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Mr. Murphy

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FROM: PS/SECRETARY OF STATE
3 October 1994

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DB 77/94

Mr. Perry 5/10

- cc PS/Secretary of State (B&L) - B
- PS/Sir John Wheeler (B&L) - B
- PS/PUS (B&L) - B
- Mr Legge - B
- Mr Thomas - B
- Mr Steele - B
- Mr Bell - B
- Mr Watkins - B
- Mr Daniell - B
- Mr Wood (B&L) - B
- Mr Marsh - B
- Mr Brooker - B
- Mr Stephens - B
- Mr Perry - B
- Dr Rosborough - B
- Mr Cleland
- Mr Beeton - B
- Mr Kyle - B

C

Mrs C R Collins - B

CONFERENCE OF COMMUNITY AND POLICE LIAISON COMMITTEES - WEDNESDAY
28 SEPTEMBER 1994

Thank you for the draft speech and briefing which were prepared for the CPLC Conference. The near final text of the speech is attached.

2. Following the Secretary of State's speech he answered questions. A summary of the questions and answers is attached at Annex A for the record.

3. Your office asked whether the Secretary of State would object to a copy of the speech being given to the Irish or to BBC Spotlight. The Secretary of State is content for it to be given to the former, but not to that latter. I should be grateful if David Kyle would pass a copy to the Irish side.

Signed

SIMON ROGERS
Private Secretary

SPEECH TO CONFERENCE OF COMMUNITY AND POLICE LIAISON COMMITTEES, WEDNESDAY, 28 SEPTEMBER

POLICING IN THE COMMUNITY

Introduction

Mr Chairman, Mr Neeson, ladies and gentlemen,

I am delighted to be here at the fourth Community and Police Liaison Committees' Conference: I am well aware of the excellent work of the CPLCs throughout Northern Ireland, and I thank you for your kind invitation to be here. [Hope to visit individual committees in due course/thank you for your work] I am impressed by the interesting programme of events throughout the morning. I would also like to take this opportunity, Mr Cook, to wish you and all the members of the Authority every success at this early stage of your term of office.

But I should like, today, when we are facing a hopeful future, to pay tribute to the steadfastness, bravery and sacrifice of the police, supported by the other security

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forces, whose unstinting efforts over the years have not only saved countless lives, but brought us to the point when we may be in sight of the ultimate reward, a permanent end to violence. However, The IRA cessation of "military operations", although promising, is not yet sufficiently shown to be permanent; the threat of loyalist violence still remains.

In dealing with the complex task of matching security resources to threat, as perceived, the Government is going to proceed with caution. We are not going to rush into hasty decisions, only to repent at leisure; but neither will we dawdle [I very much welcomed the statement put out by PANI on this]. We will act on considered professional views. If these indicate that changes are appropriate, then these will be put in train, carefully, sympathetically and gradually. Now, more than ever, there is no case for some kind of a quick fix.

Overview and Keynote

Policing comprises a key element in any peaceful society. It is a truism that in a democracy proper policing can only be achieved by consent, with the co-operation and support of society. This involves an active partnership between the police and the community that they serve. So I believe it is vitally important to forge strong links, and to develop a close dialogue between the police and the public. I am fully aware that this is at times a difficult task in the circumstances of Northern Ireland. But these circumstances also make effective communication in both directions all the more important. I have the utmost admiration for the role that CPLCs and the RUC, and especially the Community Affairs Branch of the RUC play in this difficult, and I happen to know rewarding, process. CPLCs provide a valuable interface, and it is most important that there is as wide a representation as possible of the diversity

of the people of Northern Ireland on your Liaison Committees. I am very glad to see that CPLCs are attracting a wide range of members - not only District Councillors, but also representatives of many other interests, such as churches, and those involved with young people and with business. We must build upon these successes to involve all sections of society in policing in Northern Ireland; and I am glad to congratulate the Police Authority for their initiative and leadership in this area. I warmly commend the innovative approach which David Cook has just outlined.

The Need for Change to Policing Structures

This work is, I believe, important in making sure that policing in Northern Ireland is as open and visibly accountable as it can possibly be. This is one of the key themes of "Policing in the Community".

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The present tripartite structure - the Secretary of State, the Police Authority, and the Chief Constable - was established in 1970 after the publication of the Hunt Report. But, experience has revealed some defects in the structure: in particular, the roles of the three parties are not well defined. This is widely acknowledged to lead to uncertain lines of accountability and it can also cause slow decision making and wasteful duplication of effort. I welcome the Authority's statement calling for greater clarity.

The aim of the reforms described in the paper is to clarify the roles and responsibilities of each element of the tripartite structure, to strengthen lines of accountability by providing each arm of the structure with duties which reflects its contribution, and so to provide a more effective police service.

create public confidence in the whole

At present, much of PANI's time is taken up with servicing the police, at the expense of its community role. This also leads to

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confusion in the minds of the public. A recent Community Attitudes Survey found that only one in five people thought that PANI was independent of the police. About one third have no idea of what PANI's role is. The proposals which we brought forward seek to remedy this confusion. We want the Authority to be in the best possible position to express the wishes and fears of local people, and provide genuine accountability to the community. The principle which Lord Hunt originally envisaged.

Consultation Exercise

We have had a very valuable consultation. The tripartite structure provides an important series of checks and balances. These must be effective in order to ensure the accountability of each element and to create public confidence in the whole system. We are committed to retaining the tripartite structure; and we will not meddle with that principle. But the consultation

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exercise showed that there is consensus on the need for reform, in the interests of clarity and effectiveness. There is also agreement on the crucial part played by a professional, effective and acceptable police force in a peaceful and harmonious society, and on the need for reforms to assist in this development.

There was, however, concern in some quarters over the mechanisms which would be required to achieve some of the objectives of the paper. There was apprehension lest either the impartiality and integrity of the police, or their accountability, were to be weakened. Many groups and individuals drew attention to the danger of attempting to separate security from community issues. Many, naturally, reserved their final word until they had seen more detailed proposals.

There was also a strong desire for the new Authority to have a continuing role in financial matters. I hope that what I have

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to say to you today will reassure you about these concerns, and will assure you of our commitment to putting in place a stronger and an improved structure, in particular with a real and continuing role for the Police Authority.

Within the police, a great deal of emphasis We received fifty-one substantive responses to the consultation paper from a wide range of organisations; this shows the depth of interest which so many people have in the reform of policing structures. John Wheeler and I have met representatives from thirty organisations during the consultation period. There is still much work to be done and it will not be carried out in isolation, within the walls of Government. It is important that the constructive dialogue which has taken place over the last few months should go on, and it will.

Key Principles

Accountability and Operational Independence

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Many of the responses to the consultation paper addressed the two-fold debate which lies at the heart of policing: that the police should be both accountable to the public and at the same time impartial and not subject to partisan political pressures.

Within the police, a great deal of emphasis is placed on the Chief Constable's operational independence for this very reason. Outside the police, it is recognised that the integrity, impartiality and ability of the police to act with discretion must be safeguarded, and that mechanisms for achieving real accountability must be found.

The principle of operational independence is a very precious one which, as I recognised as a Law Officer for 9 years, must be guarded jealously. There are dangers inherent in not keeping it.

We are committed to maintaining a police service which is acceptable throughout the whole community and to safeguarding the

impartiality and integrity of the police.
 And here, i note david cook's advice on the
 continuing need for a strong Police
 Authority. We are determined to ensure that
 the police remain free from political
 control. This is especially important in
 Northern Ireland: the operational
 independence of the police is of paramount
 importance if the public are to have
 confidence in their police service. Our
 proposals do not mean that politicians, or
 the Police Authority or anyone else will be
 able to tell the RUC how to enforce the law.

But the police must also be accountable if
 they are to command the support and
 confidence of the community. A police
 service must be responsive to society's needs
 and administered in an effective and
 efficient manner. This is recognised already
 in the RUC Code of Policing Ethics which
 states:

"The Royal Ulster Constabulary cannot provide a wholly effective service in the isolation from other agencies in the community. Success relies on community support."

We want to encourage local people to play a more active part in the policing of their areas by encouraging the idea of community involvement with the police, and a real dialogue at local and Province level. I do not underestimate the very real difficulty of achieving this in Northern Ireland - although we must not forget that, as the Community Attitudes Survey showed, almost three-quarters of people here think that the police do a good job. We are all aware that there are times when relations with the RUC can be strained. I am, however, encouraged when I hear reports today that the security forces are actually being talked to by public in areas where they were previously shown little regard. As we move forward there is still much work to be done

by us all in fostering relationships and building channels of communication between the police and the people they serve. One of the main aims of our proposals is to strengthen these accountability mechanisms in order to increase confidence in and support for the police.

We must always bear in mind that operational independence and accountability go hand in hand and must be carefully balanced.

The attributes of police impartiality, integrity and discretion in dealings with the public must be safeguarded. Accountability by the police is not, and must not become subservience. Operational independence must be protected in ways which encompass and protect these considerations. And accountability must be real, and be seen to produce results, in terms of fair, responsive and effective policing.

Security and Community Objectives

Turning to security issues, having listened to representations, I agree that it is entirely appropriate that the Police Authority should have a voice on security issues and make its views known to the Secretary of State and to the police on behalf of all of the people of Northern Ireland. I also think it entirely appropriate that the Authority should be able to set objectives to make clear the public's wishes on the impact on the community of all aspects of policing. This will include those emanating from the RUC's security role.

However, I have a special role in determining security policy. It is a duty which I exercise, with the support of Cabinet colleagues, and for which I am and must remain accountable to Parliament. I will ensure I play an important part in guiding developments in dialogue between the police, the Authority and the public.

Mechanisms: Objectives

Turning to look at the mechanisms, we propose that the Police Authority should be charged with identifying the policing priorities of the people of Northern Ireland. It is local people who know best what concerns them most about crime in their area and what they want the police to do. I believe, accordingly, that effective channels of communication between the police and the local community are vitally important. Our proposals would empower the Police Authority, in consultation with the Chief Constable, to establish objectives for the provision of police services, after taking soundings from CPLCs and other bodies representative of local people. Mr David Cook's proposal for the creation of a northern ireland cplc statutory co-ordinating group seems a very sound move; and the working group he has tasked will I am sure play an important part in guiding the developments in dialogue between the police, the Authority and the public.

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The setting of objectives and the preparation of a costed police plan will provide a visible means of ensuring that the police are well-attuned to the wishes of the public. However, it will not diminish the Chief Constable's responsibilities for the direction and control of his force nor his operational independence in determining the disposition of his force and in ensuring the enforcement of the law.

Mechanisms: The Costed Police Plan

Under the new structure, through setting objectives and then monitoring the costed police plan prepared by the Chief Constable, the new Authority we envisage will have an input at the strategic level into policing. For the first time, there will be a statutory mechanism by which the wishes and fears of the community can be formally expressed and put forward. And, for the first time, the Chief Constable will have the ability to manage, in line with his professional

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experience and judgement, the resources will devoted to policing to meet those wishes and fears, and to fulfil his legal obligations and operational priorities.

Under these proposals, day to day responsibility for resources would therefore be transferred to the Chief Constable. This will reduce the duplication inherent in the present system and enable resources to be deployed more effectively in fighting crime of all kinds. However the Police Authority will continue to play a key strategic role in resourcing, through the costed police plan prepared by the Chief Constable. The plan will set out the means of achieving the agreed objectives; the RUC will provide reports to the Authority (and the Secretary of State) on the achievement of the plan and the deployment of resources under it.

These proposals do not mean that the Chief Constable will have to follow slavishly the costed police plan without taking account of

changing circumstances. The Authority will discuss the police reports on the plan with the Chief Constable. If changes are necessary or desirable, these can be made. Objectives and plans do not take away the Chief Constable's responsibility for the continuation of sensitive and flexible direction and control of his force. The RUC Charter already shows active commitment to these principles.

Next Steps

The many responses which I have received to the consultation paper, and indeed what was included in Mr Cooke's speech today, have confirmed the case for moving ahead with the process of policing structures reform.

The reforms which are proposed will require legislation. I am aware of the strength of feeling which has been demonstrated in favour of a Bill, rather than the Order in Council and I share that feeling and we may have made

some progress. The constraints of Parliamentary time will, inevitably, have to be taken into account in deciding how to move forward.

Obviously, policing matters will be part of any future political discussions; but much detailed work needs to be done in producing a structural framework for policing which both meets today's pressing needs, and is flexible and robust enough to meet whatever specific arrangements might be agreed for the future.

Conclusion

The character and quality of policing is of the highest importance, for the well being of any free society and I am determined that we get the Framework right. Over the next few months we will, in consultation with and I hope supported by those involved in the consultation process, be working to make sure that we do get it right.

The new structures will ensure that local people's views are clearly and effectively represented to the RUC, through the setting of objectives by the Police Authority in consultation with the Chief Constable, following soundings with CPLCs.

I want people to have a real part in deciding what the goals of their police force are.

I want to ensure that the resources made available to policing are used to best effect.

We will achieve this by holding fast to the principles of accountability, impartiality and integrity which lie at the heart of our system of policing by consent.

Mr Chairman, I have read with interest the questions which the syndicates at this

Conference will be addressing later in the programme and I look forward to seeing later, and perhaps discussing with you, your report on the outcome. I believe we all have a responsibility to promote and participate in dialogue on vitally important questions such as these, building upon existing achievements, in the interests of constructing a peaceful and harmonious future. I, too, am sure we can do it.

ALISON J WHITE
Departmental Private Secretary

PI 2004/7012

SOFS/20142

SUMMARY OF QUESTIONS AND ANSWERS

Q The Government should proceed with caution and not be rushed into hasty decisions. It was, therefore, very careless to repeat slogans or words burdened with the baggage of the IRA such as 'demilitarisation'. To do so undermined the police constable on the street. (Ian Paisley Jr)

A Demilitarisation had nothing to do with the police and the Secretary of State could only recall having ever used the term 'demilitarisation' once (in the Coleraine speech) when he said that, with an end to violence, the need for a military presence would reduce.

Q The expanded role for the community in relation to policing should not be exploited by those who do not accept the police force in their areas.

A There was only one police service in Northern Ireland - the RUC. There was no role for any person/body to take to themselves policing functions. Punishment attacks, whether by Republicans or 'Loyalists', had no part to play - there would be no derogation of policing of Northern Ireland from the hands of the RUC.

Q Sir John Wheeler had given a categorical assurance that the legislation to enact the new policing structures would be by Bill and it now appeared as though the Government was walking away from this commitment.

A The position is that the legislation has to go through Parliament and parliamentary time is limited. The Secretary of State would prefer a Bill and not an Order in Council but

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he cannot guarantee this because it is not in his hands. It may be that it would be better to delay until we could get a Bill and he would be taking into account views expressed during the consultation process.

Q Given that one of the elements of the talks process would be the return of responsibility for security to local representatives, is this time to press ahead with changes in the policing structures?

A Yes. The changes are designed to eliminate a lack of clarity rather than to change principles. In any event, it was likely that in the shorter term responsibility for security measures would remain in the hands of the Secretary of State, though in the longer term it would be desirable for it to be in the hands of locally elected people.

Q Can you assure us that in your efforts to get accountability for the police force you will not go against the wishes of the majority by, for example, changing the name of the Royal Ulster Constabulary, which would alienate the 'loyalist' population?

A We will be seeking to get overall acceptance. There will be a need for compromise, but not of principles. The Secretary of State was opposed to the change in the name of the RUC, and thought that we should be looking at more important things than nomenclature. The future of Northern Ireland constitutionally, and in other respects, depends on the people of Northern Ireland. The overall outcome of the Talks will be put to the people of Northern Ireland by referendum.