

CONFIDENTIAL



LBS 9/12

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PS/Mr Scott (L&B) - M
PS/PUS (L&B) - M
PS/Mr Bloomfield
Mr Brennan - M
Mr Stephens
Mr Barry
Mr Chesterton - M
Mr Erskine
Mr Elliott
Mr Spence
Mr Innes)
Mr Gilliland)
Mr Hamilton)without
Mr McConnell)enclosures
Mr Cowling)- M
Mr Rickard)- M

PS/SOS (L&B) - M

LOCAL GOVERNMENT

1. The Secretary of State should be aware that Mr Justice Hutton today gave his judgement in respect of the judicial review sought by Mr David Cook and 3 Belfast Alliance Councillors into certain actions of Belfast Council. A copy of the judgement is enclosed. In summary, Justice Hutton ruled that:-
 - (a) It was lawful for Belfast City Council to discuss, inter alia, the Anglo Irish Agreement.
 - (b) It was lawful for the Council to erect a Banner, paid for out of Council funds.
 - (c) The "Belfast Says No" Banner presently displayed on the City Hall should be removed until such times as a planning permission is given by DOE.
 - (d) The decisions of the Council at its meeting on 2 and 10 January to adjourn and to delegate functions to the Town Clerk were invalid and unlawful.
 - (e) The Council must now meet before 15 February 1986 and fix a rate and carry out the other duties required by Section 53 of the Local Government Act 1972 (in relation to financial expenditure for 1986/87).
2. These judgements are particularly helpful to government as a further means of requiring Councils to resume normal business and to strike District Rates. Mr Needham thinks that it would be important however to see the reaction of Unionist Councillors over the week-end, and in particular to see how other Unionist controlled Councils will interpret this important ruling and apply it in their local circumstances.

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3. In view of this judgement and following the assessment of its reception by the Unionist Councillors, Mr Needham would suggest that it would be important to discuss with the Secretary of State on Monday 10 February the timing of the announcement about the emergency legislation to be made at the Privy Council on 12 February. We understand from contacts with CPL Division that the Prime Minister is content for this legislation now to proceed, providing Ministers in DOE (London) have no objection. I can confirm from telephone conversations this afternoon that Mr Baker would be content for us to proceed as proposed if we believe that this is the required course of action.
4. Perhaps I could contact you first thing on Monday morning to arrange a mutually suitable time for the Secretary of State to meet Mr Needham.

Aileen Porter

AILEEN PORTER
PS/Mr Needham

4 February 1986

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