CONCLUSIONS of a Meeting of the Cabinet held at Admiralty House, S.W. 1, on Thursday, 29th November, 1962, at 11 a.m.

Present:

The Right Hon. HAROLD MACMILLAN, M.P., Prime Minister
The Right Hon. R. A. BUTLER, M.P., First Secretary of State
The Right Hon. VISCOUNT HAILSHAM, Q.C., Lord President of the Council and Minister for Science
The Right Hon. REGINALD MAULDING, M.P., Chancellor of the Exchequer
The Right Hon. IAIN MACLEOD, M.P., Chancellor of the Duchy of Lancaster
The Right Hon. EDWARD HEATH, M.P., Lord Privy Seal
The Right Hon. JOHN BOYD-CARPENTER, M.P., Chief Secretary to the Treasury and Paymaster General
The Right Hon. J. ENOCH POWELL, M.P., Minister of Health
The Right Hon. Sir KEITH JOSEPH, M.P., Minister of Housing and Local Government and Minister for Welsh Affairs

The following were also present:

The Right Hon. JOHN PROFUMO, M.P., Secretary of State for War (Item 5)
The Right Hon. GEOFFREY RIPPON, M.P., Minister of Public Building and Works (Item 4)
The Right Hon. MARTIN REDMAYNE, M.P., Parliamentary Secretary, Treasury
The Right Hon. HUGH FRASER, M.P., Secretary of State for Air (Item 5)
The Right Hon. REGINALD BEVINS, M.P., Postmaster General (Item 3)

Secretariat:
Mr. A. L. M. CARY
Mr. J. H. WADDELL
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1. The Cabinet invited the Prime Minister to send to Sir Winston Churchill on their behalf a message of congratulation and good wishes on the occasion of his 88th birthday, which would fall on the following day.

2. The Cabinet were informed of the business to be taken in Parliament during the following week.

   The Lord Chancellor said that on Wednesday, 5th December, it would be necessary for a Government spokesman to reply to a debate on a Motion by Lord Longford, who proposed to call attention to the Report of the Working Party on Compensation for Victims of Crimes of Violence (Cmnd. 1406). The Report had indicated a number of serious difficulties which would have to be faced in drawing up any satisfactory scheme of compensation; and, although some progress had been made in preparing proposals which might be suitable for adoption by the Government, solutions of all the problems had not yet been found. Lord Longford was believed to favour a scheme which would involve accepting the general principle of State responsibility for providing compensation. But there appeared to be no simple way of limiting the application of such a principle to the victims of crimes of violence. The opportunity presented by the debate should therefore be used to educate public opinion in the reality of the difficulties. The Government spokesman would accordingly express sympathy with those who suffered from crimes of violence, would draw attention to the defects of the sort of scheme supported by Lord Longford and would say that the search for a satisfactory solution of the problem was continuing. When work on the Government's own scheme had reached an appropriate stage, the Home Secretary would be bringing proposals before the Home Affairs Committee.

   The Cabinet—
   Took note with approval of the Lord Chancellor's statement.

3. The Cabinet had before them a memorandum by the Postmaster General (C. (62) 193) covering a revised draft of the White Paper on Broadcasting and Television.

   The Postmaster General recalled that, at the Cabinet's meeting on 15th November, he had been invited to give further consideration to the passages in the earlier draft which dealt with Press participation in television programme companies, excessive violence in television programmes and the proposed levy on the profits of programme companies. The revised draft circulated under cover of C. (62) 193 had been prepared after discussion in the Committee on Broadcasting and Television and incorporated amendments on these and a number of other points.

   The revised paragraphs on Press participation (paragraphs 21-25) contained an exposition of the recommendations of the Committee on Broadcasting under the Chairmanship of Sir Harry Pilkington and the Royal Commission on the Press under the Chairmanship of Lord Shawcross, an examination of the implications of controlling Press influence through control of shareholdings and a statement of the Government's provisional view about the safeguards which could be
applied without seeking to control shareholdings. The safeguards were in effect in three stages:

(i) the Independent Television Authority might take some precautionary step, such as obtaining the advice of independent people “on any aspect of the conduct of a Press interest in a company”;

(ii) the Authority should have power, with the approval of the Postmaster General, to suspend or cancel contracts in the event of abuse;

(iii) the Postmaster General should have a reserve power (to be exercised subject to affirmative resolution) to direct the Authority to suspend or cancel contracts.

In discussion there was general agreement in the Cabinet with the passages in the draft White Paper dealing with Press participation. Although it could be held that monopoly control of television programmes, whether by a Press or other interest, was in itself objectionable, it would be right to accept the view of the Ministerial Committee that the recommendations made by the Pilkington Committee and the Shawcross Commission on the regulation of shareholdings should be rejected as impracticable. It was suggested, however, that further consideration should be given to the proposal to embody in a statutory instrument any direction about Press participation given by the Postmaster General to the Authority. To make the issue of a Ministerial direction to a public authority subject to Parliamentary scrutiny, even if the instrument were not subject to either of the resolution procedures, might be thought to be a bad precedent. On the other hand, the power proposed to be taken by the Postmaster General would be specific and its exercise could have a serious effect on private interests; and in these respects it would be different from the general powers of direction which could be exercised by the Ministers responsible for the nationalised industries. Inclusion of a provision for Parliamentary scrutiny might, moreover, go some way to convince those who would criticise the rejection of the Pilkington recommendations that the Government intended to deal firmly with the possible dangers of Press participation in the programme companies. The Cabinet’s conclusion on this point was that, on balance, it would be better not to include in the White Paper, or in the Bill as introduced, any specific provision for Parliamentary scrutiny of directions issued by the Postmaster General. It would be sufficient to indicate in the White Paper that the exercise of this power would be subject to suitable Parliamentary safeguards and to determine in the light of debate precisely what safeguards should be adopted.

In further discussion certain minor amendments were approved and the following points were raised:

(a) In view of the difficulty of defining “abuse”, the Bill would have to leave it to the Authority, subject to the Postmaster General's concurrence, to determine the circumstances in which it would be appropriate to exercise their powers to suspend or cancel contracts.

(b) The paragraphs relating to advisory committees (paragraph 18) and excessive violence (paragraph 38) had now been approved by the Ministers directly concerned.

(c) A sentence had been added to the original paragraph (now paragraph 27) on the proposed levy to indicate that, in formulating detailed arrangements for the levy, account would be taken of the difference in financial circumstances between the four main companies and some of the smaller companies.

(d) Discussions about Party political broadcasts were proceeding with the Leaders of the Parties but it seemed unnecessary to include any reference to this topic in the White Paper.

(e) The draft should be examined to check the references in paragraph 17 and elsewhere which suggested that publication of the White Paper would precede publication of the Bill.

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The Cabinet—

Invited the Postmaster General to amend, in the light of their discussion, the draft White Paper annexed to C. (62) 193 and to arrange for its presentation to Parliament concurrently with the introduction of the Television Bill, on a date to be agreed with the Chancellor of the Duchy of Lancaster.

4. The Cabinet had before them a memorandum by the Chancellor of the Exchequer (C. (62) 195) recommending amendment of the Third Schedule of the Town and Country Planning Act, 1947, in order to limit the rebuilding rights of owners of offices to an additional 10 per cent of floor space.

The Chancellor of the Exchequer said that there was in his view a strong case for this amendment. Without it the planning authorities would continue to be handicapped in their efforts to keep office development in central London within reasonable limits. There should, however, be no question of greater Exchequer liabilities for compensation if the amendment were made: there was no real case for this, since land-owners would still have the right to rebuild to a larger floor space than that of their existing premises and could in all cases apply for planning permission to expand still further; and it should not be assumed that planning permission would always be refused. The object of the amendment was to avoid the uncoordinated development to which the present right to automatic expansion up to as much as 40 per cent of the existing floor space gave rise. He had received a firm assurance from the Minister of Housing that claims for compensation as a result of the proposed amendment would be resisted.

The Home Secretary said that he strongly supported the proposed amendment. Many other possible methods of controlling office building in London had been considered, but had been found to be unacceptable. The amendment to the Third Schedule of the 1947 Act was the only workable solution now open to the Government and he considered that it should be adopted. The amendment would not be unexpected; it had long been canvassed by those who took an interest in the problems of metropolitan development and there would be a large measure of support for it in both Houses of Parliament. In presenting the amendment it would be important to emphasise that there would be no question of stopping expansion; the object was to give the responsible local authorities greater control over the scale and nature of the expansion.

In discussion the following points were made:

(a) Against the amendment it could be argued that it would unreasonably penalise land-owners who for one reason or another had not already developed their properties under the existing regulations. It would also revive criticism of the London zoning plan, whose working in practice could have been held to have been arbitrary and unfair. It would also be thought anomalous that the Government should now be seen to be seeking to restrict expansion when they had already given permission for office building on a very large scale in areas such as the South Bank and Millbank. It was recognised, on the other hand, that Government policy was bound to take account of the situation as it had developed; permission for many major recent developments had been given many years ago when the implications for housing and transport of the rapidly expanding office population in London had not been fully appreciated. The London zoning plan had been carefully and sensibly worked out

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and had on the whole served its purpose; even with the right of appeal to the Minister, which was always open, there would be bound to be cases in which the effects of zoning seemed to operate to the disadvantage of particular land-owners.

(b) The Lord Privy Seal said that he opposed the amendment on grounds of general policy. The main argument urged in its favour was the need to restrict or at least to bring under greater control the growth of office building and the office population in central London. This was the wrong perspective. Under such a restrictive policy it would not be possible for London to become a major European capital. London was already well behind other European capitals in the scope and modernity of its development and in the resources devoted to the improvement of transport and housing. In terms of the Common Market large prizes were at stake. The French Government, in particular, were making a strong bid to attract to Paris all the major international organisations, with all that that would imply in terms of conferences, business activity and the balance of payments. The effect of the proposed amendment would be to put London still further behind in the race.

It was urged against these points that the object of the amendment was not necessarily to restrict office development but to bring it under a control which was now lacking; it would give greater and not less scope for imaginative large-scale development and would reduce the present tendency to concentrate development within the limits of existing sites.

(c) The Minister of Housing said that the proposed amendment should be viewed in the context of the other positive proposals for the development and rebuilding of London which he would shortly be putting forward. He strongly supported the aim of developing London as a modern progressive capital city, both socially and architecturally, and the amendment would help him to achieve this aim.

(d) The Minister of Health said that refusal of compensation under the amendment might expose the Government to damaging criticism. In spite of the argument sometimes heard to the contrary, there had never been any doubt about the intention of the 1947 Act; it had clearly conferred on property owners the right to a 10 per cent increase in cubic space and not merely in floor space. All existing schemes of compensation had been based on that assumption and for the Government to alter the position without at the same time altering the terms of compensation could be held to amount to a breach of faith.

As against this it was argued that the industrial development certificate procedure introduced in 1947 had deprived land-owners of a far greater measure of freedom to develop than the amendment now proposed, and there was evidence to show that, even under the law as it now stood, land-owners recognised that their right to compensation was not absolute. It was, however, to be expected that there would be criticism of the Government under this head.

(e) It would be important not to exaggerate the restrictive effect of the amendment. Under planning approval already granted, which would not be affected by the amendment, another 10 million square feet of office space would be added to the existing total in London. The amendment would primarily affect the 60 million square feet of obsolescent office space which would become due for redevelopment in the next few years. It would be a matter of some difficulty to decide precisely where the amendment would begin to operate; if it applied in such a way as to allow provisional rebuilding plans to proceed unaltered in respect of buildings not due for redevelopment for three or four years it would clearly be ineffective. On the other hand, it would be inequitable that the amendment should apply to cases in which contracts had already been entered into on the basis of the present law.
The Minister of Housing was due to make a major statement on building policy early in the New Year when he would be presenting in Parliament the positive side of his proposals; and it would be convenient if the Bill amending the Third Schedule to the 1947 Act could be laid at the same time. It would be impracticable to announce an intention to amend the Schedule in advance of the Bill; this would merely lead to attempts to evade the effect of the amendment by taking advantage of the present rules for so long as they remained in force.

After further discussion the Cabinet—

(1) Agreed that the Third Schedule to the Town and Country Planning Act, 1947, should be amended in such a way as to remove any right to compensation if, on future applications for redeveloping existing office space, permission to increase existing floor space by more than 10 per cent were refused.

(2) Authorised the Minister of Housing to arrange for the drafting of the legislation required to give effect to their decision.

5. The Cabinet had before them memoranda by the Chief Secretary, Treasury (C. (62) 188) and by the Minister of Defence (C. (62) 189) about the retention of Officer Training Corps (O.T.Cs.) in the Universities.

The Chief Secretary, Treasury, said that the main argument advanced on earlier occasions in favour of the University O.T.Cs. had been their value in recruiting graduates as regular officers. The results achieved in this respect were, however, out of proportion to the costs involved. The paper by the Minister of Defence showed that only 73 regular officers had been recruited by this means over a period of nine years, and even this figure was based on the assumption, which was clearly open to doubt, that the graduates concerned would not have joined the Army if they had not been members of the University O.T.C. The O.T.Cs. were already costing £460,000 a year and needed an additional £150,000 worth of new equipment. Setting results against cost it was difficult to avoid the conclusion that the O.T.Cs. were now a waste of public money. He therefore recommended that they should be abolished.

The Minister of Defence said that it was not the case that recruiting to the regular Army was the only argument in favour of the retention of the O.T.Cs. The recruiting argument was in fact weaker than his paper suggested, since one of the figures had been incorrectly stated. The figure for 1962 should have been 16 and not 22. The real value of the O.T.Cs. lay in the contribution which they made to the Army reserves at a time when officers of this quality were at a premium and, perhaps more importantly, the fact that they maintained a link between the Universities and the Army. This was more than ever necessary following the disappearance of National Service. So far as costs were concerned it was not realistic to suppose that the abolition of the O.T.Cs. would save £460,000 a year. The saving would be of the order of £230,000 only, since the regular officers now employed with the O.T.Cs. would be reabsorbed in other Army formations. It was unrealistic to suppose that the manpower ceiling of the Army would be affected by the very small numbers here involved.

The First Secretary of State said that he had discussed the problem with the Ministers concerned. He supported the view that the maintenance of links between the Army and the Universities was of great and probably increasing importance at a time when pacifist organisations of various kinds were flourishing, when the steadying
influence of National Service had disappeared, and when all too little was being done to instil into the younger generation a sense of patriotism and public service. The University authorities themselves would strongly resent the disappearance of the O.T.C.s. The Government were already subject to criticism for their handling of University problems and that criticism would be bound to increase if the O.T.C.s. were discontinued.

In discussion the following points were made:

(a) Not only recruiting but total membership of the O.T.C.s should be taken into account. Even though a young man did not join the Army as a result of his membership of the O.T.C. it was nevertheless of value that he should have taken part in O.T.C. training and should have been prepared to give time and effort to it. The present membership of the O.T.C.s amounted to about 2,000 out of a total University population of something over 130,000.

(b) O.T.C. morale, particularly so far as concerned the instructional staff, had been affected by the knowledge that for the past two or three years the O.T.C.s had been under examination and that their long-term future was hanging in the balance. The absence of any firm policy had also affected the supply of equipment; without reasonably up-to-date equipment to train them it was not to be expected that undergraduate recruiting would improve.

Summing up the discussion the Prime Minister said that it seemed clear that the present situation, in which the squadrons were not getting the support they needed to make a real success of their work, but had not on the other hand been given a firm decision about the date of their disbandment, could not be allowed to continue. It would from many points of view, not least the effect on University opinion, be unfortunate if the Government were to wind up the O.T.C.s. in the immediate future. The practical alternatives as he saw them were either to allow the O.T.C.s. to continue on their present unsatisfactory basis for another year or so and wind them up then; or to give them a much firmer undertaking about their future and at the same time to make a constructive effort in association with the University authorities to make a greater success of them. The balance of opinion in the Cabinet seemed to be in favour of the second alternative. He would discuss the possibilities further with the First Secretary of State and the other Ministers directly concerned.

The Cabinet—

Took note that, in the light of their discussion, the Prime Minister would give further thought to the future of the University Officer Training Corps. in consultation with the First Secretary of State and the other Ministers directly concerned.

Cabinet Office, S.W. 1,
29th November, 1962.