

E.R.

Mr Warburton

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*Genl. copy to Mr Barrett
& Mr Warburton
& others. 1906.*

MEETING WITH AN SDLP DELEGATION HELD ON 17 JUNE TO DISCUSS THE IMPLICATIONS OF THE COUNCIL ELECTIONS

Present: Secretary of State Mr Hume
Mr Barry Mr Mallon
Mr Reeve Mr D Haughey
Mr Daniell

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1. Mr Hume said that the results of the district council elections had been much as the SDLP expected; it was a pity that the media had given so much attention to PSF when all they had done was to hold their ground. The unionists had, in areas such as Cookstown and Craigavon, reacted hysterically and played into the hands of PSF. In Cookstown they had used the existing law to devolve almost all of the Council's work onto committees from which Sinn Fein were excluded; the full Council needed only to meet once a year to strike a rate. If they succeeded in this tactic other councils would follow suit and the SDLP would find their elected representatives excluded from Council work. This was a bad omen for any future attempts to devolve powers in that the unionists had shown their exclusionist, absolutist approach and any model that required reasonable behaviour on their part would lack credibility.

2. Mr Haughey pointed out that the Local Government Act 1972 was based on a presumption that councillors would behave reasonably. The Act now required amendment to prevent further abuse - for example it should provide for more than one full Council meeting per annum; standing orders should be a legal requirement; and councillors should be given a statutory remit. The SDLP had advice from three lawyers to the effect that the existing law did not prohibit the abuses currently being perpetrated. Mr Haughey asked why the Secretary of State had made no statement condemning the behaviour of unionist councils. He pointed out that of 100 Council employees in Cookstown, which was an area with a sectarian balance, only 21 were Catholic and of the 25 administrative staff only 1 was Catholic. For the first time in fifteen years there was serious discussion amongst catholic businessmen about withholding rates. Mr Mallon had three points for the Secretary of State:-

- (i) the law was weighted in favour of the majority on councils and gave chairmen inordinate powers;
- (ii) no NIO representative had attended council meetings since the elections and therefore the Secretary of State had no first hand advice on what had happened;

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(iii) the NIO did not take the business of councils seriously and in particular seemed to have no interest in whether local government was providing value for money.

3. The Secretary of State said that he understood the SDLP's point of view on this issue but was surprised that they were so confident that the actions of which they were complaining were within the law. The actions of the majority on Craigavon Council were subjudice. But thought might be given to whether the anti-discrimination provisions of the 1973 Constitution Act could be brought into play. In terms of political judgement the unionists on some councils and the SDLP elsewhere (eg in Fermanagh) had taken decisions which could be questioned. The Secretary of State's concern was that Councils should function effectively, that there should be give and take between the constitutional parties and that services should be provided in a reasonable way. In his view these conditions were not being met in Cookstown. However, it was too soon to decide whether there was a need to amend local government law, which was modelled closely on GB provisions; nor would the Secretary of State be pressurised into proscribing PSF by unionist pressure. It was not appropriate to embark upon wide-ranging local government legislation in response to problems experienced on one or two district councils.

4. On the question of information available to the NIO about Councils, Mr Barry and Mr Reeve pointed out that DOE(NI) received minutes of all meetings and that DOE(NI) officials had been present at every meeting. Mr Barry said that local government accounts were subject to audit and pointed out that in practice full Council meetings were likely to be held more than once a year given that certain activities such as borrowing and disposal of land could only be decided upon in that forum.

5. Mr Hume said that while he appreciated the Secretary of State's difficulties over legislating and making statements on what was happening in the district councils, he felt that action should be taken before practices such as those at Cookstown and Craigavon became the norm. The delegation was content to leave it that they had alerted the Secretary of State to the problem. The Secretary of State said that he had taken their points on board and would keep the position under review, although it had to be understood that any action he took or statements he made would be even-handed.

6. The meeting was a low key affair throughout.

7. In discussion with Mr Barry after the meeting, the Secretary of State said that if serious consideration were at some stage in the future to be given to legislating to provide for a declaration of non-violence then such legislation might also include something to inhibit the sort of abuses discussed at the meeting eg limiting the matters

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that could be delegated to committee or requiring regular meetings of the full Council. Also, he asked that consideration be given to including a passage on District Councils in the speech for the renewal debate. (Miss Elliott to note).

Rpc

for J A DANIELL
Private Secretary

18 June 1985

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