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From: R Wilson

21 August 1989

As noted in memo 2. Miss Dolin
Miss Dolin's Housing & Transport Division should be provided with 331 & 341 respectively. We will need to ensure that next report builds on this.
cc: PS/Ministers (B&L)
PS/PUS (B&L)
PS/Sir K Bloomfield
Mr Burns
Mr A W Stephens
NI Perm Secretaries
Mr Spence
Mr Thomas
Mr Miles
Mr Kirk
Mr J McConnell
Mr Blackwell
Mr Bell
Mr J A Daniell
Mr Wood
Miss Owens

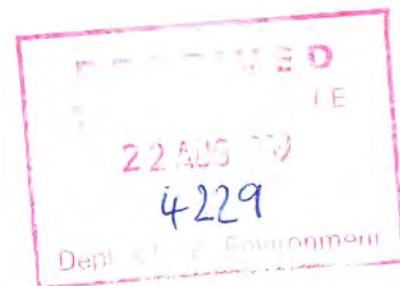
PS/Secretary of State (B&L)

POLITICAL PROTEST ACTION

INTRODUCTION

1. Since August 1987 the Secretary of State has been advised on a monthly basis of the state of play on the continuing political protest action by Unionists against the Anglo-Irish Agreement.
2. This submission deals with the position at the end of July 1989 and considers Unionist councillors' participation in public bodies; the refusal of elected representatives to pay public debts, such as car tax and rates; the conduct of council business and the display of protest banners.
3. PUBLIC BODIES
 - 3.1 Education & Library Boards:
 - 3.1.1 The first meetings of the newly reconstituted Education and Library Boards have now taken place and all District Councils have filled their quota of places. In 4 of the 5 Boards business was conducted without disruption.
 - 3.1.2 In the case of the Belfast Board Unionist members nominated by Belfast City Council (who took their seats on the 1st Board for the first time in over 3 years) left

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the meeting after dispute over the Chairmanship and Vice-Chairmanship of the Board. Following normal election procedures these positions were filled by members outside this group. Some unionists have threatened to take no further part in Education and Library Board meetings because of their alleged "undemocratic" nature.

3.2 Health & Social Services Boards:

- 3.2.1 Nominations for membership of the 4 Health and Social Services Boards have been received from all District Councils.
- 3.2.2 The appointments for the Western Board were made on 26 June 1989 and those for the 3 remaining Boards are currently being processed. The terms of office will be for the period ending 31 March 1991 - the date at which the new style Management Boards are expected to be established. The Government has decided to re-constitute Health & Social Services Boards as smaller management-style boards and no longer to reserve places for nominees of District Councils, professional bodies and other interests; this change will be effective from 1 April 1991.
- 3.2.3 Current legislation governing the constitution of the Health and Social Services Boards provides that each Board should include "at least one person nominated by each of the District Councils" in the Board's area. In practice, more than one place has been set aside for 5 of the 26 Councils.
- 3.2.4 In the case of Belfast, 5 places have been set aside. As previously the Council nominated 5 unionists, but the Minister has now decided to appoint only 3 of the unionists and to offer the other 2 places to SDLP and Alliance Councillors. In the case of Craigavon, 2 places have been set aside. The Council again nominated 2 unionists, but the Minister has decided to appoint only one of the unionists and to offer the other place to an SDLP Councillor.
- 3.2.5 These reflect the commitment in para 12 of the recent Review document "to consider what means may be available to remedy imbalances arising from the use by others of their existing nominating powers without due regard to fairness or balance." Unionists are likely to react badly.

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3.3 Northern Ireland Housing Executive

- 3.3.1 The 26 District Councils each nominate one member (usually the Chairperson) to serve on the Northern Ireland Housing Council; the Housing Council in turn nominates 3 of its members to serve on the 10 member NI Housing Executive Board. The political make-up of the nominees to the Housing Council is 20 unionists and 6 nationalists. The next stage is for the Housing Council to submit nominations to the NI Housing Executive Board; their appointments will be effective from 4 November.

3.4 Fire Authority for Northern Ireland

- 3.4.1 Right of nominations to eight places on the 13 member Fire Authority for Northern Ireland lie with Belfast City Council and the Association of Local Authorities in Northern Ireland (ALANI). Both bodies have submitted their nominations, (4 each from Belfast City Council and ALANI - all apparently unionists). The Department of the Environment, to whom the nominations are submitted, will shortly be writing to the nominees seeking their willingness or otherwise to serve with effect from 1 October.

4. NON-PAYMENT OF PUBLIC DEBT

4.1 Car Tax

- 4.1.1 In the past some unionist MPs and District Councillors have withheld car tax as a form of protest against the Anglo-Irish Agreement. The most recent case involved Mr J Nicholson (former MP) charged with using an unlicensed vehicle on 4 February 1988 and on 6 May 1988. Full payment of all mitigated penalties and costs in respect of both cases was made on 17 October 1988.

4.2 Television Licences

- 4.2.1 Mr Ken Maginnis is the only MP reported to be without a TV licence; he has been visited formally by the Post Office and gave his reason for not buying a licence as protest against the Anglo-Irish Agreement. The Post Office will shortly be writing to Mr Maginnis calling on him to licence his receiver. Continued failure to do so will ultimately result in the issue of a summons by the Post Office but this position is unlikely to be reached for some time yet.

** Queried with J. Dorrion re 1st line of this paragraph. We reported to him on 21 July and indeed Kenneth Bloomfield reported to PS/SOS on 24 July that these outstanding amounts are not unusual and are usually paid at the 'last minute'. These 'last minute' payments are not unusual and cannot be solely be attributed to the Political Protest Action. Mr Dorrion will query with Mr Spence and rectify in next report.*

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4.3 Rates * DM. 30-8-87

- 4.3.1 A number of MPs continue to withhold rates in protest at the Agreement. A schedule of MPs/MEPs with outstanding rates, and those in arrears, is at Annex A. Normal procedures are being pursued to recover the payments outstanding though it is still quite early in the Department's debt recovery procedures and it could be November before a Notice of Intention is issued by the Enforcement of Judgement Office. It is at this stage that outstanding amounts are usually paid.

5. DISTRICT COUNCIL ISSUES

5.1 Services

- 5.1.1 Services are being provided in all District Council Areas.

5.2 Council Business

- 5.2.1 In terms of council business July and August are quiet months with all councils cutting back on the number of meetings. Despite the conciliatory mood evident in many council chambers following the local government elections little seems to have changed in Belfast, Craigavon and Cookstown. The political temperature in these councils is as high as ever with confrontation and disruption high on the agenda. The continuing failure by the councils, particularly Belfast, to make any concessions to minority Parties when submitting nominations for membership of Public Bodies has caused considerable resentment and anger.

5.3 Cookstown District Council

- 5.3.1 A preliminary hearing of a case involving 5 Unionist members, who were surcharged following an award of damages against the Council for maladministration, was heard on 5 June. It was agreed that the case would continue by affidavit, with the next Council hearing scheduled for the autumn.

5.4 Association of Local Authorities of Northern Ireland (ALANI)

- 5.4.1 The ALANI was set up in 1973 to represent the interest of all district councils. However, following ALANI's refusal to recognise the name change of Londonderry City Council to Derry City Council in 1984, eight Nationalist councils withdrew their membership. Three Unionist councils (including Belfast CC) also withdrew from the Association, reducing the number of member councils to 15 at the end of 1988.

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5.4.2 The President of ALANI wrote recently to all non-member councils inviting them to fully participate in the Association. Four councils have now rejoined ALANI - Larne, Moyle, Strabane and Fermanagh bringing the total membership to 19 councils. Significantly however neither Belfast nor Derry have indicated their intention to rejoin. Both are important; Belfast from the point of view of its financial contribution and Derry in paving the way for other Nationalist councils. On the basis of its current financial position it is estimated that the Association has sufficient funds to see it through to the end of the present financial year. Department have been advised that ALANI is not to be regarded as representative of all Councils for purposes of nominations to public bodies.

6. PROTEST BANNERS

6.1 Following the signing of the Anglo-Irish Agreement, a number of Councils displayed banners proclaiming their resistance to the Agreement in the form "Belfast Says No", "Limavady Says No" etc. Many such banners were in positions where they were in breach of Planning (Control of Advertisements) Regulations and appropriate steps were taken to have them removed. The present position in relation to these displays is that of the 14 Councils originally displaying banners which required consent under the control of Advertisements Regulations:

- i. 5 councils (Banbridge, Craigavon, Lisburn, Newtownabbey and North Down) have removed them.
- ii. 5 councils (Belfast, Castlereagh, Limavady, Antrim and Ards) have removed their banners to positions where they are not in breach of the Regulations.
- iii. The Planning Appeals Commission has given consent under the Control of Advertisements Regulations for the display of the Cookstown Council banner, which is located in an inconspicuous position.
- iv. The Larne Council application for planning permission is still being processed. A decision was deferred at the Council's request, but the Department will be going to the Council meeting on 7 August with an opinion to refuse the application.

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- v. The Divisional Planning Officer is at present discussing with the Clerk to Carrickfergus Council the removal of its banner. If these discussions are not successful in the near future a warning letter will be issued; and
- vi. Ballymena Council had resolved to remove its banner and re-erect it within the Town Hall. The banner was removed, but apparently was too large for the available space inside, and has now been placed on the Seven Towers Leisure Centre. The Divisional Planning Office is pursuing the matter.

7. PUBLIC ORDER ISSUES

- 7.1 There have been no convictions for offences under the Public Order (NI) Order in the month of July.

CONCLUSION

- 8. The Secretary of State is invited to note the latest position.

R. Wilson

R WILSON
Central Secretariat

CC/019/JD/8/9

1988/89 Rate Arrears

	£
W Ross MP	12.00
M Smyth MP	8.00
J Nicholson MEP	8.00

1988/89 Rates Outstanding (includes 1988/89 arrears)

<u>Name of MP/MEP</u>	<u>Recovery Action</u>	<u>Amount Due</u>
		£
R Beggs (Home)	Process in Debt Proceedings issued for Court Hearing on 1 September 1989.	433.63
(Office)	Final demand issued 7 August 1989.	185.08
P Robinson (Home)	Decree in Debt Proceedings granted at Court on 28 July 1989.	868.84
(Office)	Decree in Debt Proceedings granted at Court on 8 August 1989.	1,169.66
W Ross	Decree in Debt Proceedings granted at Court on 11 July 1989. Notice of Intention to issue at end of this week.	866.54
M Smyth	Final demand to issue this week.	995.14
G Adams	Decree in Debt Proceedings granted at Court on 27 July 1989.	1,495.60
J Nicholson	Process in Debt Proceedings to issue for Court hearing in September.	246.10

Mr J Molyneaux paid his rate account of £260.49 in full on 2 August 1989.