

E. R.

CONFIDENTIAL

RBS/281/86

cc. PS/SOS (B&L) - M
PS/Ministers (B&L) - M
PS/PUS (B&L) - M
PS/Mr Bloomfield
Mr Barry
Mr Brennan - M
Mr Stephens
Mr Chesterton - M
Mr M Elliott
Mr S Hewitt
Mr J McConnell
Mr N Hamilton
Mr Sullivan

Miss F Elliott - M

"THE ALTERNATIVE ASSEMBLY"

We spoke yesterday about the reported plans of the Unionist ex-Assembly Members to reconvene in local government premises.

It is being reported that there will be a special meeting of Belfast City Council this evening at which the Unionist Councillors will force through a proposal to make facilities available in the City Hall.

As I understand the position, the City Council's power to make facilities available rests on Section 95(1) of the Local Government Act (NI) 1972:-

"A Council may provide and maintain offices, halls or other buildings to be used for the purpose of transacting the business of the Council or for public meetings, assemblies or entertainments".

It would be for the local government auditor to consider (next year) in auditing the Council's expenditure for 1986/87 whether there had been an unreasonable use of the ratepayers' money. He would have to seek a High Court ruling on whether the

CONFIDENTIAL

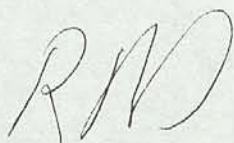
E. R.

CONFIDENTIAL

expenditure was ultra vires. In practice, it might be difficult to identify the extra costs which had been incurred. In addition, the Council could argue that their action was not unreasonable; for example, in the past the City Council has made facilities available for "a youth parliament".

The position might be different if the Council decided to allocate staff to assist the "alternative assembly"; the extra costs would be more obvious; the Council's officers would probably feel bound to warn the Council that such action was outside the Council's powers. It is possible that the Alliance Party or the SDLP would at that stage go to the Courts.

The Secretary of State has no power to direct the Council not to make facilities available.



R B SPENCE

Central Secretariat

24 June 1986

/JH

CONFIDENTIAL