



Prime Minister

Contact?

(There is always a danger of loopholes in rules like this, but John Whittingdale and I can't spot any obvious ones.)

2 MARSHAM STREET  
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01-212 3434

My ref:

Your ref:

Lord Mackay of Clashfern  
Lord Chancellor  
Lord Chancellor's Department  
House of Lords  
LONDON  
SW1A 0PW

13 January 1988

Dear James

REC 6

15/1

If the rules were then to be applied to Parliamentary committees

LOCAL AUTHORITY COMMITTEES

This letter seeks colleagues' agreement to early action, by means of an amendment to the Local Government Bill at report stage in the Lords, on the question of balanced representation on local authority committees.

- Should we have to have one MP for each minority group on every committee? not

The problem is that certain Labour-controlled local authorities are excluding opposition councillors from membership of committees which take decisions on behalf of the authorities. Such behaviour emerged earlier in the 1980s. It was considered by the Widdicombe committee, who found that there was a case for limiting councils' power to abuse their freedom in this way, and recommended that local authorities should be required to make provision in their standing orders for committees to reflect, as far as possible, the composition of the council, and that the chief executive should be responsible for the detailed application of this rule.

The problem has taken on a new urgency with recent actions by Haringey Borough Council. They have required all councillors to complete, and allow to be published, a detailed 10-page questionnaire on their finances and affiliations, which goes well beyond any reasonable check on propriety, and are refusing to appoint to committees any member who does not. I am advised that they are within their legal rights in doing so. Our supporters on Haringey council are (very reasonably and understandably) unwilling to comply with this imposition. They are thus de facto excluded from all committees. This is causing concern to our back-benchers, and Hugh Rossi has raised the matter in the House.

Committees hold a central place in the working of local authorities. Apart from making a rate and borrowing, practically all decisions may be (and are) delegated to committees. Exclusion from committees is therefore effectively exclusion from participation in most local authority decisions.

This becomes more important as we force councils to face up to, and decide, on new questions. Over the next year or two, local authorities are going to have to take decisions on how to apply the new regime of compulsory competition and the community charge. It would, no doubt, suit our opponents if our supporters are excluded from participation in these decisions. Now that



Haringey has shown how this can be achieved, I think that we can expect other councils - at least in London and the metropolitan counties - to follow suit.

I therefore believe that early action is required, and that an amendment to the current Local Government Bill offers the best opportunity. If we were to wait until next session, the provision could not be in force before mid-1989.

My proposed amendment would not adopt the Widdicombe recommendation in full: this is unacceptable because it would require an appointed officer (the chief executive) to decide between the conflicting views of elected councillors. Instead, I would propose to follow the recommendations of the Official Steering Group on the Widdicombe report, which have recently been endorsed by Michael Howard's interdepartmental group of Ministers.

On this basis we would lay down in statute certain basic rules on appointments to committees, which would have to be followed in the absence of unanimous agreement to the contrary. (This exception will ensure that we do not force a change where present arrangements are generally acceptable). These rules would apply to all committees and sub-committees appointed by county, district and London borough councils, joint authorities (other than police authorities) under the Local Government Act 1985, and the Inner London Education Authority. It would not apply to committees which deal with only a small part of an authority's area and are confined to councillors from that area, nor to committees responsible only for the management of a single site (eg a housing estate management committee). There would be a case for applying a modified form to combined and joint police authorities.

The local authority would be required to allocate the seats to be occupied by councillors on the committees, and on the sub-committees directly appointed by the council, among the political groups on the council. A political group would be defined as any group of councillors who, by notice in writing, declare that they wish to be treated as a political group. No councillor would be able to belong to more than one group. The local authority would then be obliged to appoint to the seats so allocated those nominated by the group. The council would be free to fill as it thought fit any seats which were not taken up.

There would be four basic rules:

Rule I: where a political group has a majority on the council, it is to have a majority on every committee; (this is to deal with the problem of narrow majorities on councils);

Rule II: if there is more than one political group, then at least two political groups must have seats on every committee; (this is to ensure that at least one opposition group is guaranteed a seat on small committees);

Rule III: subject to rules I and II, the total number of seats for each political group on all the committees taken together is to be, as nearly as possible, proportionate to the size of the group; (this is to allow for minority parties not large enough to justify a seat on every committee);

Rule IV: subject to rules I, II and III, the number of seats for each group on each committee is to be, as nearly as possible, proportionate to the size of the group; (this is the basic rule).

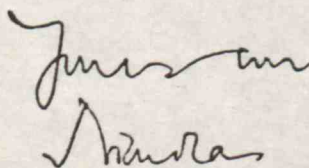
For sub-committees, which can be appointed by a committee, the rule would be that the allocation of seats should be, as nearly as possible, proportionate to the seats on the parent committee, provided that where there is more than one political group, at least two must be represented.

A similar approach would be adopted for appointments to outside bodies (including county council police, sea fisheries and national parks committees) where the appointee has to be a councillor. Appointments of one or two members only to such bodies must, in the absence of agreement, go to the majority party on the appointing body. But where three or more appointments are made, they should be allocated between the political groups in accordance to their size. (There is no need for the refinements of the first three rules, since there is no need to ensure a majority or possibility of averaging over a number of committees).

Provision would also be needed to fix the occasions which would lead necessarily to a review of the allocation of seats: I would propose that by-elections and the formation of new political groups should be the occasions for such reviews. Political groups would, however, be free to change their nominations from time to time.

I think that arrangements on these lines would effectively end the type of abuse which has troubled our supporters in a number of London authorities, and would lay down a fair framework for the all-important work of local authority committees. I shall be grateful for colleagues' agreement to the policy, and for authority to ask Parliamentary Counsel to draft an appropriate amendment, by 22 January.

Copies of this letter go to the Prime Minister, the Lord President, the Lord Privy Seal, other members of H and L Committees, the Minister of Agriculture, Fisheries and Food, First Parliamentary Counsel and Sir Robin Butler.



NICHOLAS RIDLEY



2 MARSHAM STREET  
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01-212 3434

My ref:

Your ref:

Lord Mackay of Clashfern  
Lord Chancellor  
Lord Chancellor's Department  
House of Lords  
LONDON  
SW1A 0PW

18 January 1988

*Sir James*

LOCAL AUTHORITY COMMITTEES

I wrote to you on 13 January with a proposal to introduce rules for the allocation of membership of local authority committees. *(WILL REQUEST IF REQUIRED)*

I have now been told that the authorities in the House of Lords have advised that the proposals would not be relevant to the current Local Government Bill: an amendment of the kind for which I was seeking authority would not be in order.

I will not therefore be able to pursue my proposal in this Local Government Bill. I would, however, be grateful for colleagues' early views on the policy, as a candidate for legislation in a future Bill. (My intention would now be to include this in the Housing and Local Government Bill which I have proposed for next session which would also include several other "Widdicombe" proposals.)

Copies of this letter go to the Prime Minister, the Lord President, the Lord Privy Seal, the other members of H and L Committees, the Minister of Agriculture, First Parliamentary Counsel and to Sir Robin Butler.

*James*  
*Ridley*

NICHOLAS RIDLEY



10 DOWNING STREET  
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*From the Private Secretary*

19 January 1988

**LOCAL AUTHORITY COMMITTEES**

The Prime Minister has seen your Secretary of State's letters to the Lord Chancellor of 13 and 18 January. She has noted that it will be possible to pursue the matter in the current Local Government Bill. But she is content for your Secretary of State to proceed with the policy outlined in the 13 January letter as a candidate for legislation in a future Bill.

I am copying this letter to the Private Secretaries to the Lord President, the Lord Privy Seal, the other members of H and L Committees, the Minister of Agriculture, First Parliamentary Counsel and to Sir Robin Butler.

Paul Gray

Roger Bright, Esq.,  
Department of the Environment

*e*

PRIME MINISTER

LOCAL AUTHORITY COMMITTEES

You asked whether, if the rules proposed by Mr Ridley for local authority committees were to be applied to Parliamentary committees, it would be necessary to have one MP from each minority group on every committee.

I have discussed this further with DOE.

There would not be such a requirement. The starting point for the proposed local authority rules is that minority groups should have a proportionate share of total seats taking all committees together. So for example if there were 100 seats in total and a minority group had 5 per cent representation they would be entitled to 5 seats in total. But if there were 10 separate committees that would mean that this particular minority would get seats on only half the committees. The minimum requirement (Rule II) is that at least two - but not all - political groups must have seats on every committee.

DOE also point to an important difference between local authority and Parliamentary committees. LA committees, unlike their Parliamentary counterparts, are executive decision making bodies.

I gather Parliamentary Counsel are about to advise that these rules cannot be included in this Session's Bill. So it becomes an issue for next Session. But are you now content for DOE to plan on the proposed basis?

See  
Further  
letter of  
18 January  
attached.

PLCG.

Yes no

Paul Gray

18 January 1988

dti

the department for Enterprise

*cebl*

The Rt. Hon. Kenneth Clarke QC MP  
Chancellor of the Duchy of Lancaster and  
Minister of Trade and Industry

Rt Hon Nicholas Ridley MP  
Secretary of State  
Department of the Environment  
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Our ref  
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Date 29 January 1988

*NBRM  
RCCG  
2/11*

*Dear Nick,*

**LOCAL AUTHORITY COMMITTEES AND LOCAL OMBUDSMAN RECOMMENDATIONS**

Thank you for copying to me your two letters of 13<sup>at flap</sup> and 18 January to James MacKay.

*I will request f reqd.*  
I am content with the policy you propose to adopt as regards the creation of a statutory framework for the membership of local authority committees, though I note that this cannot be accomplished via the Local Government Bill. I can also agree your proposals for replying to the Select Committee on the question of compliance by local authorities with local ombudsman recommendations.

I am copying this letter to the recipients of yours.

*[Handwritten signature]*

KENNETH CLARKE

JA5ADH

CS



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*From The Secretary of State for Wales*

The Rt Hon Peter Walker MBE MP

28 January 1988

CT/4023/88

**LAND AUTHORITY COMMITTEES**

Thank you for sending me a copy of your letters of 13 and 18 January to James Mackay.

I am content with your proposal to include reference to ensuring a balanced representation on local authority committees in the Housing and Local Government Bill which is proposed for next session.

/ Copies of this go to the Prime Minister, the Lord President, the Lord Chancellor, the Lord Privy Seal, the other members of H and L Committees, the Minister of Agriculture, First Parliamentary Counsel and to Sir Robin Butler.

*NBRM  
REC 21  
FILE WITH PG.*

The Rt Hon Nicholas Ridley MP  
Secretary of State for the Environment



LOCAL GOVT : Relations PT34.





QUEEN ANNE'S GATE LONDON SW1H 9AT

27 January 1988

Dear Nicholas,

NBRM

LOCAL AUTHORITY COMMITTEES

REC 6

28/1

FILE WITH PG

Thank you for copying to me your letters of 13 and 18 January.

I entirely agree with your view that we should take steps to ensure that minority parties are not denied a voice in the conduct of local government business. We do, of course, have a precedent for legislation on pro-rata representation in the Local Government Act 1985.

Although the delay until next session will prevent us from taking early action to stamp out existing abuses it will enable careful consideration to be given to the nature of the legislation. I am anxious that in drafting any new comprehensive statutory provision, and in any public announcements about the policy, we do nothing which might call into question the position of magistrates on police committees. The Ministerial Steering Group on Widdicombe accepted that the present arrangements should continue.

Your letter suggests that political balance should also apply to appointments to outside bodies. As you know probation committees in the six metropolitan and four outer London areas are required by the Local Government Act 1985 to co-opt one council member from each of the constituent borough or district councils. There is also provision in the Criminal Justice Bill enabling me to make an Order requiring probation committees in shire county areas and Wales to co-opt members of the local authority or authorities liable to defray their expenses. We shall have to consider these arrangements in drafting the proposed rules to cover these co-option arrangements, which are rather different from direct appointments by the local authority. I can see no objection to requiring authorities to put forward a list of names which reflects the party composition of the Council but I would not wish to see the probation committees' hands tied in deciding who to choose on merit and interest in the subject matter.

I would be grateful therefore if your officials could keep mine informed as the draft clauses are drawn up.

Copies of this letter go to the recipients of yours.

Yours,  
Douglas

The Rt Hon Nicholas Ridley, MP

LOCAL GOVT: Kelattas PT34.





cc: PG

HOUSE OF LORDS,  
SW1A 0PW

22 January 1988

NBRM

PGG

22/1

Dear Nick,

Local Authority Committees

Plan

Thank you for your letter of 13th January seeking colleagues' agreement to your scheme to ensure balanced representation on local authority committees.

I am content with your proposals to assist political groups as I understand that such "groups" may comprise individual councillors.

Copies of this letter go to the Prime Minister, the Lord President, the Lord Privy Seal, other members of H and L Committees, the Minister of Agriculture, Fisheries and Food, First Parliamentary Counsel and Sir Robin Butler.

Yours ever,

James

The Right Honourable  
Nicholas Ridley MP  
Secretary of State for the Environment  
Department of the Environment  
2 Marsham Street  
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LOCAL GOVT : Relations PT34

