



SECRETARY OF STATE

Sir Brian Cubbon

SPECIAL BRANCHES

Mr Andrew
Mr Pilling

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At the conclusion of my note to you of 11 March (Police Accountability in the Metropolis: Special Branch), I referred to a planned meeting with ACPO on Special Branches generally. Accordingly, we met Ken Oxford, Gilbert Kelland, Colin Hewett, Brian Hayes and Brian Morrissey on 18 March. This followed a request from Ken Oxford some weeks ago for a discussion with us of his colleagues' understanding of the role of Special Branches and what should be said about Special Branches in chief constables' annual reports.

2. The first outcome was a letter from me to Ken Oxford, which it is envisaged will be copied to all chief constables. It does no more than remind everyone of the present position on terms of reference, the definition of subversion and references in annual reports. A copy is attached.

3. The second conclusion, referred to in the letter, was that we should approach the Security Service again about the question of revising the terms of reference for Special Branches. Both ACPO and the Met thought that some modest revision was needed. Ken Oxford claimed to be in no doubt that whatever he had said in December 1979 (copy attached), **Sys Officer** was now in favour of a revision of the terms of reference.

4. You will recall that the background is a major F4 paper in 1980, which you saw and on which you commented in a note of 13 October 1980. But until Ken Oxford prompted us, no further work was done because the subject could not be judged to be of a high enough priority in the battle for limited staff resources in F4 throughout 1981 and 1982.

5. The 1970 terms of reference for Special Branches are attached. It is hard to argue that they could not be improved. At a technical level, they could be made clearer and briefer. The references to subversion and to industrial disputes could be more helpful. The relationship with the Security Service might be made more explicit to discourage any private enterprise by police forces on subjects where the Security Service should be taking the lead. We need to take some account of the work on prevention of terrorism which has grown out of all recognition since 1970.

6. It is slightly odd, and probably reflects the date at which the subject was last examined, that the guidance on this sensitive subject comes from ACPO and not from us on behalf of the Home Secretary. At the meeting on 18 March, the thought was floated that any revision of the 1970 terms of reference ought to be promulgated by the Home Office. I am not sure that it is wholly welcome that the suggestion was well encouraged on all sides, but - if there is revision - it is probably right that it should come out from here.





7. The discussion also highlighted the absence of any formal public statement about the duties of Special Branches comparable to the Security Service's charter made public in the Denning Report. A possible approach would be to aim at a short summary statement which could be made public and a longer commentary which would be intended to remain confidential. The Security Service have objected to this in the past, and would probably object vigorously now on the grounds that it will increase public interest at a time when the subject is relatively quiet and has been so for some time. If we thought the idea worth pursuing, we could compromise by adopting the framework of a short anodyne statement with a commentary, but refrain from publishing the short statement until a current row made it politically advantageous. Whatever we think about this, I do not think it worth putting to the Security Service at this stage.

8. Ken Oxford's view of [redacted] Sys Officer's [redacted] position may well be wrong. It is a little hard to see what can have happened in the last three years to move the Security Service from their cautious conservatism. We shall only find out by asking them. The attached draft letter is intended for your signature, but you may wish to discuss whether that is the right level. Before it is sent I have undertaken to show it to Ken Oxford and Gilbert Kelland in draft.

9. The first step might be a discussion, which - if it did not persuade the Security Service to remove their veto - might nonetheless address the need set out in your note of 13 October 1980. Further work might take two or three meetings of a small group chaired by us, and involving ACPO, the Met and the Security Service. We need to decide in due course on the level of representation and the chairmanship and should also consider whether to involve the Inspectorate. F4 would provide the support.

10. If you thought it useful to talk about this subject, the discussion might be structured along these lines:

- a. do we hold to our view of 1979/80 that the terms of reference ought to be revised;
- b. does para 5 identify the right points of substance on the existing terms of reference;
- c. should fresh guidance come from the Home Office, rather than from ACPO;
- d. is it worth trying for two-tiers - one of which could be published immediately in due course;
- e. what is the best level for an approach to the Security Service; and
- f. how should a group to tackle this subject be composed?

[redacted]

G H PHILLIPS