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Minutes of a Meeting held at 6 pm on
Thursday 1 May 1986 in the
Lord President's Office, House of Lords

PRESENT

The Rt Hon Viscount Whitelaw
Lord President of the Council
(In the Chair)

The Rt Hon Douglas Hurd MP
Secretary of State for the Home Department

The Rt Hon Tom King MP
Secretary of State for Northern Ireland

The Rt Hon Lord Young of Grafton
Secretary of State for Employment

The Rt Hon John MacGregor MP
Chief Secretary, Treasury

The Rt Hon Sir Michael Havers QC MP
Attorney General

The Rt Hon John Wakeham MP
Parliamentary Secretary, Treasury

The Rt Hon John Stanley MP
Minister for the State for Armed Forces,
Ministry of Defence

The Hon William Waldegrave MP
Minister of State,
Department of the Environment

Mr Raymond Whitney MP
Parliamentary Under Secretary of State
Department of Health and Social Services

Lord Glenarthur
Parliamentary Under Secretary of State
Home Office

Mr John MacKay MP
Parliamentary Under Secretary of State
Scottish Office

Mr Wyn Roberts MP
Parliamentary Under Secretary of State
Welsh Office

Sir Brian Cubbon GCB
Home office

SECRETARIAT

Mr J B Unwin Cabinet Office
Brigadier J A J Budd Cabinet Office
Mr J E Roberts Cabinet Office

SUBJECT

THE PRISON OFFICERS' DISPUTE

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The Meeting considered the current situation in the Prison Officers' Dispute. Ministers had before them a minute of 1 May from the Deputy Chairman of the Civil Contingencies Unit to the Lord President of the Council.

THE HOME SECRETARY said that the situation had eased considerably during the day. The Prison Officers' Association (POA) had suspended industrial action, and were due to meet the Permanent Under Secretary of the Home Office the following morning to discuss the basis on which negotiations might resume. Nevertheless, the Government should put in hand all preparations against the possibility that industrial action might be resumed. In general local coordination between the Police and Prison Governors was satisfactory, although the events of the previous night had demonstrated that things could still go wrong. He had already announced that there would be an inquiry into the prison disturbances he was considering how best to establish this.

He was not optimistic that it would be possible to make progress in the negotiations with the POA. There might be a case for an independent inquiry to examine the issues of manning levels, overtime and pay: he was convinced that the Government's case was so strong that it was almost certain to prevail. His officials would work up a detailed proposal, but there was no need to reach an immediate decision.

THE LORD PRESIDENT OF THE COUNCIL, summing up the discussion, said that while the suspension of the POA's action was welcome, the Government should put in hand all necessary contingency plans. The Ministry of Defence should begin immediately to prepare Rolleston Camp to receive prisoners: this might take about 8 days. They should identify in conjunction with the Home Office a suitable second camp, and begin work there also. The Home Secretary in his statement to the House of Commons earlier in the day had referred to the possibility of the Government taking this action, and there would therefore no need to attempt to keep it confidential. Emergency legislation would be needed before the camps could receive prisoners if service personnel were to be involved, but the situation was not sufficiently serious to require this to be introduced before the weekend. It would not be appropriate to decide on a inquiry into manning levels and overtime without full consideration of its wider implications.

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The Home Secretary should therefore bring forward proposals for the meeting which the Prime Minister would be holding on the following Wednesday, 7 May. He should also give further consideration, in conjunction with the Secretary of State for Employment, the Chief Secretary, Treasury and the Attorney General, to the possibility of the Government exploiting the loophole in the Trade Union and Labour Relations Act 1974 which exposed the POA to liability for inducing a breach of contract, and to the possibility of withdrawing the 'check-off facility' under which the Home Office deducted POA subscriptions directly from employees' pay. Ministers had noted the view of the Attorney General that the Government should not threaten to use the former remedy unless it was prepared actually to do so, and also that the remedy was discretionary and the courts would be increasingly likely to refuse the Government an injunction if it did not seek it expeditiously.

The Cabinet Office should continue to monitor the situation closely through the inter-departmental contingency arrangements, and should prepare a situation report for the Prime Minister's Meeting on Wednesday, 7 May.

The Meeting -

1. Invited the Ministry of Defence to set in hand immediately the preparation of Rolleston Camp and a second camp to receive prisoners.
2. Deferred a decision to introduce emergency legislation until the following week.
3. Invited the Home Secretary to bring forward proposals for an inquiry into manning and overtime levels in the prison service.
4. Invited the Home Secretary, in conjunction with the Secretary of State for Employment, the Chief Secretary, Treasury and the Attorney General, to prepare a note on the possibility of exploiting the Trade Union Act 1984 and the possible withdrawal of check-off facilities.
5. Invited the Cabinet Office to monitor developments and to prepare a situation report for the Prime Minister's meeting on Wednesday, 7 May.

Cabinet Office

2 May 1986

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