

PRIME MINISTER

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CONCLUSIONS OF 'H' COMMITTEE ON 3 DECEMBER

On the Home Secretary's proposal for a limited relaxation of the licensing laws (that pubs should be permitted to stay open from 11.00 a.m. to 11.00 p.m. on weekdays; no change on Sundays), 'H' Committee felt that great caution was required. The Shops Bill would be causing enough of a stir, and it would be dangerous and probably unnecessary to open up the Government to opposition which would lump together concerns about licensing with hostility to Sunday opening for shops, seen both as an attack on traditional values. It was left that the Paymaster General would take soundings to see whether there was any prospect of mounting a popular campaign to carry the reform through.

On taking powers to allow the DHSS to recover over-payments from NHS contractors, 'H' agreed that the Department should proceed and put to 'L' proposals for fresh legislation which would place beyond doubt their ability to recoup over-payments (an earlier attempt to achieve this in 1983 had, in the event, not proved robust enough in the Courts). Great care would be needed to get the drafting right this time, and to ensure the ECHR flank was covered. 'H' agreed that the legislation should also ensure that the new contract for pharmacists, in particular to limit entry to the NHS, could be introduced without challenge.

The second 'H' item raises a more general theme: the extent to which successful challenges are now being made in the Courts to frustrate Government policy (particularly in the DHSS). Examples include, in addition to recouping over-payments and introducing the new contract mentioned above, the challenge to the Board and Lodging regulations, and difficulties over severe weather payments. David Norgrove will be putting a note to you on how we might consider what can be done about this.

Mark Addison

LIQUOR LICENSING LAWS AND THE NHS
FAMILY PRACTITIONER SERVICES LEGISLATION
"H" COMMITTEE - 3 DECEMBER

You will learn that on the first of these two matters, the Lord President summed up that no action was appropriate, except that the Paymaster General might take soundings as to whether a popular campaign might be mounted to support the Home Office's proposals. On the second, the Lord President summed up that the committee endorsed DHSS proposals, but that the legal position needed to be checked. Preparation for the Bill was to go ahead but QL had to decide whether this matter could go into the legislative programme for this year.

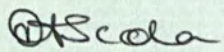
Points Made

1. Now that the depth of feeling over the Shops Legislation was making itself felt in the House, there was great disquiet about any similar legislation that could raise a similar lobby protest. Liquor licensing laws could mobilise the anti-alcohol, health and the church lobbies.
2. It was felt that there needed to be considerable evidence that the public needed it, not just the narrow interests of the tourist industry. It was admitted that there was not going to be more drinking under this legislation, but that it would be done on different premises at different

times. The mood on the benefit was not clear, though a number of members supported deregulation.

3. On the one side was Clarke, who was very keen on the legislation. Home Secretary was luke warm, Northern Ireland PUSS said it was like shooting oneself in the foot after the shop trading row, and Solicitor General said that drink issue could militate against the help given to the Government from the Public Order Bill and there was no pressure for change.

4. As for the powers to remedy the deffective measure of 1984 for the recovery of over-payment of NHS contractors and to give Family Practitioner Committees the power to grant new NHS chemist contracts, the Solicitor General said that the proposal could be operated consistent with the Strasbourg Judgement, but that we should go ahead carefully. Pharmacists regard the Government as having committed itself.


HARTLEY BOOTH

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