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BY THE FOUNDER OF PILATES PT

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# THE END OF DISCRETION FOR GARDAI

Officers lose power to strike out motoring offences in court

### EXCLUSIVE

By John Lee  
Group Political Editor

THE power of gardaí to strike out prosecutions in the District Court has been officially removed in a seismic overhaul of how motor offences are pursued in the State, the Irish Daily Mail can reveal.

Senior Garda sources say that the move comes after reviews made in the wake of allegations by whistleblower Sergeant Maurice McCabe and due to recent criminal investigations into gardaí over non-pursuance of offences.

Documents seen by the Mail show that

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Trump ex-wife Ivana is found dead aged 73

SEE PAGE NINE



Our 92,000 defective apartments – and a €2.8bn repair bill

THE State is facing a bill of up to €2.8billion to fix apartments with construction defects built during the Celtic Tiger era, the Irish Daily Mail has learned.

Over 92,000 apartments may be affected by the defects which, in some cases, pose fire safety concerns.

FULL STORY – PAGE 2

# A SHIFT IN ATTITUDE

Continued from Page One

Garda Headquarters has instructed members that from last Monday, July 11, they cannot 'authorise, approve or sanction the discontinuance of their own prosecution'.

The circular from Garda Headquarters effectively ends all discretion afforded to gardai in prosecuting District Court cases.

It is in the areas of motoring offences and fixed charge notices that gardai most use their discretion to discontinue prosecutions in circumstances they deem appropriate.

There are currently several

criminal investigations into gardai over such allegations connected to striking out motoring and other offences.

Fixed charge notices can apply to many offences but are most often issued for motoring offences such as speeding, non-display of tax or insurance and other lesser motoring offences.

A garda could decide - where a person explains extenuating circumstances - to discontinue prosecution. This is no longer the case.

A directive, which has been seen by the Mail, was issued by Garda Headquarters on July 11 titled 'Discontinuance of District

Court Prosecutions by An Garda Síochána.'

The confidential letter, which was issued by the Legal Executive Director to 'each officer, inspector and station' says 'it is directed that where discontinuance of proceedings are concerned, the following applies:

■ Members of An Garda Síochána will not discontinue or seek to discontinue a prosecution instituted by An Garda Síochána [any other garda], including proceedings arising from the non-payment of a Fixed Charge Notice (FCN), without it being sanctioned in writing, by an appropriate member of

An Garda Síochána, or by the DPP. ■ Where a sanctioned/approved discontinuance occurs, the written approval and a full written rationale for that discontinuance must be recorded and retained for audit, inspection and governance purposes.

■ Members of An Garda Síochána will not authorise, approve or sanction the discontinuance of their own prosecution. This direction applies to criminal proceedings, at any stage, commenced in the District Court by any means, and includes, discontinuance by way of the non-reissue of a summons.

The purpose of the correspondence is to 'introduce a process of governance, oversight and accountability for the discontinuance of proceedings that are instituted by members of An Garda Síochána where such discontinuance is deemed to be necessary, justified or warranted.'

Garda management stresses that it understands that discontinuance of proceedings can be warranted. However, sources told the Mail there could be unintended consequences.

'The power of discretion for gardai has been vital in keeping the court and processing system from being totally overwhelmed, for there are often instances where a strike-out or non-pursuance of a case for par-



Whistleblower: Former sergeant Maurice McCabe

other means and penalty points affixed to a driving licence.

Penalty points can be applied for serious offences like drink or drug driving, driving without insurance and speeding. Penalty points can also be applied for failing to display tax or insurance, driving while on a mobile phone and parking offences.

One source agreed that the action by Garda management is warranted as there has been a 'sizeable shift in societal attitudes to driving offences'. 'Of course, we have seen instances of abuse of the system and that has led to this crackdown,' they said.

Sgt McCabe, along with another officer, raised concerns about the alleged deletion of penalty points from the driving licences of well-connected offenders. However, investigations into the allegations ultimately led to a focus on all aspects of Garda prosecutions.

The Garda directive explains: 'Members of An Garda Síochána who have instituted and/or conduct prosecutions do so in the name of the DPP Director of Public Prosecutions (DPP) and must appreciate the importance of securing and promoting the effectiveness, impartiality, and fairness of any criminal proceedings.'

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## 'There might be a genuine mistake'

titular reasons makes sense,' said one security source.

'Sometimes there might be a genuine mistake, where somebody has forgotten to display their tax or insurance or left their driving licence at home. Gardai often ask them to drop the documentation down to the station in the next few days or weeks,' the source said.

Well-placed security sources who spoke to the Mail also cited humane reasons why some people might make a special plea to have fixed-charge notices not pursued.

In many instances, fixed-charge notices are rubber-stamped through the court system by what is called a 'court sergeant'.

Fixed charged notices are primarily used for motoring offences and are processed on a mass scale.

They are often paid by post or

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## Bord Pleanála chair told role is 'untenable'

By Louise Burne

SPARKS flew at the Public Accounts Committee (PAC) yesterday as the An Bord Pleanála Chairman was told his role is 'untenable' amid growing allegations of improper conduct.

Dave Walsh was told he should be 'mortified and embarrassed' by comments he made at the committee last year, that he 'completely rejected any allegations of corruption'. There was also concern raised at the meeting that €8.4million was spent on legal fees in 2020 - one third of the body's budget for the year.

It comes just days after An Bord Pleanála's (ABP) deputy chairman Paul Hyde resigned amid allegations of conflict of interest.

There are three ongoing reports into the organisation's procedures, with one ordered by

Housing Minister Darragh O'Brien.

During yesterday's meeting, Sinn Féin TD Imelda Munster read a quote that Mr Walsh gave the committee in May 2021 in which he stated: 'Our existence and our reputation are based on transparency and accountability'.

'Indeed, I would challenge anybody to say that there is anything other than proper consideration given to all applications and appeals that come before us.'

Ms Munster asked Mr Walsh if he would like to apologise for the remark and he declined, citing a 'number of ongoing reviews'.

Meanwhile, Sinn Féin's Matt Carthy also raised concerns about €8.4million being spent to defend judicial reviews.





# WIN GARDEN FURNITURE AND BBQ

DETAILS  
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## Staying healthy in your mid-life & beyond



A six-page women's  
health guide SEE  
MAGAZINE

# COALITION PLAN TO SPLIT RTE IN HALF

- All salaries to be below €176k
- Up to 400 staff redundancies
- 2FM to be sold ■ Tubridy will be asked to pay back the €345k

**EXCLUSIVE**

By John Lee

GROUP POLITICAL EDITOR

THE Government will split RTE's public service and commercial functions in the biggest shake-up in its history, ministers told the Irish Mail on Sunday.

Cabinet sources said 'in addition to

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## THE STORY BEHIND THE REAL BARBIE

SEE PAGES 22-23

Radical changes in the pipeline for national broadcaster after secret payment scandal exposed its major flaws

# Government wants RTÉ to be scaled down to a 'rump'

» From Page One

appearing before the PAC, Ryan Tubridy must pay back all the secret payments in question'.

Cabinet members outlined a series of measures that will radically transform the operation of RTÉ in the wake of the fallout over the hidden payments scandal.

Under the proposed measures, RTÉ will be scaled down to what one minister described as a 'rump' public service broadcaster, which will be funded by a new hybrid model involving a 'broadcast levy' and exchequer funding.

Although official inquiries are yet to commence into the scandal engulfing RTÉ, the Government believes it can execute measures what would previously have been regarded as politically unpalatable. Cabinet sources familiar with discussions on RTÉ's future said these will include:

- Splitting RTÉ's public service and commercial functions into two separate entities;
- Selling off 2FM radio station and potentially ending the licence for the second terrestrial TV station, Network 2;
- The wholesale reconstitution of RTÉ management structure – beginning with the resignations of existing board members;
- All staff salaries and presenters' pay set below the level of assist-

**'It will lead to selling off commercial interests'**

ant general secretary (€154,160 to €176,350);

- A redundancy scheme, which will focus on higher paid employees but could feature as many as 400 layoffs;
- A rapid introduction of new proposals to replace the existing licence fee.

One minister who will be key to the decision-making on RTÉ's future told the MoS: 'We believe we should split the commercial and public service aspects of RTÉ as quickly as it pragmatically possible.'

'It was something we were actually speaking about in advance of this unimaginable scandal, but we had put it on freeze because, frankly, we thought it would be unpalatable with the public. We now see that it would be welcome.'

'That would then inevitably lead to the selling off of commercial interests of RTÉ, as a State-linked organisation clearly can't be involved in the activities that have been so brutally exposed.'

RTÉ currently operates on a dual funding model, with 55% of its income – around €200m a year – coming from the licence fee and Government subvention. The remaining 45% comes from advertising and commercial activity.

While drastic changes are in the pipeline, the Government recognises the need to maintain a quality public broadcasting service that is not wholly State funded.

A Cabinet source said: 'Public service broadcasting will continue, but the State will have to fund that. That is going to take some time to figure out and it is going to cost money.'

'We have the opportunity for reform here, but we don't want to bring them [RTÉ] down, for

**MEETING:** Media Minister Catherine Martin



## NO ANSWERS SO WE TRACK DOWN INTERIM DG

RTÉ'S press office appeared to shut up shop this weekend in the face of an avalanche of press queries amid the fallout over the hidden payments scandal – so the Irish Mail on Sunday went to the home of acting director general Adrian Lynch in an attempt to get some answers.

Despite promises from board members at this week's Oireachtas committee meetings to be more transparent and honest, RTÉ was unable to provide responses to dozens of queries relating to the payments controversy submitted by the MoS this week.

A source said that RTÉ is

By **Valerie Hanley**

increasingly nervous about the prospect of litigation, and that media responses relating to the scandal must be legally checked before being cleared for release.

This resulted in dozens of queries on matters of public interest submitted on Thursday and Friday going unanswered.

Aside from RTÉ's large team of in-house press officers, one of Dublin's top PR firms – Q4 – has been drafted in to handle queries directed at the embattled board.

Several queries from the MoS to Q4 this weekend also remained

unanswered. After failing to get answers, the MoS hand delivered a letter – in which we asked if RTÉ would indemnify media outlets in the event they are sued arising out of coverage the State broadcaster did not respond to – to the home of the interim director general.

Mr Lynch was not at home at the time. When we returned some hours later, Mr Lynch claimed he had not read the letter, but when informed about the contents he said: 'I'll have a look and I'll respond to you no problem.'

'I can't provide that [indemnity], but I will look and get back to you.'

the alternative is worse. Also, we can't lose sight of the fact that the broadcaster does an awful lot of works that would not be done without them. Be it news for the deaf, industrial level election coverage, the decade of centenaries coverage and everything else. But I think

everybody with a bit of sense can see that this is the time to scale everything down and bring it within a purely public service remit.

The scandal has exposed major flaws in the management structure of RTÉ.

A Cabinet source told the MoS: 'It may well be the case that [outgoing director

general] Dee Forbes and only a few others were the only people who knew about the contracts and outside gigs and arrangements of staff, but we doubted that from the start.'

'I found it an odd way of doing things – this executive board, main board thing. That is going to end.'

Referring to the astonishing disclosures of dysfunction at the national broadcaster that emerged when RTÉ board members were grilled in successive days at Oireachtas hearings, the source added: 'The disclosures and public performances at Dáil committees mean the process of renewal can only begin when we have finished interrogating the executive board for all they know. Then they should be sacked.'

Another minister expressed concern over whether or not incoming director general Kevin Backhurst

– former director of news and current affairs – 'would have the credibility to take reforms forward'.

They noted: 'He was appointed to this job by the current board, which is rapidly losing credibility.'

Ministers admit they now face a 'political headache' in trying to rapidly deconstruct what one described as a 'terminally dysfunctional' entity

**'Everyone in there can expect an investigation'**

while trying to maintain its public service responsibilities.

A Cabinet source said: 'How to fund the new entity, that is the clearest problem, but this was just another thing [successive] governments put off. Children don't know

what terrestrial television is nowadays, so the model RTÉ operates on was always going to end.'

'Now we're all going to have to get together and figure out a new funding model for a scaled down public service broadcaster, see if we can swing a low broadcast levy and replace the advertising revenue too.'

'Tone is important, we need to fix the problems, but we need an RTÉ.'

'In the new climate, where is justification for a second TV station? There have been proposals before to sell off 2FM... they will be expedited. We tried to propose the reform of things like Lyric FM... that will be done. There is going to be an awful lot of pain.'

'The decoupling of the commercial and public service aspects will take time. But we can announce pretty quickly the new salary limits. The public will be told that as soon as the contracts are up for negotiation, this will be the limit.'

Ministers said redundancies will focus on older staff and the 119 employees earning between €100,000 and €250,000 a year.

According to recently published figures, 22 RTÉ employees currently earn between €150,000 and €250,000, with a further 97 are paid between €100,000 and €150,000.

Ministers also warned Revenue Commissioners have been asked to conduct a top-to-bottom investigation of RTÉ finances.

A Cabinet source said: 'Everyone in the organisation can expect an investigation. I have been concerned about the tax classification of a number of people there for some time. But some of the disclosures about the barter accounts and other dealings last week will mean that all tax implications for all dealings will be raising concerns.'

'The Director of Corporate Law





**PAYMENT CONTROVERSY:** Former Late Late show presenter Ryan Tubridy last week

# RTÉ BRACED FOR TUBRIDY TO SUE

By Nicola Byrne

RTÉ is 'fully braced' for a lawsuit to be taken by presenter Ryan Tubridy which could result in a huge payoff that would ultimately be picked up by licence fee payers, a senior executive at the broadcaster said.

The State broadcaster refused to confirm this week if Mr Tubridy or agent Noel Kelly had initiated legal proceedings against the organisation.

RTÉ head of legal affairs, Paula Mullooly, this week told the Public Accounts Committee (PAC) there are 'active' litigations against the broadcaster concerning the controversial pay deal struck with Late Late Show sponsor Renault.

It comes as RTÉ's acting director general, Adrian Lynch, continued to insist this week that Tubridy is currently out of contract, and negotiations about a new contract are suspended.

However, a source close to Tubridy reportedly insisted his contract remains in place and will run until 2025.

A senior RTÉ source said that, if Tubridy is successful in any legal action against the broadcaster, it would realistically result in a payment of multiples of what he might earn as a radio-only host.

The station executive told the Irish Mail on Sunday: 'I think

Tubridy would have reasonably expected to be paid about a quarter of a million [€250,000] just for doing the radio show.

'And when you take into account that his contract wasn't due to expire until 2025, well... if it's the end of 2025, that's €625,000 right there already.'

'Realistically, it could be far in excess of half a million.'

In response to queries about Tubridy's contract, an RTÉ spokesman said this week: 'Ryan Tubridy stood down from The Late Late Show in May.'

'RTÉ has written to his agent that the contract [including all arrangements therein] has come to an end. Negotiations had commenced regarding his radio responsibilities.'

'Those negotiations have been paused as with all negotiations as per board statement.'

However, a source close to the former Late Late Show host this week indicated the broadcaster is taking legal advice on the status of his contract, which was negotiated in 2020.

Speculation that he has already launched an action increased when Ms Mullooly said she could not share a note on the controversial tripartite agreement between RTÉ, Tubridy's agent Noel Kelly and Late Late sponsor Renault because of 'active' litigation. The

station's legal boss was responding to a request from former Labour Party Leader Alan Kelly for the note.

During Thursday's explosive PAC hearing, the Tipperary TD asked acting director general Adrian Lynch: 'Can we get a copy of this famous Teams call that took place – the tripartite?'

Ms Mullooly intervened, saying: 'There is a note of the call taken by the lawyer who was present at the meeting.'

When asked by Mr Kelly if she would provide a copy of the note to the Dáil spending watchdog by 'next Thursday', Ms Mullooly replied: 'The note forms part of the legal advice in the context of this file. It is covered by legal professional privilege.'

'I have an issue in the context of this matter where there is a number of active and threatened litigation and I need to protect the legal professional privilege in respect of this matter.'

Meanwhile, a source in the independent media sector said the meltdown engulfing RTÉ will have radical negative implications for people who make TV in Ireland.

The source told the Mail on Sunday: 'It's going to change the landscape hugely. There is going to be less money, more repeats and a lot less independently commissioned TV.'

'This mess is not just about Tubridy and the elite in RTÉ; it's about the whole industry.'

## SOME 2fm RTÉ 2fm STARS SPEAK ON PAY DEALS

By Valerie Hanley

A HOST of RTÉ stars have confirmed there were no arrangements with a sponsor or private third party in relation to their pay deals with the broadcaster.

In response to queries from The Irish Mail on Sunday this week, 2fm presenters Lottie Ryan, Carl Mullan, Emma Power, Laura Fox, Tracy Clifford and The 2 Johnnies – Johnny B and Johnny Smacks – all confirmed via the RTÉ press office that no such arrangements formed part of their individual pay deals.

It comes as a senior

RTÉ executive said every contract with the national broadcaster's presenters is set to be forensically reviewed in the wake of the scandal over hidden payments to Ryan Tubridy.

The source said the review will include any deal with car companies or private entities.

They told the MoS: 'Every single contract will have to be reviewed forensically. 'It is going to take a really long time to go through them all.'

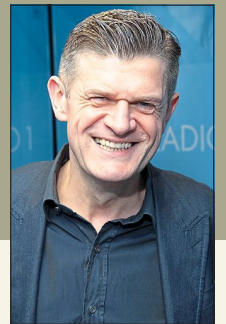
## Public 'feel that they were made fools of'

By Colm McGuirk

BROADCASTER Brendan O'Connor has said members of the Irish public feel they were 'made fools of' by some people in RTÉ.

Addressing the ongoing controversy on his radio show yesterday, O'Connor said a lot of the anger that is being felt by the public stems from 'hurt' that has been caused.

He said: 'Obviously, a lot of people wanted to talk to me about this in the last week and we hear a lot that people are very angry. I think with a lot of people there's something slightly more



**STRONG WORDS:** Brendan O'Connor

subtle in a way than anger going on. I think people feel foolish, I think a lot of people, like ordinary people out there, licence fee payers and so on, feel that they were made fools of by some people.'

He added: 'I think that's a hard one for people and of course that does give rise to anger as well, but I think it's kind of a hurt as well.'

'Made to feel foolish is not a nice thing.'

Enforcement here will be involved too. And since there were disclosures made about dealings in the UK, I would assume the tax authorities there will be getting involved.'

Meanwhile, the head of the Dáil spending watchdog called on RTÉ to clarify if 'overseas bank accounts' were used 'to reward execu-

tives and clients and which did not appear in the books'. PAC chair Brian Stanley was speaking after comments made by Independent TD Michael McNamara on RTÉ's Saturday with Colm Ó Mongáin Show. The Sinn Féin TD said: 'The new director general [Kevin Backhurst] must move swiftly and decisively

to re-establish public confidence in the national broadcaster. He does not have the luxury of time. He must immediately deal with the key issue of just how many overseas accounts did RTÉ have and how they were disclosed or not.'

Meanwhile, RTÉ board chair Siún Ní Raghallaigh and Mr Backhurst

confirmed they will attend a meeting with Media Minister Catherine Martin in the coming days.

Ms Martin wants to discuss a number of matters, including the timeline of a Grant Thornton Review into Ryan Tubridy's pay from 2017-2019 and Government plans for an external review of RTÉ. A

Cabinet source yesterday said: 'I have spoken to senior people in An Post, and there is evidence of people refusing to pay their licence fee and directly citing this. They have data that can report it already. 'One thing Tubridy could do is a tell all confessional interview.'

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DEATH OF A  
MONARCH  
32 PAGES INSIDE



GLORIOUS  
24-PAGE  
SPECIAL

STARTS PAGE 35

Reunited  
in grief

REPORTS AND PICTURES: PAGES 2-9

# 'COWEN DID NOT U-TURN' - GSOC

By John Lee

GROUP POLITICAL EDITOR

**FORMER** minister Barry Cowen did not make a U-turn or attempt to evade a Garda checkpoint when he was stopped for drink-driving, a Garda Ombudsman inquiry has found.

Mr Cowen was sacked from the Cabinet by Taoiseach Micheál Martin in July 2020, just two weeks after his appointment as minister for agriculture, over the controversy.

Mr Martin had pressured the Laois-Offaly TD to answer Dáil questions over claims that

**EXCLUSIVE:** Inquiry finds former minister did not try to 'evade or avoid' gardaí at drink-driving checkpoint

he performed a 'U-turn' from a checkpoint.

However, the Fianna Fáil TD refused to do so because he wanted to await the outcome of the Garda Síochána Ombudsman Commission (GSOC) inquiry into the incident, during

which Mr Cowen was stopped at a checkpoint and breathalysed on his way home after the 2016 All-Ireland football final.

The Irish Mail on Sunday has learned the report – now complete – found Mr Cowen did

not drive away from the checkpoint.

Sources familiar with the GSOC inquiry said it found that Mr Cowen did not perform a 'U-turn' or seek to 'evade or avoid' gardaí at the checkpoint.

The report also recommends that the officer who disseminated Mr Cowen's information on the Garda Pulse IT system should face disciplinary action.

Senior Fianna Fáil sources said this weekend that they believe the GSOC inquiry findings will now open the way for Mr Cowen to return to Government.

FULL STORY Pages 16 & 17 >>



# Garda Ombudsman's investigation into incident that led to Bar 'NO U-TURN AT GA

## EXCLUSIVE

By **John Lee**

GROUP POLITICAL EDITOR

FORMER minister Barry Cowen did not make a U-turn or attempt to evade a Garda checkpoint when he was stopped for drink-driving, a Garda Ombudsman inquiry has found.

Taoiseach Micheál Martin fired Mr Cowen from Cabinet over the drink-driving controversy in July 2020, just over a fortnight after his appointment as minister for agriculture.

Although Mr Cowen had made an earlier statement about the incident, Mr Martin had pressed the Laois-Offaly TD to answer questions in the Dáil over claims he performed a 'U-turn' before a checkpoint.

The Fianna Fáil TD refused to do so because he wanted to await the outcome of the Garda Síochána Ombudsman Commission (GSOC) inquiry into the incident, in which Mr Cowen was stopped at a checkpoint and breathalysed on his way home to Co. Offaly from Dublin after the 2016 All-Ireland football final.

The Irish Mail on Sunday has learned that the report – which is now complete – has concluded that Mr Cowen did not drive away from the checkpoint.

Sources familiar with the GSOC inquiry said the report found that Mr Cowen did not perform a 'U-turn' or seek to 'evade or avoid' gardai.

The report also recommends that the garda who disseminated Mr Cowen's information on the Garda Pulse IT system should face disciplinary action.

Senior Fianna Fáil sources this weekend said that they believe the GSOC inquiry findings open the way for Mr Cowen to return to Government.

## 'Did not seek to evade or avoid gardai'

It comes just weeks after Mr Cowen's party colleague Dara Calleary – who was briefly his successor as agriculture minister before he was forced to resign over the 'golfgate' controversy – made a political comeback when he was appointed to replace Robert Troy as junior enterprise minister.

GSOC investigators interviewed a garda and other individuals, including Mr Cowen, during the two-year inquiry.

Phone records of Garda stations and individuals, as well as CCTV footage, were analysed.

GSOC officers were asked to investigate two issues: whether or not a member or employee of An Garda Síochána leaked Mr Cowen's private information, and whether or not the TD had attempted to evade or avoid the checkpoint.

The initial Garda Pulse entry – seen by the MoS – makes no mention



**INQUIRY:** Mr Cowen in 2016, the year he failed a drink-driving test on his way home to Co. Offaly

**COWEN 'SORRY' FOR DRINK DRIVING BAN**

**STATEMENT:** How the Irish Daily Mail reported the story in July 2020

of a U-turn and does not use the words 'evade' or 'avoid' at any point.

The GSOC inquiry also concludes there is 'not enough information' for a criminal prosecution of a serving garda identified as the person who disseminated Mr Cowen's information. However, the report recommends the garda should be 'disciplined internally'.

GSOC launched its investigation on foot of a complaint by Mr Cowen in July 2020.

As part of the probe, investigators questioned gardai and employees who had accessed Mr Cowen's Pulse file. An electronic footprint is left if anyone accesses a person's private information on the system. Investigators also obtained phone records and analysed CCTV footage of Garda stations.

GSOC also obtained a recording of a phone call from the garda who stopped Mr Cowen at the checkpoint.

According to documents seen by the MoS, Mr Cowen was taken to Leixlip Garda Station after he was breathalysed. As is the case in many Garda stations, the Leixlip station did not have a facility for inputting details of the incident on the Pulse system. Following standard procedure, the garda made a phone call to a central processing centre in Mayo, a recording of which was analysed by GSOC investigators.

According to sources, the exchange of facts in the conversation was somewhat vague, making it unclear what exactly had

happened at the checkpoint.

There is no suggestion the garda in Leixlip was in any way involved in the dissemination of the material.

In March 2021, GSOC confirmed that its investigators searched a major Munster Garda station as part of the investigation into allegations that an officer leaked Mr Cowen's information.

The GSOC officers also seized a phone during the search.

Although criminal charges have not been recommended, the Ombudsman may refer the report to the Director of Public

## 'Not enough information for a prosecution'

Prosecutions (DPP), according to sources.

A spokesman for GSOC last night said the Ombudsman did not want to comment on the report into Mr Cowen's case.

Technically, the report remains open. While the initial GSOC report has been concluded, it will be analysed by the GSOC deputy director before it is discussed by the Ombudsman in full.

Mr Cowen also declined to comment when contacted by the MoS.

Senior legal sources this weekend said they believe Mr Cowen has a potentially strong case against An Garda Síochána over the distribution of his information and that significant damages could be in the offing.

The inquiry was triggered on foot of a complaint by Mr Cowen that his private information had been leaked, damaging him politically.

On the day the leaks emerged, Garda Commissioner Drew Harris also said in a statement that there should be an investigation.

It had been known that Mr Cowen had failed a drink-driving test in 2016. Although the result was at the level that would have generally incurred penalty points, the fact that the politician was driving on a provisional licence at the time meant the incident was treated more seriously.

However, when details of the incident emerged in early July 2020, it initially appeared that Mr Cowen would survive the ensuing controversy.

On July 7, he made a statement to the Dáil in which he outlined the circumstances of his conviction. The following day, the recently appointed Taoiseach took no action. Mr Martin told the Dáil that his government was focused on 'policy and substance'.

However, on the following Sunday claims were published that Mr Cowen had made a 'U-turn' at a Garda checkpoint, which the then minister denied.

Mr Martin subsequently asked Mr Cowen to return to the Dáil to answer questions from the opposition.

Mr Cowen insisted he was entitled to due process and that, as the GSOC investigation had already begun, it would be incorrect to discuss the matter in detail under Dáil privilege.

However, the Taoiseach sacked Mr Cowen during a telephone call while the then agriculture minister was sitting in his car in Kinnefad, Co. Westmeath, on the road between Dublin and Offaly.

Mr Martin indicated as recently as last week that the path may be open to Mr Cowen to return to office.

With Mr Cowen standing beside him at their first public appearance together since the Fianna Fáil TD's sacking, Mr Martin responded when asked about a Cabinet comeback: 'Obviously in the future [with] any such opportunities, every member of the parliamentary party will have that opportunity.'

At a press conference last February, Mr Martin said he was

By **John Drennan**

FIANNA Fáil's leadership has been sharply criticised for what one TD called 'a deliberate attempt to smother debate about the future of the party'.

Anger has grown among party members over the absence of any reference to Fianna Fáil's future or to its current travails in the schedule of events at its two-day think-in, taking place tomorrow and Tuesday in Mullingar, Co. Westmeath.

The full schedule, seen by the Irish Mail on Sunday, has retired Kilkenny hurling boss Brian Cody as the main speaker.

The first day will be dominated by 'an update on the EU Parliament and important EU matters'.

There will also be sessions on 'housing for all' and 'progressing women's healthcare in Ireland' along with 'farming and climate change' and 'sustainable food production'.

The schedule, sent by party whip Jack Chambers, notes the key issues to be discussed on Tuesday will be 'preparations for the budget with Michael McGrath' and 'an update on gambling regulation and reforms'.

The Irish Mail on Sunday has learnt that TDs requested that a session be devoted to the future of the party.

However one TD said: 'This was summarily dismissed.'

They added: 'This is not going down well. We are being treated like busy fools. There is this presentation and that presentation and experts being invited in, but nobody is talking about the corpse in the room. We are being treated like a flock of sheep.'

A party veteran noted: 'It reads like the sort of agenda you would have in the '90s under Bertie Ahern when we had 80 seats. It is very carefully designed to stifle debate. Brian Cody, what use is he to us in the middle of an economic crisis?'

One backbencher has now warned that Mr Martin could face a spontaneous revolt at his own think-in.

'If no-one else does it, I will be standing up and demanding that at some point in the 20 hours we discuss the future of our party and I expect support if I do that,' he said.

Another source from the dissident camp said: 'There is nothing planned but I wouldn't rule out something spontaneous and organic.'

A veteran TD said of the agenda: 'It is further proof of how the

leaving the door open to both Mr Cowen and Mr Calleary.

'For all politicians of that calibre, that seniority in political life, of course that is the case [that both men could return],' Mr Martin said at the time.

'The situation in a three-party



ry Cowen's sacking from Cabinet dismisses key allegation

# RDA CHECKPOINT



**SUPPORT:** Micheál Martin flanked by Norma Foley, Niamh Smyth, Mary Butler, Fiona O'Loughlin and Lorraine Clifford-Lee at last year's think-in

## Fianna Fáil rebels furious over 'stifling' of debate at think-in

hierarchy are detached from reality. It's all about appearances – a group of people in a room, mostly male, slapping each other on the back and circling around the large pink elephant in a tutu.'

Despite an outward air of confidence, concern is high in the senior ranks of Fianna Fáil over the intentions of the increasingly unruly backbenchers.

The think-in takes place against a backdrop of unease after the most recent 'spectral' opinion poll left the party trailing a distant third, coming in with 16% of the national vote – a full 20% behind Sinn Féin.

In an indication of growing discontent, one senior FF figure said: 'Fianna Fáil is now starting

to trend like Eamon Gilmore's Labour. The party is in a political cancer ward and the only apparent future is to be a Sinn Féin rump in the next government.'

Unlike the build-up to the Fianna Fáil think-in in Cavan last year, when it was anticipated that the Taoiseach could face a major heave, there have been few signs of open dissent through the summer.

The think-in of 2021 dealt a major blow to the credibility of the rebel faction after in-fighting broke out over the desirability of putting Jim O'Callaghan forward as a stalking horse.

In the absence of any misbehaviour, one senior FF

figure said afterwards: 'The rebels slunk away faster than Slattery's Mounted Foot. Micheál did not even have to fire a shot over their heads.'

But the relatively quiet build-up to the Mullingar think-in this week has led to unease in the party hierarchy, with one source warning: 'Those backbenchers are too quiet. That's generally a sign that they are plotting something.'

**SPEAKER:** Retired Kilkenny hurling boss Brian Cody



There is concern among backbenchers about what they see as Micheál Martin's detachment from day-to-day domestic matters, and simultaneously about the apparent dominance of the political agenda by Fianna Fáil's coalition partners, Fine Gael and the Green Party.

This concern has been accentuated by the perception that Mr Martin has been passive in response to Tánaiste Leo Varadkar's aggressive positioning with regard to Budget 2023.

One Fianna Fáil source noted of Mr Martin: 'He's like Elvis in Vegas. He's checked out. Fine Gael are behaving as if they are a single-party government and we are just providing confidence and supply again. Micheál Martin is nowhere to be seen even as Taoiseach.'

One furious TD added: 'Once again we are the jilted brides at the altar. Michael McGrath is in charge of the extra billion and yet we are peripheral. Instead, it's the Leo Varadkar and Heather Humphreys show – with a dash of Simon Harris thrown in too.'

'No-one knows who we are. We are the echo in the room. If this is a foretaste of things to come it is not an attractive one.'

coalition government, there are only so many positions for so many people right now. 'No one wanted what happened to have happened.'

Mr Callery, unlike Mr Cowen, has stayed silent on the issue of Mr Martin's leadership since their joint

Cabinet downfall. But in an interview with the MoS last March, Mr Cowen made it clear that Mr Martin should not lead Fianna Fáil into the next general election. He is the only senior member of the party to have stated this publicly.

Mr Cowen told this newspaper:

'There will be no heave or push against Micheál Martin. The transition to Fine Gael will be seamless.'

'However, there is an expectation that Micheál Martin will relinquish [leadership] before the next election but, obviously, he can't commit to

that publicly. There's a hope in Fianna Fáil that it would be a bloodless, organised and agreed event transitioning to a new leader.'

Mr Cowen also said prospective challengers such as Dublin Bay South TD Jim O'Callaghan had 'lost ground'.

Now, with Mr Cowen's name having been cleared of damaging allegations, many in Fianna Fáil believe the TD will play a central role in Mr Martin's future and in the direction of the party over the coming months.

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