

CONFIDENTIAL



## DEPARTMENT OF EDUCATION AND SCIENCE

ELIZABETH HOUSE YORK ROAD LONDON SE1 7PH

TELEPHONE 01-934 9000

FROM THE SECRETARY OF STATE

The Rt Hon Patrick Jenkin MP  
 Secretary of State for the Environment  
 2 Marsham Street  
 LONDON SW1 3EB

9 May 1985

*Mr Patnill -*

LOCAL GOVERNMENT BILL: REVIEW OF ILEA

I have seen a copy of Rodney Elton's minute of 7 May to Kenneth Baker expressing concern about the possibility of defending the provisions for the ILEA to be reviewed in Clause 21 of the Bill. I am not sure whether you have yourself reached any view, but given the hostility which the Clause has attracted, I agree that it would be prudent to consider tactics before it is reached since any undertaking in Lords' Committee to "consider" would inevitably generate hopes that could be met only by a major concession at Report.

It should be recalled that Cabinet decided to include the review provision in response to the considerable anxiety about the performance of the ILEA felt by many, not least our own supporters and some of the London boroughs, who would prefer to see education become a borough function. When we decided that the new ILEA should be directly elected, we felt that the provision for a review became all the more important. In that context we have, I think, to consider whether we prefer to offer a concession, or show that we have attempted to respond to the doubts about the ILEA but been defeated in Parliament; and our consideration can only be on the basis that the scope for amendment of the Clause is very limited if we are to preserve our essential purpose of being able by means of secondary legislation, rather than fresh primary legislation, to give effect to any decisions we reach as a result of a review. In my view, we should offer no concession and, if we are defeated in the Lords, restore the position in the Commons.

I am copying this letter to the Prime Minister, our other MISC 95 colleagues; Rodney Elton and the other recipients of his minute; the business managers; and Sir Robert Armstrong.

*Emmeline Kemp*

CONFIDENTIAL

CONFIDENTIAL



10 DOWNING STREET

MS, DOE  
CS, HMT  
D/M  
DTI  
DHSS  
LPSO  
DES  
HO

LPO  
CWO  
CO

TRANSPORT

*From the Private Secretary*

13 May 1985

LOCAL GOVERNMENT BILL: REVIEW OF ILEA

The Prime Minister has seen Sir Keith Joseph's letter to your Secretary of State of 9 May. She agrees that if Clause 21 of the Bill is amended in the Lords the Government should offer no concession and should restore the position in the Commons.

I am copying this letter to the Private Secretaries to members of MISC 95, Janet Lewis-Jones (Lord President's Office), Murdo Maclean (Chief Whip's Office) and Richard Hatfield (Cabinet Office).

ANDREW TURNBULL

John Ballard, Esq.,  
Department of the Environment.

CONFIDENTIAL

JK

Pinne Minutes (1)

Sir Keith seeks views on how the Government should react if it is defeated on the clause permitting ILEA to be abolished without primary legislation.

Agree his view?

AT  
T015

No concession  
Pastor's position

10 May 1985

in Commons  
not

MR TURNBULL

LOCAL GOVERNMENT BILL: REVIEW OF ILEA

We agree with Keith Joseph that no concession should be offered. The provision for review of ILEA is similar to that enshrined in the 1963 Act; the Government does not need to be embarrassed about it.

There may well be a defeat in the Lords. But several other provisions of the Abolition Bill will in any case need to be restored in the Commons, and it can be decided later whether (in the event of a defeat) this review clause should be amongst them.

Ol Letwin

OLIVER LETWIN