

Mr. Brain

Admission of the Press: Adjournment Debate  
1st February, 1960

1. It is understood that Sir Cyril Black will draw attention to the action taken by certain local authorities during the printing strike in June and July last. Several councils declared the emergency editions of newspapers affected by the strike "black" and decided to withhold information by various means.
2. In Nottingham the town council excluded the press from their meetings ostensibly on account of the nature of the business to be transacted, but nevertheless allowed the public and a B.B.C. representative to remain. In Liverpool the town council went into committee in order to evade the requirements of the 1908 Act and similar action was taken by the Barrow-in-Furness borough council. In Bristol the local press (though not the national press, the B.B.C. or news agencies) were excluded from committees to which they would normally have been admitted (though they were not excluded from the council meetings). In Birmingham and Leeds information normally given to the press was withheld, although no special action was taken to exclude the press from meetings.
3. The Local Authorities (Admission of the Press to Meetings) Act 1908 requires local authorities to admit the press to their council meetings but not to committee meetings. The press may be excluded from council meetings if the authority resolve that in view of the special nature of the business then being dealt with or about to be dealt with such exclusion is advisable in the public interest.
4. On the Minister's direction the Secretary wrote on the 16th July to the Town Clerk of Nottingham (copies went to the other local authorities mentioned above) setting out the Minister's views in full. This letter was given extensive publicity and was reproduced in full in many of the national papers.
5. The action of these local authorities brought to a head the general dissatisfaction which the press had been voicing over a period of years about the secretive and unsatisfactory attitude of some local authorities. There was renewed pressure for stricter legislation.
6. In view of the fact that a Private Members' Bill on the subject is down for Second Reading next Friday (5th February) the Adjournment Debate on Monday will presumably avoid anything which might resemble a discussion on Mrs. Thatcher's Bill and will stick closely to the Minister's attitude to the actions of these local authorities in relation to the law as it stood then and still stands now. The Parliamentary Secretary will recall, however, that the Conservative Party Manifesto last autumn included these words - "We mean to make quite sure that the Press have proper facilities for reporting the proceedings of local authorities." This sentence from the Manifesto is in line with the Minister's earlier statement to the Standing Committee on the Local Government Bill 1957/58 when amendments were proposed to increase the rights of the press. He referred to discussions on this subject between the Department and the local authority associations and said -  

"If we can achieve a result without further legislation which makes sure that every local authority plays fair, that is what would please all of us, including my hon. Friend who has moved the Clause, but I am not going to say here and now that is possible. If the further discussions that take place leave a situation where it seems undeniable that some few local authorities are going to remain obdurate in giving proper facilities to the Press, this Government would not hesitate to advise Parliament to alter the law".
7. I attach:
  - (a) Copy of the Secretary's ~~xxx~~ letter of 16th July 1959.
  - (b) Copies of P.Qs. answered by the Minister during the printing dispute.
  - (c) A brief for the Parliamentary Secretary's reply on Monday.

8. The Minister's reply to Mr. Harold Gurnon on the 3rd July last said - "Should a local authority fail to comply with some statutory requirement its action is open to challenge in the courts". If this point comes up on Monday the Parliamentary Secretary might say that although the 1908 Act does not specifically provide a means of enforcement, common law remedies, e.g. injunction, might well be invoked. It would depend on the circumstances, however, and a newspaper would doubtless seek its own legal advice.

Rely instead on the paragraph on this point in the Nottingham letter of 16 July 1959

C. Pearce

29th January, 1960

C. Pearce  
1/2/60

1. I wd like No. 8 expanded - in the light of what the Minister will be saying on Friday. As I understand it he will assert that there is no need for a section in Mr. Chubb's Bill because one exists already. I must therefore be cogent, clear about this so as not to weaken his statement. I will be caught to quote exactly any work given me on this point.

2. I wd like a few more names to contribute if time hangs & some estimates want to take any minutes I leave, please.

1/2/60

3. There are press cuttings on all this. May I see or file a memo please! Re debate. Particularly the exchange in the Times during the previous newspaper strike.