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CABINET

HOME AFFAIRS COMMITTEE

ADMISSION OF THE PRESS TO MEETINGS OF PUBLIC BODIES

Memorandum by the Minister of Housing and Local Government
and Minister for Welsh Affairs

1. Mrs. Thatcher, who was successful in the ballot for Private Member's Bills, has given notice of her intention to introduce a Bill dealing with the admission of the press to meetings of public bodies. This Bill is down for second reading on Friday, 5th February, 1960, when it will be first on the list.
2. She wants Government assistance in drafting the Bill. While I think that any Bill on this subject is likely to prove troublesome and to create genuine difficulties for local government, I think it would be wise, if my colleagues agree, to offer assistance provided that she will accept a Bill drafted on the lines of paragraph 11 below. The purpose of this Paper is to ask if my colleagues will agree to Government assistance in the drafting, on the terms I propose.
3. The Committee will recognise this as a contentious subject of particular importance in the local authority field, and may recall that a Bill designed to extend the rights of the press in this field has been introduced on a number of occasions in recent years. It was introduced in 1954 and again in 1956 by the present Solicitor General. On neither occasion did the Government commit itself one way or the other. The substance of the Bill came before Parliament again last year, in the form of amendments to the Bill which later became the Local Government Act, 1958. On my advice these amendments were rejected by the Standing Committee; I stated on that occasion that I wanted to have discussions with the local authority associations, which might show either that legislation was necessary or that the objects could be achieved otherwise.
4. The present law on this subject is contained in the Local Authorities (Admission of the Press to Meetings) Act, 1908. This Act entitles representatives of the press (it does not mention the general public) to attend meetings of various authorities. These include all the main types of local authorities, certain joint boards and any other body which has power to make a rate. Press representatives are also given the right to attend meetings of education committees in so far as their acts or proceedings do not require to be submitted to their parent councils for approval. The press may by resolution be temporarily excluded from the meetings of these bodies, on the grounds that it is in the public interest that a particular item should be discussed in private.
5. With the exception of education committees, the 1908 Act gives the press no statutory right to attend committee meetings - though it specifically states that nothing in the Act prevents a committee from admitting the press. Although a few local authorities admit the press to all their meetings, it is more usually the practice to exclude them from committee meetings. There are reasons for this.

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It is usually in committee that such matters as tenders, prosecutions, staffing questions and cases involving the discussion of the circumstances of individuals are discussed. There is also need for informality and privacy if officials are to give advice fearlessly and frankly. But a small minority of local authorities have drawn attention to themselves by evading the spirit if not the letter of the 1908 Act, by doing nearly all their work in committee, the council meeting to which the press are admitted being reduced to an arid and formal occasion lasting but a few minutes, and merely ratifying the committee decisions. Another device sometimes adopted to avoid publicity for particular items of business is for the council to resolve to go into committee, in circumstances which would not justify a resolution excluding the press in the public interest.

6. It will be recalled that certain Socialist-controlled councils (including Birmingham, Bristol, Leeds, Liverpool and Nottingham) withdrew some of the normal facilities given to the press, during the printing dispute earlier this year. These decisions sprang from a wrongheaded idea that to continue to provide the usual facilities would be tantamount to helping one side in the dispute. Without minimising their importance, I think they constitute only one small aspect of a far wider question - how to ensure proper publicity for the doings of elected bodies without impairing their ability to do their work well.

7. The main purpose of the Bill which has been introduced in the past has been -

- (i) to extend the present rights possessed by the press under the 1908 Act so as to allow press representatives (unless specifically excluded by resolution on grounds of public interest) to attend
 - (a) meetings of any committee of a local authority which consists of all members of the authority,
 - (b) meetings of a number of named bodies such as Regional Hospital Boards, Executive Councils in the Health Service, Consultative or Consumers' Councils for Gas, Electricity and Coal, Development Councils under the Industrial Organisation and Development Act, 1947, Regional Boards for Industry, Port and Harbour Authorities, Agricultural Land Tribunals, Local Employment Committees;
 - (c) meetings of committees, sub-committees etc. which exercise delegated powers;
- (ii) to require the press to be informed, before they are excluded, which items of business are to be done in their absence or the general nature of the evidence to be considered;
- (iii) to entitle the press, in respect of meetings which they may attend, to receive all the documents sent to the members of the authority, subject to a discretion vested in the clerk or other responsible officer to withhold confidential documents on grounds of public interest.

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8. The local authority associations, for their part, recognise that every local authority ought to give the press every assistance in reporting council business, and that the practice of a minority of authorities is by no means satisfactory. But their belief is that legislation will create more difficulties than it cures, and in particular will upset the procedures of many authorities whose present arrangements in the matter of publicity give complete satisfaction to the press. This is a view which deserves respect, and it was on this account that, in the debates on the Local Government Bill, I referred to legislation as a last resort. I have since then been in consultation with the local authority associations, as I promised, and have been exploring the possibility of drawing up a set of principles which might serve as a code of conduct for local authorities in their relations with the press and might enable pressure to be brought on the comparatively few authorities who do not afford proper facilities.

9. Mrs. Thatcher's Bill, coming at this moment, presents us with something of a problem. In our election manifesto we declared our intention of making quite sure that the press should have proper facilities for reporting the proceedings of local authorities. I drafted those words myself, and it is a pledge which we must honour. On the other hand we must make sure that any legislation will not make it impossibly difficult for local authorities or other public bodies to conduct their business efficiently. For that reason I feel sure that it would be wrong to give such wide-ranging rights to the press to attend committee and sub-committee meetings as has been contemplated in the earlier attempts at legislation. Nor would it do any service to the press to give them rights to attend meetings from which, in practice, they would have to be excluded for a great deal of the time because of the obviously confidential nature of the business. Any legislation must recognise that local authorities need to discuss a good deal of their executive business in private.

10. I believe however that a Bill on the following lines might improve the practice of the bad authorities without, what is equally important, jeopardising the good working relations which already exist in many places; and I think that a measure of this kind might be accepted by the local authority associations and their spokesmen on both sides of the House, though they will not like it.

11. This is the broad outline I have in mind:-

(a) The principle of the 1908 Act is that the press have the right to be present at the point of decision. It would be logical therefore to extend their right to include attendance at committees exercising delegated powers. But most committees exercise a small amount of delegated authority at one time or another, and it would be impossible to evolve a workable system which would admit the press on all such occasions while excluding them on other occasions. The solution might, I think, be found by extending the right of access to committees which regularly undertake a substantial amount of delegated business.

(b) To exclude the press not by reference to the business to be discussed but by the device of the council going into committee should be declared unlawful.

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- (c) The right temporarily to exclude the press on grounds of public interest should be retained, and applied to committees to which the press are given access. Further, authorities should be entitled to determine that the press should not be admitted to certain committees despite the fact that they undertake a substantial amount of delegated business, where the bulk of the business transacted is of such a nature (e.g. is concerned with personal circumstances) that it ought in the public interest to be discussed in private.
- (d) Mrs. Thatcher is very anxious to try to define more clearly the nature of the "public interest" which warrants exclusion of the press, and this should be examined. At the least, the council or committee should be required in any resolution excluding the press to identify the particular ground or grounds of public interest relied on.
- (e) There should be provision making the unwarranted exclusion of the press an offence, with provision for summary proceedings at the instance of the Director of Public Prosecutions. A weakness of the 1908 Act is that it contains no such provision.
- (f) The press should be given the right to receive notice of any meeting which they are entitled to attend, and an adequate indication of the business to be transacted at it.
- (g) Mrs. Thatcher is anxious to include a provision that the press must be given reasonable minimum facilities in the way of chairs, tables, access to telephones, etc. This should be examined, but I greatly doubt whether it will be practicable to legislate for it. It illustrates the scope for an accepted code of conduct, even if not enforceable by statutory sanctions.

12. A Bill on these lines would, I think, command a good deal of support in our party. Some would certainly want to go further, but I feel sure that to go much further would have serious effects on the efficiency and ultimately on the quality of local government. If we do try to go further, we shall run into strong local government opposition in the House from our own side as well as from the other.

13. I have discussed the whole matter with Mrs. Thatcher. I think it is possible, though by no means certain, that she would be prepared to limit her Bill to the matters indicated in paragraph 11 above. (She would also like the facilities available to the press to be equally available to the public; this is perfectly reasonable and unobjectionable, but it may not be within the long title.) If she is prepared to limit her Bill in this way, I am of the opinion that it would be right to offer assistance with the drafting, without at this stage offering full Government support. She wants our help with the drafting, and if we refuse it I fear she will produce a Bill which we shall have to oppose, as making local government unworkable.

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14. The long title of Mrs. Thatcher's Bill refers to "public bodies". I understand that while she would not wish her Bill to go as wide as earlier Bills, she would like it to extend to Regional Hospital Boards, Hospital Management Committees, Boards of Governors of Teaching Hospitals, Executive Councils under the National Health Service, and possibly a few other bodies. She also wishes to give a right of access to meetings of Standing Joint Committees and to Watch Committees. If it is agreed that help should be given with drafting the Bill, the extension to cover these, and possibly other bodies, would certainly have to be examined with the Departments concerned.

15. The 1908 Act extends to Scotland. Any Bill must presumably extend to Scotland, although Mrs. Thatcher appears not to have thought about this. In the short time I have had, it has not been possible for me to seek the views of the Secretary of State and to put a joint paper before the Committee. I have dealt with the matter purely from the England and Wales point of view.

16. I seek the general views of my colleagues on the attitude which should be taken in respect of this Bill, and invite them to consider the following course of action -

- (a) That Government assistance in drafting should be given to Mrs. Thatcher, if she is willing to limit her Bill substantially to the matters indicated in paragraph 11 of this paper;
- (b) That no further promise of Government support should be made until it is possible to gauge the general reaction to a Bill on these lines;
- (c) That if assistance is given in the drafting of the Bill, the identification of the public bodies to which it could properly extend should be further examined by my Department with the other Departments concerned.

H.B.

Ministry of Housing and Local
Government,
Whitehall, S.W.1.

9th December, 1959.