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Home Affairs

10 DOWNING STREET

From the Private Secretary

7 December 1979

Dear Ian

As you know, the Prime Minister saw last month the results of the research carried out by the National Federation of Self-Employed and Small Businesses, with the Adam Smith Institute, into the rights of entry of inspectors into business premises. They have identified 250 different rights enjoyed by over 200 types of inspector, and they expect more to be uncovered after the report is published.

After consulting your Secretary of State, the Prime Minister has concluded that the Government should review all the existing powers of entry to business premises, especially those which affect small firms, and should consider whether particular powers might be given up or limited in scope. The review will cover all the powers of entry available to the officials of central Government, nationalised industries and local authorities (but not the police where a Royal Commission is currently examining their powers).

With the agreement of your Secretary of State, the Prime Minister has arranged that Mr. David Mitchell, Parliamentary Under Secretary of State at the Department of Industry with responsibility for small businesses, should supervise the exercise, to make sure that every Department approaches it from a similar stand point.

The Prime Minister has asked that each Departmental Minister should nominate a Junior Minister in his Department to undertake the review in consultation with Mr. Mitchell, and should inform Mr. Mitchell as soon as possible of their nominee. The Prime Minister hopes that the review can be completed within six months. She would like Departmental Ministers to report their conclusions to her at the end of that period, and she will be asking Mr. Mitchell to collate the findings.

The Minister of State at the Treasury is at present undertaking a review of the enforcement proceedings of Customs and Excise, and the Inland Revenue, as promised in the Conservative Election Manifesto. The Prime Minister agrees with the Chancellor

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that the two reviews should not be mixed up. She would, however, like Mr. Rees to extend his investigation of the two bodies to cover powers of entry, and in this respect she would like him to keep in touch with Mr. Mitchell and work on the same basis.

The Prime Minister had intended to mention this review to her colleagues at Cabinet yesterday morning. In the event, there was not time to do so. She nevertheless announced her intention to have such a review undertaken in her Written Answer to a question from Mr. Richard Alexander, which was released yesterday afternoon.

I am sending copies of this letter to the Private Secretaries to other members of Cabinet, including the Minister of Transport, to Murdo Maclean (Chief Whip's Office), Bill Beckett (Law Officers' Department) and to Martin Vile (Cabinet Office).

MSP

Ian Ellison, Esq.,
Department of Industry.

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Home Affairs. 1.

- (1) MR SANDERS
- (2) PRIME MINISTER

X is my responsibility; fortunately the Depts concerned had been informed in advance of the terms of draft Answer, but the slip should not have happened and I can only apologise for it
ms

Rights of Entry

You did not have time in Cabinet to mention your intention to review rights of entry. As you know, this intention was to be made public in a Written Answer yesterday afternoon.

x |

Although we intended to substitute a temporising answer, this was unfortunately amalgamated with, not substituted for, the original. In the circumstances, you may think that your intentions about the review should be made known to your colleagues immediately. If we leave it till Cabinet next week, we may come under pressure both from the Press and from colleagues which will make much more of the exercise than is justified.

xx |

I suggest that I should now write around to the offices of your Cabinet colleagues along the lines of the attached speaking note which had been prepared for use in Cabinet yesterday.

Agree?

MAF

Mr. Callaghan

As I have you on the phone, the P.M. agrees Xxl done.

JW
7:00

7 December 1979

A. A. P. ✓
MAD 181

Y SWYDDFA GYMREIG
GWYDYR HOUSE
WHITEHALL LONDON SW1A 2ER
Tel. 01-233 3000 (Switsfwrdd)
01-233 6106 (Linell Union)



WELSH OFFICE
GWYDYR HOUSE
WHITEHALL LONDON SW1A 2ER
Tel. 01-233 3000 (Switchboard)
01-233 6106 (Direct Line)
From The Secretary of State for Wales

Oddi wrth Ysgnfennydd Gwladol Cymru

14th January 1980

Dear Willis,

REVIEW OF POWERS OF ENTRY TO BUSINESS PREMISES

I am responding to Mike Pattison's letter of 17 December 1979, asking that we let you know which Minister in the Department will undertake the above review, in consultation with Mr Mitchell.

My Secretary of State has asked Mr Michael Roberts to undertake this task and no doubt you will be in touch with his office in due course on the matter of consultation.

Copies of this letter go to Mike Pattison, to Private Secretaries to other members of Cabinet including the Minister of Transport, to Murdo Maclean (Chief Whip's Office), to Bill Beckett (Law Officer's Department) and to Martin Vile (Cabinet Office).

John Smith

G C G CRAIG

G C G CRAIG
Private Secretary

A C Willis Esq
Private Secretary to the Parliamentary Under
Secretary of State
Department of Industry
123 Victoria Street
LONDON SW1E 6RB

Home
Affairs

Northern Ireland Office
Dundonald House
Belfast BT4 3SU
Telephone Belfast 63255

✓ MAP



A C Willis Esq
Private Secretary to the
Parliamentary Under Secretary
for Industry
Department of Industry
123 Victoria Street
LONDON
SW1E 6RB

8. January 1980

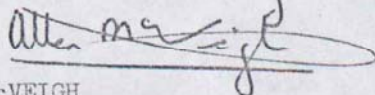
Dear Mr. Willis,

POWERS OF ENTRY

Mike Pattison's letter of 7 December refers.

The Secretary of State for Northern Ireland has nominated Parliamentary Under Secretary of State, Mr Giles Shaw, to take charge of the Northern Ireland Departments review of statutory powers of entry to business premises.

I am copying this letter to Private Secretaries to other Members of the Cabinet, the Minister of Transport, Murdo Maclean, Bill Beckett and to Martin Vile.

Yours sincerely,


A McVEIGH
Private Secretary

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Home Affairs

DEPARTMENT OF EDUCATION AND SCIENCE
ELIZABETH HOUSE, YORK ROAD, LONDON SE1 7PH
TELEPHONE 01-928 9222
FROM THE SECRETARY OF STATE

A C Willis Esq
Private Secretary to the Parliamentary
Under Secretary of State
Department of Industry
123 Victoria Street
LONDON SW1E 6RB

4 January 1980

Dear Mr Willis

RIGHT OF ENTRY TO BUSINESS PREMISES

Mike Pattison's letter of 7 December asked that departmental Ministers should let Mr Mitchell have the name of the junior Minister nominated to liaise with him on the review of existing powers of entry which he is about to undertake.

In this Department, HM Inspectors of Schools, and others authorised to assist them, have a right to require, for the purpose of inspection, admission to all schools and maintained institutions of further education and to voluntary institutions of further and higher education receiving direct grant from the Department. This is not an express right of entry, which is incidental to the duty to carry out inspections, and it may be therefore that these powers should be exempted from Mr Mitchell's review. This is a point that will need to be taken into account when the scope of the review is being determined. In the meantime my Secretary of State has nominated Mr Neil Macfarlane Parliamentary Under Secretary of State, to liaise with Mr Mitchell.

I am copying this letter to Mike Pattison (No 10) and to the recipients of his letter.

*Yours Sincerely**Ros Turp.*

MRS R TURP
Private Secretary

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F. : Dr R S TAYLOR



MINISTRY OF DEFENCE
MAIN BUILDING WHITEHALL LONDON SW1A 2HB
Telephone 01-218 2452 (Direct Dialling)
01-218 9000 (Switchboard)

PARLIAMENTARY UNDER-SECRETARY OF STATE
FOR DEFENCE FOR THE ARMY

D/US of S(A)/BJH/5/3/1

3 January 1980

A C Willis Esq
Private Secretary to the
Parliamentary Under Secretary of State
for Industry
Department of Industry
Ashdown House
123 Victoria Street
LONDON
SW1E 6RB

Copy to:
PS/S of S
PS/2nd PUS
DUS(CM)
PS/DUS(Pol)PE
PS/AUS(CM)B
PS/D HQ Sy
PS/D Sy (PE)
PS/Gen Sec PE
PS/MDP Sec
PS/Hd of Legal Sec
→ Mike Pattison

Dear Tony

I am writing to let you know that the Secretary of State for Defence has asked Mr Barney Hayhoe, Parliamentary Under Secretary of State for Defence for the Army to represent this Ministry on the review body examining the existing powers of entry to business premises, notified by Mike Pattison in his letter of 7 December.

I am copying this letter to Private Secretaries to other recipients of that letter and to Mike Pattison.

Yours sincerely
Robert Taylor
Private Secretary



Home Affairs

NEW ST. ANDREWS HOUSE
ST. JAMES CENTRE
EDINBURGH EH1 3SX

A C Willis
Private Secretary to the
Parliamentary Under Secretary of State
Department of Industry
123 Victoria Street
LONDON
SW1E 6RB

24 December 1979

Dear Willis,

I refer to Mike Pattison's letter of 7 December to Ian Ellison about the proposed review of powers of entry to business premises.

My Secretary of State has asked Mr Alex Fletcher, his Minister with responsibility for Industry and Education, to represent the Scottish Office in this exercise. No doubt you will consult his office about how it is intended to proceed.

I am copying this letter to Mike Pattison, the Private Secretaries to other members of the Cabinet, Genie Flanagan (Minister of Transport), Murdoch Maclean (Chief Whip's Office), Bill Becket (Law Officers' Department) and to Martin Vile (Cabinet Office).

*Yours sincerely,
Godfrey Robson*

GODFREY ROBSON
Private Secretary



Caxton House Tothill Street London SW1H 9NA

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Tony Willis Esq
Private Secretary to the
Parliamentary Under Secretary of State
Department of Industry
Ashdown House
123 Victoria Street
LONDON SW1

21 December 1979

Dear Tony,

Mike Pattison sent Ian Fair a copy of his letter of 7 December 1979 reporting the Prime Minister's conclusion on the review of powers of entry to business premises and asking each Departmental Minister to nominate a junior Minister in his Department to undertake the review in consultation with Mr Mitchell.

I am writing to let you know that the Secretary of State for Employment has nominated Mr Patrick Mayhew, Parliamentary Under Secretary of State in this Department to undertake the review in this Department.

I am copying this to Mike Pattison (No 10) and to recipients of his letter.

Your Sincerely

ANDREW HARDMAN
Private Secretary



From the Secretary of State

PRIME MINISTER

To see Mr Nott's comments
on Inland Revenue/
Customs rights of
entry.

MAP 21/
xii

20 December 1979

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Ian Ellison Esq
Private Secretary to the
Secretary of State for Industry
Ashdown House
123 Victoria Street
London, SW1

Dear Ian,

RIGHTS OF ENTRY INTO BUSINESS PREMISES

Mike Pattison's letter of 7 December asked Departmental Ministers to nominate a Junior Minister to undertake with Mr David Mitchell the review of powers of entry to business premises. My Secretary of State has nominated Mr Reginald Eyre, Parliamentary Under-Secretary of State for Companies and Consumer Affairs.

My Secretary of State has commented that he presumes the review being conducted by the Minister of State at the Treasury will lead to early action in the Budget sharply to curb the entry powers of the Inland Revenue and Customs and Excise. He has noted that this review is not to be mixed up with Mr Mitchell's exercise. He considers it would be intolerable to allow the wider examination to be used as a reason for delaying Finance Bill action. Recent events and judicial obiter dicta on their implications for freedom indicate that Parliament has granted far too wide a discretion to the administration in this area. There should be no "political embarrassment" about restoring the protection of ordinary citizens against arbitrary decisions by the administration - even where those actions are supported by a Judge in chambers.

I am copying this letter to Mike Pattison (No 10) and to the recipients of his letter.

Yours sincerely,

Stuart Hampson

S HAMPSON
Private Secretary

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Home Affairs

Ministry of Agriculture, Fisheries and Food
Whitehall Place London SW1A 2HH

From the Minister's Private Office

A C Willis Esq
Private Secretary to the Parliamentary
Under Secretary for Industry
Department of Industry
123 Victoria Street
London SW1E 6RB

20 December 1979

Dear Tony

Mike Pattison sent us a copy of his letter of ~~6~~ December to Ian Ellison in which he said that the Prime Minister would like the Government to review all existing powers of entry to business premises, in particular those which affect small firms.

My Minister would like to nominate his Parliamentary Secretary, Mr Jerry Wiggin, to represent him on the review team.

I am copying this letter to Private Secretaries to other members of the Cabinet, the Minister of Transport, Murdo Maclean, Bill Beckett and to Martin Vile.

Your sincerely
Frances Thompson

Miss F H Thompson
Assistant Private Secretary



✓ MAA

SECRETARY OF STATE FOR ENERGY
THAMES HOUSE SOUTH
MILLBANK LONDON SW1P 4QJ
01 211 6402

M Pattison Esq
Private Secretary to
the Prime Minister
No 10 Downing Street
LONDON SW1

19 December 1979

Dear Mike,

POWERS OF ENTRY

With reference to your letter of 7 December to Ian Ellison, my Secretary of State has nominated Mr Lamont to undertake the review of powers of entry available to this Department and the nationalised energy industries, in consultation with Mr Mitchell.

I am copying this letter to the recipients of yours and to the Private Secretary to Mr Mitchell.

Yours ever,

Denis

DENIS WALKER
PRIVATE SECRETARY

Handwritten initials/signature

From THE PRIVATE SECRETARY

Handwritten initials/signature

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HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

11 December 1979

Dear Anthony

POWERS OF ENTRY TO BUSINESS PREMISES

In his letter of 7 December to Ian Fair, ^{*Elvis*} Mike Pattison recorded the Prime Minister's request to each Departmental Minister to nominate a Junior Minister to undertake the review of powers of entry to business premises. You will wish to be aware that the Home Secretary has asked the Minister of State, Mr Leon Brittan MP, to conduct this review in the Home Office.

I am sending copies of this letter to Mike Pattison and Martin Vile.

*Yours sincerely
Tony Butler*

(A J BUTLER)

A C S Willis Esq

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