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cc/L

Minister for Local Government

Department of the Environment
2 Marsham Street London SW1P 3EB

Telephone 01-212 3434

Prime Minister ②

15 May 1985

Patrick Jenkin

To note the line Ministers
are advised to take.

AT 15/5

LOCAL GOVERNMENT BILL: LORDS AMENDMENTS

We shall need to take a view when the Committee stage is over on how to deal with amendments which have been carried against us in the Lords. I would propose to circulate proposals for consideration by colleagues in MISC 95 in the week beginning 2 June.

Meanwhile, it is important that Departments should press on with planning for implementation, and should continue their talks with those authorities that wish to discuss the arrangements for the transfer of services. Even when the Lords amendments affect the distribution of functions - as on highways and waste disposal - I think that discussions based on our original proposals can properly continue on a contingency basis. I understand that the Lord President has agreed this line in relation to waste disposal.

We are getting inquiries from some authorities about the Government's intentions with regard to "hostile" Lords amendments. We cannot make any general public statement until we have considered the overall picture with colleagues - and such a statement could, in any case, be counter-productive in terms of handling the remainder of the Lords Committee stage. However, we do need an agreed line to take in dealing with queries, and it is clearly important that all Departments should speak with the same voice.

/ I attach at Annex A a suggested line to take. This sets out the position at some length as this will be necessary in the further meetings which officials will be having with local authorities and others. The next such meeting, so far as DOE officials are concerned, is on Friday 17 May.

Subject to any point colleagues may wish to raise, I propose that officials should draw on Annex A as necessary in dealing with queries. Unless any comments are received by close of play on Thursday 16 May I shall assume that all are content with this approach.

/ I am copying this to the Prime Minister, Willie Whitelaw, the other members of MISC 95, Bertie Denham and to Sir Robert Armstrong.

KENNETH BAKER

Patrick Jenkin

LOCAL GOVERNMENT BILL: LORDS AMENDMENTS

LINE TO TAKE

1. A number of amendments have been carried against the Government's advice during the first part of the Lords Committee stage, when the clauses dealing with functions were being considered. These provide, in particular, for highways and waste disposal functions to be carried out by county-wide bodies.

2. However, the Bill has been approved by the House of Commons, and at Second Reading in the Lords, when a reasoned amendment was defeated by a majority of 2 to 1 and the Bill given an unopposed Second Reading. In addition amendments to create new directly-elected authorities in London and the Met Counties have been rejected. The Government have made it clear that they will not accept any attempt to re-create the abolition authorities by indirect means - for example by giving functions to the residuary bodies and then amending the Bill to make them directly-elected, or by combining joint authorities.

3. So far as the detailed amendments to the Bill are concerned, the Government will, of course, need to consider their position at later stages. They will do this against the background that the principle of the Bill, approved by both Houses of Parliament, is that functions should, so far as possible, be devolved to the boroughs and districts. While the final outcome remains unresolved the discussions already in progress on contingent planning for the transfer of functions will continue. The only exception is civil defence in the Met Counties, where the Government made it clear that they accepted the change provided for in Lord Renton's amendments.

4. The Government are confident that, despite the present difficulties, the successor bodies will be quick to make their plans for taking over their new functions as soon as the Bill becomes law, and that the new structure will come into operation on 1 April 1986.



*Private Secretary to the
Minister for Local Government*

Copies of the attached should be
circulated by hand to:-

Lord President of the Council

Lord Chancellor

Secretary of State for the Home
Department

Secretary of State for Education
and Science

Secretary of State for the Environment

Lord Privy Seal

Secretary of State for Social Services

Secretary of State for Trade and
Industry

Secretary of State for Employment

Minister of Agriculture, Fisheries
and Food

Chief Secretary, Treasury

Secretary of State for Transport

Lord Gowrie

Attorney General

Sir Robert Armstrong