



Oifig an Taoisigh
Office of the Taoiseach

24th April 2019

Cllr. Seán McPeake
Mid Ulster District Council
Burn Road
Cookstown
BT80 8DT

Dear Cllr. McPeake,

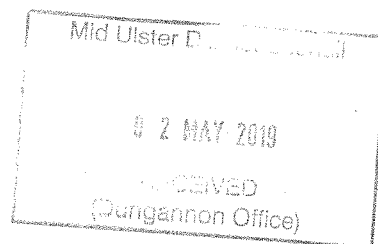
I wish to acknowledge receipt of your letter to the Taoiseach, Leo Varadkar
T.D. dated 16th April 2019.

A copy of your correspondence has been forwarded to the Tánaiste and Minister
for Foreign Affairs & Trade, Simon Coveney T.D., for attention.

Yours sincerely,

Mary Timmins
Assistant Private Secretary to the Taoiseach

Telephone: 01-6194000
E-mail: taoiseach@taoiseach.gov.ie





NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

9th July 2019

Councillor Dominic Molloy
Chair of Policy & Resources Committee
Mid-Ulster District Council
c/o Philip Moffett
Head of Democratic Services
Dungannon Office
Circular Road
Dungannon
BT71 6DT

Email: Philip.moffett@midulstercouncil.org

Dear

Dominic,

I am writing to thank you for facilitating the recent engagement with the policy and resources committee of the Council.

The day had been spent meeting PSNI staff locally, the Superstars Café in Cookstown and a number of community and voluntary organisations in a roundtable facilitated by STEP.

The Superstars café – a social enterprise staffed by adults with learning disabilities and difficulties was very impressive. The Chair wanted to pass on their appreciation of the support of the Council in offering Burnavon Theatre as a venue for the Superstars annual review production.

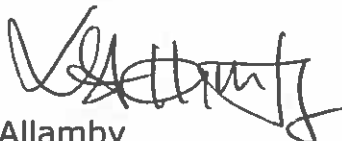
I was also impressed with the vibrancy of the voluntary sector and the breadth and depth of issues being pursued. Many were outside the purview of the Council for example social security, including the introduction of Universal Credit, and access to interpreting services within GP practices. Nonetheless, others fell within the Council's remit albeit working alongside other statutory agencies, for example the poor quality of private rental sector accommodation and environmental health issues. I was particularly impressed with the ability of local community organisations to highlight both the individual impact and the wider underlying systemic issues underpinning problems – the wide shortage of social housing and rules which allow landlords to continue to recover significant

housing benefit monies while offering sub-standard accommodation posing potential environmental health risks.

The vibrancy of the sector and its organisations locally is, I am sure, a testament to the support provided by councils and other funders.

Thanks again for facilitating the meeting, which was much appreciated.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Les Allamby', written over a horizontal line.

Les Allamby
Chief Commissioner

FROM THE PERMANENT SECRETARY**Peter May**

Rm B5.10, Castle Buildings
Stormont Estate
BELFAST BT4 3SG
Tel: 028 9052 2992
email: peter.may@justice-ni.x.gsi.gov.uk

16 July 2019

DOMESTIC ABUSE BILL INTRODUCTION

I am writing to inform you that the Home Office today introduced a Domestic Abuse Bill to Parliament following engagement with this Department, this provides for a new domestic abuse offence in Northern Ireland and some other supplementary provisions. While the preference would be to legislate through the Northern Ireland Assembly, if that was possible, the inclusion of Northern Ireland provisions in the Bill will ensure that victims and survivors continue to be supported and protected.

The Northern Ireland provisions will reflect the vast majority of those contained in a former draft Northern Ireland Bill (the policy intent of which had been agreed by the Northern Ireland Executive and Ministers), albeit restructured. In their response to their domestic abuse consultation published in January the UK Government undertook to consider further the need for a statutory aggravating factor that would apply in domestic abuse-related cases in England and Wales; pending the conclusion of that work, the Bill does not include such a provision for Northern Ireland. If necessary, it would be the Department of Justice's intention to bring this forward on the return of the Assembly.

It is anticipated that the main stages of the Bill will take place in the House of Commons in autumn 2019, with the Lords stages following into early 2020. Subject to Parliamentary approval, the Bill is expected to receive Royal Assent by Easter 2020.

The Bill and explanatory notes can be accessed at

<https://services.parliament.uk/Bills/2017-19/domesticabuse.html>. A Fact Sheet on the

Northern Ireland domestic abuse provisions can be found at

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/817430/Fact_Sheet_-_Domestic_Abuse_Northern_Ireland.Rev2.pdf.

FROM THE PERMANENT SECRETARY

Peter May

A brief overview of the key Northern Ireland domestic abuse provisions is attached at **Annex A**, for ease of reference.

For further information please contact Veronica Holland on 028 90 520534 or veronica.holland@justice-ni.x.gsi.gov.uk.

Yours sincerely



PETER MAY

Peter May

ANNEX A

NORTHERN IRELAND DOMESTIC ABUSE BILL PROVISIONS

- The Bill's provisions will make it an offence in Northern Ireland for an individual to engage in a **course of abusive behaviour** against someone who they are "personally connected" to.
- Two people are **personally connected** if they are, or have been, married or in a civil partnership or they live together (or have lived together) as if they were married or in a civil partnership. Two people would also be personally connected if they are, or have been, in an intimate personal relationship with each other or are family members.
- The offence will cover behaviour that is abusive because it is controlling or **coercive** or amounts to **psychological, emotional or financial abuse** of the other person.
- Abusive behaviour will also include behaviour that is **physically violent, threatening or intimidating**.
- Abuse against a child by a person who has **parental responsibility** for that child is **excluded** from the scope of the offence, but an offence may be committed where a person makes use of a third party (including their child) to abuse another person.
- The offence will otherwise apply to both adults and those under 18.
- The provisions will apply where the **behaviour is intentional, or reckless**, as to its effect.
- **Harm would not have to be caused**, rather an offence will be committed where a reasonable person would consider the behaviour likely to cause harm.
- A **defence** may be that the **behaviour in the particular circumstances** of the case is deemed to be **reasonable** (for example, to ensure the safety of a spouse with dementia).
- An **aggravation** will apply to the domestic abuse offence where a child is involved – where they **see, hear or are present or they are used to abuse the connected person** – enabling the sentencing to be increased up to the maximum available.
- **Extra-territorial jurisdiction** will apply, meaning that abusive behaviour committed abroad may be brought within the remit of the domestic abuse offence to further protect victims.
- **Alternative offences** are available where a person is not convicted of the domestic abuse offence (under harassment legislation).
- The Bill provides for a range of measures associated with the offence in Northern Ireland, to reduce the potential for an individual to be further **victimised** during criminal proceedings, including:
 - the **personal relationship** between two individuals being taken as **established** unless it is challenged;

FROM THE PERMANENT SECRETARY

Peter May

- **prohibiting cross-examination** of a victim **by the accused**;
 - **automatic eligibility for consideration of special measures** (for example, giving evidence via a video link or behind a screen); and
 - providing that the **accused cannot ask for trial by jury** (for the case to be taken to Crown Court) in summary proceedings.
- The maximum sentence available will be **12 months imprisonment on conviction in a magistrates' court** and **14 years imprisonment on conviction in the Crown Court**. A fine may also be imposed.
 - **Guidance** will be issued around the investigation of the offence.



Department for

Communities

www.communities-ni.gov.uk

From: Tracy Meharg
Permanent Secretary

Level 9
Causeway Exchange
1-7 Bedford Street
BELFAST
BT2 7EG

Telephone: 028 90 823301
E-mail: tracy.meharg@communities-ni.gov.uk
Our Ref: PSC 0789.19
Date: 19 July 2019

Mr Anthony Tohill
Chief Executive
Cookstown Office
Burn Roan
Cookstown
BT80 8DT

Via email: anthony.tohill@midulstercouncil.org

Dear Anthony,

NORTHERN IRELAND LOCAL GOVERNMENT CODE OF CONDUCT

Thank you for your letter of 21 May 2019 regarding those letters of protest submitted to you by some of your councillors.

I have received a number of similar letters from other councils. As you know, councillors are required to sign a Declaration of Acceptance of Office where they agree that they have read and will abide by the Councillors' Code.

The letters of protest advised Chief Executives, that members considered that:

- they should not have to confirm that they have read and agree to abide by a Code which has been reviewed and to which there are recommendations for change awaiting approval by the Department for Communities;
- they are, in effect, being asked to give consent to complying with rules which central Government has already accepted as being outdated; and
- the NI Local Government Commissioner for Standards has not engaged meaningfully and constructively with the National Association of Councillors on how their office conducts its operations.

The latter issue is a matter for the NI Local Government Commissioner for Standards, however, the issues about the Code of Conduct are for my Department to deal with. I met with the Commissioner recently and she advised that she would address the issues raised in the letters submitted to Chief Executives regarding her Office.

I thought it might be helpful if I provided an update on a revised Code.

Review of the current Councillors' Code

The current Councillors' Code which was approved by the Assembly on 27th May 2014, was introduced as part of the Ethical Standards Framework under the new governance arrangements introduced by the Local Government Act (Northern Ireland) 2014 (the 2014 Act).

Following concerns raised by some councillors regarding Part 8 of the Councillors' Code (decision-making), the then Minister of the Environment appointed an independent Review Working Group, to consider those concerns and, in addition, to consider the (then recent) changes made to the Principles set out in the MLA Code of Conduct with a view to identifying whether Part 3 (Principles) of the current Councillors' Code should be amended in line with the MLA Code.

The independent Review Group conducted information gathering events from November 2015 to April 2016 and heard the concerns put forward by interested parties. The Review Group submitted its report to the then Minister who agreed that a revised Councillors' Code, amended in line with the Review Group's recommendations, should be issued for consultation.

The revised Councillors' Code was issued for consultation together with a copy of the Review Group's Report from 21 December 2016 to 28 February 2017. The consultation document advised that, while it sought views on the revised Councillors' Code, comments on points raised by the Review Group as "Emerging Issues" (i.e. Training, Advice to Councillors and Procedures) which were outside of the Review Group's remit would be considered by the Department as part of any future review of the Ethical Standards Framework in councils.

In summary, the changes proposed by the consultation were for the Councillors' Code to reflect the changes made to the MLA Code regarding the Principles of Conduct and for clarification to be given on when the rules on decision-making in Part 8 of the Code should apply i.e.

- that Rules 8.1(a) to (h) would apply to all council decisions, and
- that Rules 8.1(i) to (l) would apply, in addition to Rules 8.1(a) to (h), to quasi-judicial decisions (e.g. planning and licensing etc.), decisions on making appointments and the awarding of contracts.

The current position

The Department has collated the responses to the consultation and has prepared a Departmental Response to the submitted comments. These will be put forward for consideration by the Minister for Communities, when appointed.

I can understand that, having consulted on proposals for a revised Councillors' Code, there would have been an expectation within local government that this would have been brought forward as soon as possible after the close of the consultation. However, the Department cannot progress the revised Code at this time. Section 53 of the 2014 Act states that the Department must not issue a revised Councillors' Code unless it has been laid in draft before, and approved by, the Assembly (sub-section (7) of

section 53). The current Councillors' Code, which was approved by the Northern Ireland Assembly on 27 May 2014, will therefore continue to apply.

I acknowledge that councillors have some concerns about certain aspects of the Councillors' Code. At a recent meeting of the Central-Local Government Political Forum (28 June 2019), Forum members raised a number of issues with Louise Warde Hunter, Deputy Secretary of the Department's Housing, Urban Regeneration and Local Government Group and a useful discussion followed. I would like this dialogue to continue and have asked my officials to liaise with the National Association of Councillors and the Northern Ireland Local Government Association so that they can air any concerns councillors may have regarding the Councillors' Code.

Way forward

The Department is in the early stages of conducting a 3 year review and evaluation programme of local government legislation. The first year will consider council governance arrangements, and the wider review of the Ethical Standards Framework will form part of this work. The Department has established a Working Group of council officers and Departmental officials as part of the initial phase of this work to scope out any issues which have arisen from the practical application of the 2014 Act. Following this, the Department will engage with councillors, local government representative bodies and other key stakeholders to seek views on the current legislative framework. The recommendations that the Code of Conduct Review Group made on 'Emerging Issues' in their April 2016 report, will be considered during the wider review of the Ethical Standards Framework in councils and the Department will seek the valuable insights that councillors, councils and local government representative bodies can provide. The Department's intention, in carrying out the review, is to put recommendations to an incoming Minister, for consideration, at the earliest opportunity.

In the interim we are keen to share the progress of this review with councils and councillors on an ongoing basis through positive engagement with the local government sector.

I hope this information clarifies the standing of the current Councillors' Code and the Department's intention to work with councils to bring forward suitable policies which complement the work of councils.

Councillors may also wish to view the information and guidance available from the Local Government Commissioner for Standards (the Commissioner):

- guidance on the Councillors' Code,
- information on how it deals with complaints that a councillor may have breached the Councillors' Code,
- the procedures to be followed, and
- information leaflets about the service which the Commissioner's Office provides.

Advice is also available through "The [Guidance on the Use of Social Media](#)", produced by the Commissioner and the "[Conflicts of Interests – A Good Practice Guide](#)", produced by the Northern Ireland Audit Office. In addition DFI Planning Policy Division

has produced "[Guidance on the application of the Councillors' Code of Conduct with regard to Planning matters](#)".

I would be grateful if you could bring the content of this letter to the attention of your councillors for their information. A copy of this letter has also been sent to the Local Government Commissioner for Standards, the Northern Ireland Local Government Association and the National Association of Councillors – NI Region.

I do hope you find this helpful. If you require any further information my officials would be happy to assist: Julie Broadway julie.broadway@communities-ni.gov.uk (Tel: 028 9082 3349) or Mylene Ferguson mylene.ferguson@communities-ni.gov.uk (Tel: 028 9082 3350).

Yours sincerely,

Tracy Meharg

TRACY MEHARG
PERMANENT SECRETARY



Department for

Communities

www.communities-ni.gov.uk

From: Tracy Meharg
Permanent Secretary

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Telephone: 028 90 823301
E-mail: tracy.meharg@communities-ni.gov.uk
Our Ref: PSC 0789.19
Date: 1 July 2019

Mr Anthony Tohill
Chief Executive
Cookstown Office
Burn Roan
Cookstown
BT80 8DT

Via email: anthony.tohill@midulstercouncil.org

Dear

Anthony

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- that they should not have to confirm that they have read and agree to abide by a Code which has been reviewed and to which there are recommendations for change awaiting approval by the Department for Communities;
- they are, in effect, being asked to give consent to complying with rules which central Government has already accepted as being outdated; and
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The latter issue is a matter for the NI Local Government Commissioner for Standards, however, the issues about the Code of Conduct are for my Department to deal with. I have met with the Commissioner who has advised that she will address the issues raised in the letters submitted to Chief Executives regarding her Office.

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The independent Review Group conducted information gathering events from November 2015 to April 2016 and heard the concerns put forward by interested parties. The Review Group submitted its report to the then Minister who agreed for a revised Councillors' Code, in line with the Review Group's recommendations, to be issued for consultation.

A revised Councillors' Code was issued for consultation and was accompanied by a copy of the Review Group's Report. The consultation document advised that while it sought views on the revised Councillors' Code, comments on points raised by the Review Group as "Emerging Issues" (i.e. Training, Advice to Councillors and Procedures) which were outside of the Review Group's remit would be considered by the Department as part of any future review of the Ethical Standards Framework in councils.

In summary, the changes proposed by the consultation were for the Councillors' Code to reflect the changes made to the MLA Code regarding the Principles of Conduct and to clarify that rules 8.1(a) to (h) would apply to all council decisions and that Rules 8.1(i) to (l) would apply, in addition to rules 8.1(a) to (h) to quasi-judicial decisions (e.g. planning and licensing etc.), decisions on making appointments and the awarding of contracts.

The current position

The Department has collated the responses to the consultation and has prepared a Departmental Response to the submitted comments. These will be put forward for consideration by the Minister for Communities, when appointed.

Section 53 of the 2014 Act, under which the current Councillors' Code was approved by the Assembly, states that the Department must not issue a revised Councillors' Code unless a draft of the revised Councillors' Code has been laid before, and approved by the Assembly (paragraph (7) of section 53). Until such time when the Assembly is sitting, the Department is not in a position to take this matter any further

The current Councillors' Code, which was approved by the Northern Ireland Assembly on 27 May 2014, continues to apply.

The Local Government Commissioner for Standards (the Commissioner) has produced:

- guidance on the Councillors' Code,
- information on how it deals with complaints that a councillor may have breached the Councillors' Code,
- the procedures to be followed, and
- information leaflets about the service which the Commissioner's Office provides.

Councillors may also wish to make themselves familiar with the [Guidance on the Use of Social Media](#), produced by the Commissioner and the [Conflicts of Interests – A Good Practice Guide](#), produced by the Northern Ireland Audit Office. In addition DFI Planning Policy Division has produced [Guidance on the application of the Councillors' Code of Conduct with regard to Planning matters](#).

Way forward

The Department is in the initial phase of instigating a review of local government legislation which will cover the governance, ethical and financial arrangements of councils. The recommendations of the Review Working Group report, together with the comments submitted regarding that report, will form the basis of the wider review of the Ethical Standards Framework in councils. The Department will conduct this review seeking the valuable insights that councillors, councils and local government representative bodies may provide.

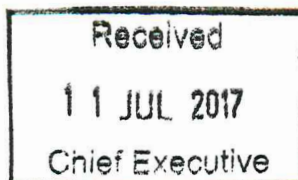
I would be grateful if you could bring the content of this letter to the attention of your respective councils for their information. A copy of this letter has also been sent to the Local Government Commissioner for Standards, the Northern Ireland Local Government Association and the National Association of Councillors – NI Region.

I do hope you find this helpful. If you require any further information my officials would be happy to assist: Julie Broadway julie.broadway@communities-ni.gov.uk (Tel: 028 9082 3349) or Mylene Ferguson mylene.ferguson@communities-ni.gov.uk (Tel: 028 9082 3350).

Yours sincerely,



**TRACY MEHARG
PERMANENT SECRETARY**



Derry City & Strabane
District Council
Comhairle
Chathair Dhoire &
Cheantar an tSraitha Báin
Derry Cittie & Strabane
Destrack Council

Our Ref: TJ

9 July 2019

Mr Anthony Tohill
Chief Executive
Mid Ulster District Council
Circular Road, Dungannon
BT71 6DT

Dear Mr Tohill

At a Meeting of Derry City and Strabane District Council held on 27 June 2019, the following Motion was unanimously passed:

Council notes the recent IPCC (Intergovernmental Panel on Climate Change) report on the impact of climate breakdown and agrees that drastic measures must be taken to mitigate the risks.

Council requests an urgent report assessing the impact of the activities of Derry and Strabane Council on greenhouse gas emissions. Council must aim for Derry and Strabane to move away entirely from fossil fuels and towards renewable energy sources.

Council congratulates the Extinction Rebellion movement and other activists who have recently protested here and across the world to highlight the threat of climate catastrophe. Council supports the global climate strike set for September 20th next.

Council urges other local Councils to follow suit and also declare a Climate Emergency.

Council recognises that trains are the cleanest means of mass transportation available to us. Council calls for and will campaign for the completion of Phase Three of the promised upgrade of the Derry-Coleraine line.

Council agrees to establish a multi-agency team across the council area including government departments, political parties and other relevant agencies to ensure that tackling the causes of climate change is an immediate priority.

Derry

C/o Council Offices
98 Strand Road
Derry
BT48 7NN

Strabane

C/o Council Offices
47 Derry Road
Strabane
BT82 8DY

**John Kelpie MEng., CEng., MStructE.,
MIEI**

Chief Executive
Derry City and Strabane District Council

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chiefexecutive@derrystrabane.com
www.derrystrabane.com

f Derry City & Strabane District Council
@dcsdcouncil

I would appreciate your consideration in this important matter and would be grateful for a response in relation thereto by 15 July 2019, prior to the next meeting of Derry City and Strabane District Council.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Kelpie', with a large, stylized initial 'J'.

John Kelpie
Chief Executive