

E.R.

PAB/1431/BN

RBS 110/2

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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 N Hamilton, DOE

BELFAST CITY COUNCIL

I received a telephone call from a contact to let me know the current situation on the council and the courses of action which he believes are open to councillors at tonight's meeting:

- a) To continue their action and face the consequences of contempt of court.
- b) To agree with the Court's findings and take action to fulfil its directions.
- c) To appeal against the decision.

2. My contact is not very hopeful that the decision will be to accept the Court's findings and he assured me that firm action will be taken in the event of either of the other two courses being followed.

3. Action in relation to the first course is relatively simple in that there will be insistence that the contempt procedures are followed as quickly as possible by the Courts.

4. If, however, the Council rules to appeal the decision it must, in the first instance, apply for a stay of execution from Judge Hutton

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in relation to his judgement delivered last Friday. The Council's Senior Counsel has said that in the likely event of failure at this stage it must then apply to the Appeal Court for a stay of execution. Apparently Senior Counsel went on to say that there is no guarantee such a stay would be granted and even if it is 'it is probable that the Appeal Court will uphold Judge Hutton's decision'.

5. I understand that David Cook will be opposing each stage of this strategy and is hopeful of success. He will also be insisting on a recorded vote at the meeting not least to ensure identification of those who may be in contempt of Court.

6. It was impressed on me that the Government should take no further action or make any further statements in relation to this issue, should the council decide to embark on the appeal course, until the Courts have reached a final conclusion. When I asked how long this would take, I was assured that steps were being taken (not specified) to ensure that the case gets to the Appeal Court as soon as possible.

7. I was then asked what steps are being taken by the Secretary of State in relation to the Assembly and I replied by repeating the terms of his letter to the Clerk to the Assembly. My contact's reason for asking was that he wondered if the Secretary of State should not be considering legal action against the Assembly along the same lines as that taken against Belfast City Council. I said I would pass on his comment but suggested that such action might be better coming from within the Assembly as had been discussed in this morning's Newsletter. He agreed and will see what support such action would receive amongst Alliance members.

8. Finally, I was asked if it is true that a temporary planning approval is to be granted by the Department of the Environment in respect of the 'Belfast Says No' banner. When I told him that I did not know he asked me to pass on his view that such action, taken before the conclusion of further court procedures, would seriously weaken the position of those who are supporting the decisions of Judge Hutton.

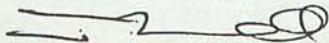
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9. My contact told me he will keep me informed of progress should the council decide to take the appeals course.



J E McCONNELL

Political Affairs Division

11 February 1986

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