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CABINET

THE ASSOCIATION OF LONDON AUTHORITIES

Memorandum by the Secretary of State for the Environment

This paper seeks the views of colleagues on our response to the setting up of the Association of London Authorities (ALA). I minuted the Prime Minister on this subject on 5 August; and have received advice on the legal aspects in the Attorney General's minute of 9 September and the Lord Chancellor's letter of 13 September.

#### BACKGROUND

2. Eleven Labour-controlled London boroughs have, with the GLC, established the ALA. The ALA have requested Departments formally to recognise them and to include them in consultations in the same way as the existing London Boroughs Association, from which seven of the members have resigned. Although nominally open to all London authorities, membership is effectively restricted to Labour authorities by the objects of the Association (extract at Annex A). The nature of the ALA is also shown by a recent internal paper "ALA Publicity: Winter Campaign 1983/84". There the ALA is described as "a campaigning organisation". It aims "to combat not just the Government's legislative plans and financial restrictions but also rampant anti-municipal ideology". It proposes to raise £100,000 for a "Defend London" campaign, by levying contributions from its member authorities. This is simply to force ratepayers to pay for a vast anti-Government propaganda campaign. Certainly, that is how our supporters will see it.

3. The Law Officers have advised that, despite what might be regarded as 'political' objects, there are no real grounds for arguing that, where consultation with associations of local authorities is required by statute, the ALA can generally be ignored. Failure to consult them could, therefore, invalidate important decisions where consultation with local authority associations is, by law a pre-condition to the exercise of a statutory function - eg, determining the level of a Rate Support Grant. If we recognise the ALA because of the statutory provisions, we would also have to include them, for practical purposes, in all standing consultative arrangements, because such arrangements may involve both statutory and non-statutory discussions, and a fine line cannot be drawn between them. As far as I am concerned, the main

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consultative meetings of this kind are those of the non-statutory Consultative Council on Local Government Finance and its official sub-groups, which are used, in particular for carrying out any statutory consultations with local government on the annual rate support grant settlement. Other colleagues may have equally important standing consultation arrangements.

PRESENT POSITION

4. The legal advice apparently leaves us with no option but to recognise the ALA. We must do this without delay, as important timetables, such as the rate support grant settlement, will otherwise be placed in jeopardy. This step will be difficult to present to our supporters - and will be fiercely attacked for example, at the Party Conference.

5. The first need is to ensure that the ALA is counter-balanced by an effective Conservative voice. I propose to open discussions with London Conservative leaders about this. We must, however, try to ensure that we do not create unnecessary obstacles to the re-formation of a bi-partisan London association if, in time, changed circumstances make this possible.

6. We also need to ensure that recognition is accompanied by a firm statement deploring the setting up of a political association, explaining that recognition is based on an examination of statutory obligations, and proposing urgent discussions with local government on the implications of this step. I attach a draft of such a statement at Annex B. It is to be hoped that we can hold the position elsewhere, though there are visible signs of strain in other Associations. We can consider further action after talks with these Associations.

7. I have included in the draft statement a reference to the possibility of legislation. I outlined a possible approach in my minute of 5 August to the Prime Minister. I recognise that legislation enabling Ministers to specify with whom they will consult would be controversial and I have noted the objections raised by colleagues (including the Lord Privy Seal) in their responses to my minute of 5 August. Nevertheless, given the Law Officers' advice coupled with the political furore which recognition will stir up, we must not reject legislation as a possible option.

CONCLUSION

8. I seek colleagues' agreement to:

1. recognising the ALA in our standing consultative arrangements, subject to a statement on the lines of Annex B;
2. opening discussion with London Conservative leaders with a view to ensuring that there is an effective Conservative voice to counter-balance the ALA;

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3. opening urgent discussions with the other Associations on the implications of recognising the ALA; and
4. considering legislative options for urgent introduction if the situation warrants this.

P J

Department of the Environment

19 September 1983

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ANNEX A

CONSTITUTION OF THE ASSOCIATION  
OF LONDON AUTHORITIES

EXTRACT

5 JULY 1983

3. OBJECTS

The objects of the Association shall be -

- (1) To watch over, protect and promote the interests, rights, powers and duties of its member authorities as they may be affected by legislation or proposed legislation or otherwise.
- (2) To provide a forum for the discussion of matters of common concern to its member authorities and a means by which joint views may be formulated and expressed, particularly in negotiations with Government departments.
- (3) To provide such central services for its member authorities, and to co-ordinate such action by them, as they may consider to be appropriate.
- (4) To secure and promote the preservation of local government services to London and its people and to oppose proposals or measures which would reduce or otherwise adversely affect those services.
- (5) To consider what additional public services ought to be provided to meet the needs of London and its people and to co-ordinate action to secure provision of such services.
- (6) To seek to maximise the level of Government financial support for London in general and its member authorities in particular and to oppose any reduction in the level of that support.
- (7) To promote the following aims of its member authorities:
  - (a) local government in London by directly elected, multi-purpose borough councils, supplemented by the Greater London Council and Inner London Education Authority
  - (b) affording local people access to and influence upon their local services;
  - (c) equal opportunities for all regardless of race, colour, creed, sex or handicap;
  - (d) adoption of good employment and industrial relations policies and practices, liaison with trade unions and the requirement of compliance with those policies and practices by all contractors or suppliers

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for or of all works, goods and services to its member authorities;

(e) accountability of the police to the London local authorities;

(f) exclusion from London of all unnecessary risks to life and limb, such as nuclear weapons and radioactive materials;

(g) provision of adequate employment, housing and social services to meet the needs of the people of London.

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## SECRET STATEMENT

In 1971, a group of Labour-controlled London boroughs joined with the GLC in setting up a new association - the Association of London Authorities. This association has requested Government Departments to consult them on the same terms as the existing London Boroughs Association, from which some of them have resigned.

Up to now, the local authority associations in England and Wales have been representative of classes of authority sharing the same functions, rather than of political factions. The Association of London Authorities has changed this; although it is nominally open to London authorities of all political persuasions, the requirement in its constitution that members subscribe to certain left-wing political aims effectively deters non-Labour authorities from joining.

I deeply deplore this development. Hitherto consultation with the associations has provided Departments with views on matters of concern most of which do not arouse party political controversy. The inclusion in our consultative arrangements of one or more politically-orientated groups would change fundamentally the nature of the consultation process. It could also encourage minority groups in other associations to break away; such a proliferation of bodies could make the consultation process unmanageable, lending inevitably to less effective and coherent presentation of local government views.

In considering what action to take, I have had to have regard to the requirements of the various statutory provisions which require me or other Ministers to consult associations of local authorities. The legal advice that I have received is that under the terms of the statutes as they stand at present I am legally bound by law to include the ALA in our consultative arrangements. The Association is being notified of this decision today.

I take this step with profound reluctance. The Association of London Authorities exists simply to provide a voice for a faction of the Labour Party and to be a channel for virulent anti-Government propaganda to be paid for out of the rates. It cannot be in the interests of local government as a whole that views should be presented in this polarised form. I am well aware that my decision may have serious implications for the other Associations. I propose to institute urgent discussions with them on these matters. Legislation may well be necessary to restore the satisfactory consultation arrangements which existed before the ALA was formed.

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