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CAB/4/1423/7

SECOND DRAFT: REPLY TO MR. WILSON

Thank you for your letter of 19th November, letting us know your considered views as to the subjects we reviewed together at our meeting on 4th November.

As you may imagine, my colleagues and I have given long and anxious considerations to all these matters. In our discussions we have had regard not only to your views, but to our responsibility to restore, particularly in Londonderry, a more peaceful and harmonious atmosphere. The decisions which we have now taken were announced on 22nd November, and I am sure you have already been informed of them; though for convenience I attach a copy of our statement.

May I offer a few comments upon our proposals? We fully share your anxiety that there should be - to use your own words - "proper standards of housing allocation". Frankly we are convinced that the abuse of powers of allocation is not at all widespread; but we accept that even the occasional clearly-demonstrated case of such abuse can undermine confidence in the impartiality of administration as a whole. We feel bound to point out at the same time that there is no mandatory uniform system of allocation in Great Britain; and no doubt applicants there also feel on occasions that they have received less than justice. Nevertheless we accept the need for further action in this field. On 30th October, I summoned representatives of all local authorities to a Housing Conference, and told them clearly that justice must not only be done but must also be seen to be done in allocating houses built with the aid of public money. The general response of the Conference was most encouraging, and of particular interest was the fact that the Mayor of Londonderry embraced the idea with enthusiasm. Subsequently the Londonderry Corporation resolved to appoint a Committee to allocate houses on a points system. What we have now decided is to ask all authorities to submit schemes to us, which will be published. We do not

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think we can impose a single rigid system on authorities with widely-varying types of housing need, although we intend to recommend - as a proven and reasonably flexible device widely used in Great Britain - the "Group plus Points" system. We are confident that all authorities will now prepare and submit effective schemes. We think it wrong to start from the assumption that Councils will not co-operate. Experience shows that that would not be the wisest way of handling local authorities, in starting a new scheme. If, however, any authorities stand out and adopt an intransigent attitude, we recognise that means must be sought to bring them into line.

On the question of the Ombudsman, we were frankly in something of a dilemma. As you know, officials of our Government discussed this matter with Sir Edmund Compton, and he expressed the view that in Northern Ireland conditions an Ombudsman confined to the investigation of central government administration would have such a high proportion of submissions which he could not validly consider that his credibility and usefulness would be brought into question. Accordingly, he wondered whether it would be possible to extend the powers of a Northern Ireland Ombudsman to statutory bodies and local authorities. We saw at once a difficulty in this which has, indeed, been evident in any consideration of such an extension of powers in Great Britain. This is that the Ombudsman is a Parliamentary Commissioner, reporting to Parliament on matters for which Ministers are responsible to it. This element of direct parliamentary responsibility is, of course, absent in respect of local authority administration. I notice that when your own Bill was being given its Second Reading on 18th October, 1966, the Financial Secretary to the Treasury commented: "I believe that on reflection hon. Members will realise that the kind of machinery we are proposing to set up will be wholly unsuitable for investigating the activities of local authorities."

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Our decision, as you will see, is that we should have an Ombudsman with powers and extent comparable with those of your Parliamentary Commissioner. We accept the possibility that many matters referred to him will be outside his ambit, but we think it right to adhere to the general lines of the institution as established in Great Britain. But, as you will also see, we have left open the question of having some alternative method of dealing with grievances outside the central government field. There are various possibilities here, such as a Tribunal with powers of conciliation and we will want to examine these. If, on the other hand, our actions in other ways can take care of the principal areas of complaint, such as housing allocations, we may not need to go beyond the Ombudsman legislation.

Perhaps the most far-reaching of our decisions is that in regard to Londonderry. The Area Plan, if carried out vigorously, should transform those social and economic conditions in which the current agitation has flourished. There is, however, a clearly-established need to set up a body with the necessary expertise and technical resources to cope with the challenge of implementing these proposals. Accordingly we have made up our minds to vest the necessary powers in a Development Commission which will take over the powers and duties of the Londonderry County Borough and Rural District Councils and will get on with the job without regard to any irrelevant considerations. We will ensure that the Commission is so constituted as to command public confidence, and our overall aim will be to establish a body of unquestionable integrity and competence.

As to the Special Powers, I would like to express my gratitude for the helpful way in which officials on your side have considered our problems, and to assure you that - for our part - we are most anxious to enable you to comply as fully as possible with international obligations. I know that if and when the security of Northern Ireland is at risk, you will appreciate

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the need for measures which are exceptional in the English context.

Finally I come to the question of franchise. It goes without saying that we have considered this issue with particular care, bearing in mind the strong views which you have expressed, and you will note that we have decided to abolish the company vote at an early date. I must, however, tell you that in asking us to make a pledge within six months to bring the local government franchise into line with that operating in Great Britain, you are urging a course of action which is not possible in political terms. On several occasions clear and unambiguous statements have been made on behalf of the Northern Ireland Government, to the effect that review of the franchise would follow re-shaping of local government. We are convinced that a repudiation of these statements at this time simply would not be acceptable to our Parliamentary Party or to the country; and indeed the view is widely held that so fundamental a change would require an electoral mandate.

We appreciate fully that "one man, one vote" has been adopted as the slogan of the "Civil Rights movement" here, and that strong views on this subject have also been expressed by Westminster Members of Parliament. On the other hand, we hope that this issue will not be allowed to get out of proportion. Although this is the slogan under which some people are demonstrating, we are convinced that the real issues underlying the current agitation are predominantly social. Cardinal Conway, the Roman Catholic Primate, has emphasised the paramount importance of housing and employment, and this is also borne out by available results of public opinion polls. The franchise is primarily an issue appealing to political activists; but it is jobs and houses which most concern the mass of the people.

Moreover, as our statement says, a change in the basis of the franchise could not in any event take effect earlier than April, 1970, when the next round of local government elections will be held. By the end of 1971, we

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would propose to carry our re-shaping proposals into effect, and if - after considering the new structure etc. of local government - we were to conclude that a change in the basis of franchise should be made, it could be implemented as the new areas come into being. I do not want you to assume from this that a decision in principle has yet been taken; but the issue remains very much an open one, and we will continue to give the most careful consideration to it.

However, even if we are not in a position to give a pledge in the terms for which you have asked, I hope you will accept that our recent decisions represent substantial and welcome reforms. I feel sure you will agree that the best means of achieving acceptable progress in Northern Ireland is through action by the Government and Parliament established here. We are willing, indeed anxious, to cope with the situation ourselves in the context of political realities; and we would regard any fundamental re-appraisal of our constitutional or financial relationship as a most serious step, likely to create more problems than it would solve. I am sure I do not have to tell you how much all the support successive United Kingdom Governments have given us has been appreciated; and I am sure that you and your colleagues also appreciate the contribution we have tried to make to the life of the nation.

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