

Allegations of attempted bribery on Moore St

Sinn Féin TD has lodged complaint to Garda about Moore St traders being offered substantial payments to vote in favour of Hammerson plan, which demolishes much of Moore St, in breach of corruption legislation

By Frank Connolly

LAST MONTH, Aengus Ó Snodaigh TD made some very serious claims in an article on *Village's* website. He alleged that four individuals may have been illegally involved in effectively bribing Moore Street Traders to vote a certain way, within a committee called the Moore Street Advisory Group (MSAG). The group was set up to advise Malcolm Noonan TD, junior minister for heritage, on what action the Government should take in relation to planning or legislative measures, on the large site embracing O'Connell St and Moore St which contains sensitive historic structures designated as national monuments. The current plan from its owners, Hammerson, would effectively knock most of the famous Moore Street terrace, site of the retreat by the leaders of the 1916 Rising.

Ó Snodaigh has indicated to *Village* that, following Minister Noonan's dismissal of his request that the minister contact An Garda Síochána on this matter, he intends to lodge a criminal complaint. This will include naming five individuals, whom he has said may have been involved in wrongful or illegal activities.

"I intend to lodge a complaint and to submit extensive material, including some not yet in the public domain, with a statement detailing the names of those I believe were involved in trying to bribe Moore Street traders to vote in a particular way on the ministerial Moore Street Advisory Group in May of last year", O Snodaigh said on 11 July.

Similar allegations have been made by a Moore Street trader to several people, including to businessman Stephen Troy of Troy Butchers, and others. They can be broken down into the following: that Moore Street market traders

received three financial offers, rising in value, with the last offer totalling €1.7 million or €100,000 per trader. These offers were made on condition that the traders supported the Hammerson development in a vote on the MSAG, it is claimed. The funds would be provided by Hammerson and Dublin City Council, ostensibly as compensation to the street traders for the potential disruption of their businesses during the redevelopment work.

The traders were allegedly told that nobody else could be informed of these financial discussions, least of all other members of the advisory group. They were also allegedly told that they must vote in favour of the Hammerson plan and that no objections should be lodged against the company's planning application to Dublin City Council. And they were allegedly told they should not support Ó Snodaigh's legislation on Moore Street, the 1916 Culture Quarter Bill 2021 on the MSAG, having originally supported it and to lobby other political representatives to oppose it.

Before these compensation offers were allegedly made, the traders were steadfast against Hammerson's proposal, as reflected in their submission to the group in February and late April 2021, two working days before the final vote. That was important since they could have had the decisive votes. As Ó Snodaigh put it in *Village*:

"If, for example, Brid Smith TD, Jim Connolly Heron, Councillor Donna Cooney, Neasa Hourigan TD and I all opposed the Hammerson plan, then the traders would have had the two deciding votes. Even if the other six members of the group, who had adopted an essentially uncritical position on the Hammerson proposals from day one, supported the Hammerson plan, the group would have still

produced seven to six against it. Turning the traders' to support the plan would have been crucial for those who believed in the planning permission".

This can be backed up by people communicating with *Village* on this topic. We have been provided with details of emails and other messages between a trader and one of the persons against whom the allegations are being made, discussing the first offer. In this correspondence, it was noted that in return for the offer the traders would, or were expected to: "1. Vote for the Hammerson plan at the MSAG. 2. Support the Hammerson planning permission at DCC and An Bord Pleanála stages. 3. Lobby politicians and individuals to support the Hammerson planning permission and 4. oppose legislation [Ó Snodaigh's] 1916 Culture Quarter Bill 2021".

One of the most prominent traders who was in direct communication with some of those who are the subject of the Garda complaint has agreed to co-operate with any subsequent criminal investigation. It would be illegal if he did not. He admits that he thinks that a crime occurred but also claims that the traders should be compensated and is not willing to co-operate with or assist in the uncovering of the alleged crime at the moment.

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Aengus Ó Snodaigh



Hammerson proposal for Moore Street



In crucial email correspondence, it was noted that in return for the alleged bribe the traders would, or were expected to: '1. Vote for the Hammerson plan at the MSAG. 2. Support the Hammerson planning permission. 3. Lobby for support for the Hammerson planning permission and 4. oppose Ó Snodaigh's 1916 Culture Quarter Bill'

Stephen Troy also backed up the allegation, stating that "it's very clear to me that this was bribery, considering businesses with substantial trading costs weren't offered any money and nor were other traders who had no votes on the MSAG. Traders on Moore Street have further confirmed to me they were effectively bribed which undoubtedly resulted in a compromised MSAG report. These behind-the-scenes actions explain why the developers never engaged with independent businesses in close proximity of the site. Sure why would they? We didn't have a vote".

In essence, while the MSAG was set up to advise the Minister, it was undermined in its work by being kept in the dark by undisclosed (until later revealed in Dáil Éireann) meetings between the Taoiseach, Micheál Martin and the developer Hammerson leading to his support for the scheme; by the failure to disclose that a participant in the MSAG held a lease agreement on a key property under discussion; and by covert manoeuvrings with traders' representatives on a 'compensation' package for them.

the Criminal Justice (Corruption Offences) Act 2018.

So, applying the facts to the law as Ó Snodaigh did in his piece:

An Irish employee of a local authority or any other person acting on behalf of the public administration of the state who, does an act in relation to his or her employment, position or business for the purpose of corruptly [by any, i.e. other, means] obtaining consideration or advantage for himself or herself or for any other person, shall be guilty of an offence.

In this case it is clear that buying a vote, being the essence of acting with an improper purpose, is corrupt.

Any person offering payment for a vote would also be guilty of an offence under Section 8 of the Criminal Justice (Corruption Offences) Act 2018 [see box below and right].

Why these individuals were so interested in securing planning permission for a property developer is unclear. *Village* has previously reported that two of the individuals against

whom these allegations have been made have denied being involved in any such offer of compensation in exchange for trader support for the Hammerson plan.

Now, because the Minister, Malcolm Noonan, a member of the Green Party, has failed to act, Ó Snodaigh has reported it to the Garda himself.

Member of the MSAG and Green Party Councillor, Donna Cooney, speaking in a personal capacity has told *Village* that she was concerned at the perception that may arise from officials of DCC and the Department of Heritage engaging in discussion on compensation of traders, particularly as no planning application for the development had been submitted at that stage in May 2021.

"I am concerned about discussions on compensation involving Dublin City Council and the Department and the possible influence it brings. Given that there was no planning application for the development, I felt it was putting the cart before the horse. I am committed to the revitalisation of the Moore Street market rather than compensating people to leave it", said Councillor Cooney, a relative of Elizabeth O'Farrell who famously surrendered to British forces with Pádraig Pearse, following the retreat to Moore Street. **L**

Criminal Justice (Corruption Offences) Act 2018

"Corruption in relation to office, employment, position or business:

Section 7. (1) states: "An Irish official who, either directly or indirectly, by himself or herself or with another person, does an act in relation to his or her office, employment, position or business for the purpose of corruptly obtaining a gift, consideration or advantage for himself or herself or for any other person, shall be guilty of an offence".

Section 2. (1) of the Act states that—

"Irish official means...

- (j) an officer, director, employee or member of an Irish public body (including a member of a local authority) or...
- (i) any other person employed by or acting for or on behalf of the public administration of the State;

"corruptly" includes acting with an improper purpose personally or by influencing another person, whether—

- (a) by means of making a false or misleading statement,
- (b) by means of withholding, concealing, altering or destroying a document or other information, or
- (c) by other means".]

Section 8 of the Act states that—

"A person who gives a gift, consideration or advantage to another person where the first mentioned person knows, or ought reasonably to know, that the gift, consideration or advantage, or a part of it, will be used to facilitate the commission of an offence [payment for votes] under this Act shall be guilty of an offence".