

E.R.

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Mr Sullivan
Central Secretariat

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SP(B)97/201/11

SINN FEIN FINANCES

Thank you for your minute of 27 March.

I attach a draft submission which, as you can see, draws heavily on that and on Mr Carvill's two submissions of 14 March and 18 April to give Ministers a picture of the present position and the relevant considerations. I should be grateful for any general comments you may have and for your advice on two particular points.

First, I am a little concerned that some of the material in the submission may be out of date. Would it be possible to check this with DOE?

Secondly, it strikes me that the position of 2a Monagh Crescent is crying out for some form of enforcement action. It would be very helpful to know what the NIHE plans for the site are, and what - if anything - they or the DOE think should be done about the Martin Forsythe Advice Centre.

Jarvis Hill

D J R HILL
Law and Order Division

15 April 1985

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DRAFT SUBMISSION

SINN FEIN FINANCES

Mr Ward's minute of 28 February recorded the Secretary of State's support for Mr Bickham's suggestion that in the run-up to the local elections it might be timely to consider ways in which financial pressure could be applied to Sinn Fein.

This issue was carefully studied about a year ago. (Mr Carvill's submissions of 14 March and 18 April 1984 refer). The conclusion reached then was a low-key approach stood the best chance of success. In the period since then the pressure on Sinn Fein to move out of illegally-occupied NIHE property has been maintained, with a degree of success, and it is recommended that this approach should be continued.

Background

There are only a limited number of areas in which Government action could be taken with the aim of putting pressure on Sinn Fein finances. The most obvious areas are:

- i) the illegal occupation of NIHE property;
- ii) the running of advice centres without planning permission; and
- iii) non-payment of rents and rates.

Illegal Occupation

in Belfast
It was established last year that Sinn Fein were illegally occupying four NIHE properties. (They also run advice centres in privately-

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owned property and occupy the Springfield Resource Centre which may be owned by the Belfast City Council). They also occupy 2a Monagh Crescent - the Martin Forsythe Advice Centre - which was built illegally some years ago on an NIHE site. No use and occupation payments are made to the Executive for any of these properties, and 2a Monagh Crescent was built without planning permission.

Two of the four NIHE properties (14 Glanalina Road, Ballymurphy) and 6 Farset Path, Divis) have been vacated by Sinn Fein, repossessed by the NIHE and demolished; a third (28 Bond Street, Markets) is no longer used by Sinn Fein and will be demolished shortly; in the case of the fourth (201 Brompton Park, Ardoyne), the NIHE will take action against Sinn Fein and three other illegal occupants when the site's new tenant gets planning permission, and expect to regain possession of the site within six months.

On the debit side, however, the Sinn fein advice centre in Farset Path moved to 1 St Jude's Path when the Farset Block was demolished, so the problem has moved rather than gone away.

Operating without Planning Permission

There are half a dozen Sinn fein advice centres known to be operating without planning permission. A number of these would be given permission if proper application were made. The premises concerned are not urgently required for other public uses, are not unduly obtrusive or offensive in terms of their impact on surrounding properties and the services provided are lawful, and welcome to the local residents.

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An additional problem is related to the service of enforcement notices. Attempts to serve them by recorded delivery were unsuccessful and personal service by members of staff carries with it dangers to the individuals concerned which the DOE would hesitate to impose. As the service of such a notice merely requires the occupier to seek planning permission and this would probably be granted in most cases, there seems to be little point in pursuing this line of attack.

Rents and Rates

With the DOE's support, the NIHE does not seek use and occupation payments (equivalent to normal rent and rates) from Sinn Fein where it is in illegal occupation of its property. The courts have held that if an illegal tenant pays use and occupation charges he has a revocable licence to occupy the property. Thus if the NIHE were to accept use and occupation payments from Sinn Fein it would grant a semblance of legitimacy to Sinn Fein's presence. (The NIHE does not in any event grant tenancies to political parties). And if payments were sought but not made, recovery would be a very difficult exercise.

General

It has been generally accepted that any high-profile attempt to evict Sinn Fein from NIHE properties, or to enforce planning permission rules or recover payments in respect of those properties would be counterproductive, particularly if it were ultimately unsuccessful. In practice Sinn Fein would simply move in to the nearest vacant property (as they have done in the Divis). A number of agencies would have expended considerable effort to no real purpose and given Sinn Fein the opportunity to claim that they

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were being victimised. It would be virtually impossible to recover money from any individual involved or from "Sinn Fein" itself. A higher profile approach would also, unless it were mirrored in other areas, tend to put the NIHE into the front line against Sinn Fein which could damage the credibility of the Executive as a whole as well as putting individual employees at risk.

Telephone, electricity etc charges

For completeness I should mention that Sinn Fein appear to pay these regularly and promptly, so there is no scope for action here.

The present position

This could hardly be described as satisfactory, but some progress has been made. Sinn Fein are in illegal occupation of only two NIHE properties and one of these should be repossessed within six months. [2a Monagh Crescent]. The NIHE's practice of not seeking use and occupation payments is clearly right and there seems to be nothing which could be gained by seeking to enforce planning permission rules against Sinn Fein advice centres.

Conclusion

If the Secretary of State is content we will encourage the NIHE to be alert for future opportunities to take action against the Sinn Fein occupation of 1 St Jude's Path, Divis and 2a Monagh Crescent where this stands a chance of success.

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Brompton Park?
Rohoyne