

Secretary to Sec

Deputy Secretary

PA 8/1/60

To Sec

X.B. 8/1/60.

Reference \_\_\_\_\_

X.B.  
Mr. Brain

Public Bodies

(Admission of the Press to Meetings) Bill

1. I was present this morning when Mrs. Thatcher met Mr. Fiennes the draftsman responsible for this Bill. There was a long discussion.

2. Some of the points made by Mrs. Thatcher were these:

(a) Clause 1(2) She did not think the expressions "advisable in the public interest" or "confidential nature of the business" were sufficiently strong to prevent the exclusion of the press for reasons of mere expediency or to cloak ineptitude of the council. Mrs. Thatcher regards this whole sub-section as far too weak; she wanted it amended to words which would be both stronger and more precise and which could be made subject to judicial interpretation. She also had in mind the possibility of incorporating some words to indicate that it was the positive duty of local authorities to keep their electorate informed of their actions.

I repeated the warning given by the Minister in his letter of 14th December about the difficulty of defining the nature of the public interest which warrants exclusion of the press, but we discussed whether it would be possible to include some reference to the basic reason for discussing business in private, i.e. that publicity for certain items would be prejudicial to the public interest. Mr. Fiennes indicated afterwards that there would be no great technical difficulty in re-drafting clause 1(2), either strengthening it or not according to our instructions.

Mrs. Thatcher mooted the possibility of requiring a resolution to be passed by a majority of the whole number of the council instead (as is usual) by a majority of those present and voting. She thought a council consisting wholly of members of one party might otherwise enter into a conspiracy under which all members save one would abstain from voting; the exclusion of the press would thus be carried by one vote to nil. Mrs. Thatcher envisaged councils adopting this manoeuvre in order to minimise the number of members who might incur the penalty she wished to see imposed later in the Bill. The question of penalties is referred to in paragraph 3 of this minute; I resisted the suggestion that the normal method of voting should be abandoned for resolutions of this kind.

(b) Clause 1(3)(b) Mrs. Thatcher wants local authorities to be placed under an obligation to supply the agenda (referred to by name) to the press at the same time as it is sent to members, and she also hoped to see a much stronger indication that reports supplied to members should normally be supplied to the press as well. I said I thought we should have to resist this last point as the purpose of this sub-clause was to give the press some advance indication of the matter to be discussed at the meeting; local authorities would certainly fight any move which obliged them to make available the reports of committees or officials even though they related to matters which were to be discussed in public. The other suggestions under this head might well be accepted after further examination.

(c) Clause 2(3) Mrs. Thatcher wanted this strengthened so that a local authority could exclude the press from the meetings of a committee which would otherwise be open only where practically the whole (or some such words) of the business required to be discussed in private. I was not immediately disposed to agree with this view as it seemed to go further than the conception we had discussed with the associations. The clause as it stands indicates that more than half of the expected business must be confidential before the press is excluded from the committee's proceedings.

(d) Schedule Mrs. Thatcher expressed general disappointment that so few bodies (other than local authorities) had been mentioned. She hankers after something resembling the comprehensive list attached to Sir Jocelyn Simon's Bill.

3. One major criticism of the Bill was frequently reiterated by Mrs. Thatcher. She thinks clause 1(4) is impossibly weak and she wants a penalty preferably



in the form of a fine. She regards procedure by way of injunction as quite useless. We explained this was a matter still under consideration by Ministers and did not pursue it.

4. As regards the time-table and next steps to be taken, I said that the Minister would wish to consult his colleagues before giving Mrs. Thatcher the Bill he had promised in his letter of the 14th December. He was not likely to be in a position to do this before the week after next (i.e. the week commencing 18th January). This caused some dismay to Mrs. Thatcher who said that she and her colleagues would not have much time to draft their own Bill should the final version handed to her by the Minister still prove unacceptable. I should add here that Mrs. Thatcher has not interpreted Mr. Plomping's letter of the 6th January (in which he said, when sending a print of the Bill, that it had yet to be discussed by the Minister and that no publication of any part of it should be made at this stage) as prohibiting her from having the Bill duplicated and copies sent to the other Members who are associated with her in its promotion - Sir Lionel Heald, Capt. Corfield and others. I understand that Mrs. Thatcher proposes to write both to the Secretary and to the Parliamentary Secretary on the next steps to be taken.

5. Mrs. Thatcher wanted the Bill strengthened in ways which seemed to indicate that she was expecting a much more drastic Bill than we have had in mind. Some of her remarks suggested, moreover, that she would not put much conviction into opposing amendments which in her view would strengthen the Bill. There is, I think, a basic difference of approach here; Mrs. Thatcher, briefed by the Newspaper Editors' Guild and other press bodies, is obsessed with the minority of councils who might act irresponsibly, whereas we have had in mind the great majority of local authorities whose relations with the press are basically satisfactory. I could not help thinking that it was a pity, in some ways, that a Bill of such importance to local authorities should be in the hands of a Private Member whose knowledge of local government is limited, and who clearly holds a low opinion of local authorities, their members and officials.

*CJ Pearce*

7th January, 1960