

C O N F I D E N T I A L

155/96

ASST SEC 19 FEB 1996
CENT SEC

FROM: PETER SMYTH
POLITICAL AFFAIRS DIVISION
14 February 1996

1. Mr. [unclear]
2. Mr. McAuley

HEAD OF THE MAIL
2362
14 FEB 1996

- cc PS/Secretary of State (B&L) - B
- PS/Sir John Wheeler (B&L) - B
- PS/PUS (B&L) - B
- PS/Sir David Fell - B
- Mr Thomas - B
- Mr Steele - B
- Mr Bell - B
- Mr Leach - B
- Mr Blackwell - B
- Mr Daniell - B
- Mr Wood (B&L) - B
- Mr Maccabe - B
- Mr Stephens - B
- Mr Cornick - B
- Mr Sterling - B
- Mr Burnett - B

UNDER/ SEC 662/2
15 FEB 1996
CENT SEC

cc Mrs Davidson
19/2

Mrs Collins - B

POLICE AUTHORITY: VOTES OF CONFIDENCE

I have had calls from three members of the Police Authority in recent days to give individual insights into that particular state of Denmark. Collectively, they add some detail to Michael Legge's note of 7 and 9 February. While being prepared to listen, I have made it clear that the dispute remains a matter for the Authority itself to resolve.

2. Chris Ryder, not unexpectedly, has now decided that matters have reached a stage where no apology from him - not that he is prepared to give one - would be sufficient to save his skin in the vote on Sheila Davidson's motion of no confidence. He confidently expects to be heavily defeated. Cook, he thinks, has now deserted him, and is trying to put enough water between himself and Ryder to save his skin with the rest of the Authority. Ryder doubts if this will be possible, and does not feel inclined to applaud the political instincts of his Chairman which have prompted this rush to the lifeboats. Ryder remains firmly of the view that PANI must be persuaded to embrace a radical agenda, and that the Armageddon which will accompany the confidence motions on 21 February is unavoidable. He will not resign at the behest of the Authority,

C O N F I D E N T I A L

CP33626

C O N F I D E N T I A L

ever when he does lose the vote, and will go only if the Secretary of State requires his departure. He has begun to do some research on his own account into the interpretation of sections 5 and 6 of Schedule 1 to the 1970 Act, and assumes the "unfitness to discharge duties" criterion (he was quoting from memory) for dismissal would be judicially reviewable. He has unearthed a precedent from 1971 (?), when Belfast Councillor John Flannagan was dismissed for having taken part in an anti-internment conference alongside Joe Cahill. In a similar vein of comments, of Lord Tebbit in a recent newspaper article (that Ryder's views on the Irish flag flying over Stormont make him unfit to hold membership of PANI) are prompting thoughts of legal action for defamation. NB: He referred in very guarded terms to the fact that Cook is contemplating some drastic course of action in the next few days which is intended to provoke, or may result in provoking, resignations in advance of the meeting on 21 February.

3. Trevor Wilson, the UUP nominee of Cookstown Council, has been the victim of what he describes as Cook's arrogance and Ryder's bullying. From that perspective, he sees both votes of no confidence being carried - Ryder might get two votes, Cook possibly four or five, and/or a few abstentions. If neither of them resign after that, then Wilson - and he estimates six or seven other members - will certainly go. He is anxious to have it known that this would not be a party political decision - the resignations would be from across the spectrum.

4. As Wilson describes it, the Community Consultation Report is being used by Cook (aided and abetted by Ryder) to force through the former's personal agenda. Confrontation is welcomed, and compromise refused. On the contentious issues, there are varying levels of disagreement. On flying the Union flag the Authority is most deeply divided. Pat Armstrong has been trying to broker deals using various formulations, but Cook and Ryder appear determined to reject these in order to force matters to a head. Similarly on other

C O N F I D E N T I A L

CP33626

C O N F I D E N T I A L

issues - name of the force, symbols, oath of allegiance, neutral working environment etc - there are degrees of difference: virtual unanimity on name and symbols, and readiness to cut a deal on the wording of recommendations on the others (some of which are outwith the scope of the Community Consultation exercise), but Cook is apparently trying to drive the Authority into producing majority and minority reports. Wilson was keen to emphasise that he, Empey and Kerrigan, although determined to avoid publicity, are more than happy to see the Authority move in the general direction favoured by Cook and Ryder, but at a more gradual pace.

5. One can only feel sorry for someone like Francis Rocks, who is now the victim of threatening graffiti on walls in Cookstown once more. Rocks has gone out on a limb in his membership of the Authority; felt really pleased that the December meeting to discuss the White Paper was of sufficient intellectual coherence to influence HMG policy; but is now wondering why he is risking his neck to support a body of supposedly intelligent people intent on committing public suicide. He suggested that he would abstain from voting on the confidence motions, but admitted to continually changing his mind on the issue.

Comment

6. These snapshots serve to show the depths of the confusion within the Authority regarding the way forward. If they are representative then the idea of any carefully negotiated compromise seems remote. It will be a pity if personality clashes prove fatal to potentially positive developments in the role of the Authority; but it is difficult to see how - irrespective of the decision on the confidence motions - the membership of the present Authority can acquire even a veneer of unity in the future.

(Signed)

PETER SMYTH
SH EXT 27087

C O N F I D E N T I A L

CP33626