

PRIME MINISTER

ILEA ELECTIONS

1. At our meeting on 4 July I was invited to consider further, in consultation with the Secretary of State for the Environment and the Home Secretary, the implications for ILEA of the decision to allow the existing GLC Councillors to stay on in office until April 1986. The same point was raised by Lord Alport in the course of questions to the Lord President after his statement on 5 July. The Lord President undertook that a clear indication of the Government's intentions on ILEA would be given at Report Stage on the Paving Bill on Monday next, 16 July. (The matter would be dealt with in the main Bill, however, and not the Paving Bill.)

2. We have considered the alternative possibilities discussed at your meeting:

- (a) holding the direct elections to the new ILEA, as I have recently suggested to colleagues in MISC 95, in October 1985, well in advance of the date of abolition, or
- (b) deferring the elections until the time of the next borough/district elections in May 1986.

We have also considered the possibility of a variant on (a), under which the existing members of the present ILEA would be displaced by the newly elected members.

DATE OF FIRST ELECTIONS

3. The crucial point is that the new ILEA, like the new joint boards for fire, police and public transport will need - and will be empowered - to assess its staffing and accommodation needs, acquire relevant premises, and determine the budget and the precept for its first year of office, 1986-87. This work could not be completed without some months of initial preparation. It could not be done by the new elected members if they were not

elected until May 1986. It would have to be done by the existing ILEA, who, having no interest beyond May 1986, would be unlikely to co-operate. This would mean extending the life of the present ILEA even beyond the date of abolition of the GLC. I attach a more detailed note at Annex A which spells out the work which have to be done and the problems that arise if we do not provide an adequate handover period.

4. Any elections held in the period before Abolition are likely to be exploited in an attempt to justify obstruction. There will however be less force in such a claim after the main abolition Bill has received Royal Assent and still less in respect of an election for an authority which is being detached from the GLC and is, in effect, to be maintained. The most effective answer to obstruction -or obstruction which falls short of the "scorched earth" policies at which the extra counter-obstruction powers we are now thinking of taking are aimed - is to ensure that the successor bodies are given an adequate chance to carry out their necessary preparatory work in good order.

5. At our meeting on 4 July it was suggested that the same people would be likely to be elected as are now on the existing ILEA. I do not regard this as wholly inevitable. The electoral arrangements I have proposed to MISC 95 are designed to give minority voices a greater chance. I hope that a range of candidates may be encouraged to stand on issues specific to the ILEA. There is also a possibility that the majority party members on the existing ILEA will be instructed not to stand for the new body in Autumn 1985. But if they do stand, they will have the task of planning for the future and living with their decisions.

COUNTER OBSTRUCTION

6. If the elections to the new ILEA were, as we strongly recommend, to be held in the Autumn of 1985, there would in effect be two elected ILEAs running in parallel until April 1986, with probably overlapping membership. The view of the Conservative Group on ILEA, whom I have consulted, is that this

could be a recipe for mischief. The new interim body will have no right to call on the services of the existing ILEA staff and could well have to recruit staff of its own. There would be confusion over the demarcation of responsibilities of the two bodies and ample scope for the kind of low-key obstructionism which it would be very difficult to counter. A way of meeting these problems, which has emerged since your meeting on 4 July, would be to provide in the main Bill that once elected the members of the interim new ILEA should also replace the members of the Special Committee of the GLC which runs the existing ILEA. The new members would be given the duty to plan for the period after 1 April 1986 but they would in addition to their preparatory work take over the day to day work and officials of the old ILEA. The existing members of the Special Committee would of course continue as GLC councillors for the rest of their term of office but would have no education responsibilities. Abolition of the ILEA, acting as a Special Committee of the GLC, would still need to wait until 1 April 1986 because of the time needed to transfer property, staff etc. I attach a separate note explaining this option in more detail at Annex B.

7. Our opponents will no doubt try to mount constitutional and political arguments against such a step. We believe that they would be on weak ground. It could be claimed that the Government was retreating from its commitment to leave the GLC members in office until April 1986. But the effect of our proposal is to leave the GLC members in office shorn of their education function once direct elections to ILEA have been held. We would be replacing those elected members whose term of office had run out and been specially extended by a new set of freshly elected members who would have a duty to secure a smooth and effective transition to the new arrangements which they would inherit. It may also be argued that, while leaving the GLC councillors in office was fully preceded by what happened in 1964 and 1973, this option was not. The answer to this must be that the circumstances are quite different. If we are to adopt this course, however, it is important to announce it on 16 July so as to avoid misunderstanding later.

8. I should add that under my proposals to MISC 95 the new directly elected body would have 58 members (two for each of the 29 inner London Parliamentary Constituencies, which would be used as the initial electoral divisions). The existing ILEA includes not only 35 elected GLC members but also 13 nominees of the boroughs and the City, whose term of office runs until May 1986. If the new body took over the Special Committee in October 1986 it would not be necessary to retain the 13 nominees and they could be displaced as well.

ELECTION CYCLE

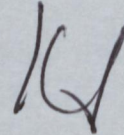
9. We also need to be clear on whether the elections to the ILEA should be held generally in the same year or a different year to the boroughs. The issues are finely balanced. In favour of holding the elections at the same time as the borough elections it is argued that the turnout would be higher and the results more predictable; that in principle elections for all local authority services should be held at the same time; that the candidates would be less likely to appeal to the education vote rather than to the ratepayers at large and would therefore tend to pay more regard to value for money; and that it would represent a saving in election costs over the present arrangements (of up to £1m in every four years). On the other hand in informal soundings of Government supporters which I took in April, the majority of Councillors and London MPs consulted favoured elections in a different year from the boroughs. They argued that holding the elections in a different year from the boroughs would improve the accountability of the new authority to the electorate for the performance of its specific functions. Distinctive campaigns could then be run by the candidates, without reference to other local authority services. This might be helpful to minority parties and independents.

SUMMARY

10. Our conclusions are that the scope for exploiting elections to the new ILEA in Autumn 1985 to gain popular support for a policy of obstruction is limited and that, in any case, for

operational reasons it is essential that the elections are held then and not later. In so far as there is political and practical difficulty in having two elected ILEA's running in parallel we recommend that this is dealt with by the measure described in paragraph 6 above. We also invite colleagues to consider whether elections to the new ILEA should normally be held in the same year as the boroughs or a different year.

11. I am sending copies of this minute to Patrick Jenkin, Leon Brittan, Willie Whitelaw, John Biffen, Peter Rees, Michael Havers, John Wakeham, Bertie Denham, Irwin Bellwin and Sir Robert Armstrong.



KJ
10 July 1984.

CONFIDENTIAL

ILEA ELECTIONS

1. This note examines the implications of holding the elections to the new ILEA on 1 May 1986 (ie the present proposed date for the next London borough elections) instead of in October 1985.

Current Proposal

2. The Secretary of State for Education and Science has proposed (but has not announced) that the first elections should be on 17 October 1985. Subsequent elections would be held in May 1989 and at four yearly intervals (ie the dates on which GLC elections would have been held).

3. The new authority would come into existence as a separate corporate body 4 days after the elections, but would not acquire its education functions until 1 April 1986.

4. 17 October has been chosen as the earliest feasible date for elections after Royal Assent to the main Bill at end July. It was considered essential to go for the earliest date to give the new authority the maximum possible time to prepare its budget for 1986/7, determine its precept, appoint some staff, get premises, and negotiate with the Secretary of State on block transfer of operational staff and transfer of property. (It is proposed that the other major new corporate bodies to be established on abolition, the joint boards, should be appointed by 1 September - again to give as much time as possible to prepare for takeover.)

5. These arrangements are precedented in previous reorganisations. Elections to the new GLC and the boroughs were held in April and May 1964 and reorganisation took place in April 1965. Elections to the new authorities outside London which took over in April 1974 were held in April, May and June 1973.

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Elections in May 1986

6. ILEA is the GLC acting through a special committee of the Council. If elections are deferred until 1 May 1986 some arrangements will be needed to cover the five week gap between abolition on 1 April 1986 and the assumption of office by the directly elected members of the new authority on 5 May 1986. It would not be possible simply to extend the life of ILEA in its present form without the GLC. The abolition Bill would therefore have to provide for the establishment of ILEA as a separate corporate body to take over the functions of the existing ILEA on 1 April 1986. The Bill would provide that until 5 May 1986 the members of that body should be the existing ILEA members and that directly elected members should take over on 5 May.

7. When the new corporate body takes over its education functions on 1 April 1986 it will need finance, staff, property etc. To prepare its budget, fix the precept and make other preparations for takeover it would have to be established in autumn 1985. The sequence of events would be as follows:

- a. the present members would run the existing ILEA until abolition on 1 April 1986;
- b. from autumn 1985 the present ILEA members would also become members of the new corporate body and plan for its assumption of education functions on 1 April 1986;
- c. from 1 April 1986 until 5 May 1986 the present ILEA members would exercise the functions of the new ILEA;
- d. on 5 May 1986 the present ILEA members would be replaced as members of the new education authority by directly elected members.

Assessment

8. The case for holding the elections in May 1986 rests partly on the desirability of avoiding elections in autumn 1985 and partly on making them coincide with the borough elections. But there are two major disadvantages in holding the initial ILEA elections after GLC abolition.

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9. First, whilst the counter-obstruction measures agreed by Ministers will provide some check on the activities of the existing ILEA, they will not prevent determined obstruction, nor will they prevent actions designed to delay or frustrate the abolition policy. Delaying direct elections until May 1986 will give existing ILEA members added opportunity to obstruct even beyond the date of abolition.

10. Second, because the members would be directly elected, the authority cannot be established in shadow form before the elections and essential pre-planning has, therefore, to be carried out by another body. This means:

- a. The critical 1986/87 budget/precept decisions would be taken by a body with no interest in the application to the decisions. The new ILEA will be subject to new provisions on precept and manpower control. This system is more likely to work effectively if it is worked out with the body which is to be controlled. The details of manpower control are currently being considered, but it may well depend on the new corporate body producing manpower plans for approval by the Secretary of State. The present ILEA members are understood to be unwilling to cooperate in any way with rate capping for 1985/86 and it can be assumed that they will not cooperate in precept and manpower controls for 1986/87.
- b. The detailed preparatory work on staff and property transfers would have to be done with the existing ILEA members who will have no incentive to discuss or negotiate on these issues.
- c. Many existing members of ILEA will no doubt seek election and there may in practice be little prospect of control changing. But if the budget and precept is fixed by the existing members (albeit subject to Secretary of State control) there will be limited opportunity for the new elected members to redetermine the main policy lines for 1986/87.

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ILEA AND OBSTRUCTION

1. This note considers a possible way of reducing the scope for obstruction of the preparatory work involved in setting up the successor body to ILEA. It assumes that the elections to the new Authority are held in the Autumn of 1985.
2. The Government has announced that the Greater London Council will be allowed to continue in office until April 1986. The ILEA is the GLC acting through a special Committee of the Council. In the period from the elections until the abolition of the GLC there will thus be two "ILEAs", the existing GLC/ILEA and the successor body, operating on an interim basis and taking the decisions on staff, property and budget.
3. The interim body will have no right to call on the services of existing ILEA staff and could well have to recruit staff of its own with little or no detailed background knowledge of ILEA. The existing ILEA members are understood to be unwilling to co-operate with rate-capping. They will have no locus in the consideration of staff, property and 1986-87 budget, and precept and manpower control; but the information on which the decisions are based will have to be provided by them and their employees to the interim body. In practice there may well be considerable overlap in the membership of the old and new ILEA's, but the scope for genuine demarcation problems and confusion, as well as obstruction, is evident. The obstruction, if kept low-key, could be difficult to cope with by specific counter-obstruction measures.
4. A way of dealing with these difficulties would be to provide in the main bill that when elected, the members of the interim authority ousted the existing GLC members on the "special Committee" which ILEA constitutes under the existing GLC constitution. The GLC would be kept in being until April 1986 as always envisaged and the GLC Councillors for the inner London boroughs would, as now announced, continue in office until then; and they would retain their non-educational responsibilities. But the newly elected ILEA members would have

CONFIDENTIAL

both the responsibility, as an interim body, to undertake the preparatory work for the time when they took over from the GLC/ILEA and the responsibilities qua GLC/ILEA for the day to day running of the education Authority. The interim body would not have to recruit new, inexperienced staff; the members with day to day responsibility would also have the responsibility for future planning, and the scope for obstruction which would arise from having two sets of ILEA members would be eliminated.

5. DOE lawyers advise that this would probably require in the main Bill only one extra clause over and above what would in any case need to be provided. Some of the relevant material has already been drafted. It would not be necessary to make any provision in the Paving Bill.

6. The existing 29 parliamentary constituencies for the inner London education area would be used as the initial electoral divisions, with two members per constituency, moving later to single member constituencies. This would give 58 elected members, which should be sufficient to run the new authority. The present "special Committee" also includes one nominee from each of the 12 inner boroughs and the City, whose term of office runs until May 1986. They could also be dropped if the new members took over the special Committee in 1985.

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MR TURNBULL11 July 1984ILEA ELECTIONSLetwin ILEA

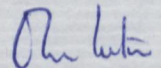
Keith Joseph suggests that:

- i. elections for the new ILEA should be held in October 1985 - after the Abolition Bill receives Royal Assent but before the GLC is abolished;
- ii. the people elected in October 1985 should replace the present members of the ILEA for the months between the elections and abolition, so that they can prepare the ground for the new ILEA.

If this scheme is adopted, the government's opponents will no doubt describe it as another piece of jiggery-pokery. And those elected may well use the election not only as a platform for anti-abolition propaganda but also as a 'mandate' for obstructing the imposition of the government's manpower and expenditure controls.

But, despite these gross disadvantages, we agree with Keith that any other option would be worse. The obstruction will probably be even greater if the present members of ILEA are left in situ until abolition; and if a 'shadow' ILEA is elected in October 1985 to run in parallel with the present members until April 1986, there will be chaos.

We recommend that the Prime Minister should accept Keith Joseph's scheme.



OLIVER LETWIN

JMHA AE

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10 DOWNING STREET

Prime Minister ①

Policy Unit note argues that
Sir Keith's solution - election to LEA
in 1985 with the new councillors assuming
the education responsibilities of existing
GLC councillors - is the best choice.

I believe the Lord President, Home
Secretary and Mr Jenkin agree, though
Lord President has is still unsure
about whether to synchronise LEA
elections with district elections

Do you

- (i) agree proposals, subject to
views of other colleagues?
- (ii) wish this to be raised orally
at Cabinet?

Orally at Cabinet

mm

AT

11/7