without seeking support from those affected in any particular location".*

He also said:

*"It is important to note the difference between what we term a 20 mph zone and a 20 mph limit. In our terminology, a 20 mph zone uses physical measures such as humps, chicanes and gateway features to achieve speed reduction. The 20 mph limits use traffic regulation orders, signified by the use of 20 mph signs."*

#### 4.45 pm

He went on to look at research from the Transport Research Laboratory, which provides evidence to show that, whilst both approaches can bring about speed reductions, the 20 mph zone is the more effective of the two measures.

He also touched on PSNI cooperation with these approaches, saying that the PSNI was encouraged to support 20 mph sign-only speed limit pilots on the basis that there was no significant expectation of enforcement. The 20 mph zones are significantly more self-enforcing, reducing speed limits by around 9 mph, compared with the 1 mph of the sign-only streets. He also stated clearly that the Department for Regional Development did not necessarily need legislation to introduce a 20 mph speed limit in any street and was reluctant to adopt a blanket approach as opposed to a more targeted one.

Whilst I accept that Members are committed to looking at improving and changing the Bill at Committee Stage, which the proposer



acknowledged that he is open to, I think that there is a fundamental concern. In essence, at its core, the Bill proposes a blanket approach. Once we get into amending it, I think that there will be a debate about whether the tools that we need to achieve some of these objectives are already available to the Department. We need to look more at how we ensure that those tools are being used as actively and robustly as possible to deliver what we want to see achieved.

The contributor to the Committee from the Department for Regional Development also said that, rather than having a blanket scheme, the Department's approach would be to test 20 mph sign-only streets and to increase their introduction through current legislation on a targeted basis. The responsible legislator in me wants to make sure that we are putting in place legislation that will achieve actual outcomes. If we are to take that approach, having only five 20 mph sign-only street pilots is quite a low provision from the Department for Regional Development, given its aspiration to deliver a cycling revolution. I would like to hear from the Minister about whether, given that he has the powers and tools already available to him to do this, he thinks that it is possible for him to significantly increase the provision that we have seen to date.

The Regional Development Committee also heard evidence from PSNI Chief Inspector Diane Pennington, who stated clearly that:

*"although the police welcome any move or any change that has the intention and the effect of reducing casualties on our roads, we are slightly concerned about the blanket approach proposed in the Bill to do it on all unclassified roads."*

We need to heed those concerns and to take them into consideration at Committee Stage.

There has been debate about the costs; there has been some dismissal of them, but we have to consider them. It is my understanding that DRD traffic calming for greater Belfast from 2007 to 2010 was around £500,000 per year. As a comparator, it is my understanding that around 400 kilometres of 20 mph sign-only streets in Portsmouth cost in the region of £573,000. My understanding is that there are around 4,300 kilometres of unclassified roads in Northern Ireland. An extrapolation of that would lead to sign only costing in the region of £6 million. I know that we heard quotes of £25 million to £30 million, but I think that for sign only, it would be more like an estimation of £6 million. That is still a significant amount of

money and does not include the package of measures that so many people say we need to truly achieve the objectives that we want.

We can compare that with the £1 million per year that the Department for Regional Development and the Public Health Agency invest in the active schools travel programme. That delivers exceptional on-road cycle training for our young people and infrastructure improvements around schools. We have to acknowledge that the Minister has an extremely tight budget. I have not heard too many people today making any particular proposals as to where the extra £500,000 per year — £6 million in total — is going to come from. Perhaps the Minister can advise on that. We need to be realistic: we will have to allocate budget to achieve what is being proposed.

Other Members have touched on the significant support that exists for the proposal, which is true. A Sustrans opinion survey found that 70% of respondents supported a limit of 20 mph on residential roads. A Department for Transport poll found that 73% of respondents were in favour of 20 mph speed limits but that the priority, if necessary, should be areas where children travel or play, such as around schools. There has also been a NISRA/DOE road safety monitor 2014 survey, which found slightly different results in that 63% of non-drivers supported the proposal compared with 47% of drivers, 55% of people living in built-up areas and 44% of rural dwellers. That survey also found that 70% of people were in favour of the proposal of 20 mph speed limits outside schools. So there is significant support, and the proposals would contribute to key Programme for Government targets in relation to encouraging active travel, particularly to schools, and the Northern Ireland road safety strategy, which has a clear commitment to considering 20 mph speed limits for cycling encouragement and to improve cycling infrastructure.

In conclusion, if, on further scrutiny, we find that the proposals will reduce speed limits on residential roads, ensure fewer accidents and fatalities and encourage more people to walk and cycle for everyday journeys, thus improving our environment and public health, the Bill will indeed have the support of the Assembly. We need to take heed of what the evidence shows as being the best way of achieving those objectives in the most cost-effective way.

**Mr Elliott:** Firstly, I apologise to the proposer of the Bill, Mr Ramsey, for not being here for his deliberations due to Committee business. I know the principles behind it, and hopefully it

will make some progress, particularly to the Committee, where a number of people have indicated they would like to see it given significant scrutiny.

I listened to Mr Lyttle indicating that quite a lot of the proposals in the Bill are already in place and that it was just a case of implementing them. At least, that is what I took from some of what Mr Lyttle said. To be fair, I would be surprised if there was anyone here who would not want to put in place measures that would help to save lives and make our roads safer. That is one of the key aspects of it. However, it cannot be carried out in isolation. Many good traffic calming measures have been put in place over the years, and this may be another tool in the box, but we need to be extremely careful about how it is implemented. The one significant aspect that I have not heard mentioned is driver attitude and the attitudes of people on the roads. One of the key issues is changing the practical attitudes of people and how they respect other road users, whether they are drivers, pedestrians or cyclists.

I have heard a strong case being made by Mr McKay and Mr Lyttle that the Bill will improve the use of our areas for cyclists and pedestrians. However, I am not so sure that the Bill will create huge areas of 20 mph speed limits. That is not the idea behind the Bill; the idea is to protect residential areas. We need to be careful that it is not just something that will help bring more pedestrians and cyclists onto the road in itself. It may contribute to that, but it will not do that on its own.

We have heard quite a lot of statistics here today. I will not rehash some of those, but it is clear that there is quite a lot of research in the area. I re-emphasise that I do not think that that research is based solely on the issue of reducing speed limits to 20 mph.

I talked about driver attitudes, and we need to be quite clear that, just because a speed limit is 30 mph or 20 mph, it does not mean that you have to drive at that speed. The speed limit on quite a lot of the roads that I will travel home on this evening is 60 mph. I would defy anybody in the Chamber to try to drive at 60 mph on those roads. It would not be safe. People need to get it into their mind that, just because there is speed limit, it does not mean that you have to go up to that speed limit. It is the same even if it is 20 mph. There are some areas in which it may not be safe to drive at 20 mph.

If you are to provide any type of traffic calming measures — to a degree, I would include a 20 mph speed limit as a traffic calming measure —

you need community buy-in. The key aspect is getting communities to lead on the areas that they want that speed limit in. There may be some areas in which a 20 mph speed limit may not be appropriate, and it may not be helpful to have it there.

While I support the principle of the Bill — there is no doubt about that — and Mr Ramsey's key points behind it, it needs that scrutiny.

**Mr Frew:** I thank the Member for giving way. I certainly agree with his sentiments. To cite some examples, if you are driving in a residential area, where there is a row of parked cars, it would be madness to drive at 20 mph. Also, if you are coming up to a school at 8.50 am, 9.15 am, 2.00 pm or 3.00 pm, it would be madness to drive at 20 mph. You would want to drive a lot more slowly. It might not be just a case of a blanket ban. It is all about habits and people driving appropriately.

**Mr Elliott:** I thank the Member for that. He makes a good point, particularly about schools. When children are getting out of or are going to school, it would not be appropriate to drive at 30 mph or even 20 mph. On the other side — I will only make a short point on this aspect — there are restrictions on HGV vehicles travelling on A-class roads, which, I think, might be 40 mph. It is not always safe for those vehicles to be driven on those roads at 40 mph. I have seen tailbacks of maybe 10 or 12 vehicles on the A4 when HGVs are being driven at 40 mph and the other vehicles cannot overtake. They almost take a chance to overtake in places that are dangerous, whereas they would not be tempted to do that if the HGVs were being driven at 50 mph. It is all about proportion, being responsible and driving to the speed that is safe at the time.

I go back to the issue of community buy-in. I do not know whether the sponsor of the Bill has looked at the potential of an opt-in system, whereby there is huge community support for 20 mph speed restrictions in that area.

The aspects on which the Committee could do significant scrutiny that have been mentioned are the costings and definitions. Those two aspects are critical to the proposals and to the Bill. I look forward to the Committee carrying out that scrutiny because it is vital. It is important that it goes through a wide range of exploratory measures and gathers the information and evidence that is out there, to collate good proposals and maybe make some amendments to the Bill that can help it in many ways. We want to ensure that the Bill is not looked at negatively. We want it to be looked at

positively, and any proposals or amendments should also be positive.

Community buy-in and partnership has been central to developments in the past. Mr McKay, in particular, highlighted some areas in mainland GB where some good proposals had been put in place. I know that one of those is Cambridge, which is often held up as a real success story of community buy-in and proposals that have been done in partnership with the community. That did not just happen overnight. Those 20 mph limits were not put in place overnight. Pilot areas were developed, which were expanded over time to cover the majority and then all of the city. That is an important aspect and one that I would like to see explored more.

### 5.00 pm

Apologies for referring to Mr McKay again, but he mentioned areas further west, such as Draperstown. Mr McKay, just to make you aware, in Northern Ireland, there are areas that are much further west than Draperstown, especially over in Fermanagh. Mr Lynch referred to a good example in his area, but we have good examples even further west in Northern Ireland as well.

I support the principle of the Bill and look forward to more scrutiny. We will see where that takes us.

**Mr Easton:** I believe that the Road Traffic (Speed Limits) Bill has been brought forward by Mr Ramsey with the very best of intentions. There is no doubt that all of us in the House want to see safety on our roads improved to save lives or have one less person injured on our roads. That is what makes this a worthwhile cause to consider.

Research from the Department for Transport shows that, if a pedestrian is hit by a vehicle travelling at 20 mph, there is a 2.15% chance, or a one in 40 chance, of them being killed, or a 97.5% chance of them actually surviving. Compare that with a pedestrian hit by a car travelling at 30 mph. There is a 20% chance, or one in five chance, of them being killed, or an 80% chance of survival. That represents a 17% better chance of survival by reducing the speed limit from 30 mph to 20 mph and is why the Bill is worthy of discussion and being taken very seriously. However, we need to take a closer look at the practicalities of being able to take a blanket 20 mph approach across all 30 mph roads in Northern Ireland.

What do DRD and the PSNI have to say about it at this stage? When taking evidence at the Regional Development Committee from Chief Inspector Pennington, there was acknowledgement that there was concern about the blanket approach proposed in the Bill for all roads. The PSNI said that it would prefer that the model was a bottom-up approach coming from demand from the community, primarily in residential areas. PSNI surveys seemed to suggest that drivers in those areas tend to drive closer to a 20 mph speed limit than a 30 mph speed limit. I acknowledge that Mr Ramsey has said that he is going to look at the blanket approach and maybe curtail it.

Another area of concern from the PSNI was the ability to enforce such speed limits. Comments made by the PSNI were that it is seen as "excessive and over the top" and a challenge to enforce. That begs the question that, if this cannot be enforced across the whole of Northern Ireland, is a blanket 20 mph speed limit the answer, or should we consider the PSNI's preferred option of community buy-in? However, I agree with comments made earlier that, if the PSNI can enforce the 30 mph speed limit, why can it not enforce the 20 mph speed limit, if you are swapping one for the other? That is something that we need to examine.

In evidence from DRD, the issue of cost was raised, with a view that it could be anything from £6 million to £26 million, depending on what level it was implemented at and the different types of measures that would need to be put in place. DRD's preferred approach would be to enable the introduction of reduced speed limits but not impose them. There are questions around that as well.

The question that needs to be asked is this: why was there such a lukewarm response from the PSNI at the Committee? I accept what you are saying, by the way, but they were a bit less welcoming when speaking to us, especially over being able to enforce it. Maybe, Mr Ramsey, you will look at that for us, as well as at DRD's approach of introducing but not enforcing it, which was another issue of concern.

Obviously, the cost implications are an issue. Where is DRD going to get this money? Maybe the Minister will tell us when he gets up to speak, because I know that money is tight. If we go for the £6 million approach, where will you get that money? If you go for the full approach, where will you get £26 million? It has certainly been a struggle in recent Budgets. This is a big issue that we need to look at.

I stress to Mr Ramsey that I am not knocking his Bill; I am taking it very seriously. There are issues. Saving lives and preventing injury is very important. We all agree with that, which is why we need to consider the Bill seriously before we reach a conclusion. I am looking forward to the Bill coming to the Committee so that we can scrutinise it well.

**Mr Dallat:** To my mind, the contributions to the debate in the afternoon have been a great deal more positive than those made earlier, and I am grateful for that. I single out Mr Tom Elliott, who said that, if there are to be amendments to the Bill, let them be done in a positive way. That is the right approach. He also mentioned attitudes. I know that he was not present when my colleague Alban Maginness spoke at length about attitudes.

Let me begin by thanking Pat Ramsey for putting in the time to bring forward the Bill. I know that, due to personal circumstances, it is very important to him. There are probably other Members who, due to their personal circumstances, know just how important the issue is.

As a former teacher who has worked in Donegal and Kilrea, images are etched in my mind for life of young people who needlessly lost their lives because of speed and in circumstances very close to their homes. In one case in Donegal, two little brothers lost their lives together. It is a serious subject, and I know that everyone in the Assembly will take it seriously.

I totally forgive the Chairman of the Regional Development Committee, who accused me of speeding on the M3. I am not taking him off my Christmas list for that; I know that the comment was light-hearted, and I accept it as such. Nevertheless, I do deny it.

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

**Mr Dallat:** Well —

**Mr Wilson:** Is it true?

**Mr Dallat:** Mr Wilson, if you had come along on your motorbike, you might have been able to check it out.

The history of transport is fascinating. Young people really enjoy it, and I am glad that it is increasingly taught in schools. The story begins, of course, with the red flag Act, when someone walked in front of a steam engine and did not allow it to travel at more than 4 mph.

We are talking about 20 mph, so perhaps we can consider that.

Any Act worth its salt will work when people are convinced that it is valuable and good. I know that 13 million people in the neighbouring island of Britain are already signed up to 20's Plenty-type schemes. The beauty about those schemes is that they are done by agreement. Edinburgh was mentioned. There are 20's Plenty schemes in Glasgow, where my daughter, Helena, lives. I have deliberately walked around them. You experience a sense of freedom in those areas. It was clear to me that motorists respected the wishes of the local community. The road signs, whatever their cost, were a symbol of agreement in the community that people did not want motorists speeding through their neighbourhoods.

The fact that we are discussing the Bill at its Second Stage will help to develop in people's minds a positive attitude towards what we are trying to achieve.

I do not want to repeat this, but, as I said earlier, millions of pounds and the energy of world leaders brought us to a situation of peace. Surely the fact that more people were killed on the roads during that awful period is an indication that we should be prepared to invest in road safety. We need to be mindful that, in recent times, fatal accidents have been on the increase again. Sometimes, I think that we get a false sense of belief that we are really improving. Dare I suggest that one of the reasons why people are not killed as often now is the vastly increased safety of the cars that we drive, which we tend to overlook?

Some time ago, I attended a cross-community service in the cathedral in Newry. It was an opportunity to see at first hand the grief of families who were absolutely broken by people who had killed their loved ones on the roads.

Today is one small step. As the day developed, it became clear to me that we are taking this seriously. It is a rare occasion when we can dispense with party labels, forget about the general election coming up and focus on something that might well allow the Assembly to be remembered for something positive.

Yes, there has to be enforcement, and I encourage people to research how the French Government tackled the problem. The number of people being killed on the roads there was absolutely disgusting, and the French Government were ruthless in what they did, but, at the end of the day, they dramatically decreased the number of deaths. Scandinavian

countries have done it well and perhaps not so ruthlessly. Nevertheless, they have done it in such a way that the motorist understands that it is a privilege and not a right to be on the road. Where should that right be respected and honoured more than in our neighbourhoods and where our children are? Of course, remember the elderly people who are slow at crossing roads, and they, too, need to be kept in mind.

In conclusion, I thank Pat again, not because he is a member of the SDLP but because he is somebody who genuinely cares about a problem that is on our doorstep and is prepared to do something about it. By all means, Members, wherever amendments are needed or whatever you think necessary, do it, but I urge everyone in the Assembly to approach it, as Tom Elliott said, in a positive way, not in a way that might influence people not to take it seriously. This is one of the most serious subjects that the Assembly could ever discuss. I wish everyone well with their future contributions on this most important subject.

**Mr Wilson:** First, I have absolutely no doubt about the sincerity and motivation of the Member who proposed the Bill. Indeed, I remember how, when I was Environment Minister, he used to plague me with road safety issues. He was not always right. In fact, I remember that when we were deciding to stop funding the Road Safety Council, he predicted all kinds of carnage on the roads and all kinds of consequences of going down that route. It did not come to pass. Nevertheless, the one thing that I know is that, in the representations that he made, he genuinely believed that it was an issue that had to be dealt with seriously. Having said that, I have to add that we do not judge legislation on the passion that someone demonstrates when bringing it forward or the sincerity that is displayed. We have to judge legislation on whether it will achieve the objectives that are set out in it, how it will affect other issues and whether it is competent.

### 5.15 pm

I know that this is not necessarily the Member's legislation. It was initiated by the former Member for South Belfast, who left the Assembly at a rate much faster than 20 mph. In fact, I think that he left it at about 100 mph. Nevertheless, Mr Ramsey inherited the Bill. However, it is deeply flawed legislation. Some of my colleagues have been a bit more gracious than I would be on the issue, saying that they are at least prepared to take it to Committee Stage, where it will be changed, altered, reconstructed or whatever other terminology

has been used. I suspect that I will be in a minority in the Chamber, perhaps even in a minority of one, but my personal view is that the Bill is so flawed that it should probably have been strangled at birth. I say that not because I do not have concerns about road safety. In fact, I probably find that —

**Mr Dallat:** On a point of order, Mr Deputy Speaker. Is it appropriate to use a term such as "strangled at birth" in a debate on such a serious subject as road safety?

**Mr Deputy Speaker (Mr Beggs):** I will allow Mr Wilson to continue, but Mr Dallat's views have been expressed and are recorded in Hansard. The remark was made in the cut and thrust of debate.

**Mr Wilson:** If the Member is going to take exception to such a mild remark, I fear what he will think of some of the other things that I want to say later on about the Bill. He need not become all sanctimonious, as SDLP Members tend to do when they find that some of the things that they bring forward are either plainly stupid or do not measure up to proper scrutiny. That is the typical tactic from SDLP Members. It does not matter whether you are talking about the Budget or welfare reform: they get all sanctimonious on you, and you are not allowed to speak your mind on particular things.

Let me say that road safety issues, be they difficulties and dangers outside schools, in estates or in residential areas, are brought to me continually by constituents. In fact, I suspect that, if the Minister were to ask Roads Service officials in my area about the number of times, even within the past three months, that I have had them out on-site looking at road safety issues, he would find that I am probably one of the most prolific Members in the constituency at raising such issues. I know the importance of the issues to constituents, but the one thing that I do not believe it is right for a public representative to do is to bring forward legislation that is not going to be effective.

Let us look at the legislation on the basis of what we have heard so far from its proposer. We have no firm evidence that the Bill will achieve the objectives that it is designed to achieve. The proposer is not even clear about what kinds of roads he wants to see covered. In fact, he did not even know the extent of the roads that would be covered. He had no idea of the cost. We have had contradictory evidence as to the period over which the legislation would be introduced. On the one hand, his Bill proposes a massive advertising

campaign, designed to tell people that, if you are driving through a residential area that has not been defined, the speed limit is 20 mph. On the other hand, we are told that that might not happen for more than two years, for six years or for as long as it takes to spread about the cost.

The other thing, of course, is that it does not actually address the main issue. We have had contradictory evidence. Mr Lyttle gave some figures that were slightly higher than the figures that were given by the proposer of the Bill, and do not forget that all of the conversation so far has been about the impact on pedestrians and cyclists. Mr Ramsey suggested that five pedestrians were killed, and Mr Lyttle has suggested that seven pedestrians were killed. We do not know whether they were all killed within areas where there is currently a 30 mph limit, a 40 mph limit or a limit above 40 mph. We do not have those figures.

**Mr Agnew:** I thank the Member for giving way. Maybe he is getting to this, but he has made the sweeping statement that this Bill will not work and will not do what it seeks to achieve. Various pieces of evidence have been presented to the contrary to show that, where 20 mph speed limits have been introduced, they have reduced accidents and reduced deaths. Indeed, evidence has shown that hitting someone at 20 mph is significantly less likely to kill them than hitting them at 30 mph. Is he going to get to the point where he introduces the evidence that this Bill will not work, now that he has stated it so absolutely and so clearly?

**Mr Wilson:** Absolutely, I am indeed, if he has some patience. I was going to suggest, actually, that this Bill is so flawed that it probably sits beside the kind of manifesto that is put forward by his party. It does not go quite as far as wanting to ban people from eating bacon on a Monday to save the planet or not advertising for holidays that involve flying Spain in case you bring the Mediterranean to Northern Ireland through climate change.

**Mr Kennedy (The Minister for Regional Development):** You taught him.

**Mr Wilson:** I know. I have been reminded on many occasions that he was one of my pupils, but not all of my pupils were successes in life, unfortunately, and we have to live with the consequences. *[Laughter.]* Unfortunately, it has come to haunt me in this Chamber.

I want to come to the evidence, but I want to point out that, first, I believe that the Bill is flawed. Secondly, there are arguments for

saying that, in some places, the speed limit ought to be reduced. I think that Mr Elliott made a really important point: the speed limit does not indicate the speed at which you must drive. I, too, have got some roads around where I live where the 60 mph limit is not appropriate, as I have found out on occasions when I have tried to abide by what I thought was the minimum speed limit but which was the maximum speed limit. Mind you, I do try to drive at the speed limit on them because I feel obliged on occasions.

The whole point is that we might think that we will solve this problem by simply saying to drivers, "There is a big round sign with a figure inside it", and think that, once we have put that up, we have solved the problem. However, drivers have to use sense. I know that, at times, it is not appropriate for me to drive at 20 mph in certain places, and you slow down to a lower speed. On other occasions, of course, it is appropriate. I think that an awful lot of driver experience has to be applied here.

When it comes to the issue of the speed limits, as Mr Lyttle has pointed out, the Minister for Regional Development already has the ability, where it is believed that there should be a lower limit imposed, for example, where there are community demands or where accident statistics and evidence are produced to show that —

**Mr Deputy Speaker (Mr Beggs):** Can I ask the Member to draw his microphone towards him so that what he is saying is picked up?

**Mr Wilson:** Where there is evidence that the current speed limit is not appropriate, the Minister for Regional Development has the power to reduce that.

**Mr Lyttle:** I thank the Member for giving way. Will he also acknowledge that I also said that it may be questionable as to whether the Department and the Minister are using that power enough currently?

**Mr Wilson:** That is an issue not for legislation but for public representatives to press officials. If the power is available to them and if there is a clear case that the power should be used to have that power exercised, it does not mean that we go for one-size-fits-all legislation where thousands of miles of road will have a limit imposed on them that may not necessarily be the kind of limit that is required. It is another reason why I really cannot understand where the Bill is coming from. If the Minister did not have the power to do it, I could understand why

we needed to introduce legislation; however, if the Department has the power already, let it be applied in a particular way.

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

**Mr Wilson:** Yes, I will give way.

**Mr Poots:** Would it not be better if the proposed legislation was more comprehensive and looked at speed limits in general? While there is an acceptance that, in certain places, speed limits should be reduced, it is also reasonable to look at where you could raise speed limits. There is a perception that motorists are bad for the environment, so we will impose all sorts of taxes and new rules on them, here, there and everywhere, often willy-nilly.

I was in Germany two years ago, and was there again last year, where there are excellent road safety standards, but there is no speed limit on the motorways. When you come to the built-up junctions, there is a speed limit that people observe, and it works extremely well. If you go to England, you have a speed limit that is not applied. The police do not apply the speed limit; they allow the traffic to flow perhaps at 80 mph or more, but they do not pull people in for driving at those speeds. Should we not look at speed limits in a more comprehensive way?

My constituency is both urban and rural, and many people spend an awful lot of time in their cars. If some people had their way here today, they would spend an awful lot more time in their cars rather than doing other things in life. We do not need to punish the motorist continually. We need to ensure that if we introduce measures to reduce speed limits to apply road safety, we also look at other areas where we will not impact on road safety, but we could raise speed limits and do that in a very safe way.

**Mr Wilson:** The Committee might wish to consider that, as, I suspect, the Bill will go to the Committee anyhow. Are there inappropriate limits at the other end of the scale? The Member for North Down asked me what evidence I have that the legislation would not necessarily be effective. I must say that I am always wary about statistics because I know that, just as Members who have made the case for the Bill can abuse or be selective with statistics, I could be accused of doing exactly the same. For example, when Mr Ramsey was speaking about the evidence, he quoted from London. What he did not point out, though it has been pointed out to him by a number of

Members since, is that the evidence from London was not based on the terms of his Bill; it was based on areas that were zoned, so there were other issues that accompanied the imposition of the 20 mph speed limit, such as traffic calming measures, narrowing of roads, chicanes and all the other things that roads agencies do. The Bill is simply about sticking up 20 mph signs when you enter those zones.

The evidence is comprehensive because it was carried out in Portsmouth a year after, so that people had time to get used to the changes in Portsmouth. The evidence that was produced there indicated that rather than speeds being reduced by a significant amount, average speeds were only changed by 0.9 mph. Rather than a reduction in the number of people who were either killed or seriously injured, that number went up by 2%. This was not some snap survey; it was carried out over a period of the year at, I think, 129 locations. It looked at the statistics for the whole area that was covered by the changes in Portsmouth. If we are looking for evidence on this, it would appear to be that where you have got only 20 mph limits being imposed and signage being put up for it, it will not be effective.

### 5.30 pm

You have then got to ask, first, whether you raise false hopes; secondly, whether it is worth the disruption; and, thirdly, whether it is worth the cost. Before we get into the cost of one death and that we should not tolerate one death on the roads, if that were the case, even on Mr Ramsey's own statistics, we would ban cars altogether because at 20 mph, you still have a 3% chance of being killed. Do those 3% of people not matter? Where do you draw the line? Do we go back to the point that Mr Dallat referred to, where we get people walking in front of cars with a red flag to cut down the danger of being killed? If we are going to look at this in a serious way, we have got to get behind the rhetoric and the emotion and ask ourselves some of these serious questions.

All kinds of claims have of course been made about the impact that this will have. Mr Ramsey talked about tourists happily sailing around the countryside and through the towns on pushbikes. Mr McKay talked about children playing football in the street, liberated from the fear and worry of being knocked down. Elderly people will walk with great assurance around town centres, knowing that they will not be run over. I have got to say that if that is what this is being sold on, it does not even marry up with what is in the Bill. According to the Bill, the very areas that tourists would want to go around will

not be covered. They are through routes, town centres and main thoroughfares. They will be excluded.

The reason why children do not play in the street and parents do not feel that children are safe to play in the street is not just because of the through traffic. I know that when constituents come to me, it is about the number of houses that were built in housing estates, especially in the 1960s and 1970s, when car ownership was not as prevalent and off-street car parking was not available. Where houses used to have no cars, they have now got two cars. It is the danger of children playing between parked cars. If you jump out from between parked cars and somebody comes down at 20 mph as opposed to 30 mph, you still have not got a chance. Let us not pretend that this legislation will result in children's happily being able to skip around the streets of our estates. It will not do that. Let us not sell it on that particular basis.

That brings me to the point about the definition of a residential street. In the legislation, it is where you have street lamps that are placed at 185 metres apart and the road has not been classified. Maybe the Minister, when he is summing up in his speech on this, will give us some practical examples of streets which are deemed to be not classified and the extent of the roads that will be covered by this particular situation.

Let me give you a couple of examples within walking distance of where we are today. There is the primary school down the Belmont Road. There are houses on either side of the road. The residential areas are not off the road but on it. Are we saying that that road would be covered by a 20 mph limit? Or would it be regarded as a classified road and therefore the very fear that people have, namely that children in a school are at risk, would not be covered?

I think of the village of Glynn, which you and I are both familiar with. There are houses on either side of the road there. That busy road through the village carries heavy traffic from Larne port down into Belfast. Would that be regarded as a classified road or a non-classified road? A Bill like this would certainly raise expectations that, in an area where there is not even a footpath outside some of the houses, people there might feel safer after this. I suspect that that road would not be covered by the Bill, because it is part of the A2 and therefore would not fall under this, yet there is a school on it and houses facing right out onto it with no footpath. If we are really selling this as a way of making it safer for people, let us be

quite clear that the Bill is doing the job that it is designed to do. I do not believe that it is, and that is one of the reasons why I am particularly critical of it.

We come to the costs. I know that the Member has dismissed the costs of this. I do not want to sound cold and calculating about this, but, with all public policy, the cost has to be measured against the benefits that are obtained from it. In the part of Portsmouth that was covered, it cost just over half a million pounds just to put the signage up. Mr Ramsey is suggesting that, in light of the discussion that we have had and some of the points that people have made, he is now thinking that we ought to do this in zones, where you do not simply have the signage but have all the infrastructure of putting in traffic calming, to ensure that the figures that he quoted from London can be met. If that is the case, the costs will become significantly higher. Of course, there is another issue in that there might be greater resistance to it. Many constituents make representations to me in support of traffic calming measures, but many constituents say, "It was the worst thing that ever happened. We want those bumps removed because of the vibrations in my house and the noise of traffic bumping over them".

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

**Mr Wilson:** I will, yes.

**Mr Elliott:** I totally understand what the Member is saying about the lobby to get traffic calming measures in place, particularly ramps, and the lobby to get them away. Will the Member accept what I said earlier in that that is why it is vital that there is community buy-in to any project, even the 20 mph limits?

**Mr Wilson:** You are exactly right, and that is the point that I was going to make. How can you get community buy-in if people do not even know what they are buying into? We are not clear about whether the Bill is simply about putting up signs or is about putting up signs, humps, chicanes and all the rest of the paraphernalia that goes along with traffic calming. I suspect that many people might have reservations if that is the road that you want to go down. Other people might welcome it with joy. That is why a Bill needs to be very clear. It has to have support. Mr Ramsey has talked about the widespread support for the Bill.

A Bill that, according to the explanatory note he has provided, got 41 responses — I suspect from the most vociferous of the lobby groups — does not strike me as one that has gained the



imagination of the general public. We therefore need to question that.

For all those reasons — I could make other points, Mr Deputy Speaker — I do not believe that this is a good Bill. I suspect that it will go to Committee, but I hope that, when it does, the points that I have raised will be fully considered. Many motorists will be appalled at the prospect of large areas of Northern Ireland being subjected to 20 mph limits. I hope that we do not finish up with a Bill that for many people might be not a Road Traffic (Speed Limits) Bill but a horse-and-cart Bill. That would be a retrograde step.

**Mr Attwood:** I acknowledge, in his absence, the work of Mr Ramsey, who has incurred both personal and political obligations, and Mr Conall McDevitt, the original sponsor of this legislation. I do not intend to comment further, other than to say that sometimes Mr Wilson's need for theatre results in words coming out of his mouth that would be better kept inside his head. In any case, I also acknowledge earlier private Members' Bills passed by this House: Mr McCallister's Caravans (Northern Ireland) Act 2011 and Mr McKay's Carrier Bags Act (Northern Ireland) 2014. Both Members will confirm that it was in part the weight of the Department behind the Bill that ensured the resolution of many issues at Committee Stage and thereafter before the Bill eventually received Royal Assent and became law in Northern Ireland.

I ask the Minister to confirm that the weight of his Department will be behind this Bill, because there are only 40 weeks left of sitting time in this mandate. Therefore, the passing of the Bill into law during that period, if that is the will of the Assembly, will require — partly, but not very much, for some of the reasons articulated by Mr Wilson on the Floor this afternoon, to which I will return — the weight of the Department and not just the personal and political weight of Mr Ramsey. I ask him this question: will the resources of the Department be fully pledged to ensure that this Bill gets to the far side of Second Stage?

Once upon a time, I was the Environment Minister and, as a consequence, Minister with responsibility for road safety. Some of Mr Wilson's comments would suggest that he is in denial that he also had that responsibility at one time. I remember one occasion when officials came in to see me following a public consultation about the driver training regime. I think that 24 or 25 recommendations had been tested through the public consultation, of which they thought four or five were feasible. I went

home and thought about the recommendations before deciding that I did not agree. As a consequence, we took forward probably half or slightly more than half, if my memory is correct, of the recommendations from the public consultation. My one regret in that regard is that I was not even more radical than taking up that dozen or so recommendations, because I believe that some of the recommendations that I did not take forward at that time I should have taken forward.

**5.45 pm**

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

**Mr Attwood:** I will in a second. I acknowledge the Member who is about to speak because I think that that consultation was initiated by Mr Poots as my predecessor. In that regard, I give way.

**Mr Poots:** The road safety branch of the DOE moves very slowly. I wanted to introduce a new driving test regime because the existing one is not fit for purpose. Mr Elliott, who is now absent, said that a lot of the problems on our roads relate to driver attitude, but we still have a driving test that is largely a manoeuvres test. It does not adequately deal with driver attitude and the risks on the road and it does not adequately ensure that young people are prepared for those risks. It forces young people to drive at 45 mph. I see them on the motorways, and they cause danger to themselves and other road users by driving at 45 mph and sticking rigorously to the law. Change is really needed. I encourage the Member's party to move forward more rapidly on that and to press the road safety division to bring those matters forward.

**Mr Deputy Speaker (Mr Beggs):** I draw Members back to this Bill rather than some other Bills.

**Mr Attwood:** As Mr Poots spoke, the face of his colleague to his left, Mr Wilson, went even more beetroot red than it normally is. Very shortly, the man to the right of Mr Wilson will have an equally red face. Mr Wilson, as I will outline in a minute, tried to oppose the very thing that Mr Poots has argued for. The very thing that Mr Poots has argued for is currently before a Committee of the House.

**Mr Wilson:** I am still opposed to it.

**Mr Attwood:** I will come back to that. I hope that both Members feel suitably embarrassed,

one because he has been contradicted by his colleague and the other because he did not know that a Committee is looking at some proposals that were developed during Mr Poots's time as Environment Minister.

The point of all that is this: I do not know whether Mr Poots or Mr Wilson viewed the road traffic ads when they were produced by the DOE road safety branch in consultation with private consultants, but I did. They used to be shown in a cinema on the Dublin Road. When they were about to be put into the public domain on TV, we used to call in schools to view the new ads. Those ads, which have received multiple international awards because of their quality, tell the story about the threat to people on our roads, the reason why the Bill is before the House and why the Bill has to go before the Regional Development Committee —

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

**Mr Attwood:** I will in a second.

They tell the story of why the Bill is before the Committee in respect of road traffic limits. That narrative, those pictures and that experience — the silence of the schoolchildren when they saw the ads — was at a time when we had declining road deaths. Over two years, there were fewer than 60 road deaths each year in Northern Ireland, which is the lowest in recorded memory. On this island, North and South, we have a spike when it comes to road traffic deaths and serious injuries. In that context, having spoken to a number of the families and victims who were brave enough to tell their story in those advertisements on TV, I think that that is why the Bill has to be given every fair wind.

In passing, I refer to the fact —

**Mr Clarke:** I appreciate the Member giving way on that point. I draw him back to the advertising campaign. I think that most people gave the campaign a fair wind. You recognised that, statistically, there has been an increase in deaths. Many of us know people in our constituencies who have been affected by road deaths through their family or another connection. What alarms me most about the graphic nature of those adverts is the number of people who tell us publicly that they turn over to another channel when they come on. The impact that you are trying to achieve is lost because their graphic nature has the opposite effect — people turn away.

**Mr Attwood:** Ask the people who produce those ads, track the audience response to them and monitor, in public attitude surveys, the response to those ads. There will be those who find the images so graphic and shocking that they turn over, but many will watch and learn. There are many reasons for the improvement in the figures for road deaths and serious injuries, and one of those is the power of adverts to drive home messages into people's minds and hearts. There may be anecdotal evidence that people do not like some of the ads, but there is empirical evidence that the vast majority of the population generally view them as making a necessary impact in their life and one that might result in a necessary change in their driving conditions.

It is reasonable to respond to what Mr Wilson said. All of this is in response to what he said, not that I want to be preoccupied by that, and I do not think that we should be. Nevertheless, I come back to the Bill by making this point: when, eventually, there was a discussion at the Executive table, at which Mr Poots and Mr Wilson were present, about the Road Traffic (Amendment) Bill currently before the Environment Committee, it was Mr Wilson — this is relevant — who made the same arguments as he made today. What was the response of the Executive? I particularly recall the contributions of the First Minister, the deputy First Minister and the Enterprise Minister. The response of the Executive was unanimously, save Mr Wilson, to endorse the policy proposals. That should be our approach today. Whilst we are right to interrogate some of the issues that Mr Wilson raised, we should hear the voice of the Executive in a similar context in order to ensure that this Bill is given the full opportunity that it needs over the next 40 weeks of sitting time.

I make the point, however, that Mr Wilson said that reducing the speed limit from 30 mph to 20 mph would not give anyone hit by a vehicle a chance. Hansard will confirm that he said, "not got a chance". That is Mr Wilson's argument on the Bill: reducing speed by 10 mph does not give anyone a chance. If you speak to any individuals who, rather than going through the courts for a speeding offence undergo retraining through the education course, they will tell you about a film shown about the consequences of reducing speed by 10 mph on the risk of death and serious injury.

I know about that because I was in the audience not so long ago. I was apprehended for speeding, and I can remember the incident very clearly. It was the day that the Hallett report came out, and I was returning to my

family up on the north coast when I decided to pass a vehicle. As I did so, I knew that I was going to pass the speed limit, but I did it anyway and was caught. I opted for the course and I remember that film. I remember, Mr Wilson, the consequences of reducing your speed by 10 mph.

Mr Wilson's contribution, some of which needs to be interrogated by the Committee, was enormously revealing. I do not deny that, if there is an evidence base, you need to interrogate it to come to the right policy conclusion. Mr Ramsey will accept that point, as should we all. This is why these issues should be interrogated by the Committee. One thing that we should not let go is Mr Wilson's comment as a former road safety Minister, senior politician and Member of Parliament. *[Interruption.]* It was shocking — you know where I am going with this.

He said that he found out to his cost when he thought that a speed limit sign was for the minimum speed limit, not the maximum. If that is the case, I am going to ring the police —

**Mr Wilson:** Do you not do facetiousness?

**Mr Attwood:** I am going to ring the police before I leave here to say that they should follow Mr Wilson home, because he must be breaking the speed limit every time between here and Larne, or wherever he lives.

It may have been facetious, but it is not a serious contribution to make in a debate about a deeply serious matter, as outlined by Mr Ramsey in his opening contribution, as, no doubt, he will do again in his closing contribution. It is too serious a matter to be reduced to commentary about somebody being hit by a car at 10 mph less not having a chance of survival. It is too serious a matter to have comments made about signs being for the minimum limit not the maximum limit.

People should listen again to the contribution that Mr Ramsey made. You can challenge his evidence, but you cannot dismiss all of it. That should be the spirit in which the Bill goes back to the Committee. Remember what the Executive did: to a man and a woman, they endorsed radical proposals for a road training regime, with only one of its members — I will not name that person — saying no.

**Mr Agnew:** It is clear that the Bill's intention is to reduce deaths and accidents. On that basis, we should welcome it. I welcome the fact that the clear will of the Assembly today is to take

action to achieve those aims. It is one thing to will it but another to do it. The options, as they have come across in the debate, are an opt-in policy or an opt-out policy and whether we go with limits only or fully integrated 20 mph zones.

We have to start with the onus being on protecting life, and particularly on protecting children. The Bill will not do everything to stop deaths on our roads. People have mentioned other ways in which we should perhaps be tackling the issues, but that is not to take away from the Bill in any way. Just because it will not do everything does not mean that it does not have merit for doing something.

As a result of development, we have seen the loss of play spaces. I can think of plenty of examples in my constituency. There are whole housing developments in which there is no green space, with cars parked on both sides of the road — in older developments, certainly — on footpaths and in cycle lanes. Many residential areas are not safe for cycling, and they are certainly not safe for play. We need a better balance between the needs of pedestrians, cyclists and motor vehicles, and we should always bear in mind the needs of children.

As I said, we have the option of opting out or opting in. There is also the targeted approach that Mr Lyttle referred to. I will look in greater detail at the evidence, but, from what I have read to date and based on where my instincts lie, I am for the Bill as it stands. I know the practicalities of getting a Bill through. You have to listen to the will of the House and, of course, to the amendments that may come forward from the Committee.

There seems to be sense in the opt-out approach. We have the evidence that 20 mph speed limits work in reducing accidents and deaths, so the principle of implementing them would be sensible. To allow for unintended consequences, however, there should be avenues for opting out.

As things stand, it appears to be very difficult to get 20 mph speed limits in place. Although there are pilot schemes, I was told when I approached the Department that, if road humps are not already in place, 20 mph speed limits are not an option. I am not aware of that policy having changed. It may have done, but, when I last raised the issue with the Department, that was the response that I was given.

## 6.00 pm

Whilst there is evidence that the more physical measures, the road humps etc, are very

effective, there might be people who would be willing to accept a 20 mph speed limit but not the road humps. We have to have a more progressive approach in implementing 20 mph speed limits. I hope that, when the Bill comes out the other side of the Committee process, the very least it will do is make it easier to get 20 mph speed limits where, certainly, the will is there to do so. At this point, I favour an opt-out system rather than an opt-in system.

One of the reasons for this is that, if we have a demand-led approach, that could be more costly in having to assess each application or proposal individually, as opposed to what I believe would be a less onerous opt-out system. From a pragmatic point of view, if we agree that this is the direction of travel — pardon the pun — this would be a more effective way to do it across Northern Ireland. I also believe it would be a better way to do things in terms of resources. Once 20 mph speed limits are in place, if the evidence — as it has elsewhere — shows that they are effective, demand will increase, and the Department will find itself responding to many requests, including those from Members of the Assembly representing their constituents.

In terms of a targeted approach, I worry about how we would do the targeting. Would we be targeting accident hotspots? In that case, I come back to Mr McKay's point of waiting until an accident happens and then taking action. If we look at where there are more children, and I think there is merit in that approach, would there be resource issues in trying to identify those areas? The opt-out approach, as I interpret the Bill as currently written, is more favourable.

I would like to hear the evidence, from the Minister and/or the proposer, for 20 mph limits versus the more physical measures. It is clear from the evidence I have looked at that, where you have both, you have better outcomes. Where there is greater resistance to road humps and other physical measures, could a 20 mph speed limit be a suitable alternative, or are we saying that we need both? This is something that can be teased out during Committee Stage.

I do not think it is a valid criticism to say that, because we are having discussions about our options, people will be unclear and that it will not be effective because people will not know what they are getting — the Bill will be clear when it is finished. It is not clear at Second Stage because the Bill has to go through Committee Stage and amendments. If those who make that criticism are suggesting we change the legislative process, that is fine.

However, it is perfectly reasonable that we still have questions at Second Stage. The principles are there, the evidence is there to back those principles, and I think that we should go forward on that basis. We should get the Bill right, rather than saying that it must be absolutely complete and clear at Second Stage. That is a weak argument and does a disservice to the Bill.

The issue of cost is inevitable. Mr Lyttle, through extrapolation from the Portsmouth model, suggested a figure of £6 million. Whilst there is no doubt that this is a significant sum, if we look at the many hundreds of millions of pounds we are spending, or are proposing to spend, on new roads to make traffic go faster, I think that £6 million is a modest sum to slow traffic down in residential areas with the intent of saving lives and reducing the number of accidents.

The evidence shows that these measures can make our residential areas better places to live. They will not address all the problems, including those that I raised, such as cars parked along our footpaths etc. There is no doubt that we need to look at our infrastructure. The acceleration in the use of the car has been so much that our infrastructure has been unable to cope.

However, this is a sensible measure that could tackle a very serious issue, which has been pointed out. It deals with deaths on our roads and on our residential streets, and the safety of our children. For that reason, I believe that 20 is plenty. I support the Bill.

**Mr Kennedy:** I thank the sponsor of this private Member's Bill and, indeed, all the Members who contributed to what was an interesting debate, even if passions were raised at times. I was impressed with the debate's overall quality and the desire to look at the issue in some detail and to attempt to get it right. That is when the House is at its best, and I thank all the Members who contributed. Some did so with passion, and very few contributed negatively. Robust scrutiny has been the order of the day, which is very welcome. Most people approached the issue positively. There were moments of either irony or black humour. Mr Attwood wants the police to follow Mr Wilson home to check on his speed, yet it was Mr Attwood who had to undergo the course on speeding. I was interested in that prospect.

However, I am more interested in the overall debate and what it means for this private Member's Bill. I pay tribute to Mr Ramsey for his commitment to keep momentum and a

profile going for the case for 20 mph limits. It is incredibly important that the arguments behind the Bill did not fall with the original sponsor, Conall McDevitt, when he stood down from the Assembly in 2013. I fully support the Bill's principal objective, which is to reduce the number of collisions and fatalities on our roads and to create a safer environment for all road users in Northern Ireland.

That said, the debate has highlighted significant flaws in the Bill's construction, and I think that we will all welcome the opportunity for it to go to its next stage for proper scrutiny, amendment, change and further reflection. Mr Ramsey outlined that clearly. Considering that my Department is a primary stakeholder in Northern Ireland's road safety strategy, along with the Department of the Environment and the PSNI and other emergency services, it comes as little surprise to learn that there is clear evidence that a reduction in the speed of traffic leads to a reduction in the number of collisions and casualties. Not only is the frequency of collisions reduced at lower speeds but, where they occur, there is a lower risk of fatal injury. Research shows that, on urban roads with low traffic speeds, a reduction of 1 mph in average speeds can reduce the collision frequency by around 6%.

Of course, many in the House will have heard my persistent promotion of cycling for reasons of quality of life and broader community benefits. Mr McKay does not yet believe that the cycling revolution is under way, but let me assure him that it is absolutely under way and continues to be.

Like a greater uptake in cycling, lower vehicle speeds can make a positive contribution to quality of life, retail and greater pedestrian activity. All of that sits very comfortably with healthier and more sustainable transport modes.

Over a number of years, my Department has invested some £230 million in local transport and safety measures schemes. Those schemes included the introduction of almost 500 20 mph zones, each designed to maximise safety benefits. As has been said, the Department has the power to bring forward those changes. Reviews of their impact have shown that those 20 mph zones have proven to be very effective at reducing vehicle speeds, as well as the number and severity of collisions. For me, it has been important to focus efforts on the reduction of vehicle speeds not just in urban and residential areas, where high levels of pedestrian and cycling activity occur, but near our schools, where our young people can

sometimes be at heightened risk. As it stands, my Department has legislative powers to implement 20 mph speed limits on roads in Northern Ireland.

The current speed management policy, 'Setting Local Speed Limits in Northern Ireland', is based on a similar policy document produced by the Department for Transport for use in England. The policy encourages and supports 20 mph limits and zones in situations where there is a particular risk to vulnerable road users. When assessing the potential to introduce a 20 mph speed limit on a road, many factors have to be taken into account, such as average vehicle speeds, collision history, streetscape, community support and population mix.

Members might find it helpful if I provide, as Mr Wilson requested, a little background on the classification of roads. That plays an important role in how we proceed with the private Member's Bill. Roads are defined in the Roads (Northern Ireland) Order 1993 as motorways, A-class roads, B-class roads or C-class roads. The remainder are unclassified. The Road Traffic Regulation (Northern Ireland) Order 1997, in applying speed limits, defines certain roads as "restricted roads". Restricted roads have a system of street lighting installed, and the speed limit applying to those roads is not the national speed limit but a restricted speed limit of 30 mph. The Bill proposes to insert a new article 37B into the 1997 order, which would introduce "residential roads". In layman's terms, "residential roads" would be those roads that are presently known as restricted roads and are also unclassified. You will have a potential situation where, although most roads in town centres and housing developments will fall into the proposed category of residential roads, in a rural situation, where there is a linear development of, say, 10 houses, there will often be a system of street lighting installed. Consequently, you will find that a motorist could be expected to drop immediately from the national speed limit to a 20 mph limit, and then potentially have to quickly increase speed to 30 mph or other maximum limits. Those issues need careful further consideration. I know that the sponsor of the Bill realises that and is prepared to take that on board.

One of the most crucial features that was highlighted in the debate and one of the most crucial issues in relation to the whole issue is the need to ensure community support — local support — and the willingness of local populations to submit themselves to a reduced limit, not just in principle and on the good days when they leave home in good time but on the

bad days when there may be temptation to go a little quicker. It is important that the Bill gets to grips with that issue and does not simply seek to impose reduced limits against resistance from those who live or attend school in an area.

**6.15 pm**

**Mr Lyttle:** I thank the Minister for giving way and for his contribution so far. Just in case he is not going to return to it: he helpfully set out that reviews are showing that the 500 20 mph zones in existence are effective at reducing speed and collisions. Will he touch on the potential outcomes being achieved by the five pilot 20 mph sign-only speed limit streets?

**Mr Kennedy:** I am grateful to the Member for his intervention. The Member will know that pilot studies are in existence, and I will address that point presently.

Our policy for road safety at schools builds on the success of demonstration projects at schools involving the installation of a package of measures, including part-time enforceable 20 mph limits. We are, as I just indicated, at an advanced stage of piloting some purely 20 mph speed limits without traffic calming measures, as envisaged by the Bill. Members will be aware that pilot schemes have been proposed and are envisaged for five sites: Belfast city centre; Merville Garden Village; Ballymena; Ballycastle; and Ballynahinch. The Ballycastle scheme, which was referred to in the debate by Mr McKay, has already been put in place, and work on the remaining schemes is progressing, including attempting to build local support. I have to say that there have been objections. There is a process for dealing with that, and my officials will continue to work their way through it. It is not straightforward. It is not a system that we can simply impose. That has to be the approach as we consider this legislation. There is no point having a one-size-fits-all approach. We need to bring communities with us and convince them that we should move by agreement as we seek to go forward.

I am encouraged by the current Environment Minister, Mr Durkan's, assessment of the impact of the Bill on road safety. Those views are broadly similar to my own on the issue. Minister Durkan has stated:

*"we should actively consider introducing 20mph limits more broadly to where people live, particularly where vehicles come into close proximity to vulnerable road users such as children, pedestrians and cyclists."*

He added:

*"It would of course be vital to ensure that any such speed limits are suitable for the roads or areas for which they are proposed and, in particular, that they have the support of the local community, that any necessary or appropriate signage and/or other infrastructure is in place, and that limits are properly enforced." — [Official Report, Bound Volume 90, pWA249].*

I largely agree with Minister Durkan in making those points.

I support building in a mechanism for community engagement and support, as has happened in many of the successful schemes in Great Britain; a bottom-up approach. On that, I am happy to offer assistance to the sponsor, Mr Ramsey. Mr Attwood sought assurance that my Department would fully cooperate or effectively take on, almost, the legislation. I am not saying that I am opposed to that, but it is not what I think is required. However, I say clearly that we will extend to Mr Ramsey the offer and opportunity to engage with my officials to see how we can strengthen this legislation.

The Chairman of the Regional Development Committee, Mr Clarke, and others raised the issue of resources. As presently drafted, the Bill would have very large resource implications for my Department. Members will know the very significant pressure that my budget is under. I could entertain you with that for a considerable period, but the hour is late. I will have to return to that on another occasion. Areas where the 20 mph limit would apply would need to be signed with 20 mph roundels. Similarly, leaving a 20 mph street and re-entering a 30 mph zone would require signage of 30 mph. Of course, estimating the number of signs that would need to be erected would be a very time-consuming exercise, not to mention the cost of providing those signs.

I want to look at the cost per kilometre. A scheme implemented in Edinburgh was, I think, mentioned earlier, and I think members of the Regional Development Committee, maybe not current but previous members, paid a visit to Edinburgh at some stage. The scheme there incorporated something like 40 kilometres of street at a cost of £214,000. The scheme implemented in Portsmouth, extending to 410 kilometres, cost £573,000. It has been said, and I confirm, that Northern Ireland has approximately 4,300 kilometres of unclassified urban streets. Therefore, if the costs of the Edinburgh and Portsmouth schemes are used

as a benchmark, the estimated cost to introduce the speed limits in the Bill would range between £6 million and £26 million. Therefore, there are cost implications that cannot be overlooked, and we need to be aware of that.

Mr Lyttle expressed concern about the blanket approach; namely, that all residential roads would be covered and subject to the new limit. At this stage, it is not possible to estimate what roads or lengths of road are likely to be exempt. Of course, I have explained the dilemma that we would face, particularly in rural areas, on stretches of road which the Bill in its present form would appear to cover yet not do so in a cost-effective way or even in a proper traffic management way. We will need to continue to look at the outcome of the results from the pilot sites. However, not all of those have yet been implemented, of course, so the costs are something that we cannot be absolutely certain of at this stage. Our best estimate is that it will cost a considerable amount — many millions of pounds, which, frankly, the Department does not have.

I want to end on a positive note for the sponsor, because he has a lot to respond to; in fact, he is about to do that. It is important that we look at this. I can see the Bill, potentially, making a contribution to urban, residential and local areas for many years to come, not just through road safety but through a more active use of public space. My Department has policies in place to implement a range of speed-reduction measures at schools and in other areas where there are vulnerable road users present. However, I want to enable the introduction of speed-reduction measures in areas where there is local support for them and to do it with consensus, with a bottom-up approach, so that it is not felt that it is being handed down or mandatory in that sense. On that basis, I am content to support the Bill moving to the next stage.

**Mr Ramsey:** I commend, acknowledge and thank Members who took the time to participate in and make very useful contributions to the debate. Others, may I add, were not so useful.

Trevor Clarke, the Chair of the Regional Development Committee, quoted a range of areas that have introduced this scheme. The Committee clearly saw public support for it during its visit to Edinburgh. He was very keen to explore issues in rural areas, and, given that he is the Chair, I am sure that the Committee will explore that during Committee Stage. The Committee thought that the principal objective of the Bill was worthy and was content to move

it forward. He talked about traffic calming measures in his area. I take his point and Alex Easton's that mixed messages were coming from the police.

I reiterate that I had a phone call with an assistant chief constable, and I had previously been in contact with a former assistant chief constable on those issues, and I stand by what I said — I will share the contents of a letter — that I was pushing an open door about taking the Bill forward. The Minister's latter point is a point that I myself made, as did the police: it is a bottom-up approach in bringing forward any legislation, and you bring people along with you. I always envisaged that as we progressed. Mr Clarke finally said that one death is one too many, and he is absolutely right. For me, the purpose and objective of the Bill is to save lives and to save the lives of so many children.

Unfortunately, Sammy Wilson has left the Chamber after his devilment during the debate, but we expect that from Sammy and can take it.

There were five deaths in 30 mph zones last year in Northern Ireland. That was clear from a question for written answer that I put to Minister Durkan only three weeks ago. The evidence is there that people across Northern Ireland drive with excessive speed and cause injury. In fact, one of the deaths not so long ago was on a one-way street, where excessive speed at over 30 mph killed someone. There were six deaths in 2012 on a single carriageway in a 30 mph zone, there were five in 2011 and five in 2013. There is consistency.

**Mr Clarke:** I appreciate the Member giving way. It is a very important subject, and, hopefully, no one is dismissing that. You quoted statistics from 30 mph zones. Do you have the figures to show the speed of the drivers who caused those accidents and how much over 30 mph they were doing? Some of us are concerned that, regardless of the speed limit — I know that your colleague referred to my colleague when he talked about the minimum — the difficulty is that a lot of those accidents happened because people were driving above the limit, so reducing the limit does not necessarily mean that it will address the issue. However, if the Member has statistics, it would be good to have them on record.

**Mr Ramsey:** I do not have them, but I am sure that the Committee, during its scrutiny of the Bill, will be able to determine that. I think that the police hold those records rather than any Department.

Daithí McKay acknowledged the contribution of Assembly staff in helping Members to bring forward a private Member's Bill, and that was important. We acknowledge their help and contribution. He used the word "compromise", and I have also used that word to try to ensure that we reach consensus on the Bill for the key stakeholders: the communities where people live. The police are vital. I said previously, and I will say it again, that the community and public safety partnerships across Northern Ireland, along with the new councils, clearly have a role in representing their constituents.

Many Members referred to the cost of deaths and also the cost of introducing the legislation, which we cannot ignore. Daithí cited a figure of £1.7 million. The new figure from Transport NI is that the estimated cost to the economy of a loss of life is £1.9 million in Northern Ireland. I met Daithí a few times to have this discussion. He is very supportive of the Bill and wants it to pass. It is a good extra point in favour of trying to reduce deaths and injuries on the road.

### 6.30 pm

Chris Lyttle has just come back into the Chamber. He acknowledged the role of Conall McDevitt, who initiated the Bill prior to his untimely resignation from the House. I wanted to carry on his work. I supported Conall through the initial stages of the Bill, so it was not a huge difficulty for me to take it on. Chris talked about reducing deaths and injuries, which is important. He also referred, a few times, to the importance of improving Committee scrutiny and looking at the best and most cost-efficient way of doing this. Many roads will be exempt from the Bill, for example, and all these questions will be teased out at Committee Stage. Chris talked about the positive aspects of the Bill. He mentioned the differential in estimates, ranging from £6 million to over £20 million, given by the Finance Minister and to the Committee. Come Consideration Stage, that topic will be exhausted.

Tom Elliott, who is no longer in the Chamber, was responsible in making his comments. He said that the Bill must be seen as positive — he is absolutely right — and that there must be significant scrutiny of the Bill, which is important. He made the point — it is quite right — that he would be surprised if any Member of the House did not want legislation that could save lives. He made a point that I reflected on, though we did not use the same language, about changing attitudes. A cultural change is necessary throughout. I talked earlier about a generational change, but it will not take a

generational change with education programmes in schools, youth clubs and communities to help. There has to be buy-in and stakeholder partnership.

Alex Easton talked about taking the Bill seriously and being responsible. He spoke of the loss of lives and said that enforcement was an issue. He talked, as Trevor did, about the mixed messages from the police. He also referred to the differential in costings that Chris Lyttle talked about. We have to find a definitive benchmark of the costings for signage alone and when work on that can be incorporated into routine work. As I said in my contribution, during planned maintenance, the signage would be changed anyway. We have to look at those elements as well.

John Dallat, as ever, spoke with conviction and passion about how important the Bill was. He gave a short testimony of his career as a teacher, and he talked about the loss of life of two children in Donegal, which is important to place on the record. Most Members will accept the difficulty that families face. John talked of the need to show more respect on the road, and I think that the need for that is obvious. We have all seen incidents of road rage, irrespective of where we live. John made the point that this is one small step and that we need to invest in road safety. He said that this was a most serious subject, and I would not be standing here unless I felt that it was so. I have a particular personal interest in this.

Sammy Wilson said that we should not judge legislation by the passion or the sincerity of the proposer. He said that the Bill was incompetent. I find it strange, I have to say, that Sammy, as a former Minister for road safety in Northern Ireland, is not in the Chamber. He was dismissive of the arguments made in the Chamber. In his own language, he was very "cold and calculating". He showed a level of arrogance in the Chamber that I have not seen in a while when we have been debating such a serious issue as this.

Alex Attwood talked about the importance of the Minister's role. He said that the Minister could bring the weight of the Department in behind the Bill. I am very content that the Minister has given me an assurance that he will work with me. I also want to work with your Committee, Trevor, to progress the Bill as best we can to ensure that we have, in the future, in Northern Ireland, a much safer environment, so that the next generation coming through — our grandchildren — will have much safer streets, and we will have saved the lives of young people. Alex conceded that, when he held the



portfolio of roads Minister, he should have been more radical.

The advertising campaign came up. I must say that, from my constituency, the family of a young girl who had been seriously injured participated in the programme and got a lot out of it. I think that it did have an impact on people's lives. I think that, because of the drama in it, it had an impact on the way in which people are driving in Northern Ireland. It was real-life stuff. It talked about a consultant having to tell bad news to a family and about a mother and father losing a son. We need to see more of that. The Environment Minister has said that he may not be able to do it any more.

Alex was one Member who said that we need to interrogate the Bill, and he is absolutely right. It is my private Member's Bill, but I am very content that it be interrogated to the fullest to get the best out of it. The people who would see the advantage of the Bill are the next generation.

Steven Agnew made the important point that the onus has to be on protecting life, in particular saving the lives of young children and young people in Northern Ireland. I think that that is the will of the Assembly and that Sammy Wilson did a solo run, as he does on many other environmental issues. Indeed, within his own party, he probably did a solo run. Steven talked about being able to opt in or opt out, and we have to examine those options. I am on the same page as the Minister, in that we are getting to a time in which people want the legislation, have a desire for it and can see the benefits of it. I have absolutely no doubt that the evidence from Britain, particularly that presented by Daithí McKay, Chris Lyttle, Steven Agnew, John Dallat and me, is clear and obvious.

I was not going to go back over it, but I think that people should reflect on the debate. It was a good debate, and it leaves us well placed. There is a short period available, Minister, and I hope to engage with you and the Department and with any other Member. Some Members approached me before now to try to get another discussion on the best way forward. That is what I want. I am not for dismissing the important contributions that every Member in the Chamber has made. Some I may not have liked, but I respect what was said because of the importance of democracy and of standing here and having your point of view heard.

I have a few more points to make. Opinion research carried out in south Edinburgh on the

20 mph pilot found that residents felt that the new speed limit had a range of positive impacts. The most often mentioned was improved safety for children walking and cycling. The 20 mph speed limit encouraged more considerate driving, leading to safer streets for all road users, including motorists, cyclists and pedestrians. The lower speeds reduced the risk and severity of road collisions.

Reducing traffic speed helps make people more confident about being in their local streets and helps children and older people travel independently. That is the point that I want to finish with, because I missed it out in my opening comments. We have an increasingly older population, and those older people feel safe in their communities and want to walk to the shops themselves. If the Bill became law, we would see increased footfall in our communities. There would be increased financial transactions and increased health benefits to young and old alike.

To conclude, I thank all Members for their contributions. I look forward to a challenging period when the Bill is being discussed in Committee. I look forward to many amendments, some of which I will consider tabling myself. I thank for their support.

**Some Members:** Hear, hear.

*Question put and agreed to.*

*Resolved:*

*That the Second Stage of the Road Traffic (Speed Limits) Bill [NIA Bill 30/11-15] be agreed.*

**Mr Deputy Speaker (Mr Beggs):** I ask Members to take their ease for a few moments while we change the Table.

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

*Motion made:*

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

## Adjournment

### Dromore Central Primary School

**Mr Deputy Speaker (Mr Dallat):** The proposer of the topic will have 15 minutes. All other

Members who wish to speak will have approximately five minutes.

**Mrs Hale:** I rise to speak, yet again, on behalf of Dromore Central Primary School and, indeed, the wider Dromore community. The Minister will be au fait with the school's persistent campaign for 28 classrooms, and no one in this Chamber will contest that Dromore has an outstanding reputation for excellent education from preschool to sixth form. Mrs Sharon Beattie's commitment to her children is matched only by Mrs Allen and her staff and Mr Wilkinson's passion for his pupils. I have been privileged to share part of the journey with all three and count it an honour to be sought out for helping each school. You, Minister, have been and are pivotal in the life of every pupil and family in my constituency.

It has been a long and tumultuous journey for Dromore Central Primary School. Decision-making has been changeable and stormy, with periods of false calm and hope. Back in March 2007, Maria Eagle announced a new build for the primary school. That heralded the beginning of a new journey filled with hope and vision for the pupils, staff and families of the Dromore area.

On 7 February 2008, the Southern Education and Library Board carried out an updated economic appraisal with the Department of Education and revised the long-term enrolment (LTE) from 760 pupils with a 26 class base to 800 pupils with a 28 class base. That was based on looking at future projections. However, by February 2013, the decision had been overturned in favour of a 25 class base school based on the current pupil intake figures. Why is there no room for optimism bias in relation to future housing? Why is there no vision and foresight for future growth? Why is there no room for common sense in relation to financial and economic projections?

In England, newly planned schools are built with a 10% leeway allowing for any upward trends in the future. That obviously does not exist in Northern Ireland. When you consider the original business plan for Dromore Central, you realise that great weighting was given to the potential future development and projected increased numbers. That was why, on 13 June 2014, the senior principal architect of the Southern Board wrote to the director of investment, Mr Philip Irwin, to request additional expenditure of £64,320 to provide piling and ground beams for an additional two-classroom extension. Not only would that save time, but, importantly, it would save finances, as there would no longer be the need for heavy plant

machinery, which would come at a great cost at a much later date.

Unfortunately, the request was turned down by the Department on the basis that it felt that the long-term enrolment of Dromore Central was 730 pupils. Senior personnel in the Department have acknowledged and, indeed, stated that, as the population grows in Dromore, they are happy to facilitate the growth with mobile buildings, which cost in the region of £200,000 each, with additional costs for heating, grounding and health and safety.

This will not be the first time that the board has failed to anticipate and plan for growth. When building Fairhill Primary School at Kinallen, potential growth in the local area was underestimated, and no sooner had the board financed a new build than further moneys had to be spent on mobile classrooms to meet the demand in pupil numbers. A similar set of circumstances unfolded with the new build at Donacloney Primary School and Bronte Primary School. Money was spent on a new build and additional moneys had to be found to be spent on mobile classrooms. Likewise, St Colman's in Lisburn, having undergone a £3.4 million spend, was given a new 12 class base school, yet it needed 14 classrooms. That saw the loss of the new school library and the state-of-the-art multipurpose suite to accommodate the two additional classrooms that were needed.

It is clear that, if consideration had been given to the projected figures in relation to growth and expansion, with leeway built in for future development, additional moneys would not have needed to have been squandered on mobile classrooms and should have been put into creating a brand new school that was fit for purpose.

It must make greater economic sense to ensure that, when building new schools, weighting is given and money spent to ensure that a new school can meet the growing demands placed on it by the local community. Frankly, it is an indictment of the Department and the relevant education boards that, soon after a new school is built, hundreds of thousands of pounds have to be found to put up temporary accommodation when a rigorous development plan would have ensured that the school was built a little bigger to accommodate the growth in pupil numbers.

**6.45 pm**

It is clear that, since the new school was planned in 2007, there has been utter confusion in relation to economies of scale, financing,

projected LTE and a lack of understanding of the future demographics and expansion of the Dromore area and its strategic importance on the A1 Belfast to Dublin corridor. Earlier figures had projected that Dromore Central would increase to somewhere in the region of 884 pupils in line with the proposed additional housing developments and economic growth. That was reviewed a number of times. In February 2013, the Department announced that a 25 base school would be built in line with current enrolment numbers. That is somewhat confusing, as a proposed new build was based on future, not current, projections. Earlier correspondence between the Department, the board and the board of governors clearly shows that the school was to be built to allow for the future expansion of Dromore and the surrounding areas. Are you confused by all this? I am sure that you are, but there is more.

Subsequent meetings with the chief executive, Mr Boyd, have added to the confusion. At a meeting on 16 May 2014, the chief executive expressed his support for the 28 base school to be reinstated. At a further meeting on 27 June, having been presented with the information to show the development of a further 341 dwellings, the same chief executive expressed his willingness to request that the foundation should be put in place in order to accommodate possible future expansion, thus equipping the school for future growth at minimal cost to the public purse: a job well done, you may think. On 28 October, the Minister agreed that he would reconsider the decision if the board came forward with a development proposal. To date, I am not aware of any further consultation with the school or its governors by the board on such a development proposal, something that I believe the Minister is still waiting on.

The confusion and contradictions do not stop there. One of the biggest reasons put forward by the board for not developing the school in line with projected growth is the adverse impact that it would have on the surrounding primary schools. Frankly, I have never heard such balderdash, since, when you consider the surrounding schools, a clear picture begins to emerge of something that all the local schools have in common: they are bulging at the seams. At Fair Hill Primary School in Kinallen, there were 41 applications for 39 places. At Maralin Village Primary School, there were 45 applications for 41 places. At Donacloney Primary School, there were 40 applications for 30 places. What is the best thing that the Department and the board can do? Yes: cap the enrolment figures for the only school in the area that can meet that demand in numbers.

On 24 September 2014, the Department of Education wrote to the principal of Dromore Central to advise her that the numbers had been capped at 104 pupils, with the enrolment number of the school becoming 710 pupils. Last year, there were 109 applications for a total enrolment of 104. The principal managed to take in 106. Based on the data, it would be fair to say that the school would have approximately 116 applications this year for 104 places. Where does the Minister propose to send those children? Surely not to the same surrounding schools that are already full to capacity and which are turning pupils away?

This was not pure coincidence. Correspondence between representatives from the Department and the board clearly show that the reason for capping numbers was:

*"We will review the phasing in of the admission and enrolment numbers to reflect the change in class base."*

The school for Dromore Central has been reduced from a 28 class base to a 25 class base. Consequently, the phasing-in of the admission and enrolment numbers should be reviewed. In layman's terms, in order to justify the irrational decision on reducing the number of classrooms, the board is capping pupil numbers to fit the school rather than the school being fit to meet the pupils' needs. Perhaps the Minister or Mr Boyd could explain to the pupils, parents and local community the rationale behind capping the numbers at a time when the surrounding schools are filled to bursting. Unfortunately, that leads me to question the decision-making capabilities of the Southern Board when it comes to making sound economic and financial assessments on projected growth, creating the capacity to meet growth and giving due consideration to the needs of the local and surrounding communities.

Ensuring that we build a school that provides foolproof educational help for children well into the future is key. As I said, Dromore is a key commuter town on the A1 Belfast-to-Dublin corridor. It is continuing to expand, and will continue to grow in line with future trends. Indeed, I am sure that the Minister for Regional Development will concur that one of the busiest routes for public transport and commuting is the A1 corridor.

In recent months, the draft master plan for Dromore has been released. It looked at key areas of economic development to ensure long-term financial viability for the local economy. That is matched by the additional 341 new

houses that have recently been passed for planning in Dromore and the surrounding areas. Interestingly, it has been made clear by the board that these are irrelevant figures, and it appears that the attitude is akin to dealing with growth as and when it happens and illogical solutions such as mobile classrooms. It brings me to question what will happen when the old primary school and high school sites are sold. What is the business plan for the board? It is likely that both those sites will be used for further housing developments, which, in turn, will again increase dramatically the number of children wishing to attend Dromore Central Primary School. You may think that it is fairly logical and simple maths, and I assure you that I agree.

When I bring all those points together, it is clear that the board has disengaged when it comes to long-term planning and meeting the needs of the pupils at the school. How can I be so sure? It is very simple. In July 2014, the board released a set of statistics that indicated that it would be the only education and library board that would see a dramatic rise in the need for primary-school places over the next 12 years. Approximately 6,000 additional places are required to meet that growing demand over that period, which causes me to question why it is the policy of the Department, the board and Mr Boyd to limit the development of Dromore Central at a time when it is abundantly clear that there is a serious need for additional places in the Southern Board region. How do the Department and the board believe that they will meet that need for additional primary-school places? I am left perplexed and confused, with no viable or future-proof solutions. Let us talk compromise. From day one, Dromore Central has made it clear that 28 classrooms at this stage may not be needed in the short term. The sensible suggestion has been to save money now by putting in the additional pilings that would allow for future building works and extensions as and when the school has the required numbers to facilitate the additional classrooms. Minister, it is very apparent that your officials and senior representatives from the board have been so busy saying, "No, no, no" that they have not even looked for a way to say yes. I understand that the school finances were due to finish in the red for this financial year, but I am hopeful that the school and the principal have managed this issue and will finish the financial year in surplus. I am sure that the board and the Minister will be watching to see how prudent and responsible Mrs Allen has been in managing her inherited financial projection. Minister, it is time for you to step in and make the correct decision that meets the long-term

needs of Dromore Central Primary School. The best way that makes long-term financial sense is to order the piling to be done while the present construction is under way and to save moneys in the long term to the public purse. Thank you, Mr Deputy Speaker and, hopefully, thank you, Minister.

**Mrs D Kelly:** I want to lend our party's support to the campaign for Dromore Central Primary School. Mrs Hale very passionately outlined and displayed some of the frustration that the parents and school staff have experienced over the last number of years. I can relate to some of that in my own constituency, where the sod was supposed to be cut on new school buildings in 2010. Some of it is done now and some does not have a hope of starting in the near future at all. I looked up some of the information available on the web in relation to the school. I have to say it is a very impressive school. The inspectorate talks about the community-building, the whole pastoral care and the extensive outreach work that is provided by what is described as a hard-working principal and her staff team. They have to be commended for the efforts that they have made over the last number of years. I know that a petition was lodged in the Assembly only last month.

I understand the Minister's difficulties in relation to the budget but, nonetheless, commitments had been given, and, as Mrs Hale said, this does not appear to have been based upon good, sound financial sense.

It neither addresses nor even takes into account the new build planned for the Dromore area. It seems to me that a lot of the agencies are not working together in a collaborative way to plan for the future in any sense that is strategic. Of course, it is very clear from the number of applicants that the school enjoys the admiration and support of many parents, who want their child to go to the school. Mr Deputy Speaker, I lend our party's support to the campaign. It is my hope that the voices of representatives of the area, in particular, are heard by the Minister and that he intervenes.

Mr Deputy Speaker, I planned another meeting for this evening, as I had not expected the Adjournment debate to take place so late. My colleague and I are both attending: apologies.

**Mr Lunn:** I listened with great interest to Mrs Hale, who made virtually all the points that other Members for that constituency would have liked to make. I will add what I can.

It seems to me that when the Department has to make these decisions, the calculation is relatively simple, but getting it right is not so simple. That seems to be what happened here, as it did in another case that I will refer to before I sit down. Surely enrolment of 104 in P1 has to mean four classes — either four of 26 or three of 35. It does not relate to the figure of 29. You can make an assumption that Dromore Central Primary School has an enrolment of 730, which is seven times 104. On the face of it, the case for 28 classrooms is pretty clear and obvious. But the Department's way of doing it brings the total back to 25. That is against the background, which Brenda has laid out, of Dromore's dramatic increase in size. It has the highest growth in the whole area, if not in Northern Ireland. Look at anticipated enrolment, demographics and the situation in other schools, all of which the proposer has laid out. It is hard not to come to the conclusion that the right figure would have been 28. That is before you look at the model again. I keep repeating what Brenda has said. In some areas of the UK there is a 10% leeway, which seems eminently sensible to me.

We have been here before, no doubt in various areas of the country. The case that is worthy of comment in Lagan Valley is St Colman's in Derriagh, which the Minister is very familiar with, having been directly involved — in fact, I think he may have opened the new school; I just cannot remember. We had a delegation including the headmaster in this Building to speak to him about exactly the same problem. St Colman's had 350 pupils, so it seemed to qualify for 12 classrooms. From the day it opened, they had to give up the library and the multi-purpose unit to accommodate the 14 classes that they actually need. During construction, the builders — I hope, by agreement with the Department — put in the foundations for two more classrooms, which is at least forward looking, and now we await a decision from the Council for Catholic Maintained Schools (CCMS) on whether it will allow the addition of one more classroom, which half solves, instead of really solving, a problem that should never have arisen in the first place. It is surely easier in financial terms to get these things right at the start. I do not dismiss the cost, in the case of Dromore, of three extra classrooms, but if you are going to need them anyway — you are going to need potentially more than that — it is worthwhile doing it correctly at the start.

I do not have a whole lot more to say. I look forward to hearing how the Minister justifies this kind of decision. I do not say that he has an easy job or that every development proposal is a matter of a simple equation, because it is not;

but I do think that the case for Dromore Central Primary School is unanswerable. The construction is going on, so it is not too late to change the decision and do something about it. I know that money is tight and all the rest of it, but the money would be well spent in the longer term. I hope that, between us, we can persuade the Minister to have a real good hard look at that and perhaps bring us some more sensible news before too long.

**7.00 pm**

**Mr Craig:** I support my colleague in looking for 28 classrooms in the new Dromore Central Primary School. Like my colleague Trevor Lunn, this is not the first time that I have come across this issue. St Colman's was a prime example of where that seemed to have occurred. This is part of the difficulty with predicting movements in population. I think that we all know that a reasonably straightforward way of predicting population trends is to follow the birth rate etc in different geographical areas. What we cannot predict, because we live in a democracy and people have the right to move to whatever area they choose, is changes in the demographics as the children grow up. This is part of the difficulty that we are seeing in Dromore.

I spoke to the chief executive of the Southern Board. Its prediction was that the birth rate in the Dromore area would go down. When I checked with the preschools — they all have their intake figures for this year — they are well and truly oversubscribed this year, as they were last year and the previous year. That tends to indicate that, despite the actual figures that the Department holds around birth rates in the locality, we are seeing a general population movement into Dromore.

I hate to say this, but some of the figures that this is based on may not be entirely accurate. There is plenty of anecdotal evidence in Dromore to suggest that that may well be the case. There is still housing growth in the Dromore area. It is bucking the trend, in many ways, with regard to what we see in housing elsewhere. It is a good area to live in. It is close to the A1. It is predominantly a commuter town. There is a projected growth in housing of almost 300 or 400 new homes to be built in the Dromore area over the next few years. There is a change in the demographics, with people and their children moving into the Dromore area. That is where the figures are getting skewed, because what the board is telling me, what the Department is saying and, ultimately, what I am seeing in reality on the ground does not match up. I appeal to the Minister to look at that and

to verify with the preschools that there is that growth in the population in the area. That is the best trigger of all with regard to not only the primary school in Dromore but primary schools around it. In my experience, they are all full. That is the difficulty that I have with the decision. If they are all full, where do those children go?

Trevor and I were invited to the opening of the new St Colman's school because both of us helped to get that new school developed. It was not the Minister who opened it; it was the deputy First Minister. I am sure that the Minister will be amused to hear that we were all regaled in Irish for quite a bit of the opening ceremony. I have to be honest: I did not understand it, but it was nice to hear it. That said, while I sat through that ceremony for that new school opening, it was not lost on me that the school had had to convert its library and another room to accommodate the children who were already at the school. That was an opportunity lost for us to get it right with regard to a new build.

Unfortunately, Minister, whatever is going on with the system that we use to predict numbers in geographical areas, I do not know whether it takes into account parental choice, but I see that being repeated in Dromore. I appeal to the Minister to go to the preschools, verify those figures and see whether there is a case, even at this late stage, for making economic sense by adding a few additional classrooms onto a build that is already under way. In the long term, that makes more economic sense.

**Mr B McCrea:** You caught me slightly by surprise, Mr Deputy Speaker. I thought that I was last to speak; I am usually last but Mr Kinahan will, no doubt, come back in.

There are a couple of points to make here. As Mr Lunn said, when Mrs Hale has time to put all the facts and figures out, all you can do is say that those are the facts and figures. My purpose for being here at this late hour is simply to add support for somebody who is trying to do something in the constituency. I am not in any way trying to take anything away from the excellent campaign that Mrs Hale has been running.

Mr Craig referred to the fact that the figures, the birth rate and different things seemed to be running counter to experience. It will be interesting to hear from the Minister because I understand the issue. Other primary schools were built, such as Ballycarrickmaddy Primary School, where it was expected that more housing would be built. Planning permission

was granted, but no building happened for reasons that we all understand, and that puts a bit of pressure on.

That does not seem to be the case in Dromore. It has been argued by Mrs Hale and others that there genuinely seems to be a shortage of spaces and that there is an integrity about the place, that Dromore is an entity that thrives and succeeds, and there is a sense of community about it. You could, therefore, look at this in the round and say that, rather than be reactive, we should take a stand and plan for the future. What I see happening — maybe this is what the Minister is going to explain — is that a cap is definitely used on numbers to try to manage the overall portfolio. There is no question about that. We have to look at that and understand that an entire estate has to be done, but, having taken that on board, there are certain areas in which we will gain greatly by using a bit of common sense.

My second question for the Minister — no doubt he will develop this in his answer — is that there is a danger for him in that, if you make exceptions in one case, you will have to make exceptions throughout Northern Ireland. Maybe that is part of the issue.

At this stage, it is not for me to rehash or regurgitate the very fine arguments that have been put forward but merely to say that this place would get a lot more support if there were a positive response to what is felt in the community, which is that this is nonsensical and is not the right way to go about it. Common sense would tell you to do something else. Perhaps the Minister will explain why it is that we have to do something that, to the average member of the community, does not look like the right decision, and what are the arguments that we should make to them. My preference, of course, is that he responds in a more positive way to Mrs Hale's proposition.

**Mr Kinahan:** I am pleased to support the Adjournment topic not just as an Ulster Unionist but as a member of the Education Committee. I am really here to listen. However, this is not a new issue; I am intrigued to hear Mrs Hale and others talk about various schools because I have had similar issues. Kilbride Central Primary School is looking for a change in use at the moment and is already using its classroom as a dining room. When Templepatrick Primary School was being built, it ended up using a storeroom as a classroom because it was not allowed to expand. We also had a situation at St Colman's Primary School.

So it is not a new issue. What we are all asking for, really, is flexibility and for people to look ahead to how the numbers might change and prepare for that.

Going back to the big debates on area planning, I think that we need some strategic linkage between what is happening everywhere in Northern Ireland and what is happening in each patch, and how one has knock-on effects on the other. I know that, after Drumragh, the Minister said that there would be a slight change in order to look at the effect on other schools. So I go back to the point that we need the whole jigsaw, the whole picture, and everything has to fit into it.

When we were discussing area planning, I remember looking at the numbers and seeing that, in almost every area, the numbers for 2025, which is in 10 years' time, will return to what they are today. So surely it is worth building classrooms that we will use not just today but in the future. When I asked what the variation was on the figures, having once had to do statistics with standard deviation, I was told that it was within 10% each year — 10% over 15 years is an enormous variation.

As was touched on, there is always a lot of change, and maybe we need to find a more accurate way to look at the figures. One way suggested to me was looking at council birth registrations, which gives two or three years' leeway before nursery school and a couple more before primary school so that we could check what we were doing and set some things in place.

It seems logical always to build for expansion rather than just for what we have today, and it is certainly logical to build for the children already there. Other changes, such as shared education, are coming to the education system. Surely there are uses for any extra rooms not being used now to help sharing with other schools, whether that is a room for music, woodwork, metalwork or whatever the new terminologies are. There are so many other ways of using a room. We should always build schools with a little extra space.

Think of what industry and technology are demanding from schools. There are changes coming in the next five or 10 years, so there will always be demand for more and different uses, which comes back to the better use of rooms and the creation of extra space.

I am really here just to support the motion and am glad to have been here to do so. However,

the logic is that we ask for flexibility as we build for the future.

**Mr O'Dowd (The Minister of Education):** I welcome the opportunity to discuss the capital project for Dromore Central Primary School and respond to a number of points raised by Members.

It is worth pointing out that we are building a new school, the price of which is £16 million. Many schools would, quite literally, chew your arm off for that, so let us keep focused on that. I will elaborate on why I believe the school is the correct size as I go through my response.

The project will deliver a state-of-the-art building that will benefit children in the area for many years to come. Everyone will be aware that this school build, like many others, was some years in the planning. There was disappointment in the past when funding was not made available for the build.

I was delighted to announce this project in June 2012, and site works commenced in March 2014, with completion due in October this year. It is an exciting new build for staff and pupils, and it will replace the existing school, which was opened in 1938. The tender was awarded in March 2014, and site works commenced following approval by the Department of Finance and Personnel of the business case for a new school.

This recent business case was prepared by the Southern Education and Library Board and recommended that the new school be constructed to accommodate 730 pupils. That equates to a primary school with a 25-class base. The size of the school was not raised as an issue by the school at the time of the 2012 announcement, during preparation of the recent business case or during the design process.

It is only since work commenced on the site that the school started a campaign to increase the size of the provision to a 28-class base. I met the school principal and Mrs Hale MLA in July 2014 to discuss the issue. I have had letters from parents and pupils, and a public petition was laid in the Assembly only last month, also by Mrs Hale.

Why have we decided that it should be a 25-class base? Some Members set out the context, but it is imperative that area planning informs every development proposal and business case.

**7.15 pm**

The Southern Education and Library Board (SELB) area plan, published in June 2014, noted that the new build for Dromore Central Primary School had been approved and that the SELB proposed no action at that time. It stated:

*"The school is currently considered to be sustainable within the local area context in relation to enrolment and financial viability."*

Neighbouring primary schools — namely, Donacloney Primary School and Fairhill Primary School — had development proposals approved in February 2014 and March 2013 respectively to permit an increase in enrolment at both schools. The size of the new build for Dromore took account of the increase in enrolments envisaged as a consequence of those development proposals. In addition, in bringing forward the development proposal, the SELB took into account the existing provision, planned increases in provision and the projected school-age population in the area. However, I note the comments from Mr Craig and will ask the SELB to verify the figures again, taking account of the information that he has provided tonight.

The business case for the new build did not suggest that any expansion in enrolment was likely to be required in the foreseeable future. Additional housing developments are planned for Dromore, but many of them were planned prior to the 2008 banking crisis, and it is unclear how quickly, or indeed whether, they will materialise. On houses being built beside the school, I suggest that it is a matter for the school to look at how its entrance criteria for children gaining access are drawn up. It has as much to do with the entrance criteria as it has to do with the number of pupils getting into the school.

The school was advised by the Department on 16 October 2014 that the admissions for 2015-16 were set at 104 and that the enrolment number was 710, as a phased step towards a capacity of 730 for the new 25-class base. The school appealed that, but the Department rejected the appeal.

These are the important figures. This year, 2014-15, Dromore Central Primary School had an intake of 105 pupils and a total enrolment of 700 pupils. That total is a reduction from 704 last year. The enrolment is still within the pupil limit for a 25-class-based school. Let me remind you again what a 25-class-based school is: it has 730 pupils. The school had an enrolment this year of 700 pupils, so it is well within its capacity.

The school currently operates as a 28-class-based school, as is its prerogative. However, it has an enrolment that equates to only a 25-class-based school. How the school uses its local management of schools (LMS) budget is a matter for it. I am of the view that, as we are entering a very difficult financial period for all schools, it is going to prove quite challenging for any school that has numbers equating to a 25-class base to operate a 28-class base. However, that is a decision that the board of governors is going to have to take. Crucially, any school has to live within its budget. It has to have an agreed plan, as the school does, with the SELB. It is working off a one-year plan because of the changeover to the new school.

**Mr Lunn:** Will the Minister give way?

**Mr O'Dowd:** I will, yes.

**Mr Lunn:** To clarify, is the Minister indirectly advocating that a school such as Dromore — a brand new school that is waiting to be occupied — should be looking at combined classes from day one?

**Mr O'Dowd:** No. It will not require combined classes. It is well within the figure to have classes in a 25-class-based school that will not be combined.

Standing here as Minister, I would like to be able to provide more accommodation to new schools, and Mr Kinahan referred to changes in teaching practices, changes in demands on schools, changes in the economy and changes in what is required. I would like to be able to do that. However, I am also standing here knowing that I have a list on my table of around 100 schools that require being newly built. Every time that I add a hundred thousand pounds here or several hundred thousand pounds there to another school, that all adds up to one more school that is not being built. I have to be fair to everyone involved.

I believe that Dromore Central Primary School has a very good deal. It is moving into state-of-the-art accommodation that meets the needs of its current and future enrolment. It is part of an area-based solution that allows all the schools in the area to operate fairly. Mr McCrea said that local people want to see common-sense solutions. When local people are not dealing with the detail of the subject, I understand that some of them could quite rightly say, "Why won't you put pilings in for three more for the school?" If we did that, I think that we would be being unfair to all the



other schools in the area and to other schools that are seeking new builds. We have to have a working rule book that allows us to carry out the building programme in a way that is fair and reasonable to all schools in the area.

**Mrs Hale:** I thank the Minister for giving way. You just mentioned the figures and talked about how the other new schools had to have additional classrooms. However, given that a mobile classroom costs £200,000 and the pilings will cost just under £65,000 at this stage, do you not think that it makes more sense to put the pilings in now and save £140,000?

**Mr O'Dowd:** I do not see any argument for requiring mobiles. This is a decision that the board of governors will have to make, but if the school wishes to continue with a 28-class base, I do not see why the rest of the Department of Education's budget should pay for it. It would be unfair to other schools. We are building a facility that meets the needs of the number of pupils who are going into it now. In fact, in future, there is capacity for at least 30 more. Why would I plan to put in mobiles? Why would I plan to put pilings into the area, whether it costs £50,000, £60,000 or £100,000?

I believe that the business case for Dromore Central Primary School is robust, and I believe that the area planning process for that area is robust. I also believe that Dromore Central Primary School has got a very good deal. In fairness, Dromore has got a very good deal in this last while, because I agreed only recently to purchase land to rebuild Dromore High School.

**Mr Craig:** Will the Minister give way?

**Mr O'Dowd:** I will, yes.

**Mr Craig:** I thank the Minister for reminding us of the Dromore High School situation. If we are fortunate — I say that in the context of the current financial programme — to have money to build a new high school, it strikes me that there is a development site that is well within the boundaries of the old Dromore High School site. Its use would inevitably lead to growth in the youth population.

I want to clarify something with the Minister. I am doing the sums only in my head, but I think that the first year intake will have class sizes of roughly 25, 26 or 27 — you simply divide it by four. Is the Minister advocating that that drop to three, meaning that we could be looking at class sizes of 35? Is that the future of primary-school education in Northern Ireland? I was under the impression that, to improve results,

we were trying to gear towards having optimally smaller classes.

**Mr Deputy Speaker (Mr Dallat):** Minister, whatever about adding on a classroom, I will add on some time if you wish to very briefly respond.

**Mr O'Dowd:** The Dromore High School project will move forward when we have the finances to move it forward. I am not advocating larger primary school classes at Key Stage. However, the most important factor in any school is not necessarily the number of children in the classroom; it is the quality of the teacher standing in the classroom.

*Adjourned at 7.24 pm.*





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