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Prime Minister ①

CCPS

PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

*Sweet cleaning
must stay -
It is vital.
I do hope this
bill will not
be cut short.*

Are you content with the changes proposed or under consideration? The Lord President intends to remove proposals to control stray dogs but to retain those on dog fouling. But these proposals were seen as central to the Government's response to Rowweller attacks, which itself was criticised by many as too weak.

16 November 1989

Dear Roger The Lord President has also asked Mr Patten to consider removing proposals on sweet cleaning; the NCC reorganisation and hazardous substances. *I attach an earlier summary of the Bill for comparison.*

ENVIRONMENT PROTECTION BILL

The Lord President held a meeting yesterday to discuss this Bill with your Secretary of State, accompanied by officials, and the business managers. The Secretaries of State for Agriculture and Energy attended for part of the meeting; Steven Mason (Parliamentary draftsman for the Bill) and Philip Mawer and Joan Bailey (Cabinet Office) were also present.

The Lord President opened the meeting by stressing the importance for the whole of next year's programme of controlling this Bill. He pointed to the example of the Local Government and Housing Bill where the level of amendment had delayed drafting work for this Session. It was, therefore, vital for this Bill to be introduced in good order and with minimum subsequent amendment. As far as possible the scope should be limited to reduce pressure on the Government to extend its provisions. The proposed White Paper might be a useful defence against additions to the Bill which appeared to have grown from the 100 clauses originally agreed by Cabinet to almost 150.

Your Secretary of State accepted that difficulties had arisen over the Local Government and Housing Bill, and that it would be important to avoid the same level of amendment on this Bill. He pointed out that the majority of clauses in the Bill - which on the latest estimate was in fact likely to run to 130 clauses including consequential Scottish clauses - dealt with uncontroversial environmental protection measures. The main attack would be that the Government was not going far enough and was not providing enough resources to police the provisions. There was also the risk of Members trying to push through their own ideas and here the White Paper would be a very useful vehicle for fending off proposals for additions to the Bill. He had discussed it in detail with the Labour shadow spokesman who viewed most of the Bill as uncontentious.

The Lord President said that, given the work still to be done on the Bill, the business managers were assuming that while it should be introduced in December, Second Reading would be after Christmas. It would, however, be important for business management reasons to achieve this as early in January as possible.

Your Secretary of State identified three issues which were contentious: litter, dogs and the reorganisation of the Conservation agencies. On litter he said that the Government was publicly committed to all of the measures in the Bill and he could see no prospect for reductions without damaging the impact of the package. The Lord President expressed concern that the proposals on street-cleaning would extend the scope of the Bill to cover highways maintenance. Mr Patten said that it was essential to clarify the responsibility for street-cleaning between the two levels of local authority. The Parliamentary draftsman advised that there was no way to achieve this without bringing highways into the scope and that this, together with the pollution and conservation measures, would make it a multi-purpose Bill. Mr Patten agreed to consider again whether these measures needed to be in the Bill.

On dogs, Mr Patten agreed to drop the proposals relating to strays in view of the controversy they could arouse and the problems of scope. The Lord President and the Lord Privy Seal were grateful for this offer and noted that provisions relating to dog mess would be covered in the litter clauses.

The Lord President asked about the reorganisation of the NCC and the Countryside Commission which were likely to be contentious in themselves and to bring countryside issues within the scope. Mr Patten said that the dismemberment of the NCC was generally unpopular in England. The Government were likely to be criticised for acting in a way which would be damaging to conservation interests. In particular, the lack of guarantee of a Great Britain wide science base was a matter of concern, and he was doubtful whether the proposed Statutory Joint Committee of the territorial NCCs and a central scientific unit would satisfy the Government's critics, particularly in the House of Lords. On the other hand the proposals had been welcomed in Scotland and Wales. The Lord President said that in view of the controversy surrounding the proposals and the problems of scope which they would entail he would wish to hold a separate meeting to discuss them with interested Ministers.

The Lord President raised four further points. He asked for the provisions clarifying local authorities' role in recycling to be cleared as soon as possible. He encouraged Mr Patten to ensure that the line on Crown Immunity in relation to radioactive substances and any other relevant provisions was consistent with the approach in the Food and Health Service Bills. He asked whether there was a clear need for the addition of GMOs to the Bill. He accepted Mr Patten's assurance that these were uncontroversial provisions and very likely to be the subject of amendments if the Government omitted them. Finally, the Lord President expressed concern that the proposals for a system of consents related to Hazardous Substances might well open up the possibility of amendments to the Town and Country Planning Act.

Mr Patten pointed out that the provision in itself added only one clause and one schedule to the Bill, but agreed to consider again whether, in view of the implications for the scope of the Bill, these provisions might be dropped.

Straw-Burning

The Lord President repeated the business managers' anxiety about the controversiality of this measure. However, he and the Lord Privy Seal accepted the argument of the Minister for Agriculture that it would be introduced by amendment if the Government failed to make provision; it was therefore accepted, with your Secretary of State's agreement, that provisions on straw-burning should be included in the Bill.

Insulation Grants

The Secretary of State for Energy agreed to the Lord President's proposal that provisions on insulation grants should be included in the Social Security Bill rather than the Environmental Protection Bill. The Secretary of State for Energy would approach the Secretary of State for Social Security, who had indicated that he was likely to accept this proposal.

Summing up, the Lord President said that your Secretary of State should consider further the proposals on street-cleaning, the reorganisation of the conservation agencies and hazardous substances. The proposed measures on stray dogs should not be included in the Bill but those on straw-burning should. Subject to the concurrence of the Social Security Secretary the insulation grants measures should go into the Social Security Bill.

I am copying this letter to the Private Secretaries of the Prime Minister, members of MISC 141, and of those present, and to Philip Mawer and Joan Bailey in the Cabinet Office.

Yours sincerely,

Gillian Baxendine

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