



Ref. A083/2678

PRIME MINISTER

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The Association of London Authorities

(C(83) 32)

BACKGROUND

For many years each type of local authority has had a single cross-party association to represent its members' views to central Government and to take part in consultation. There has now been a change with the creation this year of a party (Labour)-based Association of London Authorities. There are signs of splits on political lines beginning to develop in some of the associations outside London. The Secretary of State for the Environment's memorandum follows consultation with the Law Officers and with Cabinet colleagues and seeks decisions on an appropriate response to this new body.

2. The Association of London Authorities (ALA) was established formally on 5 July. It consists of the GLC and 11 Labour controlled London Boroughs. Four of the 11 have remained members of the London Boroughs Association (LBA). Two Labour controlled London Boroughs have not joined the ALA and remain in the LBA. Although membership of the ALA is open to all London Boroughs, membership is in fact limited to Labour authorities by the objects of the Association, which include, eg retention of the GLC and the ILEA, and the accountability of the Metropolitan Police to the London local authorities.

3. The Law Officers have advised that there are no grounds for excluding the ALA from any consultations process prescribed by law. Yet recognition of the ALA by admitting them to consultation will be very unwelcome to the Government's supporters in London. It could also encourage "splintering" of the other associations on party' (or other) lines which, if carried very far, would make the effective working of both statutory and non-statutory consultation arrangements extremely difficult.



4. The Secretary of State for the Environment considered (a) not consulting the ALA and letting them take an initiative if they want to in going to the courts and (b) seeking a declaration from the courts that he is not required to consult them. He has been advised by the Law Officers that an appeal to the courts by the ALA as a result of failure to consult would almost certainly succeed. Similarly a declaration from the courts that the Government was not required to consult the ALA would not be forthcoming. In view of this the Secretary of State for the Environment has concluded that the ALA will have to be recognised for the purposes of statutory consultation, most immediately and importantly in determining the level of 1984-85 Rate Support Grant (the procedure for fixing which is well advanced), and that for practical purposes it is unavoidable to include the ALA in all standing consultative arrangements. The question is what else should be done? Four steps are proposed:

- (a) To ensure that the ALA is counter-balanced by an effective Conservative voice.
- (b) To talk to the other local authority associations in an attempt to prevent further splits.
- (c) To consider further the nature of possible legislation.
- (d) To issue a statement deploring the split and explaining the statutory necessity to consult.

5. It is possible that one or more of the Conservative London Boroughs will challenge the establishment of the ALA in the courts (they would in fact challenge the legality of payments by members to the ALA). No decision on this has yet been taken but, if some Boroughs do go ahead with court action, the Government's immediate actions should perhaps be different.

#### HANDLING

6. You will wish to ask the Secretary of State for the Environment to introduce his paper, and the Solicitor General (the Attorney General is in Hong Kong) to summarise the legal position. The



possibility of court action by Conservative Boroughs and particularly whether all or some of the proposed Government action can await the outcome of that (the RSG timetable is the critical factor) needs to be discussed. Cabinet may agree that recognition, in the sense of admitting the ALA at least to statutory consultation, is unavoidable either immediately or in the event of court action being taken but failing.

7. The four suggestions for limiting the effects of recognition could then be taken in turn.

#### A London Conservative Voice

8. What does the Secretary of State for the Environment have in mind? Is it to use the LBA (which still has six Labour members)? Or to create a third body? Or by other means? Use of the LBA or a third body would, on the face of it, reinforce the tendency to fragmentation of the existing associations and make the re-creation of a bi-partisan London association more difficult. It could be playing into the ALA's hands. If the objective is to sustain cross-party associations of authorities, perhaps action to combat the ALA at a political level should be outside the association framework. But would this satisfy London Conservatives (eg Mr Finsberg)?

#### Talks With Other Local Authority Associations

9. What signs are there that splits in the other associations are likely? Will talking to them on the lines suggested encourage thoughts of setting up a rival association? (Two Labour counties, Avon and Derbyshire, have already resigned from the Association of County Councils, but have not associated). Do the Secretaries of State for Scotland or Wales have views on developments in their countries? I understand that Conservative District Councils in Wales have just walked out of the Welsh Association of District Councils, but I have not heard of proposals to form a new association.

Legislation

10. Legislation to exclude certain associations from consultation may be a last resort. It would be difficult to frame, would be highly contentious, would give probably welcome publicity to the ALA and could be misrepresented to present the Government as being undemocratic. The Lord President, Home Secretary and Lord Privy Seal may have views. The Secretaries of State for Education and Science and Transport and the Chancellor of the Duchy of Lancaster also expressed views in correspondence.

Government Statement

11. The Secretary of State for the Environment does not say when or how the statement at Annex B should be made. Does he have a preference for a particular forum? You will not wish to discuss the drafting in Cabinet; but one issue of principle which could be discussed is how far the final paragraph should commit the Government to discussions with other local authority bodies, and whether legislation should be mentioned. You could suggest, following the discussion, that the Secretary of State for the Environment should circulate a revised draft for comment to you, the Lord President, the local government Ministers and the Business Managers.

## CONCLUSION

12. You will wish to reach conclusions on whether the Cabinet agree with the Secretary of State for the Environment's view that the ALA should be recognised as well as on any further action to be taken. On the latter you will wish to record conclusions on:

- (a) whether to take action to strengthen the Conservative voice in London. If so what action;
- (b) whether to open talks with other local authority associations and, if so, what line to take;
- (c) whether more work should be done to plan legislation;



(d) how and when to issue a Government statement announcing recognition; whether the statement should refer to talks with other local authority associations or legislation; and arrangements for clearing the statement.

A handwritten signature in dark ink, consisting of the letters 'R' and 'A' in a stylized, cursive font.

ROBERT ARMSTRONG

21 September 1983