

020 402  
CONFIDENTIAL

NBM AS 12/7



2 MARSHAM STREET  
LONDON SW1P 3EB  
01-212 3434

My ref:

Your ref:

12 July 1984

Dear Richard

The Lord Chancellor, the Home Secretary and my Secretary of State discussed yesterday, 11 July, the future arrangements for the probation service following the abolition of the GLC and Met Counties.

The Home Secretary explained that the proposals, in the White Paper, Streamlining the Cities, that the boroughs/districts in each area should collectively take over the role of the GLC and MCC was strongly opposed by the probation service. The Home Secretary was confident that the alternative that he proposed while not arousing any tremendous enthusiasm among the probation service was unlikely to be opposed. Probation committees existed at present for each of the Met Counties and for the 5 probation areas in London. They were made up of magistrates, judges and co-opted members. He proposed that each of these committees should be required to co-opt a prescribed proportion of members appointed by the boroughs/districts. Given that the local authorities would then be directly represented on the Committee the requirement to consult constituent local authorities about expenditure in support services could be removed. The requirement to inform them of the proposed budget and of the right of the constituent authorities to appeal to him would remain.

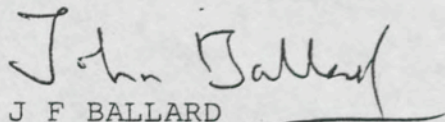
The Lord Chancellor was concerned that these arrangements constitute a change in sovereignty, if some members of the Committee were appointed by local authorities. There was also the danger that local authority appointments would lead to the political polarisation of probation committees.

It was agreed that the way forward was for the existing committees to continue in the area covered by the GLC and Met Counties but that each committee should continue; that local authorities should be represented but that the magistrates should have a say on who those representatives should be. There should be a requirement that an appropriate proportion of the Committee should be made up of local authority councillors, but with the magistrates having the power to appoint, after consultation with the local authorities concerned. Officials would need to work out the details. My Secretary of State undertook to report this conclusion to the Prime Minister in his forthcoming report, as Chairman of MISC 95, on outstanding abolition issues.

CONFIDENTIAL

A copy of this letter goes to Nigel Pantling (Home Office)  
and Andrew Turnbull at No.10.

Yours sincerely

  
J F BALLARD  
Private Secretary

Richard Stoate Esq

CONFIDENTIAL

NBPM

AT 26/2

HOUSE OF LORDS,  
SW1A 0PW



25 June, 1984

*My dear Leon:*

Abolition of GLC/MCCs: Probation

I have read the exchange of letters between yourself, Patrick Jenkin and Peter Rees, concluding with your letter of 15th June in which you suggest a meeting to resolve the difference of opinion.

I must say that my objection to your proposal which I set out in my letter of 3rd May remains. My "misgivings" as you describe them are not limited to the possible - and I believe likely - effect on Magistrates' Courts Committees. - The distinction which you seek to make between Magistrates' Courts Committees and Probation Committees would in my view inevitably be challenged, but even if what you have in mind did not extend beyond Probation Committees, your proposal still requires magistrates to work with elected local authority representatives and consequently poses a serious risk of magistrates being drawn into party political disputes. I believe that the judiciary must be shielded from such risks.

I welcome Patrick Jenkin's support but do not accept his comment about there being no exact parallel between your proposal and police authorities because of the different mix of magistrates and elected members. I regard the exact mix as being neither here nor there. It is the fact of the mix which is objectionable, and a potential threat to the independence of the judiciary.

The Right Honourable  
Leon Brittan, QC, MP,  
Secretary of State for the Home Department,  
50 Queen Anne's Gate,  
London SW1H 9AT

CONFIDENTIAL

CONFIDENTIAL



HOUSE OF LORDS,  
SW1A 0PW

Your proposal appears to raise another important point of principle. In your letter of 15th June you say that the probation service is "in many respects a servant of the courts", but that it is also "a social service agency which should at the same time be accountable also to the community as a whole" thereby envisaging that the probation service will become the servant of two masters. Leaving aside the practical objection to such an arrangement, your proposal, as your letter of 10th April acknowledged, would produce a fundamental change in the relationship of the probation service to the courts and local authorities. If such a change were ever to be made it should surely be introduced for the whole country after proper debate and not brought in under cover of legislation to abolish the GLC and MCCs.

I am copying this letter to the recipients of the previous correspondence.

Yrs;

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.

CONFIDENTIAL

LOCAL GOVT. Relations

25 JUN 1984

