

CONFIDENTIAL

131/2

E. R.

PAE/1438/BN

NOTE FOR THE RECORD

cc: PS/Secretary of State (L&B)-m
PS/Ministers (L&B)-m
PS/PUS (L&B)-m
PS/Mr Bloomfield
Mr Stephens
Mr Brennan-m
Mr Chesterton-m
Mr Innes
Mr Elliott
Mr Spence
Mr Gilliland
Mr Bell -m
Miss Elliott -m
Mr Blackwell
Mr S Hewitt
Mr G Hewitt
Mr Ehrman -m
Mr Barry, DOE
Mr Hamilton, DOE

BELFAST CITY COUNCIL

I received a further telephone call from my contact to keep me up-to-date with events.

2. As expected, both by DOE and ourselves, the Council opted to adjourn and seek a stay of execution from Judge Hutton pending an appeal against his original decision. I understand that, this afternoon, Judge Hutton granted a stay of execution in respect of three of the four Writs of Mandamus pending appeal. He has, however, not allowed any extension on the requirement for the Council to strike a rate by 15 February. I have also been told that the Lord Chief Justice has set aside Friday to hear the appeal so assuming there is no postponement of that date, it is immaterial that the stays have been granted in the other three Writs.

3. The original movers of the Judicial Review are content with this again provided that there is no delay in the hearing of the appeal.

4. My contact told me it was not plain sailing for the boycotters last night and there was up to 5 UUP waverers who had to be brought into line. He went on to say it is a measure of the importance which is given to the Belfast situation, particularly by the DUP, that Dr Paisley was around before and during the meeting to lobby wavering councillors. Rentamob was also present and occupied the public gallery for the duration of the meeting.

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AB There was a recorded vote for the 28 to 19 decision in favour of the appeal and continuing the adjournment. (Breakdown of the Unionist vote: 13 UUP, 10 DUP plus 5 Independent Unionists). It is interesting to note that 2 UUP councillors, Corry and Redpath, who have made public their reservations about boycott policies are included in the vote while the UUP Lord Mayor John Carson, showing again great personal courage, abstained. This report of last night's meeting agrees with the information received by the Department of the Environment. My contact reiterated his advice that the Government remains silent and allow the Courts to deal with this problem.

Comment

6. It is evident that legal action in Belfast is being viewed as a test case for other councils. Some other councils have adjourned until later this week but are reconvening before the 15th to consider what has happened in Belfast.

7. The action by Coleraine Council by meeting and dealing with a problem with their gas concern could be regarded as evidence that councillors feel some obligation to deal with the problems of their constituents but of course the possibility of surcharges may have had a part to play.

8. Finally my contact in DUP circles told me that some discussion has taken place about the possibility of striking a 'silly rate' as a means of fulfilling the Council's statutory requirements. He did not know the outcome of this discussion but assumed, following the action taken in Belfast last night, that it had been considered a non-starter.


J E McCONNELL
Political Affairs Division

12 February 1986