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THE DEVELOPMENT OF LOCAL GOVERNMENT

By the Same Author

THE RELATION OF WEALTH TO WELFARE
FROM PATRONAGE TO PROFICIENCY IN THE
PUBLIC SERVICE

THE TOWN COUNCILLOR (WITH C. R. ATTLEE)

THE LAW OF LOCAL GOVERNMENT AUDIT

JUSTICE AND ADMINISTRATIVE LAW

THE DEVELOPMENT OF LOCAL GOVERNMENT

by

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**TO
MY WIFE**

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ABBREVIATIONS

First Report of the Royal Commission on Local Government = 1 R.C.L.G.

Second Report of the Royal Commission on Local Government = 2 R.C.L.G.

P R E F A C E

The immense and growing importance of local government in the life of the nation makes it unnecessary to apologize for the appearance of this book. Something like a ninth of the whole national income is dispensed by the local authorities of the country; while in many towns the employees of the council and their dependents number perhaps a tenth of the local population. The services provided by the municipality affect the lives and happiness of the community in a direct, vital and intimate way. Civilized life as we know it would be not only intolerable but impossible without the ceaseless activity of the local authorities in maintaining the highways, administering the police forces, providing education and public health services, inspecting and building houses, relieving destitution, supplying gas, water, electricity and transport, maintaining fire brigades and public baths, libraries and recreation grounds, and accepting responsibility, in short, for all the necessities and amenities of a municipal character which we have come to regard as indispensable elements in our complex and highly organized society.

Despite the immense importance of local government, there is a remarkable dearth of books in which the main problems of the subject are discussed in a comprehensive way. Local government is usually relegated to a single chapter in works devoted to political science or social institutions.

There is, however, a very great need at the present time for a comprehensive discussion of the chief problems of the day in this field. In the first place, our municipal system is being subjected to a serious and perhaps dangerous strain by reason of the fact that burdens are being placed on the structure greater than those which it was designed to bear. An adjustment between structure and function is therefore urgently called for. In the second place, the time is peculiarly apposite for a discussion of the larger questions because recent investigations have revealed for the first time a huge mass of new

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and significant facts. Extensive enquiries such as those undertaken by the Onslow Commission on Local Government, the Royal Commission on Land Drainage, the Hadow Committee on Education, the Departmental Committee on Public Libraries, and the Ullswater Commission on London Government, have thrown a flood of light on questions which were hitherto wrapped in darkness.

This valuable material was in nearly every case obtained for the purpose of investigating some particular aspect or department of local government. No attempt has hitherto been made to utilize the entire mass of new knowledge for the purpose of surveying the system as a whole. The aim which has been pursued in the following pages has been to produce a comprehensive synthesis out of a number of separate and partial points of view.

There is doubtless a considerable number of persons who are under the impression that the reforms embodied in the Local Government Act 1929 have overcome the most pressing difficulties in the municipal sphere. This is quite incorrect. As a matter of fact, the statute in question scarcely touched the main problems of our time. I regard the changes relating to Poor Law and highway administration which it contains as highly desirable in themselves. But there is nothing in Mr. Chamberlain's Act which lessens the force of a single word in this work. Nor does it in any way affect my conclusions, though it strengthens the arguments on which they are based. The only important modification I have made in the original plan of the book in consequence of the legislation in question is to omit a discussion on local government finance which I had intended to include. Parliament has now ordained a fundamental alteration in the whole scheme of local finance; and although I have considerable doubts as to the wisdom of the new order which has been laid down, the likelihood of further change in the near future is so remote as to make an elaborate discussion of the subject scarcely profitable.

Even apart from this, I cannot claim to have covered every

corner of the whole vast field of municipal activity. Two types of questions have definitely been excluded. First, those which have for one reason or another become "compartmentalized" to the extent of demanding specialized treatment of a technical character: housing, for instance. Second, those questions concerning which so little material is available as to render impossible any degree of objective treatment. A number of highly important matters fall under this head. To take one example, the relationship between the electors and the councillors is a vital and essential feature of any democratic system of local government. In our own society this relationship has been and still is undergoing rapid and extensive change. But any effective discussion is impossible owing to lack of exact data. The replacement of the independent business man with substantial local interests by the nomadic salaried employee devoid of local roots or aspirations, consequent upon the merging of separate businesses in vast combines directed from a distant centre, is a social phenomenon which is having profound effects on our local government system. The entry into municipal politics of large numbers of manual and clerical wage-earners and their wives, and the consequent development of a working-class consciousness in local government, is another. But the difficulty of obtaining any precise information precludes a satisfactory treatment of matters of this sort. Save for these limitations, however, I believe that my book treats of the main problems of local government at the present time.

The opening part on the Structure of our Local Government system is by far the most lengthy and elaborate, as befits the importance and interest of the subject. The next part deals with the functions of local authorities, looked at from the most general point of view. The reader will find here a number of considerations of the widest significance. The need to raise our system of local government out of the pedestrian rut into which it has fallen is the main theme of this chapter. Freedom and Responsibility, as alternatives to Centralization and

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Restraint, are discussed mainly from the point of view of the extent to which they permit or encourage the municipality to promote activities of a cultural character. Next comes a dissertation on the Municipal Civil Service, which may be regarded as the corner-stone of the whole edifice. No one who has thought about the matter can believe that the municipal service can for long continue on its present lines. After this comes a study of the organization and administration of the public health services. The final part deals with a vital aspect of central control over local administration. I trust no one will be deterred by its somewhat uninviting title from becoming acquainted with this quite remarkable and almost unique feature of our constitutional régime. There is a real struggle for power underlying words and phrases of apparent innocence. All the organs of government are concerned in this question of Audit—the local authorities, the central government, the courts of law. As regards the local authorities, the control of the audit goes to the very roots of their autonomy, and is in this way connected with the rest of the book. There is, I believe, a fundamental unity running through the work which links together all these diverse matters.

The conclusions and proposals I have put forward have been formulated without regard to the aims and susceptibilities of any political party. They are based, not on propaganda or on preconceived opinions, but on the most exhaustive and thoroughgoing analysis of facts and tendencies which it is within my power to make.

That is not to say that my views are colourless, or even that I believe them to be so. I confess first and foremost to a profound belief in the value of local government, both from the point of view of the results it achieves in terms of service to the community and from the standpoint of its educative effect on the nation. It is a form of civic self-expression *par excellence*. I admit further to having been moved throughout by a desire to see our system of local government not merely preserved and strengthened but expanded in a progressive

direction and brought into harmony with the developing economic, social, political and scientific tendencies of the day. In local government, as elsewhere, progress is a condition of stability.

These considerations lead me to believe that almost any government possessing a real belief in municipal life, and desiring to overcome the main problems in local government, would, whatever its political composition, be led to deal with them more or less on the lines suggested in the following pages.

My most sincere thanks are due to Mrs. Sidney Webb, Mr. E. D. Simon, M.P., Professor H. J. Laski, Mr. C. M. Lloyd and Mr. Michael Heseltine, C.B., for their great kindness in reading the manuscript and making many valuable suggestions. I must carry my own responsibility for the book; but I cannot sufficiently express my gratitude to these friends and colleagues for the generous way in which they have placed their unrivalled knowledge, experience and wisdom at my disposal.

After my book had reached its final printing stage, a brilliant work appeared by J. L. and Barbara Hammond entitled *The Age of the Chartists: A Study of Discontent*. This contains a superb account of the forces moulding municipal life in the period 1832-1854, and provides the strongest historical justification for what I have written in Part II. I regret that it has not been possible for me to make detailed references to Mr. and Mrs. Hammond's work in the following pages.

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3 TEMPLE GARDENS, LONDON, E.C. 4.

January 1931

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PART I

THE STRUCTURE OF LOCAL GOVERNMENT

I

CRITICAL

ORIGINS

The local government institutions which exist at the present time in England are a curious compromise between ancient forms and modern needs. The boroughs and borough councils, although reformed by the comparatively recent Municipal Corporations Acts of 1835 and 1882, have their origins rooted in the civic life of the past, and the charters of the older towns bear witness in many cases to a struggle for freedom from the power of the King or local lord. The new boroughs which have been created in our own day are modelled on the reformed pattern of the ancient institution from which they take their name.

All the other local authorities of a general character were set up by statute in the last quarter of the nineteenth century. In several instances they were designed to supersede special bodies established to administer a particular service, such as the local boards of health. But these new local governing bodies, although the creation of modern legislation, were nevertheless to a large extent founded on ancient areas. The parish council, for example, brought into being by the Local Government Act of 1894, is based on the parish, an ecclesiastical unit of great antiquity. The county council, constituted by Parliament for the first time in 1888, takes as its area the county, a feudal or perhaps pre-feudal area. These traditional units, although varying greatly in size, must at some time have borne a rough relation to the physical capacities of man. The parish is a territory which can be covered during the day on foot without excessive fatigue. The county takes its size no doubt from the distance a man could travel on horseback

from sunrise to sunset. Some counties reveal this origin by their very names: the exceptionally large county of Yorkshire, for example, is divided into *Ridings*, each of which now has its county council.

It can be seen, then, that despite much overlaying and modification of ancient boundaries and many extreme or exceptional cases, both the old and the new types of local authority bear a discernible relation to the age-long physical capacities of man, either on foot or on horseback.

The physical capacities of men and horses are, however, no longer of importance in the administration of local government. The progress of science, improved methods of communication, and modern industrial life—the development of civilization, in short—have given rise to a whole series of new considerations which demand to be taken into account in determining the units of government. Much will be said later concerning these new elements which obtrude themselves so persistently; but first it is desirable to survey in some detail the salient features of the present structure.

CATEGORIES TRUE AND FALSE

The number of local authorities of each class, excluding those within the administrative county of London, was on April 1st, 1927, as follows¹:—

62	County councils
83	County borough councils
255	Non-county borough councils
785	Urban district councils
646	Rural district councils
7,166	Parish councils
5,646	Parish meetings. ²

¹ 2 *R.C.L.G.*, p. 3.

² The figures for parish councils and meetings are approximate. In addition to the figure given for rural districts, there were 9 areas whose affairs were administered by the councils of other rural districts, and 3 areas for which no rural district councils were elected.

If we classify the towns and rural districts according to population, we get the following figures¹ :—

Population.	Number and Type of Local Authorities.
100,000-250,000 {	28 County borough councils 5 Urban district councils
50,000-100,000 {	38 County borough councils 11 Non-county borough councils 6 Urban district councils 5 Rural district councils
20,000-50,000 {	4 County borough councils 82 Non-county borough councils 74 Urban district councils 88 Rural district councils
10,000-20,000 {	53 Non-county borough councils 177 Urban district councils 233 Rural district councils
5,000-10,000 {	41 Non-county borough councils 218 Urban district councils 209 Rural district councils
1,000-5,000 {	65 Non-county borough councils 286 Urban district councils 117 Rural district councils

The anomalies as regards population are obvious and extensive. There are no less than 66 boroughs with less than 5,000 inhabitants each, and 107 with fewer than 10,000 inhabitants, while 85 urban districts have more than 20,000 citizens. Little country towns such as Honiton in Devonshire, with a population of 3,090, Tewkesbury (4,704), Wells (4,372), Richmond, Yorkshire (3,883) are incorporated boroughs. On the

¹ 1 *R.C.L.G.*, pp. 135-6; *Minutes of Evidence*, Gibbon (Appendix IV and XXXVI, vol. i). The classification is based on the population as in 1921. There is therefore a slight difference between the total number of local authorities and those given in the preceding page. In addition, there are a dozen county boroughs with populations in excess of 250,000 that are not shown above.

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other hand great urban aggregations like Willesden, which contains 165,669 citizens, remain urban districts. Canterbury (23,738), Chester (40,794) and Worcester (48,848) are county boroughs. Chesterfield, with a population of 76,143, Wrexham with 63,488, and Chester-le-Street with nearly 60,000, are governed by rural district councils.

The differences in population between areas of the same municipal class are almost grotesque. The counties range from Rutland, which contains about twenty thousand persons, to the West Riding of Yorkshire, which has nearly a million and a half. Among the county boroughs Canterbury numbers 24,899 inhabitants, while Liverpool, with 704,134, is more than twenty-eight times as large. At one end of the scale of town councils is the ancient borough of Winchelsea, including within its boundaries only 674 souls; at the other end is East Ham, containing as many as 140,000. The population of the urban districts varies from Childwell (219) to Willesden (165,669), that of the rural districts from 1,800 to 76,000.¹ Even the civil parish, which many people believe to be a homogeneous unit with a standardized devotion to its local pump, discloses a startling range of size in terms of population. At the last census the Registrar General discovered that 22 parishes, out of a total of nearly 15,000, contained no one at all, while 301 comprised more than 20,000 inhabitants each; 4,413 contained between 100 and 300 parishioners, whereas no less than 2,305 contained between 1,000 and 5,000 each.²

The inequalities of rateable value are no less marked than those of population. If we classify the county boroughs and county districts according to wealth, we get the following results (see table opposite) as at 1921, prior to derating.

As a concrete illustration of the significance of the figures given above, we may take the great industrial centre of Rhondda, which, with a rateable value of £586,539, is governed by an urban district council; while Woodstock in Oxfordshire, whose

¹ Cf. *Problems of Local Government* (A Miscellany) 1911, p. 169.

² *Census 1921, General Report*, p. 29.

³ 1 *R.C.L.G.*, pp. 135-6.

rateable value is £4,537, is a borough. The district council of Willesden can strike a rate on a value of more than a million pounds; the county borough of Canterbury has only £137,156 at its command for rating purposes. Chesterfield has a rateable

Assessable Value.	Number and Type of Local Authorities.
Under £10,000	{ 19 Non-county borough councils 83 Urban district councils 9 Rural district councils
£10,000-£20,000	{ 34 Non-county borough councils 150 Urban district councils 27 Rural district councils
£20,000-£50,000	{ 55 Non-county borough councils 286 Urban district councils 145 Rural district councils
£50,000-£100,000	{ 55 Non-county borough councils 163 Urban district councils 256 Rural district councils
£100,000-£200,000	{ 2 County borough councils 52 Non-county borough councils 73 Urban district councils 187 Rural district councils
£200,000-£300,000	{ 11 County borough councils 27 Non-county borough councils 16 Urban district councils 33 Rural district councils
Over £300,000	{ 69 County borough councils 11 Non-county borough councils 11 Urban district councils 2 Rural district councils

value of £379,644, and is a rural district. St. Ives in Huntingdonshire, with a rateable value of approximately twenty thousand pounds, is a borough.

In regard to rateable property we find that here again the

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range among local authorities of all types is immense. Although

Territorial Size.	Number and Type of Local Authorities.
Less than 500 acres {	18 Non-county borough councils 29 Urban district councils
500-1,000 acres {	29 Non-county borough councils 111 Urban district councils
1,000-2,000 acres {	51 Non-county borough councils 94 Urban district councils 1 Rural district council
2,000-3,000 acres {	5 County borough councils 50 Non-county borough councils 130 Urban district councils 1 Rural district council
3,000-5,000 acres {	29 County borough councils 57 Non-county borough councils 174 Urban district councils 1 Rural district council
5,000-10,000 acres {	29 County borough councils 32 Non-county borough councils 108 Urban district councils 21 Rural district councils
10,000-15,000 acres {	7 County borough councils 7 Non-county borough councils 17 Urban district councils 40 Rural district councils
15,000-20,000 acres {	4 County borough councils 14 Urban district councils 39 Rural district councils
20,000-30,000 acres {	6 County borough councils 3 Non-county borough councils 5 Urban district councils 73 Rural district councils

a number of non-county boroughs possess only a mere thousand

pounds or so, the maximum touches £700,000. The county boroughs vary in their rateable property from less than £200,000 to more than £2,500,000; the urban districts from a few hundred pounds to a million sterling. These values will be subject to reduction in absolute magnitude when the derating scheme is in operation; but there is no reason to believe that the relative disparities will be seriously modified.

The third and last quantitative criterion which may be taken to show the utter lack of system or symmetry in the existing municipal structure is territorial size. This element, which is of great importance in local government from many points of view, is usually ignored in discussions concerning municipal affairs. I have been unable to find either in official documents or expert treatises any statement of the essential facts contained in the simple table on p. 24. The Ministry of Health appear to be entirely unaware that territorial size is a critical factor in many problems of local administration, such as housing and transport.

The figures opposite do not completely depict the full extent of the territorial range among local authorities of all classes. The rural districts sweep from a thousand acres to half a million; the boroughs and urban districts from less than a hundred to thirty or forty thousand acres respectively. The county boroughs, similar in constitutional rank and administrative power, are widely dissimilar in the extent of their territory. Thus, Leeds covers 38,106 acres, Bootle only 2,346 acres. Birmingham sprawls across a vast urban territory of 46,687 acres, while Gloucester, also a county borough, is cribbed, cabined and confined in 2,318 acres. The county borough of Northampton has 3,469 acres, Wakefield 4,971, Oldham 4,735, Wallasey 5,367.

Among the counties variation runs riot in a manner which makes the sportive biological processes of nature appear as a succession of dull uniformities. I will let the figures speak for themselves.

Running through all these territorial inequalities is a com-

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plete absence of correlation between the physical size of an area and the constitutional type of local authority responsible for its municipal government. Cirencester occupies 5,286 acres, and is an urban district; the little fishing town and summer resort of Deal comprises only 1,124 acres, yet is a borough

Size of Area.	Number of Administrative Counties.
50,000-100,000 acres	4
100,000-300,000 acres	9
300,000-400,000 acres	8
400,000-500,000 acres	10
500,000-600,000 acres	8
600,000-700,000 acres	5
700,000-800,000 acres	2
800,000-900,000 acres	3
900,000-1,000,000 acres	4
1,000,000-1,100,000 acres	2
1,300,000-1,400,000 acres	1
1,400,000-1,700,000 acres	2

complete with mayor, aldermen and a charter of incorporation. Coleville in Leicestershire has an acreage of 6,292, but only an urban district council to manage its affairs; Dartmouth, whose size is less than two thousand acres, is governed by a borough council.¹

CHAOS AND CONFUSION

The lack of correspondence between the various classes of local authority on the one hand and the facts of population, wealth and territory on the other, is for the most part due to purely historical causes. The old towns obtained their charters in centuries now long past, and they were very often granted for reasons which might now appear trivial or irrelevant or insufficient. Corporate personality perpetuates itself by its very nature, and thus former tendencies have become fossilized in

¹ These and most of the other single examples given above can be referred to in the *Municipal Year Book*.

the structure of local government. The new towns and urban aggregates, on the other hand, have grown so rapidly that in many cases the legal or constitutional classification has become quite anachronistic. Only a continuous or periodic survey of the structure as a whole could have prevented or cured the present confusion; and this has never been attempted. The result, as the late chairman of the Worcestershire County Council explained to a great international gathering of municipal experts in 1911, is that "if one feature characterizes local administration in England more than another it is the utter want of symmetry or system under which it is carried on".¹

There has never been any comprehensive attempt to overhaul local government areas in this country. Parish boundaries, with a few exceptions, remain as they were originally determined centuries ago. New districts have been formed without any serious regard to general or even local conditions; and the procedure for altering areas or boundaries has been too complicated and expensive to be applied except in special circumstances. The county boundaries are often fantastic. We find, for instance, that parts of the county of Worcester are detached from the rest of the county and buried in the middle of Warwickshire. The city of Birmingham is the meeting-place of no less than three counties, London of five. Even inside the county boundaries there has been no reorganization of areas on a comprehensive scale since the passing of the Public Health Act of 1872.² The area of a rural district council frequently spreads into two counties, sometimes into three: witness the Berkhamsted rural district, which includes parts of Hertfordshire and Buckinghamshire.³

The asymmetry of structure among local authorities of identical type, the extent of which I have endeavoured to

¹ J. W. Willis Bund: *English Local Administration in Problems of Local Government*, p. 171.

² Cf. a special article: *Local Government Areas*. *The Times* newspaper, April 6th, 1929.

³ 2 *R.C.L.G.*, p. 9.

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depict in quantitative form, has been accompanied during the past half-century by a continuous expansion of the functions of local government.¹ But, as Mr. and Mrs. Sidney Webb point out, in only an insignificant proportion of cases were the areas of the several local authorities determined with any reference to the functions now entrusted to them. "Since the division of England, possibly a thousand years ago or more," they write, "into counties for one set of purposes, into manors for another set of purposes, and into parishes for yet another set, all the circumstances have changed, the population has shifted, industry has been transformed, the means of communication have been revolutionized and the functions of the local authorities have been entirely altered. Upon the older divisions there have been superimposed from time to time, all down the centuries, new districts for particular purposes, from Municipal Boroughs, Commissions of Sewers and Surveyors of Highways to Boards of Guardians, Port authorities and Joint Asylum Committees, often without any regard to the older divisions. So frequent and extensive have been the revolutions in industry and communications, and so greatly has population shifted, that it would be miraculous if any one of the thousands of separate local authorities now existing found its historic area best suited for its modern functions."² But, as these distinguished social historians remind us, the sentimental value of the historic areas has in most cases been lost, for all of them (including the counties) have been cut and carved about in piecemeal fashion. In some cases boundaries have been extended out of all recognition, in others new authorities have been created, in others again a county has been robbed of its very heart without regard to the effect of this surgical operation on the remainder of the organism.

I do not propose to embark on a detailed enumeration of the powers conferred upon the various types of local authority.

¹ R.C.L.G., p. 8.

² S. and B. Webb: *A Constitution for the Socialist Commonwealth of Great Britain*, pp. 208-9.

A list of such powers is to be found in any of the standard textbooks, which indeed too often consist of mere catalogues of legislative sections and statutory provisions.¹ Everyone conversant with the texture of local administration is aware that the inequalities of power even between a rural district council, an urban district council and a non-county borough council—all three of which are county districts subject for certain purposes to the jurisdiction of the county council—are sufficiently great to make the differences of rank of considerable practical importance. It is sufficient to mention, by way of example, that an urban district council possesses, in addition to practically all the powers of a rural district council, power to establish baths and wash-houses, sanitary conveniences and an ambulance service; to improve an unhealthy area; to cleanse, light and water the streets; to provide pleasure grounds, allotments, libraries, museums, gymnasiums, markets, slaughter-houses and fire engines; and to assist higher education. If the population exceeds 20,000, the urban district council may exercise in addition certain other important functions, such as the provision of elementary education. A non-county borough council (or town council, to use a better and less technical name) in addition to having all the powers and duties of an urban district council, other than those subject to a minimum limit of population, has power to maintain retreats for inebriates, to make by-laws for good rule and government, to regulate advertisements, and to administer a considerable number of other services. If it contains a population in excess of 10,000, the council may maintain a police force, provide elementary education, administer the Food & Drugs Acts and serve its citizens in all manner of other ways.

What we are concerned with is not an examination of the dry bones of the legal skeleton, but the confusion and inefficiency, the waste and overlapping and extra-

¹ Cf. C. R. Attlee and W. A. Robson: *The Town Councillor*; H. Samuels: *The County Councillor*; J. J. Clarke: *Outline of Local Government*; 1 R.C.L.G., *passim*; Hobhouse and Wright: *Local Government and Taxation*.

vagance, which necessarily result from the present imperfect machinery of government. It is a demonstrable fact that the categories of our municipal structure are not true categories. It can further be shown that they are largely inconsistent with modern needs and social necessities. In view of the lack of correspondence between the facts concerning population, wealth and territory on the one hand, and the rank and power which local councils possess under present conditions on the other, it cannot be said that the existing constitutional framework produces optimum advantage from the standpoint of good administration. Nor is it justified on the ground either of logic or of equity.

It might be contended with some force that neither logic nor equity nor symmetry is of great moment, providing the practical results are satisfactory. There is, indeed, a large number of people in England who take a positive delight in demonstrating that institutions which are alleged to transgress all the abstract principles laid down by unnamed and undiscoverable theorists, nevertheless work with perfect harmony and success in practice. This argument cannot be employed in defence of the prevailing municipal structure, for the simple reason that it is impossible to assert that it works in a satisfactory manner. This becomes distressingly evident if we examine the existing position in regard to some of the more important local government services. I will commence with a group of functions centering round the water system of the country.

A CONSPECTUS OF DECAY

Land drainage is one of the earliest functions of local government. For many centuries the necessity for keeping the land clear of water has needed no emphasis beyond the facts of nature. So far back as in the reign of Henry III we find a Commission charged with the drainage of Romney Marsh. By 1427 the first important statute on the subject had been passed, and in 1531 the famous Bill of Sewers became the law of the

land. Since then there has been a constant flow of legislation to deal with the subject.

At the present time¹ there are certainly hundreds, and probably thousands, of drainage authorities of one kind or another. There are 49 commissions of sewers, 198 drainage authorities operating under special Acts of Parliament, and 114 *ad hoc* boards elected specially for drainage purposes, making a total of 361 drainage authorities existing entirely outside the general local government structure. In addition, all county councils and county borough councils had powers conferred upon them by the Land Drainage Act 1926, and four county councils have acquired drainage powers under local Acts of Parliament. Finally, large numbers of small areas throughout the country which at one time or another have been subject to Inclosure Awards have been given duties regarding the construction and maintenance of works for land drainage.²

Despite this mass of overlapping authorities, the recent Royal Commission on Land Drainage declared that over many parts of the country where drainage is required, and in some cases urgently needed, no drainage authority of any description is in existence. This is largely due to the fact that authorities have been set up for special areas without any regard to the needs of neighbouring areas.³

The absence of drainage authorities in some areas is not, however, so serious a matter as the deplorable ineffectiveness of the multitudinous boards and councils and commissions which, during the past five hundred years, have gradually accumulated a vast number of statutory powers and duties.

¹ This was written before the Land Drainage Bill had been introduced into Parliament by Lord Noel-Buxton in the spring of 1930. The state of affairs which the measure in question seeks to remedy is set out in the following pages, which I have thought it best to leave untouched. It will be seen later that the new authorities set up by the Bill are in complete accord with the constructive proposals put forward in the later part of this work.

² *Report of the Royal Commission on Land Drainage in England and Wales*, Cmd. 2993/1927, p. 7.

³ *Ib.*, p. 20, Sect. 51.

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The administration of arterial drainage is conducted by what the Royal Commission on Land Drainage termed "a confused tangle of Authorities",¹ among whom there is no uniformity of method, of powers, or of liability. The Royal Commission reported that while many drainage authorities are doing admirable work, others are doing none. "The efforts of some Authorities" they state "are rendered ineffectual by the lack of co-operation of their neighbours, or by the fact that the drainage of adjoining land is under no control whatever."² It would be idle to deny, the Report continues, that a considerable number of drainage authorities are "inefficient or even moribund, due in many cases to circumstances . . . over which they have no control. Some, indeed, have actually ceased to function."

The causes of this unsatisfactory state of affairs are not moral. They do not arise from some specially large dose of original sin in drainage bodies. The reason is to be found in the utterly unsuitable structure of administration on which we at present unwisely rely. "First and foremost among the defects of the present position" declared the Royal Commissioners "we place the limited area of jurisdiction and rating."³ Drainage authorities have in a majority of cases wholly inadequate areas over which they may carry on their work and levy rates.

The carving up of natural drainage areas into a multitude of unco-ordinated fragments bearing no relation to physical facts makes it wellnigh impossible for any one of the separate authorities to achieve good results. It may well happen, the Royal Commission pointed out, that if part only of a catchment area is under the supervision of drainage authorities, effective drainage operations cannot be properly carried out for the benefit of the whole area. The consequence is that not only will the areas possessing no drainage authorities be badly drained, but the neglect of these areas may have a very

¹ *Report of the Royal Commission on Land Drainage in England and Wales.* Cmd. 2993/1927, p. 15.

² *Ib.*

³ *Ib.*

deleterious effect on the drainage of other areas where authorities of an energetic and efficient character are in existence. Indeed, in the absence of co-ordination, the operations of an energetic authority may even hamper the effective clearance of the main channel.¹

The position in regard to land drainage in this country is rapidly becoming so serious that, despite the initial difficulty of arousing interest in any matter even remotely connected with drains or sewers, public attention is likely to become focused on it at no very distant date.²

In the absence of proper drainage, we are warned by the Royal Commission, the land is bound to deteriorate. "The land lies cold, germination fails or is delayed and the period of growth is extended. The health of the community suffers and the rateable value of the land affected seriously decreases. . . . We cannot disguise from ourselves the fact that the permanent deterioration through continuous flooding or water-logging of large areas of land now in use, involves in any country the loss of a valuable national asset."³ According to the estimate of the Ministry of Agriculture and Fisheries, 4,362,000 acres of land in England and Wales (about one-seventh of the total area used for agricultural purposes) is dependent for its fertility on arterial drainage. Of this, nearly a million and a half acres are outside any drainage district. The Ministry of Agriculture has stated that at least 1,755,000 acres of land are in immediate need of drainage, of which 1,279,000 acres are said to suffer from flooding occasioned by defective or obstructed arterial channels. These figures do not include land in need of ordinary field drainage, of which there is a considerable area.⁴ Finally, we have to face the fact that with the splitting up of large estates consequent on the fall

¹ *Report of the Royal Commission on Land Drainage in England and Wales*, Cmd. 2993/1927, p. 20.

² This also was written before the passing of the Land Drainage Act, 1930. See note on p. 31.

³ *Report of the Royal Commission on Land Drainage in England and Wales*, Cmd. 2993/1927, p. 44.

⁴ *Ib.*, p. 22.

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in agricultural prices, the serious waterlogging of land may be expected to become even more prevalent, unless adequate steps are taken to ensure that drainage operations of an extensive character are carried out efficiently and economically.¹

The essential key to the whole situation lies in the reorganization of the welter of conflicting and unco-ordinated authorities which have produced the present position. The waterlogging which exists in this country to-day, the Royal Commission insists, is mainly due to "the large number of drainage authorities who are concerned with small areas and who work without any co-operation with their neighbours".²

Closely allied with the removal of water from land is the question of the supply of it to the inhabitants. But whereas land drainage is a matter primarily affecting the rural population, the problem of water supply becomes most acute in the great cities.

It is not too much to say that if the local authorities in charge of the health and welfare of the millions of men, women and children massed in our great urban aggregations had not broken through the boundaries imposed on them by tradition, historical accidents and the neglect of Parliament, half the population would die of thirst in a week. A mere glance at the map will show this. The million citizens of Birmingham are largely supplied with water from the rivers Elan and Claerwen in mid-Wales, 70 miles away. Manchester at present draws water from Longden Dale in Cheshire (nearly 15 miles away), and Thirlmere in Cumberland, a distance of 80 miles, while a new scheme has recently been started whereby vast supplies of water in Westmorland will be brought through an aqueduct 74 miles long to the houses and factories of Manchester at a capital cost of some £10 millions.³ The inhabitants of Liver-

¹ *Report of the Royal Commission on Land Drainage in England and Wales*, Cmd. 2993/1927, p. 21.

² *Ib.*, p. 24

³ *The Times*, May 30th, 1929.

pool consume water brought from Montgomeryshire, 50 miles away. The water supply of Leeds depends on the river Ure and its tributaries in the West Riding, 30 miles away, that of Birkenhead on the river Alwen in Denbighshire, 35 miles distant. The Derwent Valley Water Board in Derbyshire is a great undertaking which supplies water to the three towns of Derby (35 miles away), Nottingham (40 miles) and Leicester (60 miles).¹

With the great industrial centres consuming enormous quantities of water for domestic and business purposes, it is obvious that the present areas of local government are utterly unsuitable for this most vital service. The position is serious, not only because the more readily accessible sources of water supply have been appropriated, but because improved housing conditions, and in particular the provision of baths and a hot-water supply in working-class dwellings, now becoming for the first time a common practice, has more than doubled the daily consumption of water per head.² The Advisory Committee on Water of the Ministry of Health is of the opinion, not only that the position is serious, but also that if the remaining sources of supply are to be made available at a reasonable cost and expensive conflicts avoided, more systematic foresight is required than hitherto. Hence the urge for the setting up of advisory water committees covering large areas. There are various districts at present, the Committee reports, "where the question of future sources of water is a matter demanding serious consideration". The danger was emphasized by the drought which threatened the country in the summer of 1929.

The present situation does not appear in a more favourable light if we turn to the country-side. In a vast number of areas the smaller rural authorities have been either unwilling or unable to provide anything in the way of a water supply to the dwelling-houses of the local population. It was officially

¹ Cf. *Yearbook of the British Waterworks Association* 1928, *passim*.

² *Regional Water Committees* 1928, p. 3 (H.M. Stationery Office). Issued with the approval of the Advisory Committee on Water.

stated by the Ministry of Health in 1924 that scarcely more than one-fourth of the parishes in rural England possess an adequate piped supply of water, the remaining three-fourths being entirely dependent on wells and springs, which are continually exposed to the risk of pollution. The results of an official memorandum,¹ exhorting the rural authorities to bring about an improvement in the water supply of the rural parishes, was ruefully declared by the Ministry's Advisory Committee on Water, after five years' waiting and watching, to have been "somewhat disappointing".² The conclusion that the position, if not absolutely static, is comparatively retrogressive, is borne out by the fact that the loans sanctioned by the Minister of Health in recent years for water supply purposes in rural districts—generally for piped supplies—show a substantial annual decrease in the aggregate amount.³

Closely related to the question of water supply is the problem of keeping the rivers of the country free from pollution likely to interfere with the health of the community, the amenities of a particular locality, or the sacred rights of anglers. There is in existence a series of legislative provisions known as the Rivers Pollution Prevention Acts, which are directed towards the abatement of pollution in the public interest, and the Salmon and Freshwater Fisheries Act, which has in view the same object in the special interest of fisheries. The power of enforcing the former measures is vested in all town councils, urban and rural district councils, county councils, and Joint Committees set up for certain rivers such as the Ribble, the Mersey and the Irwell. The Upper Thames and the Lee, which supply the Metropolis with water, are controlled by Conservancy boards possessing special powers.

¹ The memorandum is no longer available for purchase. It was set out fully in Circular No. 51 of the British Waterworks Association for June 1924, and also in the *Journal of the Institute of Municipal and County Engineers* for August 26th, 1924. Cf. *Official Gazette of County Councils Association*, August 1924.

² Ministry of Health: Advisory Committee on Water: *Report on Rural Water Supplies* 1929, p. 5.

³ Loc. cit. The figures are as follows (in thousands): 1921, £234; 1922, £313; 1923, £425; 1924, £327; 1925, £460; 1926, £386; 1927, £336.

There is no lack of administrative authority for enforcing the law; and the law itself gives more than adequate power to achieve the purposes in view. Nevertheless, the condition of the rivers has been growing steadily worse, and the activities of the local bodies charged with maintaining their purity increasingly ineffective. An official committee was appointed recently to investigate the matter, and reported in 1928.

It is admitted on all hands, the Committee pointed out, "that many of our rivers are seriously polluted and that the law designed to prevent avoidable contamination is to a large extent not put into operation".¹ This state of affairs, they found, is chiefly due to each authority being too small and mainly limited to its own area. "The evidence we have received" the Report continues "certainly goes to show that for the prevention of pollution a body . . . acting throughout the whole or the greater part of a river basin is far more effective than a body operating in a limited area."² To say this is to condemn the present division of areas, which bears no relation to rivers or any other natural features. A county has merely a conventional boundary, remarked Lord Robert Montagu in his dissenting Report of the Royal Sanitary Commission of 1869. "These boundaries had their origin in a mere accident, many centuries ago; while the boundary of a watershed is as old as the flood, and consists in the nature of things."³

Land drainage is one of the oldest functions of local government: electricity supply is one of the newest. Yet the existing structure of municipal administration is as unsuited to the latter as to the former.

Something like two-thirds of the electricity supply industry is in the hands of the municipal authorities of the country. The turnover on this large share of the industry amounts to more than £30 millions a year, and the aggregate capital

¹ *Report of Joint Advisory Committee on River Pollution* 1928, pp. 6-7.

² *Loc. cit.*

³ *Second Report of the Royal Sanitary Commission*, vol. ii (281-1/1871, p. 339).

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expenditure by these public bodies was in 1925-6 almost £140 millions.¹ A very large part of the capital indebtedness has already been paid back out of revenue—the latest figure available at the time of writing is 38 per cent. Not only does the community own and manage the major share of this essential public utility, but it can definitely be said that the municipal part of the industry includes some of the most efficient generating stations in the country, such as the vast city undertakings at Glasgow, Manchester, Birmingham and Liverpool, each of which has an annual revenue in excess of a million pounds, with a gross surplus (equivalent to the profit of a private company) running into more than half a million sterling.

Yet despite these favourable "high spots", the position is far from satisfactory. There are no less than 358 local authorities in Great Britain supplying electrical power to their inhabitants, including a large number of urban districts, rural districts, small towns and metropolitan boroughs.² All these undertakings no doubt appear entirely adequate and self-sufficient in the eyes of their local councils. But to the larger vision of the more imaginative type of engineer they seem ludicrously incompetent to undertake the highly important work of providing the community with the newest and most necessary form of power. Fortunately for the industrial future of the nation, the standpoint of the engineers has prevailed; and in the Electricity Commission and the Central Electricity Board we have two bodies which will, for the purposes of electrical generation,³ virtually obliterate the boundaries of the municipal structure.

In their First Annual Report the Central Electricity Board laid stress on the facts which have been emphasized above. "The admitted economies and other advantages of large-scale

¹ Sir Harry E. Haward: *Municipal Electricity*: VI—Public Administration, No. 1, January 1928, p. 48.

² *Ib.*, p. 50.

³ The question of the distribution of electrical energy so far remains untouched. But some improvement is urgently called for in this direction also.

production of electricity" they observed "have not hitherto been attained in Great Britain, apart from a few notable exceptions, because of the inherent difficulties of a situation which is the outcome of a strong tendency to relate the generation of electricity to local government areas."¹ Within a year of the establishment of the Central Electricity Board as an executive body the Electricity Commissioners had prepared five great schemes for creating a like number of vast electrical generating areas, comprising nearly forty thousand square miles of territory, three-quarters of the whole population of Great Britain, and four-fifths of all the electricity consumed within the country. The scheme for South-East England alone takes in more than eleven million persons and nearly nine thousand square miles of territory, including London, the counties of Kent, Sussex, Essex, Hertfordshire, Middlesex, Cambridgeshire, Huntingdonshire, Bedfordshire and parts of Berkshire and Buckinghamshire. No less than 165 "authorized undertakers" of electrical supply are affected by this one scheme alone—a significant indication of the small scale of operations previously existing. All these schemes have been adopted by the Central Electricity Board, and will be put into operation without delay.² The gross savings to the undertakers which will be effected by these schemes is £893,769 in the case of the Central Scotland Scheme, £5,193,751 in the case of the scheme for South-East England, and £1,401,892 in the case of the Central England Scheme.³

Not all municipal functions have been dealt with so boldly, nor the obsolete boundaries and prejudices of local authorities overridden with so firm a hand, as was done in the case of electrical generation. This was brought about to no small extent by the efforts of the great industrialists, engineers and captains of commerce, who had no intention of seeing their economic opportunities diminished and potential profits

¹ *First Annual Report of the Central Electricity Board* 1929, p. 1.

² *Ib.*, p. 6.

³ See also *Eighth Annual Report of the Electricity Commissioners*, p. 20.

decreased by remote and (as it seemed to them) irrelevant considerations of local patriotism and county pride. Usually the local zealots have had their way. In London, in particular, no strong hand has ever dared to mould into a coherent unity the fantasy of areas and authorities which make up the patch-work quilt we are pleased to call the government of London.

The largest authority responsible for the municipal affairs of the capital city of the Empire is the London County Council. Within the area of that body are 28 Metropolitan Borough Councils. The heart does not belong to the body, but is under the separate jurisdiction of the Corporation of the City of London. Outside the L.C.C. area, but within the confines of Greater London, are 5 county councils, 3 county borough councils, 8 town councils, 64 urban districts and 12 rural districts. The total number of separate councils is thus 122, without taking into consideration special authorities such as the Port of London Authority¹ or the Lee Conservancy Board.

Never was the evil maxim divide and misrule more ruthlessly applied, nor with more dire results. The London County Council is not a dominant and comprehensive body responsible in any adequate sense for even the major services required by the denizens of the vast aggregation of slums and mansions, palaces and dormitories, parks and workhouses, offices and factories, warehouses and docks, which goes by the name of London. The City Corporation has the Lord Mayor and the ceremonial traditions, the annual banquet and the trappings of tinsel and gold—to say nothing of the enormous wealth of the Square Mile. The Home Secretary controls the Police Forces of the Metropolis outside the City area. The Metropolitan Water Board, the Port of London Authority, the Metropolitan Borough Councils (and until recently the Boards of Guardians and the Metropolitan Asylums Board) all take unto themselves specified functions of government. And everywhere around the borders of the London County Council's area, pointing sly fingers at the absurd frontier of its boundaries,

¹ *Royal Commission on London Government*, Cmd. 1830/1923, pp. 2-3.

are borough councils and county borough councils, district councils and county councils. All these separate municipal entities, in London but not of it, conspire to derogate from the prestige and status of the London County Council, and prevent it from administering services over an area which corresponds with the realities of London life, is adequate in size, and calculated to produce the most satisfactory results.

Small wonder, in view of all this, if the representatives of the London County Council, in giving evidence before the Ullswater Commission on London Government, complained bitterly of the unsatisfactory nature of the existing area. The present territory, they declared, is entirely unsuitable to the modern requirements of local government, particularly in regard to such services as education, electricity supply, housing, transport and the regulation of wholesale markets.¹ In support of this, the witnesses for the London County Council pointed out that the limits of the present area had actually been disregarded, both by the London County Council and other authorities, as well as by Parliament itself, in regard to nearly a score of major services. The logic of events had compelled Parliament, the government and the local authorities concerned to transgress the county frontier in respect of the provision of allotments and small-holdings, parks and open spaces, housing, sanitation and other public health services, the police forces and fire brigades, water supply and tramways.

The representatives of the London County Council showed that it was often necessary to look outside the county for suitable land for parks and open spaces. In regard to sanitation, no less than thirteen areas had been admitted to the main drainage system of London, and it had now become impossible to deal with this aspect of the situation without knowledge of the whole area. In the field of public health, a single scheme for the diagnosis and treatment of venereal disease had been brought into operation over a large territory comprising the whole area of the London County Council together with the

¹ *Royal Commission on London Government*, Cmd. 1830/1923, p. 7.

areas of six adjoining counties and three neighbouring county boroughs. As regards tramways, agreements had been made between the London County Council and various out-county authorities and companies for through-running facilities. The Metropolitan Police District, under the jurisdiction of the Commissioner of Police for the Metropolis, is an area much larger than the administrative county. So, too, is the area of the Metropolitan Water Board. It had, indeed, been necessary to place the water supply in the hands of a special body for the very reason that no municipal authority exists with jurisdiction over an appropriate area.¹

Worst of all is the situation in regard to housing. The London County Council has been forced, by the inadequacy of its own area, to develop large building estates outside the county boundaries at Becontree, Norbury and Tottenham. "Under our system of local government to-day" observes Sir Oscar Warburg, the vice-chairman of the Council, "the London County Council, when it does undertake building in another county, is merely a landlord who is building a housing estate in that county, and it falls to the local authorities to provide all the necessary services which are required in connection with the population being housed. The county, therefore, has to provide education, the local drainage authorities have to provide for the drainage of this large number of houses which have been dumped into their midst, and hospitals have to be provided in connection with the development of that estate. Every one of the matters which I have mentioned has presented considerable difficulty."²

All these facts, and many others of a similar nature which could be adduced, do not appear to indicate that the present structure is, as the Royal Commission on Local Government optimistically declared in the opening pages of their First Report, "flexible and responsive to the facts of growth and

¹ *Royal Commission on London Government*, Cmd. 1830/1923, p. 9.

² Sir Oscar Warburg: *Some Problems of London Government To-day: VII—Public Administration*, No. 1, January 1929, p. 22.

change".¹ They seem to show, on the contrary, that the existing system—if it can be called a system—is seriously out of consonance with modern social needs; and that in the case of a number of services it is so impossible to carry on administration within the framework of the existing divisions without grave danger to the public weal that the formal structure has in effect been superseded by special arrangements designed to remedy particular difficulties. To regard administrative machinery as "flexible and responsive to the facts of growth and change", when that machinery prevents efficient or effective service being rendered to the community in half a dozen of the major fields of local government, or is virtually obliterated whenever the rising tide of municipal development sweeps across it, is a misuse not only of language but of the processes of thought.

THE WEAKNESS OF THE SMALL AUTHORITIES

It will be clear from what has already been said that one of the most obvious weaknesses in the existing structure is the large number of small authorities who lack either the means or the will to carry out the functions with which they have been entrusted.

The number of local authorities with very small populations is considerable. In the case of urban authorities this may be traced partly to the fact that in the years 1862 and 1863 the inhabitants of a large number of quite small places (some with a population of less than a hundred persons) adopted the urban form of local government² under the provisions of the

¹ *R.C.L.G.*, p. 14. See p. 124, *post*.

² The motives which led to this action were notorious. They were characterized as follows by an official witness before the Royal Sanitary Commission of 1869-71: "The nature of the reluctance to adopt sanitary law as such, is not ill-illustrated by instances in which that reluctance has given way before a still greater indisposition to come under other legislation of not absolutely compulsory character. Thus, when the General Highway Act of 1862, for the formation of highway districts, came into operation, scores of places . . . not intending to do anything under the

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Local Government Act 1858 in order to avoid the inclusion of their parishes in Highway Districts formed under the Highway Act of 1862. In many important counties, local administration has still to be conducted within urban areas originally delimited in 1862-3. In the West Riding of Yorkshire, for example, 22 urban districts in the county were formed in those two years, 14 of them having populations in 1921 of less than 5,000 inhabitants each. Of these 14, 3 had populations below 1,000, and 6 between 1,000 and 2,000 persons.¹ Many of the places concerned were evidently small villages. The House of Commons was told in 1863 that the Act of 1858 had been adopted in 22 districts with populations of less than 100, and in 130 districts with populations between 100 and 500.²

Even after the passing of the Local Government Act of 1888 the situation continued to be aggravated. During the forty years which elapsed between the passing of that statute, which established the county councils, and April 1927, no less than 183 urban districts and 71 rural districts were formed having populations below 5,000 inhabitants at the time of formation.³ Some of the small rural districts resulted from the sub-division of an existing district to comply with the requirements of the Local Government Act of 1894, which aimed at ensuring that the whole of a rural district should lie within the confines of a single county.

We find at the present time that there are approximately 500 county districts with populations below the 5,000 mark: the exact numbers of the various classes making up this total

Local Government Act of a sanitary kind, nevertheless adopted that Act in order to retain the management of their highways and to escape the operation of the General Highway Act. So widespread was this disposition to avoid the fair incidence, each in its proper sphere of action, of the two Acts (which the legislature had virtually left parties at liberty to choose between) that it was found necessary in the Local Government Act 1863 to make provision against like abuse in future." *Royal Sanitary Commission Second Report*, vol. ii: Analysis of Evidence (C. 281-1/1871, p. 185).

¹ 2 *R.C.L.G.*, pp. 7-8.

² 169 *Hansard*, 38., col. 1981, March 26th, 1863.

³ 2 *R.C.L.G.*, p. 8.

were (in 1927) 66 boroughs, 302 urban districts and 126 rural districts. The financial capacity of most of these small areas is, as we might expect, very restricted. In the case of 430 of them, the levy of a rate of a penny in the £ produces less than £100¹—scarcely a princely revenue for the costly services of to-day. No mention has been made, in the figures given above, of the 12,812 parishes which boast a parish council or parish meeting. The microscopic activities of these inheritors of an ancient tradition involve an average general expenditure of £31 on the part of each parish council or meeting, an annual capital expenditure averaging less than £3, and an average revenue from rates of approximately £21.²

It is obvious that the historical accidents which have led to the formation of this horde of tiny local councils have scarcely any connection with the factors which are conducive to good municipal government at the present time. There are no *a priori* reasons for cherishing a predilection in favour either of big units or of small units of administration; but viewing the phenomena in an impartial light it is impossible not to realize that these hundreds of Lilliputian county districts which struggle, sans population, sans money, sans knowledge, often sans staff, to maintain their position in the local government structure, are fighting against insuperable difficulties.

The Desborough Committee on the Police Service, which sat in 1920, found as many as 48 police forces containing 25 men or less, and a further 40 forces with a strength of between 25 and 50 men, making a total of 88 forces containing fewer than 50 men each. The borough of Tiverton mustered a force consisting of a chief constable, 2 sergeants and 8 constables—11 men in all. The borough of Louth was protected against riot and civil commotion, murder, robbery with violence, and arsenical poisoning with a force of similar size. Two of the counties returned a strength of 8 men each, including the chief constable and subordinate officers. Confronted with small

¹ Loc. cit.

² *Annual Local Taxation Returns* 1924-5, Part III, 1927, Table XI, p. 58.

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troupes of constabulary such as these, it is scarcely a matter for surprise that the Committee, while recognizing the numerous advantages of a local police organization, should have observed that "there must obviously be a point beyond which the multiplication of separate forces is bound to prejudice the efficiency of police work and administration".¹

The small boroughs fought hard to justify their independent forces. A borough could be policed more efficiently, they urged, by men having the intimate knowledge of local conditions which is possible only in small units. There is less danger of corruption in small forces than in large, they alleged, for more serious abuses occur in the larger city and borough forces than in those of small size. In an emergency, the chief constable would have the support and advice of the Borough Watch Committee, an advantage not open to a delocalized force.

Those who wished to abolish the very small police forces denied that the larger forces lend themselves more easily to corruption. They even argued that in a larger area there is actually less risk of the discipline and work of the constabulary being affected by undue influence and personal questions. But their main contentions were that the abolition of the small forces would effect a saving in expense, particularly in respect of buildings and administrative charges; and that it would lead to a gain in efficiency, due to improved facilities for recruitment and training, and the wider opportunities for experience open to police officers in larger areas. Moreover, the larger police forces offer better chances of promotion and transference, and hence produce a more contented spirit among the rank and file.

These arguments, and the evidence on which they were based, convinced the Committee. Even before the War of 1914-18, the Kempe Committee on Local Taxation had recommended the absorption of the small police forces in

¹ *Report of Desborough Committee on the Police Service, Part II, Cmd. 574/1920, p. 5.*

larger county units, on the grounds of economy and efficiency of administration.¹ The Desborough Committee were only following in the same footsteps when they declared themselves in favour of larger units of administration. "It is obvious" they stated "that the existence of the numerous small forces . . . greatly complicates the police administration of the country in many ways: it increases the difficulty of securing the standardization of the conditions of service, training and working methods of the police, to which we attach the greatest possible importance."² For these and other reasons the Committee emphatically recommended that the small borough forces should be merged in the county forces.

It is not necessary to sympathize with the strong centralizing tendency of the Desborough Committee, or to endorse the particular remedy proposed by them, in order to agree with their condemnation of the excessively small police forces which litter the country-side. It would be difficult to arrive at any other conclusion after a candid examination of the facts.

A similar conclusion was reached by another official committee concerning an entirely different sphere of municipal activity: namely, the provision of public libraries. An unusually elaborate survey of the municipal provision of reading facilities was made recently by the Public Libraries Committee appointed by Sir Charles Trevelyan when Minister of Education in 1924.

No one studying the report of this committee can fail to be struck by the generous tribute paid to the efforts made by a number of small communities to provide their citizens with good library facilities. Such places as the three Claydon villages in Buckinghamshire, where the stock of volumes numbers respectively 2,293, 1,218 and 642, per 100 of the population, as against an average for the whole country of 52, were singled out for unstinted praise; and the statistical com-

¹ *Final Report of the Departmental Committee on Local Taxation*, Cd. 7315/1914, p. 43.

² *Report of Desborough Committee on the Police Service*, Part II, Cmd. 574/1920, p. 5.

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pleteness of the Committee's survey enabled them to ascertain with unusual precision the quantitative superiority of the achievements of certain small areas.¹ The Committee could thus say with some truth that, whatever curtailment of the independence of small areas their recommendations might involve, they were not made without a full recognition of the praiseworthy efforts made by some of these communities to provide themselves with libraries.

The value attaching to self-determination by a community of any size, continued the Committee, is a factor not to be forgotten. But it is clear that there comes a point where economic factors become so strong that they defeat the efforts of any community to provide itself with an efficient library. The statistics show "a multitude of areas in which an attempt has been made to provide a library, but the attempt has clearly failed, and the library is in a derelict condition".²

A community of 5,000 may include readers with as great a variety of tastes as a community of 500,000, and the former will in consequence require access to as wide a range of books as the latter. It is sometimes said that a small library can still be a good library. It can, if it is organized with a specific and limited purpose for a particular group of people whose needs can be definitely formulated. But for a public composed of general readers with a variety of wants, and a variety of other readers with special wants, it is certain that "no small library can provide an adequate service. The statistics show with dispassionate and merciless severity that there is and must be a much greater choice of books for readers in the large towns than in the small, whatever may be the efforts made by the small towns and however high a rate they are willing to raise.³ Although there are good libraries in areas with a population between 10,000-20,000, even this group must be regarded as one in which "economic factors tend to be too

¹ They noted, for example, that out of the 13 areas in which library expenditure exceeds 1s. 6d. per head, four contain populations of less than 5,000 each. *Report of Public Libraries Committee*, Cmd. 2868/1927, p. 31.

² *Ib.*, p. 32.

³ *Ib.*, p. 31.

strong to permit of the maintenance of an efficient library service".¹

The most outstanding example of the weakness of small areas is to be found, however, in the realm of public health. Sir W. Arthur Robinson, the Secretary to the Ministry of Health, laid before the Royal Commission on Local Government a mass of evidence concerning the insanitary conditions prevailing in a number of small areas which show the local authorities in charge of such districts to be entirely unfit to be entrusted with responsibility for the health of the community.

The data submitted had reference to 35 small boroughs and urban districts and 37 rural districts. This total of 72 areas may be regarded as a representative cross-section of the lower levels among the county districts. The evidence was drawn exclusively from the annual reports of the local medical officers of health for 1925. In that year Survey Reports were called for to deal comprehensively with the measure of progress made in the area during the preceding five years in the improvement of the public health; the extent and character of the changes made during that period in the local health services; and any further action contemplated by the local authority or considered desirable by the medical officer of health.

It is impractical to reproduce here the detailed analysis given *seriatim* in respect of each of the seventy-odd districts dealt with in the evidence. Nor is it necessary to do so. It will suffice to say that the standard of elementary sanitation laid down by the Royal Sanitary Commission of 1869 as sufficient to satisfy the "ordinary requirements for the general community" appears wildly Utopian compared with the medieval conditions prevailing in numerous areas throughout Great Britain. Up and down the country we find conditions so insanitary that judged even by the obsolete conceptions of sixty years ago they appear intolerable.²

In one district the Medical Officer reports that the people

¹ *Report of Public Libraries Committee*, Cmd. 2868/1927, p. 204.

² *R.C.L.G.; Evidence*: Robinson (IX, p. 1717 *et seq.*).

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are dependent on pumps or wells and on rain for their water supply, and that during a spell of dry weather this supply does not meet the demand. The only drainage consists of natural drains, which are often blocked, and in dry weather "the stench arising from the untrapped gullies and some of the watercourses is appalling".¹ In a "health resort" attracting numerous visitors from the large towns the refuse from the town drains into large crevasses in the rock on which the town is built.² In another urban district the Medical Officer reports that there is no system of drainage or sewerage in existence whatsoever. The disposal of filth is left to the individual house-occupiers, who habitually empty the contents of their lavatories into cesspools situated at the back of the houses, in dangerous proximity to private wells.³ In another place the river running through the town is contaminated by the town's sewage, which is often forced back through the traps and left on the road.⁴ Elsewhere, the Medical Officer reports that the so-called river which runs through the town is a running stream during wet weather and a series of stagnant pools during dry weather. It receives the bulk of the liquid sewage of the town, with the result that it constitutes a nuisance and a menace to the health of the town. The town has therefore to put up with "a state of sanitation which might have been tolerable in medieval times, but which is woefully unsuited to modern requirements".⁵ In several places the water is stated to be entirely unfit for human consumption,⁶ deficient in quantity and a danger to the public health.⁷ A case is given of an urban district in which there are no public sewers or sewage works. Large open gutters take a great proportion of the waste water to open ditches and thence to the river.⁸ In another, the local brook is polluted by an adjacent refuse tip and by drainage from houses not connected with the main sewers. The brook is the only stream of consequence in the

¹ District No. 1, *R.C.L.G.*: IX, pp. 1719-20. ² District No. 2, pp. 1719-20.

³ Urban District No. 3, pp. 1719-20.

⁴ Urban District No. 4, p. 1721.

⁵ Urban District No. 9, p. 1722.

⁶ Urban District No. 13, p. 1723.

⁷ Rural District No. 12, p. 1734.

⁸ Urban District No. 18, p. 1724.

vicinity and therefore has "a tremendous and very natural attraction for children, who constantly play in it and around it".¹

It is scarcely necessary to multiply these illustrations of deplorable sanitary conditions. They are all based on first-hand information provided by responsible officers employed by the local councils. They all refer to areas with small populations and low rateable value.

The Sanitary Commission of 1869 had defined the "ordinary requirements for the general community" as consisting of about a dozen items, such as a wholesome and sufficient water supply, the prevention of water pollution, sewers and sewerage; the regulation of streets and new buildings, the maintenance of healthy conditions in dwellings, the removal of nuisances and refuse, the abatement of smoke, the inspection of food, the prevention of disease and the issuing of regulations in case of epidemics, the burial of the dead without injury to the living, the registration of deaths and sickness, the regulation of markets and the lighting of towns.²

This list was not intended to be exhaustive even when it was compiled more than half a century ago; and it has, of course, become progressively more incomplete with the constant expansion of public health functions. But if attention be limited to those elementary health services enumerated by the Commission of 1871 as the minimum which ought then to have been available to the inhabitants of every local government area, it is clear, as the chief official of the Ministry of Health remarked, "that the minimum standard of 1871 is, in 1927, very far from being universally attained".³

The law, it may be noted, gives ample power to the Minister of Health to compel defaulting local authorities to put their houses in order. The Public Health Act of 1875 provides that where complaint is made to the Minister that a local authority has made default in providing their district with sufficient

¹ Urban District No. 23, p. 1725.

² *Second Report of the Royal Sanitary Commission*, vol. i (C. 281/1861, p. 20).

³ *R.C.L.G.; Evidence: Robinson* (IX, p. 1717).

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sewers, or in maintaining existing sewers, or has failed to provide a proper supply of water with consequent danger to the health of the community, where a proper supply could be got at a reasonable cost, or has made default in enforcing any provisions of the Public Health Act which it is their duty to enforce, then in any of those cases the Minister may make an order limiting the time for the performance of the duty, and this may be enforced by mandamus in the Courts. Alternatively, the Minister may appoint someone to perform the duty and collect the cost from the defaulting authority.¹

There is, therefore, no lack of statutory authority to enable the Ministry to enforce the provisions of the public health code. But on the Minister's own showing this power is apparently useless and has in fact not been employed in the cases mentioned. The reason is clear. The resources and areas of the small districts are so inadequate that it is literally impossible to compel the performance of the sanitary duties in question. It was this which prompted the Minister to suggest to the Royal Commission a considerable amendment of the present system of public health powers and duties.²

It was this evidence more than any other factor which led the Onslow Commission on Local Government, which in 1925 had complacently announced that "the constitution of local authorities may perhaps be regarded as substantially settled",³ to express the opinion in 1928, after three years' further deliberation, that the need for a general review of county district areas and parishes had been established. A review of the structure was required, they expressly declared, "in order to see how far ineffective units can be eliminated by reorganization".⁴ The question necessarily arises, the Commission admitted, whether all the units at present in being are capable of meeting the demands of modern local government, having regard to the diversity and complexity of the services to be administered.⁵

¹ Sect. 299. See also Sect. 15.

² 2 *R.C.L.G.*, pp. 20-1.

³ 1 *R.C.L.G.*, p. 11.

⁴ 2 *R.C.L.G.*, p. 15.

⁵ *Ib.*, p. 29.

There can be little doubt as to their incapacity. It is impossible to survey the facts of local government as they exist to-day without becoming convinced that there is a great multitude of minor authorities covering areas so inadequate, possessing such small populations, and with so limited financial resources, that, with the best will in the world, they have neither the capacity nor the means to exercise in a satisfactory manner the powers which have been conferred on them by Parliament.

It would be quite incorrect to suggest that they have invariably, or even usually, the best will in the world. The Royal Commission on Land Drainage observed that where drainage authorities had applied to the Ministry of Agriculture for an extension of their jurisdiction to the whole of a catchment basin merely for the purposes of control in the common interest—no financial power was involved—these efforts met with such strenuous opposition on the part of the smaller fry among the urban and rural district councils that every single project had to be abandoned.¹ The Onslow Commission, in recommending an extension of the area of charge for sanitary services in backward districts, was at pains to stress the lack of good will which might be encountered in attempting to induce these minor local authorities to accept even the favour of a subsidy from the rest of the county ratepayers.

The effect of the Commission's recommendations, which are now contained in the Local Government Act 1929,² are to empower a rural district to contribute money towards the cost of providing a parish with water supply and sanitation. A similar privilege to assist financially an incompetent county district is given to the county council. Instead of commiserating with the unfortunate ratepayers whose burdens are to be thus increased, without compensating advantage to themselves, by reason of the sins of omission of the weakest areas; instead of attempting to assuage the righteous indignation which

¹ *Report of Royal Commission on Land Drainage*, Cmd. 2993/1927, p. 19.

² Sects. 56 and 57.

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might well be expected to burn in the breast of every county resident who, after providing his own district with adequate sanitary services, is calmly asked to pay for similar necessities in backward areas: without wasting a single word of pity on these egg-laying geese, the Commission expounded at length on the "difficulties" attendant on extension of the area of charge from the standpoint of the recipient! Parishes and districts have for so long been financially independent of each other in making provision (or in failing to make provision, one might add) for sanitary services "that the theory of a wider community of interest in this sphere may not readily gain acceptance".¹ In practice, however, the backward parishes and districts will be asked to accept, not a "theory", but a financial contribution from other ratepayers. It will be interesting to see if this fails to "gain acceptance", whatever may happen to the theory!

Although evidence such as this scarcely betokens a spirit of enlightenment or of good will on the part of the smallest authorities, the real case against them does not rest on the lack of vision or desire for progress shown by their elected representatives. Even though the local councillors in these areas were able to combine within their persons the wisdom of a Solon, the inventiveness of a Bentham, and the administrative capacity of a Chadwick, it would still be impossible in most cases for them to accomplish anything of importance without drastic change in the present division of areas and the existing distribution of resources. The shortcomings of the small areas are due to inherent defects in the municipal structure itself.

THE NEED FOR LARGER AREAS

The criticism levelled at the smaller authorities can be seen in its true perspective if we look for a moment at the tendencies manifested during recent years not only in local government

¹ 2 *R.C.L.G.*, p. 26.

but in most other spheres of administration. Everywhere we find indications of the growing necessity for areas of organization larger than those at present existing, if maximum efficiency is to be obtained. The amalgamation of the railways, the joint-stock banks, the newspapers, the chemical industry and many other privately owned undertakings into vast combines; the widespread recognition, by capitalists and socialists alike, of the desirability of welding the thirteen hundred separate coalmines in Great Britain into a coherent unity for commercial purposes; the regulation on an international scale of labour conditions, of certain factors required for financial stability and many other fundamental elements in our civilization, all betoken a universal tendency, welcomed for different reasons by persons holding diametrically opposed social and political opinions, in the direction of enlarged units of administration.

The nature of local government has changed very considerably during the past twenty years, and just as the technique of industrial and commercial administration now requires far larger units of authority than formerly, so does the technique of efficient municipal administration now demand more extensive units of local government.

In regard to town-planning, for example, it has for long been obvious that the present disposition and future requirements of very large areas would have to be considered if good results were to be obtained. Thus, the Manchester City Council, in preparing a town-planning scheme in 1918-19, found continual consultation with five contiguous authorities an indispensable necessity. It was useless to settle the line to be taken by the main roads leading out of Manchester unless the necessary connections with those roads were certain to be made by other authorities outside the city boundaries. Again, the future character of a district near the boundary could obviously not be settled without reference to the future development of land across the boundary.¹ It was clear from these

¹ E. D. Simon: *A City Council from Within*, p. 207.

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and similar facts that some machinery for constant consultation was urgently called for, and that the work of each local authority would be helped by a town-planning body for the whole region. Hence there came into existence the Manchester Joint Planning Committee. This Committee, which comprises 96 local authorities, has jurisdiction over an area of 1,000 square miles. Its main duties are to advise in the promotion, co-ordination and linking up of town-planning schemes within the area and to prepare plans in respect thereof.

The example of South-East Lancashire has been widely followed throughout the country; and town-planning is now generally recognized as a service which can only be conducted over large areas.

The Manchester district was also a pioneer in regard to electrical generation. In 1923 an Advisory Board was set up to work out and put into operation an interconnection scheme for the supply of electricity to South-East Lancashire. The Board is now at work, and it is believed that a saving of £100,000 a year will be effected by the improved efficiency and economy of administration which is now possible.¹ It has thus been found by experience, we learn from Mr. E. D. Simon, formerly Lord Mayor of Manchester, that even the 21,690-acre area of that city is far too small for the effective organization of certain local government services. Mr. Simon goes on to point out that smoke abatement, a function of immense importance amid the grime and filth of Lancashire, will only be dealt with properly when uniform legislation and uniform administration are made to prevail over the whole area. "It is felt" he concludes "that this is a matter which can only be dealt with by a joint board."²

It is not only in the densely populated cities of the industrial North that the need for large-scale effort in these and other fields has been felt. "The whole trend of the development of electricity supply during the past thirty years" we are told by a distinguished member of the Electricity Commission "has

¹ E. D. Simon: *A City Council from Within*, p. 216.

² *Ib.*, p. 225.

been away from the parochial conceptions of 1882. This is emphatically true as regards generation, and is evidenced by the coming into being of the great power companies with their powers over wide areas, by the schemes for joint electricity authorities . . . and finally by the creation of the Central Electricity Board under the Act of 1926."¹ The tendency is less marked in regard to distribution, but has recently come into prominence, particularly in regard to the development of the rural areas.

The spheres of municipal activity in which there is need for enterprise on a scale larger than that which is possible when local authorities act separately within their present areas, are too numerous to mention in any detail. The development of scientific methods of sewage disposal, for example, has led to the growth of nearly 250 specially constituted authorities, such as Sewerage Boards and Committees, with wide areas fitted to the needs of the several local authorities.² A whole series of Royal Commissions and Departmental Committees have recommended the formation of River Boards for such purposes as the prevention of pollution, land drainage, the conservation and utilization of water power and the protection of fisheries.³ In regard to water supply, regional advisory water committees already exist in certain parts of the country, and their formation elsewhere is vigorously urged by the Ministry of Health. The Land Drainage Act 1930 contemplates a number of Catchment Area Authorities not unlike the River Boards previously mentioned. No town should have a separate police force, according to the Desborough Committee,⁴ unless it has a population of at least 100,000 inhabitants.

¹ Sir Harry E. Haward: *Municipal Electricity*: VI—Public Administration, p. 50.

² *1 R.C.L.G.*, p. 424.

³ Cf. *Rivers Pollution Commission 1868, First Report*, p. 136, Sect. 8; *Report from the Select Committee of the House of Lords on Conservancy Boards, etc.*, 1877; *Royal Commission on Sewage Disposal 1898, Third Report* (Part II), p. xxvii, Sect. 62; *Royal Commission on Salmon Fisheries 1900* (Part I), p. 63, Sect. 3; *Water Power Resources Committee 1921, Final Report*, p. 82, Sect. 309; *Royal Commission on Land Drainage 1927*, p. 24, Sect. 63; *Report of Joint Advisory Committee on River Pollution 1928*, p. 5.

⁴ *Report of the Desborough Committee on the Police Service*, Part II, Cmd. 574/1920, p. 5.

A similar tendency is revealed in much of the legislation affecting municipal affairs which has been passed during the last twenty or thirty years. By the substitution of the county councils as education authorities for much of the country in place of the great number of school boards previously existing, the Education Act of 1902 took a definite step towards the inception of larger and fewer authorities, particularly in the rural districts. A like movement in the direction of larger units was shown in 1911, when the National Health Insurance scheme named the counties and county boroughs as areas for certain aspects of local administration; in 1913, when mental deficiency was placed in the hands of the councils of these same areas; and in 1918, when the councils of counties and county boroughs were chosen as local authorities for the supervision of midwives.¹ In the next year the Public Libraries Act of 1919 followed suit by enabling county councils for the first time to adopt the Public Libraries Acts, thus bringing within ultimate reach of library provision 91 boroughs, 550 urban districts and more than 12,000 parishes which had not previously felt able to undertake on their own account the provision of a library service.² The Rating and Valuation Act 1925 abolished the Overseers of the Poor and transferred the assessment and collection of local rates to the general local authorities, thereby greatly enlarging the unit of administration.

A great number of other instances could be cited to illustrate the irresistible drift towards larger authorities. The most striking example of all is to be found in Mr. Chamberlain's Local Government Act 1929, which, among other things, transferred the functions of the Boards of Guardians to the county and county borough councils, and made the county councils responsible for nearly the whole of the vast network of secondary roads which had previously been maintained by the county district authorities. There were more than six

¹ Ernest S. Griffith: *Modern Development of City Government*, vol. i, p. 392.

² *Report of Public Libraries Committee*, Cmd. 2868/1927, p. 34. Public Libraries Act 1919, Sects. 1-3.

hundred Poor Law Unions in England and Wales, each with a separate Board of Guardians. There are less than a hundred and fifty county and county borough councils. It is clear that, whatever may be said concerning other parts of this hotly contested measure, its administrative provisions are certainly in harmony with the progressive tendencies of the day in that they enlarge the unit of administration in respect of two of the most important functions of local government.

THE DANGER OF CENTRALIZATION

Many persons are under the impression that there is something undemocratic and opposed to the true principles of local government in enlarging the areas of municipal administration. This is a misconception. Local government is not menaced merely by enlarging the unit of jurisdiction. If our ideas of what constitutes a locality become larger, as they in fact have within living memory, it is a "natural" consequence for the units of government to increase in size to a corresponding extent. The essential core of local government, the vitalizing force which informs all its most excellent manifestations, is the sense of community existing between a body of citizens and the association of that sense with a given territory in which they dwell and work. With the improved methods of communication now available, with the introduction, as a commonplace in daily life, of train, bicycle, motor-bus, tram-car and motor-car, together with such devices as the telephone, telegraph and radio, the area of local consciousness has been enlarged and is even now increasing in size. It would be strange indeed if this enlargement of the mental and material horizon of a society were not communicated, or capable of communication, to the institutional framework of local government.

If anyone doubts this, let him ask whether the intensity of national patriotism is affected by the territorial size of the country with which it is associated. Is there less patriotism,

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true or false, in the United States of America, than in Bulgaria or Sweden? Does national feeling flourish more feebly in Germany than in Denmark, where it is related to a smaller area of land? Obviously there is no necessary connection between the intensity of local feeling, whether national or municipal, and the size of the area with which that feeling is associated.

There is a huge variation in the size of the territorial units to which people are at present attached by ties of feeling which seem to them immutable: the sentiment-evoking area may be a village, a great city, a vast province, a river, a mountain chain, a state, an empire. New areas of consciousness are germinating at this very moment. A League of Nations patriotism will no doubt be a commonplace to future generations. The English taxpayer is actually spending public money on certain bodies, such as the Empire Marketing Board, who, for apparently economic purposes, are engaged directly or indirectly in creating an awareness of, and loyalty to, the more distant parts of the British Empire.

All this may or may not be for the good of mankind. But it certainly disposes of the argument that to enlarge the areas of municipal administration is to destroy the roots of local government. Indeed, it might with greater truth be said that the most effective way of sapping the energy of local government would be to permit the chaos and inefficiency resulting from the present structure to continue. One of the most cogent reasons for requiring larger and more appropriate units of local administration is that the present muddle produces a strong tendency to centralization. The unsatisfactory character of the present areas produces a marked disposition on the part of many well-intentioned persons, whenever a critical point is reached in regard to a particular service, to suggest handing it over to the central government. Hence, when reform is seen to be needed at a specific point, many people who dislike incompetence immediately jump to the conclusion that centralized administration is the only alternative to local

government. Parochialism, it has been well said, is an excellent thing within its proper sphere. But it can easily become not merely a dangerous foe to the efficient development of public services on modern lines but also the unwitting means to an undesirable centralization of control.¹

Centralization is, in fact, the danger which threatens local government most seriously at the present time as a result of the present imperfect alignment of local councils. A good deal of the opposition to the highway reforms embodied in the Local Government Act 1929, proceeded on the assumption that the proper authority for maintaining the main roads is the Ministry of Transport. It is true that with the growth of long-distance motor traffic the main roads have outgrown, as it were, the individual county and county borough councils which are now responsible for their upkeep. It is also true, however, that it would be an essential mistake to hand over the main roads to the central government, for that would frequently result in labour being provided and material transported by two separate administrative authorities (the central department and the local authority) to adjacent highways in the same area.

Quite apart from this particular case, however, it is broadly true that national government is already far too congested with matters common to the whole country to be made responsible for the detailed management of even the most vital local affairs.² Broad questions of policy must indeed be nationally determined and local authorities, whatever their areas, must work within a framework of national control. But in order to lighten the burdens of central government it is desirable to introduce the greatest possible measure of devolution into the detailed conduct of the collective affairs of the community.

All the changes in structure which are advocated in this book are, therefore, directed towards improving the machinery of municipal administration and indicating methods by which

¹ G. D. H. Cole: *The Next Ten Years in British Social and Economic Policy*, p. 334.

² *Ib.*, p. 331.

local government can play a more comprehensive and satisfactory part in the life of the community than at present. Hence, however unpalatable some of my proposals may be to those who adhere doggedly to the divine right of things as they are, they are at bottom far more conservative of the real strength of local autonomy than the blind resistance to change of every kind displayed by such bodies as the Rural District Councils Association. They at least provide a feasible alternative to centralization as a remedy for present ills.

"Experience has shown the present local government areas to be so unsatisfactory in regard to electricity and town-planning" writes Mr. E. D. Simon concerning the Manchester experiments already recorded "that separate action has been taken to try to improve matters in those particular cases, without waiting for the over-slow development of any general scheme."¹ Is it not more than possible that an energetic and impatient government, faced with a public intolerant of the periodic crises which occur with increasing frequency in one or other of the main fields of local government, will take "separate action" in regard to that particular function by removing it altogether from the municipal sphere "without waiting for the over-slow development of any general scheme"? Such an eventuality has already been adumbrated recently in influential quarters respecting, among other things, the recruitment of municipal officers, the administration of main roads, the relief of the able-bodied unemployed, the provision of hospital accommodation, the drainage of land, the building of houses, and certain other services.

DISINTEGRATION OF POWER

In the preceding pages attention has been concentrated on the unsuitability, for various reasons, of many of the areas in the present structure. We may turn now to quite another source of difficulty and trouble: namely, the existence of

¹ *A City Council from Within*, p. 206.

a number of authorities administering the same or similar services in a single area.

We have become so accustomed to the peculiar framework of English local government that we tend to regard the present "system" as part of the natural order of things expressly ordained by Providence. But in truth it is strange that we should consider it necessary to have, not a single authority responsible for all the services in a given area, but a major authority having jurisdiction throughout the administrative county (in theory at least), and a series of minor authorities responsible frequently for similar or related services in particular parts of the county. Yet this is the state of affairs which actually exists everywhere except in the great cities, where power is concentrated in the county borough council. Elsewhere the functions of government have been subjected to a process of disintegration and are scattered between the county council on the one hand and a host of independent county district councils on the other. The county district may be a non-county borough, an urban district or a rural district. If the last-named, it will contain parishes which will in turn have organs of government possessing functions of their own. The division of powers and duties between all these overlapping bodies has proceeded in a manner so devoid of plan or principle that it passes the wit of man to discover either order or coherence or utility in the arrangement.

The multiplicity of councils which now exists produces extremely disadvantageous results in many spheres of activity. Thus, it can scarcely be regarded as ideal to have two, three, four or even five unco-ordinated rating authorities in a single area, each with a separate revenue and budget, each possessing independent powers of raising a rate and of borrowing money. Yet that is the state of affairs which has hitherto prevailed. In the field of public health we find an analogous scattering of authority between the major and minor authorities, an arrangement attended by all the disadvantages normally to be expected from chronic disunity of action. I shall deal at

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some length elsewhere in this work¹ with the special problem of public health, and will therefore do no more than mention it here.

The Poor Law was for long a special instance of overlapping authorities. The case for abolishing the Boards of Guardians, formulated for the first time by the Minority Report of the Poor Law Commission of 1905-9, rested essentially on the irrefragable doctrine that it is wasteful and not conducive to good government to employ more than one local authority in one place to accomplish what is in effect a single task. It was because the Guardians of the poor were providing services for the destitute similar to those which were being provided for self-supporting members of the community by the general local authorities, with consequent waste and inefficiency, that irresistible force was given to the demand for the abolition of the Guardians. What finally led a Conservative government to embody in the Local Government Act of 1929 a reform which in its main outline had first been called for by the Minority Commissioners, and subsequently adopted by the Labour Party, was not sympathy on the part of Mr. Neville Chamberlain, the Minister of Health, with the advanced social theories of those notorious Socialists concerning the break-up of the Poor Law and the assimilation of the pauper class with the solvent members of the community. He was motivated rather by a more pedestrian desire to see a better and fuller use made of the infirmaries, hospitals, sanatoria, asylums, and other institutions maintained by the Guardians of the poor, and a more economical employment of the large funds disposed of by these bodies, than was possible when they existed side by side in the same areas with general authorities dealing with many problems similar to those arising in connection with destitution. When the whole elaborate structure of Poor Law administration was at last abolished in 1929, after more than three centuries of life, scarcely a voice was raised in protest or regret, save by the outraged Guardians themselves,

¹ See Part IV.

who, like many another in like predicament, could scarcely realize that their own extinction was required for the public good.

The most critical point of danger arising from the overlapping of authorities and the maldistribution of power lies at the present time in the field of education.

The Education Act of 1902 abolished the specially elected school boards and divided education into "elementary" and "other than elementary", a classification based chiefly on the administrative and financial considerations then prevailing. The Act provided that the authorities for elementary education should be the councils of boroughs having a population (in 1901) of over 10,000, the councils of urban districts with a population (again according to the census of 1901) in excess of 20,000, and in all other places the county councils and county borough councils. The councils of counties and county boroughs were in addition to be everywhere the authorities for higher education. The Fisher Act of 1918 aimed at unifying all forms of educational activity within the existing administrative system, but in effect left intact the three systems of elementary, secondary and technical education, though from a strictly legal point of view it preserved the twofold classification of education into elementary and higher. In 1921 a consolidating statute codified the whole machinery of administration.

It was almost inevitable that difficulties of a serious nature should arise after the Education Act of 1902 came into operation, owing to the inherent drawbacks of a system of local government which established in the same area two types of independent authorities, one responsible mainly for elementary education in part of the area, the other responsible for higher education over the whole area and for elementary education in districts not covered by the former.¹

The distribution of the areas of local authorities responsible

¹ *Report of the Consultative Committee on the Education of the Adolescent* (1926), p. 160.

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for elementary education only among the 61 administrative counties of England and Wales is as follows:—

14 counties contain no autonomous areas					
16	„	„	1	„	area each
10	„	„	2	„	areas each
10	„	„	3	„	areas each

The remaining 11 counties have respectively 4, 5, 6, 7, (two) 8, 9, 12, 13, 16 and 27 autonomous areas. The extreme case is Lancashire, where the area administered by the county council for educational purposes contains 27 separate authorities for elementary education only—19 boroughs and 8 urban districts.

In the great cities the position is simple and straightforward: the county borough council is the sole authority responsible for all grades of education, from the nursery school upwards. But elsewhere the division of authority imperils the entire fabric of public education. It is impossible, as the Consultative Committee of the Board of Education observed in the celebrated Hadow Report, “to confine the different stages of education within closed compartments, especially when those compartments correspond rather to the conditions imposed by history or by administrative convenience than to the facts of human life and growth.”¹ I shall show later that the “closed compartments” no longer accord even with administrative convenience, whatever their historical justification may be. But it may first be of interest to examine somewhat more closely the charge that the closed compartments do not correspond with the facts of human life and growth.

The word “elementary”, in regard to education, was in origin a social rather than an educational category, describing, not a particular stage of education, but the education of a particular class of children,² namely, the offspring of the employed wage-earner and other members of the working class. The parents of this class could not afford to send their children

¹ *Report of the Consultative Committee on the Education of the Adolescent* (1926), p. 36.

² *Ib.*, p. 97.

to school without state aid and it was therefore thought necessary to use public money to teach the latter the bare minimum of knowledge necessary for existence in a modern community—the three R's, and as little else as possible. The instruction given to children of this class was regarded as something distinct in kind no less than in quantity from the education purchased elsewhere by more wealthy parents for children of similar ages but different social position.

It no doubt seemed natural that the education which was distinguished on social grounds should also be distinguished administratively. Hence the "closed compartments" for the great mass of children who were educated under the national régime. This means, as a general rule, that the vast majority of children go to elementary schools (maintained by the local authority for elementary education) at the age of 7 and remain there until they leave at 14 years old.

This arrangement, we now know, is utterly out of harmony with all the newer knowledge concerning educational methods which is now available. It has everywhere been observed that during the last two or three years of their attendance at an elementary school the greater number of children either mark time or fail to make the amount of progress which might reasonably be expected. This is due partly to the lowering of the mental atmosphere consequent upon the "creaming-off", at 11 years of age, of the brighter children who are destined for secondary schools. It is also due in part to the fact that the teachers in elementary schools are not properly trained to impart higher education. Another cause is the difficulty of organizing the great majority of schools to deal in a vital and creative way with children whose ages stretch over so long a period of growth as seven years. Most important of all is the fact that a real change in intellectual development has been observed to occur at about the age of 11 years.

It was on account of these and similar phenomena that the Hadow Committee expressed the utmost dissatisfaction with the administrative aspects of the present system of national

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education. In the best interests of the children, they pointed out, primary education should be regarded as ending at about the age of 11 +. At that age a second stage (for which the term post-primary was suggested) should begin. This stage, which would for many pupils end at 16 +, for some at 18 or 19, but for the majority at 14 + or 15 +, should be envisaged so far as possible as a single whole. There should be a variety in the types of education supplied within this stage; but they would all be marked by the common characteristic of seeking to provide for the needs of children who are entering and passing through the stage of adolescence.¹

The question whether a change, not merely in terminology but in educational law and administration, is needed to keep pace with the rapid change in educational facts, was regarded by the Committee as an important one calling for the most careful consideration.²

The main problem arising from the division of the education service into closed compartments may briefly be stated as follows. Authorities for elementary education administer only elementary schools. These include, however, a large portion of post-primary schools, in the shape of Central Schools, Senior Schools, Senior Departments and Higher Tops, which the Hadow Committee, in common with many of the witnesses who gave evidence before them, regard as belonging properly to the secondary grade of education. This miscellaneous collection of post-primary institutions is the outcome of a statutory enactment requiring *all* local education authorities to make express provision for the older or more intelligent children either by way of advanced instruction or practical training.³

¹ *Report of the Consultative Committee on the Education of the Adolescent* (1926), p. 71.

² *Ib.*, p. 154.

³ Cf. Education Act 1921 (11 & 12 Geo. V, chap. 51), Sect. 20:—

It shall be the duty of a local education authority to exercise their powers under this Part as to make, or otherwise to secure, adequate and suitable provision by means of central schools, central or special classes, or otherwise:

- (i) for including in the curriculum of public elementary schools, at appropriate stages, practical instruction suitable to the ages, abilities, and requirements of the children; and

"Will it be possible" the Hadow Report asks "for the country to acquiesce permanently in the division of part of the secondary grade of education between two separate authorities in the same area, with the result that an authority for elementary education only may start a Modern School or Senior Class when neighbouring 'secondary' schools, under the administration of the authority for higher education, are not fully used?"¹

Witness after witness drew attention to the particular difficulties caused in regard to post-primary education by the existence of two sets of local education authorities. One Director of Education told the Committee that there were no less than 13 authorities for elementary education forming *enclaves* within the area of his county, the result being that the education of the county has to be fitted into 13 systems. To do this, he complained, "was indeed a task that almost passed the wit of man".² The Director of Education for another large county area expressed the opinion that the natural development of education would sooner or later compel the country to make up its mind what was to be the administrative unit for all forms of education. It was fast becoming impossible, he explained, to continue the arrangement under which the education of a number of urban areas was administered by two local authorities.³

A questionnaire sent to a large number of the head masters of secondary schools situated in the areas of local authorities for elementary education only, evoked severe criticism as to the adverse effects produced by the establishment of Central Schools. "In the great majority of cases" the committee record "the head masters of the Secondary Schools agreed that the new Central Schools established by authorities for

- (ii) for organizing in public elementary schools courses of advanced instruction for the older or more intelligent children in attendance at such schools, including children who stay at such schools beyond the age of fourteen.

¹ *Report of the Consultative Committee on the Education of the Adolescent* (1926), pp. 163-4.

² *Ib.*, p. 162.

³ *Loc. cit.*

elementary education only, were having a prejudicial effect on the numbers and standard of entrants to the Secondary Schools."¹ Thus, for example, in one town of 30,000 inhabitants, not a single fee-paying pupil from the urban area had applied for admission in September 1924 to the local Secondary School. In another town, the number of fee-paying pupils from the urban area entering the Secondary School had fallen from 64 in 1921-2 to 19 in 1924-5. This was due to the establishment of a new Central School in the town.²

Mr. Salter Davies, the Director of Education for Kent, declared in evidence that the effective organization of children up to the age of 15 + is hampered by various difficulties, some historical and accidental in character. One of the most serious of these is the division of education into three systems—elementary, secondary and technical—each distinguished by its own rules and regulations, and with varying standards of accommodation, equipment, staffing and salaries. The second difficulty, he continued, lies in the prevalence of the system of dual control.³ Sir Robert Blair, a distinguished educationist and formerly education officer to the London County Council, pointed out that with authorities for elementary education and authorities for higher education covering the same geographical areas in the counties; with central schools under the authority for elementary education and secondary schools under the higher education authority; with differences of outlook, both educational and financial, between the different classes of local authority, there is a danger that the treatment of the children may be one-sided and incomplete. The way in which the administrative organization has grown up centrally and locally, he observed, is "a hindrance rather than a help to the treatment of the problem as a whole".⁴

The difficulties referred to are found only in those areas where the system of divided authority and dual control exists.

¹ *Report of the Consultative Committee on the Education of the Adolescent* (1926), p. 162.

² *Ib.*

³ *Ib.*, p. 156.

⁴ *Ib.*, p. 155.

The Hadow Committee expressly pointed out that the only instances which had been brought to their notice of friction or lack of co-operation between different authorities in regard to central schools and their contributory schools were those in which the local education authority providing the central schools had powers in respect of elementary education only.¹ No complaint had been received of any ill-effects produced on secondary schools through the establishment of central schools by a county borough or county council having powers for both higher and elementary education. In Carnarvonshire, indeed, the Director of Education explained that the provision of seven central schools by the county council had not adversely affected the nine secondary schools in the county area. Furthermore, while the number of pupils in all the secondary schools in the county had increased during the past decade, the increase had been most noticeable in just those places where secondary schools and central schools were running side by side.² The Association of Municipal Corporations expressly declared that no difficulty had been experienced in securing co-operation between county councils and county borough councils in regard to central schools.

From this it will be seen that the very progress made by local authorities responsible only for elementary education in establishing central schools is making the dual system impossible. Just as, in the case of the Poor Law, it was the very excellence of the provision made by the more progressive Boards of Guardians which aggravated the inherent evils of the constitutional structure, so in the case of education it is precisely the enterprise and initiative displayed by the more efficient authorities for elementary education only which maximize the disadvantages of the present administrative machinery. In short, the essential defects of the structure are demonstrated more clearly at the point of maximum effort than when sloth and negligence reign supreme. It is not too

¹ *Report of the Consultative Committee on the Education of the Adolescent* (1926), p. 163.

² *Ib.*

much to say that the present system is being rendered unworkable by the activities of the energetic and progressive authorities for elementary education rather than by those whose main object is to evade their duties with the minimum effort and expense.

It is scarcely to be wondered at that the report of the Hadow Committee, which is rightly regarded as one of the most constructive and liberal documents of our time, aimed at a thoroughgoing reorganization of the educational administration.

The first possibility which the Committee envisaged was the abolition of all local education authorities for elementary education only and the transference of their powers and duties to the existing local authorities for higher education. This proposal, "*though it is simple and logical and would probably effect a great saving in expense, would raise very difficult political issues*". The Committee therefore did not see their way to recommend its adoption. This is to be regretted because, however unfortunate it may be, almost every far-reaching improvement in municipal government raises "*very difficult political issues*"; and in the last resort there is little to be gained by refusing to face these issues with a bold front.

The Committee recommended, as an immediate step, increased co-operation between local authorities for elementary education only and those responsible for all stages of education, with the object of securing that, just as representatives of the former already take part in the initiation and administration of secondary schools maintained in their area by the latter, so the county councils should be fully consulted before modern schools or other post-primary provision is developed by an urban district or borough council administering elementary education only. This suggestion will clearly not do more than avoid a few of the most serious disadvantages at present occurring, and cannot be regarded as in any way a remedy. The Committee recognize it as nothing more than an "*interim arrangement*", a first step to be followed by more comprehensive reforms as soon as possible.

The next line of reorganization advocated by the Hadow Committee is of a more fundamental character. They propose that legislation should be passed transferring to the authorities for higher education the powers and duties of those authorities for elementary education only which administer areas below a certain minimum standard of population. Those authorities concerned with areas attaining the unspecified minimum in question should be vested with full powers in respect of higher education. In this way small authorities for elementary education only, covering restricted areas and commanding small resources, would be abolished; and the remaining authorities would have power to administer education of all grades.¹ A unification of power would thus be effected.

The Committee went on to make certain other important proposals affecting the structure of local government, but these can best be left to be dealt with later. We have here been concerned solely with those parts of the report which discuss the present *impasse* arising from the dual character of the existing machinery for administering education.

It is almost impossible for anyone to survey with an open mind the present state of affairs in education, public health and the other services of which mention has been made in the preceding pages, without being impressed by the chaotic and wasteful design of the structure, and the inefficient and uneconomical results which obtain from its operation. Nowhere are the defects more self-evident than in the field of education; nowhere are the evils of a badly administered service more far reaching in their consequences, longer in duration, or more difficult to eradicate.

It is over sixty years ago since the Royal Sanitary Commission of 1869 warned the nation that the good administration of public health required that one, and only one, sanitary authority should be responsible for all the health services in each area. That warning has been ignored not only in the

¹ *Report of the Consultative Committee on the Education of the Adolescent* (1926), pp. 164-5.

field of public health, with dire results which I shall relate elsewhere,¹ but also in regard to education and many other services, where there has been less excuse or historical justification on the one hand, but even more disastrous consequences on the other.

It is quite true, as the Hadow Committee remark, that "the forces making for unification are growing in strength"²; and as they suggest, we may hope "that the artificial barriers between the three types of education will rapidly disappear". But the forces making for unification are the danger and waste, the misdirected effort and conflict inherent in the present arrangements. The interest of education, we must remember, is only one of the considerations to be taken into account. There are all sorts of other resistant elements which will have to be disposed of. There is no harmonizing principle at work quietly solving the problem while we sleep; there is no invisible hand of providence silently brooding over our overlapping administrative councils, and ordaining (to apply the classic doctrine of Adam Smith) that the self-interested efforts of each separate authority should lead unwittingly to a common good which no one had any intention to promote. If, therefore, we wish to put an end to the present disadvantages, we shall have to contemplate the position with open eyes and with a clear realization of what a remedy involves.

The first question we shall have to ask ourselves will be whether we want one, or more than one, local authority in each area.³ Before attempting to suggest an answer to this

¹ See Part IV.

² Op. cit., p. 159.

³ The Board of Education was recently reorganized (in 1922) and the separate branches previously existing for elementary, secondary and technical education were abolished. There has thus been a notable trend towards unification in the central department, although separate regulations for each branch are still issued. There are still three Principal Assistant Secretaries responsible for administering the grant regulations and for carrying out the policy of the Board in regard to public elementary schools, secondary schools, and technical and continuation schools. But apart from these, most of the higher staff is non-specialized. Each officer is allocated to a territorial area and deals with all branches of education in that area. The Inspectorate of the Board was also recently reorgan-

question, I propose to put before the reader certain further considerations concerning the general nature of our local government structure. Whatever is to be done should undoubtedly be done, not merely because this or that particular service demands a change, but with a view to meeting all the requirements of a good system of local government, as seen with a single eye.

THE CONFLICT OF TOWN AND COUNTRY

No analysis of the relation between the county council and the smaller areas within the county can be complete unless it takes account of the relation between the county councils on the one hand and the county borough councils, the only other entirely independent municipal unit, on the other. For the attitude of the larger urban districts and boroughs towards the county, and the county's attitude in turn towards them, is immensely influenced by the hope (or the fear, as the case may be) that one day they will be sufficiently large and powerful and important to attain county borough status, and in that way become entirely free from the jurisdiction of the county council and immune from obligation to contribute to the county revenue.

Of vital importance, therefore, are certain questions which arise in connection with the great city areas and the areas of the administrative counties.

For two and a half years the Royal Commission on Local Government was occupied exclusively with the subject of the creation of county boroughs and the extension of their boundaries. These matters may be regarded as special aspects of a

ized on the same lines of amalgamating the three branches of education. Ultimately there will be in each division one Divisional Inspector with his assistants who will be responsible for surveying the needs of the area as a whole and reporting thereon to the Board. Cf. Hadow Report, p. 158.

It is interesting to note how, in education as in public health, the integration of function started in the central department concerned: in the one case the Board of Education, in the other the Ministry of Health. Unification in the localities continues to be lacking in both cases.

larger question, namely, the conflict between the county borough councils and the county councils.

The opposition of county councils to the efforts of non-county boroughs to obtain county borough status, and the attempts of existing county boroughs to enlarge their boundaries, constitute the forms in which this conflict between town and country has usually been manifested during recent decades.

Between the years 1889 and 1925 the number of county boroughs increased from 61 to 82, 23 new ones being constituted, while 2 were merged in others. The effect of this was to transfer 1,300,000 persons, £6½ millions of rateable value and 100,000 acres of land from the counties to the independent city councils. During the same period there were 109 extensions of the boundaries effected by county borough councils, which removed from the dominion of the county councils a population of 1,700,000 persons, £8 millions of rateable value and 250,000 acres of territory. The total losses to the counties involved by these changes were thus 3,000,000 citizens, nearly £15 millions rateable value and 350,000 acres of land.¹ The percentage of the present population and rateable value of the administrative counties (outside London) transferred to the great city councils by these extensions and creations amounted to 15·7 per cent and 13·8 per cent respectively. The proportion of the population contained by the county boroughs (excluding London) increased from 29 per cent of that of the counties in 1889 to 38 per cent in 1921, and the rateable value from 25 per cent in 1889 to 36 per cent in 1921. The 27 counties most seriously affected lost no less than 23 per cent of their population and 21 per cent of their rateable value. Lancashire lost as many as 667,000 persons, Staffordshire nearly 400,000, the West Riding of Yorkshire 360,000. About 1910, as an American observer remarks, "annexation advanced almost to the status of a municipal activity".²

¹ 1 R.C.L.G., p. 136.

² Ernest Griffiths: *Modern Development of City Government*, p. 388.

It is clear from these figures that the great county authorities have been severely depleted of territory, population and rateable value during the past forty years, and it is obvious that the process of erosion is still going on and is likely to continue. During the same period, Parliament conferred many new and costly burdens on the impoverished shoulders of the county councils, including education, which required an expenditure from the county rates of £11 millions in 1924-5, mental deficiency and lunacy, for which the counties had to find three-quarters of a million from the rates in the same year, the treatment of tuberculosis (£544,419) and the maintenance of main roads at a much higher standard than was required before the days of motor transport. The amount falling on the county rate fund in respect of this last item alone amounts to more than £8 millions¹ each year. The county councils contend that it is difficult, if not almost impossible, for them to carry out their new and enhanced functions in an efficient manner if they are continually being deprived of the wealthiest portions of their domain by the removal from their jurisdiction of large towns or urban suburbs through the creation or extension of county borough areas.

What are the considerations which for nearly half a century have induced Parliament and the successive ministers responsible for local government to grant the pleas of the towns for independent status, and of the county boroughs for enlarged boundaries?

We are in no way surprised when Mr. E. D. Simon tells us that there has been "a general desire in Manchester, at least on the council, that the city boundaries should be extended as far as possible".² We should expect to find a desire of this kind in most towns. But we should scarcely expect the Local Legislation Committee of Parliament to share the "natural wish" of the Mancunians "to increase the importance of the city and of its representatives"³ if the only effect of granting

¹ *Annual Local Taxation Returns 1924-5. 1927. Part III.*

² *A City Council from Within*, p. 201.

³ *Ib.*

a petition, apart from satisfying local ambition, were to disturb the equilibrium of the remainder of the county. Sir Francis Dent, an alderman of the Essex County Council, asked the Royal Commission on Local Government to believe that the desire for county borough status "must be mainly attributable to sentiment".¹ But it is scarcely possible that so well-marked a movement as the aggrandizement of the towns, persistently maintained for a period of forty years in the face of bitter opposition from other local authorities, and requiring the approbation of Parliament, the consent of the government of the day and (at an earlier stage) the Privy Council, should have lacked a more substantial basis than a purely sentimental desire for enlargement.

THE MOVEMENT FOR COUNTY BOROUGH STATUS

A distinction must be drawn between the creation of county borough areas and the extension of those already existing. In the opinion of the Onslow Commission the root of the movement for county borough status is to be found, not merely in the desire of the boroughs for independence, but also in such causes as the disparity between the cost of county services to a borough and the quality and quantity of the services provided; the disproportionate contribution made by the towns to the county revenue; and the inequality between the financial contribution of a town and the representation accorded to it on the county council.²

The dissatisfaction of the larger non-county boroughs was voiced before the Royal Commission on Local Government in no uncertain tones. One complaint repeatedly made was that the county councils do not provide services of a higher standard for the boroughs than for the rural areas, although the needs and aspirations of the former are often much higher than those of the latter.³ This was stressed particularly in

¹ 1 R.C.L.G., p. 324; *Evidence*: Q. 6665-7, M. III, p. 450.

² 1 R.C.L.G., p. 338 *et seq.*

³ 1 R.C.L.G., p. 341; *Evidence*: Fovargue, M. 13 (V, 1168); Collins (IV, 756).

regard to the police forces, main roads and secondary education. The representatives of the larger non-county boroughs on the county council are accustomed to find that the members coming from rural areas, who usually form the majority, are reluctant to provide the strength of police required in urban areas, or to build necessary police stations in the boroughs, owing to the large cost involved in making suitable provision for the needs of the boroughs, as compared with the small cost involved in making the less extensive provision required in the rural parts of the county.¹

Enormous stress was laid by one witness after another on the importance of main roads as a factor in the struggle of the towns to attain county borough status, and to escape thereby from county jurisdiction. The late Town Clerk of Lowestoft expressed the opinion that the real cause of conflict in county government betwixt town and country is not sentimental but financial; and he declared the incidence of liability for the cost of maintaining the main roads to be "the dominant issue between the county councils and the councils of non-county boroughs".² Another official witness, the Town Clerk of Luton, went so far as to say "the only question worth talking about is main roads, and the rest does not matter".³ Mr. Harbottle, the Town Clerk of Blackpool, not only asserted the incidence of financial liability to be the only important question at issue between the two types of authorities, but suggested that if this question were settled to the mutual satisfaction of both, no further difficulty need arise between them.⁴ The witnesses on behalf of town councils, reported the Royal Commission, recognized the great importance which in the opinion of local authorities of all types attaches to the question of the incidence upon the ratepayers in various local government areas of liability to contribute to the upkeep of main roads.⁵ The crux of the whole question, agreed the late

¹ 1 *R.C.L.G.*, p. 353; *Evidence*: Collins (IV, 977).

² 1 *R.C.L.G.*, p. 344.

³ *Evidence*: Smith, Q. 17, 402 (V, 1065).

⁴ 1 *R.C.L.G.*, pp. 342-3; *Evidence*: M. 72-3 (VI, 1319-20).

⁵ 1 *R.C.L.G.*, p. 248.

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Mr. W. W. Marks, then Clerk to the Bedfordshire County Council, is the question of main roads. The inhabitants of the boroughs, he declared, now use main roads which they never used before, and there is no doubt that "the main object of proposals for the constitution of the boroughs into county boroughs is to secure for the inhabitants the continued use of the county roads while relieving the borough ratepayers of their present obligation to contribute to the cost of the maintenance of that proportion of those roads in which they have a substantial interest".¹

In the eyes of the town councils this statement is a travesty of the true position. The situation, as seen through the eyes of a large non-county borough, was described in some detail by Dr. G. Mitchell Winter, Deputy Mayor of Torquay and a local justice of the peace. The financial results of the Devon County Council's attitude in settling estimates for 1924-5, he told the Royal Commission, was that the ratepayers of Torquay were called upon to pay £5,000 more towards the upkeep of the main roads than in the previous year—a sum equivalent to a rate of nearly sixpence in the pound. The amount contributed by the county council to the cost of maintaining and improving the main roads in Torquay was only £800 larger in 1924-5 than in the preceding year, despite the borough's largely increased payment.² Furthermore, owing to an alleged lack of financial resources the county council had again and again deferred approval of highway schemes which Torquay considered urgent and necessary, and had thereby prevented the town council from obtaining a share of the grants available from the Ministry of Transport in aid of road improvements.³ Moreover, the Torquay Council considered that in order to prevent nuisance and danger to health from dust—a matter of special importance in a holiday resort—the main roads of the town ought to be repaired with granite

¹ 1 R.C.L.G., pp. 326-7; *Evidence*: Marks, M. 35 (IV, 834); Q. 13, 522, (IV, 837).

² 1 R.C.L.G., p. 352; *Evidence*: Winter (VI, 1234).

³ 1 R.C.L.G., p. 351; *Evidence*: M. 28 (VI, 1231).

instead of limestone. But the county council had refused to permit the use of this more expensive material, and had even refused to receive a deputation from the town council to discuss the various points at issue in regard to main roads.¹

No small part of this burden of complaint voiced so unanimously by the chief officers of the larger county towns was directed against the practice of many county councils of declaring by resolution that a county highway should henceforth be a main road maintainable by the county council instead of by minor authority. The effect of a general policy of "maining", as this process was called, has been to shift a very large part of the cost of maintaining the country roads from the districts in which they are situated to the whole of the county, and in consequence to impose a substantial part of the cost on the non-county boroughs. That, confessed the Town Clerk of Luton, was his grievance "in a nutshell".²

It is important to note that the position in this respect is seriously aggravated by the Local Government Act 1929, which transfers a vast mass of minor highways from the county district councils to the county councils, with a consequent increase in the burden liable to fall on the wealthier non-county boroughs. It may confidently be anticipated that the new statute of 1929 will tend to strengthen the desire of the larger town councils for county borough status, while at the same time increasing the need of the county councils to receive financial contributions out of proportion to the cost of the services rendered to such areas.

The dissatisfaction of the towns with the services provided for them by the counties, and the feeling that the county council is either unable to comprehend their needs or unwilling to satisfy them, have produced in many places a state of apathy which is the very negation of good government. The late Mr. Nicholson, for many years Town Clerk of Lowestoft,

¹ *R.C.L.G.*, p. 351; *Evidence*: M. 28 (VI, 1231).

² *Evidence*: Smith, Q. 17, 352 (V, 1065).

informed the Royal Commission that the county council elections had at first been keenly contested. The borough representatives had taken a good deal of interest in their work, but after the first two or three elections there had been no further competition for seats on the county council. "At the present moment" he continued "not more than one or two representatives of Lowestoft made any pretence of performing their duties regularly, first, because Lowestoft is too far off from Ipswich, the seat of county government, and, secondly, because they feel that the affairs of the borough do not receive from the county council the attention which they deserve in view of the large contribution made by the borough ratepayers to county expenses."¹ Most of the representatives of Lowestoft on the county council, he observed, had come to the conclusion that the time and expense involved in attending the meetings of the county council are out of all proportion to the value of the work done.²

Similar evidence in regard to the lack of interest taken by the borough in county council elections was given on behalf of Luton, and also in respect of the position which prevailed at Eastbourne³ before the attainment of county borough status. The Deputy-Mayor of Torquay explained that in his borough the inhabitants shared the feelings of the citizens of Lowestoft. The persons best qualified for office would not stand for election to the county council, mainly on account of the inadequate representation and influence accorded to the town on the county council. Hence very little interest is taken by the borough in the county elections, and there has been only one contest in many years. The impression prevails that Torquay is not treated fairly by the county council in matters of administration.⁴

There are, we can see, a number of separate causes which tend to produce at one and the same time in the larger non-

¹ 1 R.C.L.G., p. 348; *Evidence*: Nicholson, M. 2 (V, 1127), M. 34 (V, 1143).

² 1 R.C.L.G., p. 349; *Evidence*: Nicholson, Q. 18, 470-96 (V, 1128).

³ *Evidence*: Smith (V, 1049); Fovargue (V, 1177).

⁴ 1 R.C.L.G., p. 349.

county boroughs an acute discontent with county government, an attitude of indifference towards county elections, a lack of desire to serve on the county council, and a strong disposition to attain county borough status and the independence it implies at the earliest possible moment.

SOME DEFECTS IN COUNTY GOVERNMENT

While these were the main themes which ran through the minds of the more energetic councillors and administrators in the growing towns, and led them to seek county borough status either from Parliament direct or from the Minister of Health (through the Provisional Order procedure which was available until 1926) it is more than probable that other considerations helped to persuade the Minister or Parliament, consciously or unconsciously, to regard the applications for county borough status in a favourable light.

It has for long been known that county borough government attains on the whole a higher standard of excellence than county government, particularly in the spheres of public health and education, housing and public utilities—a relative superiority due in part to the more generous expenditure of the cities on these services.¹

The Ministry of Health, to take one example, has for many years been deeply concerned about the physical condition of the rural child. Sir George Newman, the Chief Medical Officer of Health to the Ministry, drew the attention of the Board of Education in 1923 to what he termed the decadence of the rural child. In his Annual Report to the Board, the

¹ The average assessable value per head of population was £5.9 in the county boroughs in 1924-5, and £5.3 in the counties. The average amount of annual expenditure falling on the rates was as follows:—*County Boroughs*: Elementary education, 2s. 4.3d.; Higher education, 7.3d.; Lunacy, 1.4d.; Highways and bridges, 1s. 11.7d. *County Councils*: Elementary education, 2s. 0.5d.; Higher education, 6.2d.; Lunacy, 1.6d.; Main roads and bridges (including those maintained by town and district councils), 1s. 5.5d. 1924-5 *Annual Local Taxation Returns* (1927), Part II, Table III, and Part III, Table II.

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Chief Medical Officer reproduced the significant remarks of Dr. Corkery, the School Medical Inspector for Devonshire, who spoke of the "steady and manifest decline in the general physique, appearance and stature of the rural child".¹ The country child, Dr. Corkery continued, was in former years far superior in health and vigour to its less fortunate sister and brother who were reared in a town, and the difference in appearance and health was obvious to the most casual observer. But the rural child has now lost its heritage and the town-bred child is wearing the lost mantle. "One formerly pictured the country child with a chubby face, pink cheeks, bright alert eyes and sturdy figure. . . . Now you find many of the children in country schools (excepting the children of farmers) are pale-faced, anaemic-looking, and without *joie de vivre* expressed in their general pose and countenance."² Why this change? he asked; and expressed the opinion that a steady and progressive decline in the general physique of the majority of country children is abundantly manifest.

The Ministry of Health were so disturbed by these and similar indications of deterioration that an extensive investigation was initiated into the health of some ten thousand rural children living in twenty-two separate counties. The result of this enquiry showed that although the physical decadence of the country child had been exaggerated,³ sufficient grounds for uneasiness nevertheless exist. The conclusions arrived at were that there is a substantial amount of physical impairment among rural children, and that, while rural children are still physically ahead of urban children, they are not so much ahead as formerly. In some areas the rural child has now definitely fallen behind his urban prototype.⁴ The change in the relative position is due not to retrogression in the counties but to progress in the towns. "The remarkable progress which has taken place in the towns" Sir George Newman reported

¹ *The Health of the School Child. Annual Report of the Chief Medical Officer of the Board of Education for 1923 (1924)*, p. 15.

² *Ib.*

³ *Ib.* (1925), p. 34.

⁴ *Ib.*, pp. 30 and 46.

"is not being shared equally in the rural districts."¹ Hence, whilst there is no ground for believing that we are going backward in the rural districts, there is no assurance that we are going forward. "Broadly speaking, however, in the towns we are in fact going forward, and it is important that similar advance should be characteristic of the rural districts from which the nation should be receiving a new and virile stream of young life."²

While the causes of the relative inferiority in the health of the growing rural generation are not all due to matters within the control of local authorities, and include biological factors such as intermarriage, breeding by unfit parents and the raising of excessively large families, the body of experts who conducted the enquiry did not hesitate to attribute the major part of the responsibility to causes definitely within the sphere of local government.

Such improvement and progress as has taken place, they insisted, is due, above all else, to medical inspection and supervision.³ The physical impairment and relative inferiority in the health of the rural child may in large part be attributed to bad housing, inadequate provision of schools involving long daily walks for the children in all kinds of weather, unsuitable school buildings devoid of proper sanitation, lighting, heating and ventilation, and an absence of proper accommodation and food for midday meals at the school. It is an agency of disease and deterioration, the Chief Medical Officer warned the Board, if, as is often the case, a mal-nourished child is subjected to an inordinately long walk to and from school; or if, when it reaches school wet and cold, there are no means of drying and warmth; or if the school which it is compelled to attend is unsanitary, or is conducted in an unhealthy way.⁴ The Report contained a number of recommendations designed to remedy these and other defects in municipal administration revealed by the enquiry. An effort was made in particular to

¹ *The Health of the School Child. Annual Report of the Chief Medical Officer of the Board of Education for 1924 (1925)*, p. 47.

² *Ib.*, p. 38.

³ *Ib.*, p. 46.

⁴ *Ib.*, p. 47.

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ensure that medical treatment and school nursing should be available in the county areas.¹

The discreditable state of affairs disclosed by this investigation does not logically constitute an indictment of the system of county government as a whole, because many of the towns in which progress has been observed are not county boroughs, but urban districts and non-county boroughs embodied in the county framework. But all the rural areas are county areas without exception, all the largest towns are independent units, the county council is responsible for elementary education in the rural districts, and the county council is empowered to exercise a general supervision over public health administration throughout the county.² There is sufficient identity, therefore, between the county authorities and the areas which are backward in caring for the health of the children, to raise a presumption in favour of county borough government and against the continuance of county council control in the minds of the leading officials at the Ministry of Health, and of most other persons whose main interest in local government is centered in its functional results in terms of human life and the welfare of the future generation.

Another consideration of a different kind which has no doubt assisted the growing towns in their struggle for independent status, and militated against the county councils, is the general realization that city government is in practice far more democratic and popular than county government, notwithstanding that the franchise is legally the same in both cases. This is due partly to the long distances to be traversed, and the time and expense involved in attending meetings of the county council and its committees at the county town; partly, no doubt, to the discontent and apathy of the local

¹ *The Health of the School Child. Annual Report of the Chief Medical Officer of the Board of Education for 1924 (1925)*, pp. 48-9.

² Cf. *Memorandum on the Duties of Medical Officers of Health in England and Wales (1925)*, para. 20; Local Government Act 1888, Sect. 19; 1 *R.C.L.G.*, p. 72.

population caused in certain cases by the failure of the county councils to provide satisfactory services, coupled with the impossibility of obtaining sufficient representation on the council to secure redress.

There are, unfortunately, no official returns of local elections in Great Britain. It is known, however, that town elections, and particularly county borough elections, evoke far greater interest than county council elections, and in consequence a much higher percentage of the electorate goes to the poll. I endeavoured in 1925 to obtain through unofficial sources some definite information in reference to the county council elections which had recently taken place. An astonishing state of indifference was revealed. Although the figures at my disposal have not the certainty of authentic official returns, I offer them to the reader in the belief that they are correct.

In Somersetshire I was informed that only 7 seats on the county council were contested. In West Suffolk there was only 1 contest. In the East Riding of Yorkshire 43 out of 54 councillors were returned unopposed. At Keighley, in the West Riding, only 878 persons voted out of an electorate of 8,500. In Essex practically the whole council was returned unopposed save at Leyton, where there were 3 contests and a 5-per-cent poll. In Cheshire 44 members were returned unopposed, despite a contest at Northwich for the first time since the establishment of the county council in 1889. Apathy reached high-water mark in Cumberland, where 38 county councillors were returned unopposed, and in at least two divisions of the county not even nomination papers were forthcoming for any candidate, with the result that parts of the county were actually unrepresented on the council. In Cornwall, only 3 seats out of 66 were contested, while in Devonshire and Dorset such contests as took place had no political or municipal significance. In Norfolk there were 44 uncontested seats. At one political meeting for the county council elections in that county the audience consisted of 7 persons; at another, the candidate and a reporter were the

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only persons present in the hall. At Chichester the first contest for thirty-five years took place. A sandwichman paraded the ancient city on behalf of a candidate tinkling a small bell, but apart from this attempt to hearten the faithful there was, according to a local newspaper, "little to betoken that a county council election was in progress". In Leicestershire there were 9 contests for the whole county. In a large number of areas a 5- or 10-per-cent poll was common.

In a few counties much better results were observed, notably in Lincolnshire, Durham, parts of Middlesex, the West Riding of Yorkshire, and in Monmouthshire. In these places local interest was active and the elections were hotly contested on vital issues of municipal policy. But a thread with so many weak strands is indeed a frail cord to bind the community to the organs of its local government. It is obvious that the spirit of democracy has not penetrated county government, no matter how broad-based the legal franchise may be. In practice, the county councils remain to a large extent the playground of the leisured classes. Although this state of affairs may to a small extent be remedied by the provision contained in the new Local Government Act¹ enabling the travelling expenses of county councillors to be paid out of public funds, it will be long before the popular interest evoked by county government will be able to stand comparison with that prevailing in the towns.

THE CASE FOR THE COUNTIES

The great mass of county councillors have remained sublimely unconscious of the effects produced in Westminster and

¹ Local Government Act 1929, Sect. 52. It is to be noted with regret that many county councils refuse to exercise their powers under this section. The payment of travelling expenses is, however, in any case insufficient to meet the difficulties of the present situation. County council government will never become broad-based and popular until councillors of slender means are entitled to claim subsistence allowance and in certain cases payment for the loss of earnings involved by attendance to council business.

Whitehall by these and many other facts relevant to the desire of the larger towns to acquire county borough status. Indeed, the county rulers appear for the most part completely unaware of the very existence of the reasons which have led the towns to struggle so violently for independence. "I have asked myself" Mr. Francis Dent told the Royal Commission on Local Government on behalf of the County Councils Association "whether there is a single municipal function, as such, the exercise of which requires county borough status, and I am unable to think of one that really does. In a homogeneous area like a borough, in all the matters affecting public health and borough life, I cannot now see a single function that requires for its better exercise county borough status. They can all be exercised by a borough without county borough status."¹ Under the county system, he continued with a great burst of confidence, "every part of the county is assured of obtaining the services it needs by means of its own local administration, supplemented by the wider services of the county councils, which are equally available throughout the administrative area".²

The county citizen, the witness for the counties explained, may be and indeed frequently is a member both of the county council and of a minor authority within the county. He has thus an opportunity of taking part in the government of the county as a whole, and also of that particular part of it in which he happens to reside. It can be therefore asserted, he confidently declared, that the dual system is more likely "to foster local pride and patriotism" than city government, and consequently more likely to produce efficient local government than any other arrangement.³

A sweeping statement of this kind could only be made by disregarding the facts which other witnesses were to place before the Commission or ignoring those which had already

¹ *R.C.L.G.*, p. 324; *Evidence*: Dent, Q. 665-7 (III, 450).

² *R.C.L.G.*, p. 216; *Evidence*: Dent, M. 37-8 (III, 467).

³ *R.C.L.G.*, p. 206; *Evidence*: Dent, M. 34 (III, 466).

been brought to light by the investigations of numerous official committees or commissions. But so intent was the County Councils Association on justifying the *status quo* that its representatives were prepared not merely to ignore certain facts of an inconvenient character, but to misinterpret others in a manner which can scarcely have been helpful to the Royal Commission. Thus, the very apathy displayed at county elections was converted into a source of pride by the champions of county government. Although it might be a fact that statistics showed that fewer ratepayers voted in county council elections than in municipal elections, Mr. Dent took any such figures to indicate that "the county inhabitants were generally satisfied with the work of their representatives".¹

Another alleged advantage possessed by the county system of duplicated and overlapping authorities is the large number of persons it employs in one way or another in voluntary service on the councils. The solicitude for the separate and inviolate existence of each district authority shown by the County Councils Association when resisting the aggrandizement of the towns, contrasts strongly with the complete disregard for the feelings and independence of the minor authorities which was displayed by the counties at a later stage of the Commission's proceedings when they laid claim to the acquisition of a vast number of powers now exercised by the councils of rural districts and urban districts and non-county boroughs.

The complaint of the non-county boroughs that each year they are mulcted by the county of large sums of money for which they receive no adequate return in the way of services fell on deaf ears so far as the County Councils Association was concerned. The right of a county council to profiteer out of the wealthier urban areas in the county appears part of the natural order of things in the eyes of the county rulers. The fact that a district or town desiring severance is usually an

¹ 1 *R.C.L.G.*, p. 207; *Evidence: Dent*, Q. 7252-9 (III, 478).

area in which rateable values¹ are most likely to increase, with a consequent loss of this potential increase to the county, seems to most county councils to be in itself sufficient reason for opposing such severance tooth and nail. It is to be noted that although the assessable value per head in a borough attaining county borough status is normally less than the assessable value prevailing throughout the county, enormous claims on the former are nevertheless usually made by the county council in respect of the increase of burden alleged to result from severance.

An illustration of this was the case of Wakefield, whose population on attaining county borough status was 53,000, with a rateable value of £250,000, which gives a rateable value per head of less than £5. The assessable value per head in the administrative county was at this time £6. The financial position which might therefore have been expected in such circumstances, observed an expert witness, was that the expenditure on services would have been greater in the borough, and capacity to pay greater in the county, with the result that, when Wakefield was constituted into a county borough, it would have had a claim against the county council for the increase of burden falling on the borough ratepayers.² In actual fact the severance had the opposite result. The county council made a claim against the county borough council for the

¹ 1 R.C.L.G., pp. 213-14; *Evidence*: Dent (III, 456-461).

² These claims are made under the provisions of Sects. 32 and 62 of the Local Government Act 1888, now amended by the Local Government (Adjustments) Act 1913. The relations between counties and towns were greatly affected by the decision of the House of Lords in the case of *West Hartlepool Corporation v. Durham County Council* (1907), A.C., p. 246. This case decided that when a new county borough is created the financial adjustment between the borough and the county must not include compensation from either to the other for the loss of a contributing area. The true construction of the statute is not that the entire financial position of the county and county borough is to remain the same relatively to each other, but that it is to be so only as regards the distribution of certain exchequer contributions; and that in adjusting the financial relations an Equitable provision shall be made for imposing upon each body its fair share of what was formerly a joint burden. This decision greatly increased the hostility of county councils to county borough promotions.

enormous sum of £140,000, almost all of which was based on the increase of burden alleged to fall on the county rate-payers as a result of the severance of Wakefield from the county. This claim, equivalent to more than half the assessable value of the whole city, in a capital sum, must have been based upon the difference between the contributions previously made by the Wakefield ratepayers to the county expenses and the expenditure previously incurred by the county council in providing the citizens of Wakefield with such services as the main roads, higher education and so forth.¹

In this way it is sought to make one of the very causes of dissatisfaction with county government felt by the larger towns an obstacle in the way of their independence. The profit at present accruing to the county council from the larger urban aggregations harboured so much against their will within the bosom of the county, was the underlying basis for a plea put forward by Sir Edward Holland, the Chairman of the Surrey County Council, that the severance from the county of a county borough on its creation should not be complete. The new county borough council should undertake, this witness proposed to the Royal Commission, a "continuing responsibility" with the county council for the administration and cost of the main roads, higher education, and the maintenance of institutions which could properly be provided to meet the needs of large areas. This, he added, would at once remove a great many of the objections of the county councils to the constitution of county borough authorities.²

The suggestion that a borough must remain more or less in the administrative county on the ground of the necessity for the continued association of urban and rural areas under county government appeared to the late Sir Robert Fox, formerly Town Clerk of Leeds and an administrator of high repute, to imply that the inhabitants of a town which has its own problems and its own business, and is quite distinct from

¹ 1 R.C.L.G., p. 350; *Evidence*: Collins (IV, 968-9).

² 1 R.C.L.G., p. 365; *Evidence*: Holland (V, 1116).

the remainder of the administrative county, should be kept under county government for the sake of the contributions made by ratepayers in the towns towards the cost of the maintenance of main roads and the provision of higher education. If such contributions were necessary for the efficient performance of the county's duties, added Sir Robert Fox, they should be made by the national taxpayer and not by the city ratepayer.¹

It will be shown later that although it may be both desirable and feasible to have some form of mutual co-operation between county and county borough for certain services, and possible thereby to resolve the conflict of aims which is now undermining the structure of local government, the form which that co-operation will take must be distinctly unlike the "continuing responsibility" envisaged by the witnesses for the County Councils Association. There must be some limit to the extent to which the counties representing the country-side can call upon the boroughs representing the towns for financial aid. And it is manifestly absurd that a county council should be able to make a profit out of the smaller towns but not of the largest ones; that there should be no limit to the exploitation of the non-county boroughs, but that when a city reaches a population mark of 50,000 persons, or 75,000 (or whatever figure is required as a minimum size before county borough status can be granted), the county should no longer be able to compel it to subsidize the rural ratepayer.

Much discussion took place before the Onslow Commission on the question of the size of population which should be required as a qualification for independent city status. The minimum figure which entitled a town council to apply to become a county borough was fixed by the Local Government Act 1888 at 50,000, and it was subject to this condition that all the changes to which reference has been made took place.

The county council representatives protested at length that this figure was grossly inadequate, and calmly proposed that

¹ *R.C.L.G.*, p. 360; *Evidence: Fox* (III, p. 496).

no city should be considered fit to apply for county borough status unless it could boast a population of 250,000¹—a figure reached by only a dozen industrial centres in the whole country!² A town of 50,000, they contended, should be regarded as far too small to be permitted the privilege of freedom from the inestimable boon of the county council's brooding solicitude. Moreover, a population of 50,000 is far too small to allow of the efficient or economical administration of such services as police, public health functions, main roads and so forth.³ The Urban and Rural District Councils Associations, with much to lose and nothing to gain, piped up obediently in a lower key to the tune called by the county councils, demanding the more modest figure of 100,000 as a qualification for county borough status. Since 1888, agreed these disinterested advocates of ruthless efficiency and large-scale organization on the part of others, such services as education, electricity supply, town-planning, et cetera, have been so much developed that they can not now be efficiently administered by the council of a town with no more than 50,000 inhabitants.⁴

Neither the witnesses of the County Councils Association nor the representatives of the vast horde of small urban and rural district councils who had so recently enrolled themselves among the apostles of transcendent efficiency, appeared to realize that the standards they were laying down so glibly for the towns would, if applied to the counties, immediately disqualify a considerable number of them as unfitted to remain independent units of government for the services in question. The figure of 100,000 proposed by the Urban and Rural District Councils Associations would eliminate forthwith such administrative counties as Huntingdonshire (54,748), the Isle of Ely (73,778), the Holland Division of Lincolnshire (85,225), the Soke of Peterborough (49,954), Rutlandshire (18,368),

¹ 1 *R.C.L.G.*, p. 362.

² *Census, England and Wales*, 1921, *General Report*, p. 24.

³ 1 *R.C.L.G.*, p. 314 *et seq.*

⁴ *Ib.*, p. 367.

Westmorland (65,740), the Isle of Wight (94,697), Anglesey (51,695), Brecknockshire (61,257), Cardiganshire (61,292), Merionethshire (45,450), Montgomeryshire (51,317), and Radnorshire (23,528).¹ The less moderate figure of a quarter of a million population advocated by the county witnesses as a quantitative criterion of the fitness of a town to become an independent unit of government would, if applied to the county communities, knock out a large number of other county councils, including Cambridgeshire (126,602), Bedfordshire (206,462) and Herefordshire (113,118).

Needless to say, neither the county councils nor the county district councils realized the implications of their demands, nor intended to suggest that what was to be sauce for the town should be sauce for the country. An awkward moment occurred when a member of the Royal Commission asked a witness for the County Councils Association, "What about the resources of a county that has not got a population of 250,000?" But the witness blandly replied, "The question does not arise—you are not making new counties."²

For many services, one of the chief county spokesmen had observed, "it is generally acknowledged that the larger the area (*within reason*) the better the administration"—the word "better" meaning that a service could be more efficiently, economically and effectively administered over a large area. "Any change, *therefore*, if change there must be, should be in the direction of strengthening rather than weakening the county unit."³ I have italicized three words in these remarks in order to emphasize the astonishing degree to which he and his colleagues are oblivious of the need for any alteration in the areas of the county councils. In their view, every statement of fact showing the necessity for large or larger areas of administration is but an argument to prove that the county councils as at present constituted are correct units of adminis-

¹ 1921 *Census, Preliminary Report*, Table III.

² *R.C.L.G.; Evidence*: Mellish (III, 562).

³ 1 *R.C.L.G.*, p. 217; *Evidence*: Dent, M. 37-8 (III, 467).

tration, and the county a *Societas perfecta* of immaculate design. The Registrar-General may fulminate without let or hindrance against "the unsatisfactory nature of the county unit . . . owing to the extreme differences in the sizes of their populations".¹ He is but a miserable statistician, concerned only with the base things that can be measured. The true inward merits which make each and every county an administrative perfection can never be found wanting for the simple reason that they cannot be weighed. Measurement may have its uses for lesser bodies, but not for the counties. "Whatever were the other changes made in the existing law and procedure" it was submitted on behalf of the county councils "the condition that county government must remain essentially unhampered and undisturbed should be retained as paramount."²

The counties, in short, must be regarded as sacrosanct. No hand must touch them, though the heavens fall, no matter what changes may be imposed in the interests of the national welfare on other organs of local government. Parish meetings and parish councils, urban districts and rural districts, the councils of the towns and cities, including the boroughs whose charters in many cases reach back for centuries into the dim past: all these, from the least to the greatest, may without objection be subject to the flux and change to which all the institutions of the man are heir. But the county councils, established by Parliament in 1888—a trifle over forty years ago—and administering areas in many cases far different from the ancient or geographical counties of historical tradition, claim the right to be regarded as mysteriously sacred and inviolable, and liable to suffer no change from the profane hand of legislator or Minister. The desire for county borough status, Mr. Dent had declared, in answer to a question by the Chairman of the Royal Commission, "must be mainly attributable to sentiment",³ and might accordingly be heavily

¹ *Census, England and Wales, 1921, General Report*, p. 21.

² *R.C.L.G.*, p. 237; *Evidence*: Dent, M. 60-1 (III, 549).

³ *R.C.L.G.*, p. 324; *Evidence*: Dent, Q. 6665-7 (III, 450).

discounted from the point of view of practical expediency. The county areas, due almost wholly to sentiment, were nevertheless sought to be justified and retained intact by this and other witnesses, not on the ground of sentimental attachment or historical association, but on account of their alleged desirability as local government units viewed from the standpoint of efficiency.

In the result, so far as the creation of county borough councils is concerned, the Royal Commission advised that the population figure of 50,000 should be increased to 75,000. This, together with various other recommendations, has now been embodied in recent legislation.¹ Its effect will be dealt with later.

DAILY TIDES OF POPULATION

Despite the haughty indifference for quantitative factors displayed by the County Councils Association in all that concerns the putting of their own house in order, the Registrar-General has continued his patient statistical investigations unmoved. In recent years his attention has been directed to certain phenomena which have a most important bearing on the conflict between town and country authorities. I refer in particular to the huge tidal wave of population which sweeps in and out of many large cities every morning and evening. This daily movement, due to improved methods of transportation, is an entirely new factor in the municipal situation, and scarcely existed when the present framework of local government was designed in the latter half of the nineteenth century.

It is possible to measure the dimensions of this tidal wave with some accuracy as a result of certain new information obtained during the Census of 1921 and now incorporated in the official reports. For the first time we have tables showing the place of work of each adult member of the population as

¹ *R.C.L.G.*, p. 471 and *passim*.

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distinct from the place of residence. These figures show that at the present time in many parts of the country masses of population move in tides of daily ebb and flow. These movements obviously have a direct bearing upon many difficult problems connected with traffic, transport, housing,¹ and other services.

The resident population of any locality is no longer the sole matter of concern to that locality. During the day it may be peopled by a body of workers numerically far exceeding and even differently composed from its so-called permanent population. Local public services must be provided for these invading armies, and for many practical and administrative purposes we have now to reckon with the fact that, for localities situated within a region of highly organized industry, separate account must be taken of both a night and day population, the two often differing widely from each other in number and constitution.²

The dimensions of this daily movement of population between home and workplace are shown in detail in the Workplaces volume of the Census and the General Report (Part XI).

The city of Manchester, we find, received during each working day a *net* increase (after allowing for movements in the opposite direction) of nearly 75,000 persons, an addition of 10.3 per cent of its night population. Birmingham receives a net increase of 33,525 persons on every working day of the week; the county borough of Liverpool, a net increase of 38,007 persons; Newcastle-on-Tyne, of 22,683 persons; Coventry, of 6,842; Sheffield, of 5,259; Bristol, of 6,587; Leicester, of 6,615; Derby, of 7,746; Barrow-in-Furness, of 3,984; Nottingham, of 5,383; Stoke-on-Trent, of 4,600; Wolverhampton, of 3,469; Kingston-upon-Hull, of 5,574; Bradford, of 10,516. All these places are county boroughs, but the figures for some of the non-county boroughs and larger urban districts are also worthy of note. The urban district of Stretford in Lancashire, for example, with a night population of only

¹ *Census, England and Wales, 1921, General Report 1927*, p. 190.

² *Ib.*

46,535, receives an addition during the day of no less than 10,000 workers, an increase of 21·5 per cent. The borough of Wallsend receives a still larger accretion of population each day. The movement reaches its greatest size in the case of London, where a gigantic army numbering more than 800,000 men and women and young persons invades the area of the City Corporation and the Inner Ring of Metropolitan boroughs on every working day, retreating in the evening to the outlying metropolitan boroughs and Outer Ring of urban areas¹ where their homes are situate.

The above figures comprise the *net* increases brought about by the influx of workers into each city, after allowance has been made for the exodus of persons living in the borough but working outside it. There are many cases revealed by the census report where the balance is in an opposite direction: that is, where the number of persons absenting themselves each day from the town is greater than the number of immigrants coming to work within its boundaries. Thus, to take a few examples, Salford loses on balance 27,835 persons, Gateshead 17,874, Wallasey 15,059, Southend-on-Sea 14,545, Blackpool 10,125, South Shields 6,220, Stockport 7,634, Brighton 5,918, Barnsley 6,366, Middlesborough 4,053, Bolton 4,741, Oldham 4,094, Southport 4,907, Wigan 4,686, Tyne-mouth 3,264, Walsall 5,190.² In no case, however, does the net efflux from the cities approach in magnitude the daily influx to such industrial centres as London, Manchester, Birmingham, Liverpool or Newcastle-on-Tyne. Moreover, the aggregate of inward movements to the towns is much greater than the aggregate of outward movements from the towns made by persons living therein and going to work outside the borough boundaries.

A long and elaborate table contained in the census report shows the places of residence of the persons who work in a different area. This proves conclusively, as we might expect,

¹ *Census, England and Wales, 1921, General Report, 1927*, pp. 193-7. See also *Workplaces* volume of the Census, *passim*. ² *Ib.*

that where a town has an inward flow of non-residents coming to work, and an outward flow of residents going to work, the areas of residence of the former are seldom co-extensive with the areas containing the workplaces of the latter.¹ That is to say, areas tend to be more or less specialized for residential or industrial purposes, and population is seldom exchanged between districts.

The significance of the statistical information reviewed above, from the point of view of local government, lies mainly in the fact that county borough councils are obliged to provide costly services, such as sanitation, the cleansing, lighting and paving of highways, police forces and fire brigades, a supply of water, electricity, and transportation, to meet the requirements of the large numbers of workers who constitute the daily tidal wave of population. These mobile consumers of municipal services do not contribute anything substantial to the large proportion of the cost which falls on the rates. For at the very moment when the bulk of them would become rateable as householders in respect of these services, they step over the border to the place of residence, and thereby escape liability. In the circumstances it is scarcely to be wondered at that the county boroughs have been driven again and again to seek to enlarge their boundaries in order to include within their jurisdiction the dwelling-places of these elusive nomads. Yet as the boundaries extend, so the nomads retreat farther and farther away into still more distant dormitories. This escape has been rendered possible by the continual improvement in transport facilities.

It is strongly felt, writes Mr. E. D. Simon, that an unfair burden is placed on Manchester ratepayers for the benefit of outsiders. Manchester provides a College of Technology, a centre for training teachers, an art school, and many other services for the whole of South-East Lancashire. Although in some cases the outside authority makes a contribution to the cost, yet it never pays its proportionate share, and every student

¹ *Census 1921, Workplaces volume, Table II, pp. 27-170.*

from Salford or Stretford is a burden to Manchester.¹ The best example is perhaps the loan of £5 millions made by Manchester City Council for the completion of the Manchester Ship Canal. The whole risk and loss of this loan was borne by Manchester; it meant a shilling on the rates for years. The surrounding towns contributed not one penny, but shared equally with Manchester the benefit of cheaper freights and better trade.²

The climax has been reached in London (and certain other centres) where the London County Council, in carrying out their housing programme, have been forced through congestion to become a colonizing power and to build great housing estates outside their own boundaries. In this way they are spending their ratepayers' money in order to create rateable value for other local authorities. The London County Council will not be able to touch a penny of the new rateable values they have themselves created at Becontree and elsewhere.³ At the same time, enormous burdens in regard to education, public health and other services are thrust onto the local authorities in whose areas the newly housed population is thus planted, regardless of their willingness or ability to carry them.

The problem described above will be rendered far more acute by the new scheme of derating introduced by the Local Government Act of 1929. Hitherto, the cities have been able to reimburse themselves to some extent, if not in full measure, for the expense involved in catering for the needs of the day population, with the revenue received from the industrial premises in which productive work is carried on. Now, under the derating scheme, the occupiers of the most profitable kinds of assessable property, including mines, factories, workshops, mills and railways, are relieved of their liability to contribute towards the local rates, to the extent of three-quarters of the

¹ 1 R.C.L.G.; *Evidence*: Spurley Hey (VII, 1392).

² E. D. Simon: *A City Council from Within*, p. 202.

³ See page 42, *ante*. Also 1 R.C.L.G., p. 440; *Evidence*: Brooks, M. 4 (IV, 875).

annual assessable value. The effect of this must clearly be to increase the share of the local revenue contributed by residential property relatively to the total rate-borne expenditure. The city councils may therefore be expected to become more zealous than ever in seeking to include within their boundaries the dormitory areas containing the homes of the workers who now slip silently across the border each night.

The financial and administrative features of the situation are, however, not the only aspects which deserve attention. It has been truly said that the division of interests which necessarily results when a man works in the area of one local authority and has his home in that of another is detrimental to the growth of any sane local patriotism. It ensures that his interest in local affairs and elections is divided, and often he takes practically no part in them.¹

THE EXPANSION OF THE CITIES

The daily ebb and flow of population is, we can see, one of the dominant facts which have led the county boroughs to petition Parliament and the responsible minister for an enlargement of their boundaries. The cities have often not been fully conscious of this underlying cause, and their case at the local enquiry instituted by the Minister of Health, or before the Local Legislation Committee in Parliament, has frequently rested on arguments derived from consequential results of an apparently unrelated character.

There are, however, a number of other causes of an important nature which have impelled the cities to seek enlargement. The mere fact of the growth of population in the locality is one contributing factor. The increasing dependence of the smaller communities on services supplied under agreement by a neighbouring county borough council is another. The need of a town whose industrial development is increasing rapidly to secure agricultural land on its borders, or at least a belt

¹ C. B. Fawcett: *The Provinces of England*, p. 70.

of open spaces or green fields accessible to its inhabitants, and free from the danger of being built upon, is yet another. The desire to improve efficiency and effect those economies of administration which are made possible only by larger areas of operation has in some instances been an important element.

These and many other factors have played their parts in the struggle for enlarged boundaries. The cities have pressed their claims with unremitting vigour, and the persistent prosecution of their cause has, we noted, met with marked success during the forty years which have elapsed since the passing of the Local Government Act of 1888.

The counties have not suffered in silence. Zealous in opposing representations for the extension or creation of particular county boroughs made to the Minister of Health (or his predecessors the Local Government Board) no less than in resisting Private Bill petitions in Parliament, it was largely due to their influence that the entire practice and principle in the matter was laid open to challenge by the appointment of the Royal Commission on Local Government in 1923. In the very forefront of the terms of reference of this Commission (whose chairman was Lord Onslow) was an express instruction to enquire into the existing law and procedure relating to the extensions of county boroughs, and the effect thereof on the administration of the councils of counties and of non-county boroughs, urban and rural districts.

When the Onslow Commission came to embark upon its task, every sort of argument, good, bad and indifferent, valid and invalid, relevant and irrelevant, was employed by the counties and county districts to stop the rot which they regard as threatening the very fabric of county government, from setting in farther and thus undermining the entire structure.

One of the grounds of opposition to city extensions put forward by the County Councils Association was that expansion of this kind would tend to make Parliament reluctant to entrust further functions to county councils, since if the areas of administrative counties were diminished it might appear that

the county councils were no longer suitable authorities to exercise functions which ought to be performed over areas "at least as large as the present normal administrative counties".¹ If all these changes were permitted to go on, said one of the Association's witnesses, the residue of the administrative county would be "an entirely different unit from that which Parliament contemplated when it passed the Act of 1888 setting up the county councils". "I do not think" the witness continued gravely, quoting the words used on a notable occasion by a leading Parliamentary counsel, "the county ought to be eaten leaf by leaf like an artichoke."²

One of the possibilities which Parliament had contemplated in 1888 was, however, that just as the towns would be frequently in need of altering their boundaries, so would the county frontiers require constant adjustment. The Act of that year provided, indeed, that precisely the same machinery should be available for effecting a change in the one case as in the other. But whereas the cities have continually made use of the machinery which Parliament provided for altering boundaries, there appears to be no case on record in which a county council has tried to improve its boundaries, or to amalgamate with another county. The areas of the administrative counties, the city councils urged, should be regarded as subject to reorganization in the same way as the areas of other authorities. The representatives of the Association of Municipal Corporations took the view that, where county councils found their areas seriously reduced by county borough extensions or creations, they could make use of their power to put forward proposals for the union of the residue of one administrative county with a part or the whole of another. In considering the question from this point of view, the Royal Commission observed, the town councils had "discarded sentiment and regarded the matter purely as a question of administration".³

¹ 1 *R.C.L.G.*, p. 217; *Evidence*: Dent (III, 464).

² 1 *R.C.L.G.*, p. 239; *Evidence*: Holland, M. 12 (IV, 855).

³ 1 *R.C.L.G.*, pp. 229-30.

This appeal to efficiency in the face of sentiment appeared a rank heresy in the eyes of the outraged counties. All questions of mere administrative expediency, vile and pedestrian as they must necessarily be from their very nature, ought clearly to be ignored when the sacred body of the county is endangered. The conditions laid down by Parliament in regard to gas and water supplies, remarked the late Sir William Vibart Dixon, formerly Deputy Clerk to the West Riding County Council, showed clearly that the correct policy was to secure the provision of these services over "comprehensive areas which could not be scientifically designed if they were to correspond with local government boundaries".¹ Hence the administration of such public utilities ought to be carried out by local authorities working in agreement with each other, and no weight should be attached to the argument that it was desirable to extend the jurisdiction of a county borough council for the purpose of securing an efficient and economical supply of water, gas or electricity. Purely utilitarian considerations of that kind should be ruled out altogether.

The idea of excluding the effect of proposed boundary extensions on the administration of particular services was eagerly taken up by the district councils. The Urban and Rural District Councils Associations not only supported the view of the counties that no weight ought to be attached to any argument based on the need for wider areas and unified administration in regard to gas, water and electricity supplies, but added sewerage and sewage disposal to the questions which should be regarded as irrelevant.² The official representative of the rural district councils seriously contended that the question whether a district on the outskirts of a city had a proper system of sewerage or sewage disposal should be "wholly excluded from the purview of the authorities who dealt with a proposal for the extension of the boundaries of a county

¹ 1 *R.C.L.G.*, p. 420; *Evidence*: Dixon, M. 10 (III, 587-8).

² 1 *R.C.L.G.*, p. 435; *Evidence*: Postlethwaite, M. 5 (VI, 1323); Pindar, M. 16 (V, 1364).

borough", unless the insanitary conditions were actually injurious to the health of the inhabitants of the city.¹

The county councils followed up what they apparently believed to be a brilliant line of defence by demanding that not only should all questions relating to gas, water and electricity supply, sewerage and other health services be excluded from consideration, but that all matters concerning transportation services, education and town-planning be also left out of account!² As these comprise most of the more important municipal activities, it is not easy to discover what these disinterested public servants conceive should legitimately be taken into consideration in deciding whether a county borough is entitled to extend its boundaries. The lengths to which the county councils are prepared to go in their resistance to change was revealed by the witness who declared that one ground for opposing the aggrandizement of the towns is that the county borough councils pay higher salaries to their officers than other local authorities. From this he inferred that "more was expended on administration than before", with a consequent increased burden on the ratepayers—an entirely fallacious argument which will not bear a moment's investigation.

The whole discussion regarding the creation of independent city councils and the extension of county borough areas took place in an atmosphere reminiscent of big business interests fighting over a valuable monopoly or of unscrupulous powers contending for spheres of influence in a tropical colony. Each class of local authority fought blindly and doggedly for its own power and prestige and property, with little thought for the common weal or the life and labour of the individual citizen. Occasionally a more enlightened suggestion would be submitted, such as that proposals for enlarging the cities should normally be regarded as efforts for restoring the balance between the different elements required to make up a satisfactory community for local government purposes.⁴ But gleams of public

¹ 1 R.C.L.G., p. 435; *Evidence*: Pindar (VI, 1366). ² 1 R.C.L.G., p. 411.

³ 1 R.C.L.G., p. 218; *Evidence*: Keen, M. 18 (IV, 719).

⁴ 1 R.C.L.G., p. 437; *Evidence*: Collins (IV, 971).

spirit were rare indeed. The various Associations representing particular classes of local authorities exemplified the worst aspects of vested municipal interests and displayed neither imaginative vision nor solicitude for the public welfare; nor, indeed, any of the qualities which might have been expected from civic bodies entrusted with the welfare of local communities. Everyone fought for his own hand. The whole discussion was unsocial in spirit from beginning to end. Not a single independent witness was called to find out what effects, in terms of municipal service, the creation of county boroughs had produced in the lives of the millions of men, women and children who live within their confines; nor was there any impartial investigation of the effect of city boundary extensions on the vast number of families who live in what are termed the "added areas".

The Royal Commission, being itself composed largely of persons representing, or closely connected with, the various Associations of local authorities, formed a microcosm of the conflicting vested interests, and the members did little or nothing to lift the discussion onto a more disinterested public-spirited plane. It is significant to note that the Commission recommended, as a proper interpretation of the word "desirable", when applied to a proposal for constituting a county borough or extending its boundaries, a dictum of the late Lord Oxford and Asquith, when Prime Minister, to the effect that a proposal must be desirable "in the interests of all persons concerned, and that if the interests of various local authorities in the same proposal were divergent, the question whether the proposal was desirable must be settled upon an equitable and judicial balance as between all the divergent interests".¹ The reiteration of the word "interests" has an ominous ring. The insistence on the need to balance divergent interests rather than to consider the requirements of local communities seems more likely to lead to an unsatisfactory compromise than to a system of local government productive of a high standard

¹ 1 R.C.L.G., p. 463.

of material and mental welfare in those living under it. To seek the social well-being of the nation or part of it is one thing; to aim at striking a "judicial balance" between the divergent interests of contending authorities is quite another.

One further point concerning city expansion may be noted in this part of our survey. This is the fact that in some cases the most strenuous opponent to the expansion of a city is not the county council whose area is directly affected, nor even the minor local authorities whose independent existence is threatened immediately or at some future date, but another county borough situate more or less in the neighbourhood of its ambitious rival. In South-East Lancashire, for example, the city of Manchester is bounded on the south and west by urban and rural districts, which it has been permitted to absorb without much difficulty. On the north-west, north-east and south-east borders of Manchester there stand, however, the respective county boroughs of Salford, Oldham and Stockport, each with its own problems, each faced with a need to develop, each conscious of an intense feeling of pride and ambition. The consequence is that when Manchester attempts to absorb a district adjacent to one of these boroughs, a similar claim is immediately made by the borough in question.¹ The matter is then fought out at the local enquiry held by the Ministry of Health and afterwards before a Parliamentary Committee. Much time, trouble and expense are involved, and great heat and bitterness often engendered. The procedure is costly, and tends to upset the ordinary work of the council by requiring much time and thought from the leading officials. In the West Riding of Yorkshire, great hostility existed between Leeds and Bradford on the subject of boundary extensions until a "gentleman's understanding" was arrived at whereby the intervening county was more or less carved up into spheres of influence marked out for future absorption. It is not surprising that, as a result of various unsatisfactory proceedings in the Manchester area, a strong feeling arose that competition between neigh-

¹ E. D. Simon: *A City Council from Within*, pp. 20, 202-3.

bouring county boroughs for the absorption of urban and rural districts was "haphazard, expensive and undignified", and that the city council appointed a special committee to consider whether some scheme of federation among the local authorities in South-East Lancashire might not be adopted.¹

JOINT ACTION BY LOCAL AUTHORITIES

It is sometimes assumed that if the existing local authorities would only co-operate with one another more wholeheartedly all our municipal problems would automatically be solved. The degree and method of co-operation contemplated by those who make this assumption vary greatly according to the predilections of the person making it; and the notion of what is involved is not always clearly conceived.

To take one example, in the opinion of Sir James Hinchliffe, Chairman of the West Riding County Council, a simple way out of the difficulty arising from insanitary districts in the neighbourhood of county boroughs is for the local authorities concerned to come to a "common arrangement". If the district council requires drainage services from the city, and the latter can supply them, then those services should be paid for, "and it simply means, instead of all this unrest and constant disturbance of local government, that they put their heads together and in the case of two neighbouring authorities agree that a certain payment shall be made for certain services rendered".² According to the Associations of Urban and Rural District Councils, joint administration of public utilities, transport, sanitary services and town-planning is "the proper method of providing for the administration of such services".³ Alderman Sir David Brooks of Birmingham, on the other hand, takes the view that while such arrangements for joint administration are undoubtedly of value, they are efficient and economical

¹ E. D. Simon: *A City Council from Within*, p. 205.

² 1 *R.C.L.G.*, p. 422; *Evidence*: Hinchliffe (III, 573).

³ 1 *R.C.L.G.*, p. 435; *Evidence*: Postlethwaite (VI, 1323); Pindar (VI, 1364).

only in special circumstances. They take no account of unification of control and uniformity of working,¹ and can therefore by no means be regarded as a substitute for amalgamation.

There is undoubtedly a vast field of future development to be looked for in the sphere of co-operative action between local authorities. But all predictions as to the possibilities or limitations of joint action must be based on a knowledge of the facts. We may therefore briefly survey the present position in this respect.

For at least a century, and possibly longer, Parliament has endeavoured to enable local authorities to overcome the inherent disadvantages of the prevailing areas by enacting statutory provisions permitting combined action for administrative purposes of one sort or another. Local authorities have been empowered to join together for specified purposes with authorities of the same class, and with those of other classes. They have been given power to set up joint committees for dealing with any purpose in respect of which they are mutually interested.² They have been authorized to establish temporary organizations for short periods or permanent boards with a separate life of their own.³ Some Acts of Parliament permit the constitution of joint bodies with independent financial powers,⁴ others stipulate that financial power must remain in the constituent authorities.⁵ A large number of Acts confer executive power on joint boards or committees; in others the joint functions are to be of an advisory character only.⁶ In certain cases Parliament has stipulated that the joint body must be composed of members of the constituent authorities, in others an express exemption from this condition has been

¹ *R.C.L.G.*, p. 437; *Evidence*: Brooks (IV, 880).

² Local Government Act 1894, Sect. 57.

³ e.g. Public Health Act 1875, Sects. 279 and 285.

⁴ e.g. Mental Deficiency Act 1913, Sect. 29.

⁵ e.g. Public Libraries Acts.

⁶ e.g. Town Planning Act 1925, Sect. 2 (1), ii; Electricity (Supply) Acts 1919 and 1922.

conferred.¹ A whole series of enactments enables local authorities to enter into contractual agreements for joint action.²

Parliament, in short, has showered on the heads of local authorities provisions conferring the power of joint action of every imaginable variety, ranging from Local Acts designed to promote joint action for particular purposes among specified local authorities (such as the Local Acts under which the Lancashire and West Riding Asylum Boards carry on their work for the treatment of mental disease) to the great Federations of Local Education Authorities contemplated by the Education Act³ but not yet called into existence. Sometimes the power is permissive, as in the case of the Local Government Act 1894,⁴ which enables parish or district councils to *appoint out of their respective bodies a joint committee for any purpose in which they are jointly interested*; in others it is obligatory, as in the case of joint committees for the administration of adoptive Acts, which in certain circumstances must be formed regardless of the wishes of the local authorities concerned.⁵

It is not uncommon to find the central government given a compulsory power of constructive intervention, as, for example, in the Housing Act 1925, which enables the Minister of Health to make provision, by Order, for any town councils, urban district councils or rural district councils to act jointly for the purposes of the Act, either generally or in any special case, if in his view it is expedient.⁶ A less arbitrary power of demanding co-operation on the part of local authorities is given to the central government by the Public Health (Tuberculosis) Act 1921, which enables the Minister of Health to make such provision as appears to him necessary or expedient for the exercise by joint committees of functions relating to the treatment of tuberculosis—but only with the consent of the county and county borough councils concerned. In regard

¹ e.g. Public Libraries Acts 1892-3. ² e.g. Children Act 1908, Sect. 108.

³ Education Act 1921, Sect. 6 (2).

⁴ Sect. 57.

⁵ Local Government Act 1894, Sect. 53.

⁶ Housing Act 1925, Sect. 112.

to the peremptory imposition of compulsory co-operation, however, high-water mark was probably reached by the Local Government Act of 1929, which empowers the Minister to combine, for the purposes of Poor Law administration, all or any of the municipal authorities to whom the work of relieving destitution was transferred on the abolition of the Guardians of the poor.¹ In most of these and similar cases the Minister is expressly authorized to apportion expenses between the local authorities concerned.²

During the past half-century the legislature has continually conferred these powers of joint action without stopping to enquire as to the manner or extent of their operation, and the advantages or disadvantages of the results. No one either inside or outside Parliament appears at any time to have taken a serious interest in these potential new forms of municipal tissue, although they are of the utmost significance, whether considered as manifestations of implied dissatisfaction with the existing areas of local government or as possible lines of future development. I was officially informed by the Ministry of Health, in reply to a request for information, that the Minister "is not aware of any map or other document which would show the composition and territory included in any Joint Drainage Area, Joint Sewerage Area or Joint Water Area in Great Britain".³ It is something of a scandal that the department of state especially concerned with the public health should remain completely devoid of information relating to the commonest and most essential forms of co-operative action.

Our main interest in joint action must necessarily lie, not in the diverse forms and wide scope manifested in this connection by the legislation of recent decades, but in the functional results, if any, obtained by the operation of the provisions in question. It is, to these, therefore, that we should now turn.

It may be well to commence with a group of cases in which

¹ Local Government Act 1929, Sect. 3.

² See, for example, Public Health Act 1875, Sect. 286.

³ Letter dated June 14th, 1929, reference Ib. 100903/29.

scarcely any use has been made of the power of joint action conferred by Parliament. Thus, the Ministry of Agriculture and Fisheries Act 1919¹ provides among other things for the establishment of Joint Agricultural Committees composed of county and/or county borough councils. No such body has ever been set up. The Diseases of Animals Act 1894 enables joint action to be taken by agreement between neighbouring local authorities² and extensive districts formed under the jurisdiction of joint committees. The only instance which has come to light of this power being used is in Suffolk, where the county councils for the Eastern and Western divisions of the county have set up a joint committee.³ In the field of transport, we find that the Light Railways Act 1896 and the Tramways Act 1870 both authorize two or more local authorities to take joint action in regard to the construction and working of a light railway or tramways. These statutes have scarcely been used at all, there being only 4 joint bodies, operating a mileage of 35 miles, in existence at the present time.⁴ It is more than strange, having regard to the way in which the transport needs of the community cut across the local government divisions of the country, to find so little use made of these opportunities.

Another statute of which little advantage has been taken is the Ferries (Acquisition by Local Authorities) Act 1919, which permits local authorities to combine for the purchase or acceptance, working, maintenance or improvement of a ferry. The parochialism of the rural population is even better illustrated by the lack of co-operative action between drainage authorities in the same catchment area. "Nothing has been more striking in the course of our enquiry" observed the Royal Commission on Land Drainage "than the revelation of the complete mutual independence of the various drainage authorities over the country."⁵ This was nearly ten years after the

¹ Sect. 7 (6).

² Sect. 39 (5).

³ 1 R.C.L.G., p. 108.

⁴ Light Railways Act 1896, Sect. 17; Tramways Act 1876, Sect. 17;

1 R.C.L.G., p. 110.

⁵ *Report of Royal Commission on Land Drainage*, Cmd. 2993/1927, p. 19.

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passing of the Land Drainage Act of 1918, which gave express powers of joint action to drainage authorities in adjoining areas. This statute, we know, is very rarely, if ever, called into use.¹ There is a certain consistency to be observed in the attitude of the farmers, who stubbornly refuse any form of systematic or prolonged co-operation with their fellow-farmers, whether through the Farmers' Union for the purposes of agricultural marketing and production or through the municipal authority for the wider purposes of collective activity.

It is not only in the country, however, that we find an apathetic or parochial disinclination on the part of local authorities to join together for mutual benefit. The Weights and Measures Act 1878 enables local authorities to combine by agreement, as regards either the whole or part of the areas under their jurisdiction, for all or any of the purposes of the Act. Occasionally a town council has been persuaded to merge its administration in that of the county council, or to appoint as Inspector of Weights and Measures the man appointed for the same purpose by the county council. But such cases are exceedingly rare and on the whole the Act has been little utilized.² It is the urban areas, again, who are mainly concerned with the provisions of the Inebriates Act, which permits local authorities to combine for the establishment of a retreat for voluntary cases of inebriation; and with the Children Act 1908, which allows combination, with the Home Secretary's approval, for the maintenance of reformatory and industrial schools.³ But urban and town councils have been extremely backward in making use of these provisions.

We may pass now to spheres of activity in which a greater willingness to combine for common purposes has been displayed. A certain amount of co-operation has taken place in regard to specialized institutions, under the comprehensive

¹ 1 *R.C.L.G.*, p. 112.

² *Ib.*

³ Inebriates Act 1898, Sects. 9 and 14; Children Act 1908, Sect. 74.

arrangements contemplated by the Education Act 1921,¹ which permits almost every kind of joint action. Thus, the county councils of the three Ridings of Yorkshire have set up a joint committee for agricultural education; Cumberland and Westmorland, Brecon and Radnor, have done likewise. The West Sussex County Council and the Chichester Town Council have set up a joint education committee, while certain town and urban district councils have combined to establish a single education committee through which to exercise their powers of supplying or aiding higher education. Five county councils in Wales merge their separate existences on a joint committee for the North Wales Training College. There are various other cases where joint action has been initiated in order to provide training colleges, schools for blind and deaf children, and various other specialized institutions² of an educational character. On the other hand the federations authorized by the Fisher Act of 1918³ have remained a mere legislative conception, there being no case where local education authorities have entered into combination of this kind. The Education Act also imposes an obligatory duty on local education authorities for elementary education to make "adequate and suitable arrangements for co-operating with local education authorities for higher education in matters of common interest", and particularly in respect of the preparation of children for higher education, their transference at suitable ages from elementary schools to more advanced ones, and the supply and training of teachers.⁴ But as I have already shown, there is a deplorable lack of co-operation between local education authorities for elementary education and those for the more advanced stages of education, amounting sometimes to actual conflict and competition.

¹ Sect. 6 enables a local education authority to enter into such arrangements as it thinks proper for co-operation or combination with any other local authorities having powers under the Act. This may include arrangements for establishing a joint committee or joint body of managers.

² 1 *R.C.L.G.*, p. 107.

³ Cf. Education Act, Sect. 6 (2); 1 *R.C.L.G.*, p. 107.

⁴ Education Act 1921, Sect. 8.

The Local Government Act of 1888, which set up the county councils, empowered them from the first to join with each other or with county boroughs for any purpose of mutual interest. Some ten joint committees have been set up by county councils under this statute: two for infectious disease hospitals, three for education, and five for other purposes. The Sea Fisheries Regulation Act, passed in the same year, laid down that a Local Fisheries Committee for a Sea Fisheries District must, where two or more county councils appear to be interested, be a joint committee of those councils together with members representing the fishing interests of the district. There are at present eleven local Fisheries Committees in England and Wales, and on nine of these at least two county or town councils appoint members.¹ The expenditure of one of these committees exceeds £10,000 a year, that of three others lies between £1,000 and £10,000, and the remainder between £100 and £1,000 each.

The most outstanding case of compulsory co-operation is the county police, which is everywhere managed by a Standing Joint Committee,² composed as to one-half of county councillors and the other half of justices of the peace appointed in Quarter Sessions. There are also other kinds of joint action permitted in regard to the police forces. A Standing Joint Committee in one county may appoint as chief constable a person holding the same office in an adjoining county, subject to the consent of the police authority in the latter area. This arrangement has actually been put into operation in the three Divisions of Lincolnshire, and again in Cumberland and Westmorland. The police forces of the Soke of Peterborough and Northamptonshire are similarly united under one chief constable for executive purposes.³ In Cumberland and Westmorland the appointment of a single chief constable has been supplemented by an arrangement whereby questions affecting both forces

¹ Sea Fisheries Regulation Act 1888, Sect. 1 (2); 1 *R.C.L.G.*, p. 109.

² Local Government Act 1888, Sect. 30.

³ County Police Act 1857, Sect. 2; 1 *R.C.L.G.*, p. 110; *Report of the Desborough Committee on the Police Service*, Part II, Cmd. 574/1920, p. 6.

are referred to a joint sub-committee containing representatives of the Standing Joint Committees of both counties. A number of county boroughs, including Bournemouth, Burton-on-Trent, Bury, Darlington, Dudley, Gloucester, Smethwick, West Bromwich and West Hartlepool are policed by the county police under agreements between the county borough council and the county police authority.¹

Combined action is of very great importance in regard to electricity supply, in which large units of administration are highly desirable from every point of view. The Electricity (Supply) Act 1919 conferred wide powers of co-operation on municipal supply undertakings. Local authorities are authorized by this statute to effect arrangements for mutual assistance with regard to the giving and taking of a supply of electricity, its distribution, the management of generating stations, and the provision of capital required for carrying out such arrangements. These powers have been freely resorted to by local authorities and other bodies who undertake the supply of electricity, and have resulted in many economies being effected in the supply.² On the other hand, the power conferred by the Electric Lighting Act of 1909 for two or more local authorities to be associated together on a joint committee or board for electrical supply purposes has been little used,³ only four such boards having been established under this or similar provisions. It was, no doubt, the reluctance of local authorities to combine voluntarily on a large scale for electrical supply purposes—despite notable exceptions such as the Manchester City Council—which led to the far-reaching measures for joint action introduced by the coercive legislation of 1919 and 1926.

The realm in which the most extensive use has been made of the power of joint action is that of public health. Approximately 263 joint committees of parish councils, rural district

¹ *Report of Desborough Committee on the Police Service*, Part II, Cmd. 574/1920, p. 6.

² Sect. 19 of the Act; 1 *R.C.L.G.*, p. 113.

³ Sir Harry E. Haward: *Municipal Electricity*: VI—Public Administration, p. 50.

and urban district councils have been formed¹ under the Local Government Act of 1894 for purposes of mutual interest. Of these, 150 consist of joint burial committees, 57 are joint committees for infectious disease hospitals, 16 are for sewerage and drainage purposes, and 9 for water supply.¹ In addition, a further 123 Joint Boards have been constituted under the Public Health Acts, each with jurisdiction over a united district composed of two or more boroughs, urban districts or rural districts combined by order of the Minister of Health.² Eighty-nine of these Joint Boards are concerned with hospitals for infectious disease, 25 with sewerage and drainage, 2 with water supply, and the remaining 7 with other public health functions. The total numbers of joint authorities set up under these statutes or constituted under Local Acts are 154 for infectious disease hospitals, 46 for sewerage and drainage and 33 for water supply. More than 40 of them have annual expenditures in excess of £10,000.³

No aspect of public health work is of greater importance to the community than port sanitation, which is performed by port sanitary authorities constituted by order of the Minister of Health.⁴ Most of these bodies—about 30 in number—consist of riparian authorities acting in combination through a joint board. Isolation hospitals, again, are administered in 67 cases by Hospital Committees formed by members of the county council and of the council of the district in which the hospital is situate.⁵ Lunatic asylums are also to a large extent provided and maintained by local authorities acting in unison with one another.⁶ The same applies to institutions for dealing with mental defectives.

The annual expenditure for the year 1924-5 of all the joint boards and committees charged with administering hospitals, sewerage systems, burial grounds and water and gas services

¹ Local Government Act 1894, Sect. 57; 1 *R.C.L.G.*, p. 102.

² Public Health Act 1875, Sect. 279; 1 *R.C.L.G.*, pp. 96-7.

³ 1 *R.C.L.G.*, p. 97.

⁴ Public Health Act 1875, Sect. 287.

⁵ Isolation Hospitals Act 1893, Sect. 10; 1 *R.C.L.G.*, p. 99.

⁶ Lunacy Act 1890, Sect. 242; Mental Deficiency Act 1913, Sect. 29.

was nearly £5 millions. Almost all this was met by revenue received from fees, rents and moneys other than rates or grants. The gross outstanding loan debt on the works and institutions in question was £20 millions.¹ From the financial point of view, public health is by far the most important sphere of joint activity on the part of local authorities.

From the social point of view, however, a field of greater promise and interest in which combined action takes place is town-planning. This function, which made its first appearance on the municipal horizon in 1909,² was almost disregarded by English local authorities until a few years ago. During the present decade, however, the law has been greatly strengthened and many compulsory provisions introduced;³ and town-planning has become a living reality among a large number of urban and rural communities. The degree of co-operation displayed by the myriad local authorities of all classes, to be numbered by the dozen or score or even hundred, who participate in each of the several regional planning schemes which are gradually beginning to cover the country is surprising even to those who are most fully conscious of the need for large-scale combination in this inexpensive but vital municipal service. Town-planning in Great Britain is by no means satisfactory either as regards the law or its administration, but regarded purely as a manifestation of the possibilities of co-operation among local authorities it is noteworthy.⁴

¹ *Annual Local Taxation Returns 1924-5*, Part III. 1927. Table XII, pp. 58-9.

² See the Housing, etc., Act of that year.

³ *Town Planning Act 1925*; *Local Government Act 1929*, Part III.

⁴ It is impossible to deal with the subject in any detail here. The reader is referred to the published Schemes themselves, which contain comprehensive information, maps, etc.

The following is a list of the published reports of regional planning schemes up to date:—*Doncaster Regional Planning Scheme*: Messrs. Hodder & Stoughton, Ltd., Warwick Court, London, E.C., 10s. net. *The Deeside Regional Planning Scheme*: Messrs. Hodder & Stoughton, Ltd., 7s. 6d. net. *The West Middlesex Joint Town Planning Committee: Preliminary Report upon the Regional Survey*: Mr. E. S. W. Hart, Guildhall, Westminster, London, S.W.1, 5s. net; *Final Report and Plans*, 10s. 6d. *The Thames Valley Joint Town Planning Committee: Preliminary Report upon the Regional Survey*: Mr. W. T. Goodale, Council House, Mortlake, Surrey,

One of the reasons which make town-planning over large areas significant is that in many cases it involves co-operation between county councils and councils of county boroughs. There are instances of this in other fields, and it is refreshing to turn from the futile and unsavoury conflict between county and city which contaminates so much of their relationship to the more harmonious association which exists in some places in regard to the administration of particular services.

In Lancashire, to take one case, the treatment of mental diseases throughout the geographical county is undertaken by a Joint Board which contains representatives not only of the county council and other bodies but of every county borough council in Lancashire.¹ In the West Riding of Yorkshire, a considerable amount of co-operation has taken place between the county council and the city councils in regard to education. Thus, the county council has acted jointly with the county borough council of Huddersfield in building a secondary school

3s. 6d. net; *Final Report and Plans*, 8s. 6d. *Rotherham Region Report*: Mr. C. L. des Forges, Town Hall, Rotherham, 7s. 6d. *East Kent Regional Survey*: Mr. F. A. Choke, 51, Strand Street, Sandwich, Kent, 10s. *South Tees-side Regional Report*: Mr. Preston Kitchen, Municipal Buildings, Middlesborough. *Wirral Joint Town Planning Committee*: Mr. E. W. Tame, Town Hall, Birkenhead. *Leeds and Bradford Region*: Mr. T. Thornton, 11, Park Square, Leeds. *Lancaster and Morecambe Region*: Messrs. Hodder & Stoughton, Ltd., Warwick Court, London, E.C., 10s. *Manchester and District Joint Advisory Committee: Report and Plan*: Mr. S. Hill, Town Hall, Manchester. *West Kent Regions Report, covering South-West Kent and North-West Kent Regions*: Messrs. Vacher & Sons, Ltd., 10, Great Smith Street, Westminster, S.W.1, 10s. 6d. or 11s. 6d. in stiff board; postage extra. *Chesterfield Joint Town Planning Committee*: Messrs. Bales & Wilde, Gluman Gate, Chesterfield, 11s., post free. *North-East Surrey and West Kent Joint Town Planning Committee*: J. M. Newnham, Esq., LL.D., Town Hall, Croydon, 3s. *Hertfordshire Regional Planning Report*: Messrs. Vacher & Sons, Ltd., 10, Great Smith Street, Westminster, S.W.1, 7s. 6d. *Mid-Surrey Joint Town Planning Committee*: Mr. Alfred Smith, Town Hall, Reigate, 10s. 6d. *Brighton, Hove and District Joint Town Planning Committee: Preliminary Report*: Mr. J. H. Rothwell, C.B.E., Town Hall, Brighton, 10s. *South Tyneside Region Report*: Mr. W. Swinburne, Town Hall, Gateshead-on-Tyne, 10s; postage 9d. *North Middlesex Joint Town Planning Committee*: Mr. Francis Mountain, Council Offices, Woking, 10s. 6d. *South Bucks and Thames-side Regional Planning Report*: Mr. C. W. Gladwell, Denmark House, Windsor Road, Slough, Bucks, 10s. 6d.; post free 10s. 9d.

¹ 1 R.C.L.G., p. 357.

in the city, which is managed by the two local authorities in co-operation. The expense is apportioned according to the areas of residence of the pupils. Agreements have also been made between the West Riding County Council and the county boroughs of Barnsley, Leeds and Rotherham whereby county pupils are admitted to secondary schools in any one of those cities on payment by the former of an agreed proportion of the charges falling on public funds. Reciprocal facilities are given by the county in return.¹

In Lancashire the normal practice of the county education committee is to co-operate with the education committees of the county borough councils in the administration of secondary and technical education. As in the West Riding, agreements have been made between the two classes of authority for the reception in secondary and technical schools, on suitable terms of payment, of pupils whose place of residence is outside the area of the local authority responsible for the school which the pupils attend. The county council goes still farther in permitting students who are resident in the county boroughs to attend schools and lectures devoted to agricultural education organized by the Lancashire Education Committee, and provides advice on agricultural questions to residents of the autonomous cities. There are 53,000 acres of cultivated land in the county boroughs of Lancashire, but the city councils have not found it necessary to provide agricultural education while they enjoy these facilities offered by the county council.²

Another example of the co-operation which has taken place among Lancashire education authorities consists of the voluntary association which has been formed to consider questions of educational administration affecting the county as a whole. This association contains representatives not only of the county council and all the local authorities for elementary education only, but also of all the county borough councils except four.

¹ 1 *R.C.L.G.*, p. 222; *Evidence*: Sir Percy Jackson (III, 675 *et seq.*).

² 1 *R.C.L.G.*, p. 220; *Evidence*: Taylor, M. 14-16 (III, 605-7).

The association acts through its executive committee. It has so far been mainly occupied with questions of teachers' salaries, but it has also concerned itself from time to time with wider problems.¹ In the West Riding the county council confers, when occasion demands, with other local education authorities within the geographical county, including county borough councils.² Here again the subject of mutual interest has usually been teachers' salaries—a question which appears to possess the magical property of cementing in unison the most hardened and bitter opponents.

These examples are few in number but significant in content. They serve to demonstrate not only the possibility of combined action between county council and county borough council, but also its practicability even in present circumstances. They are sufficient to confute the hardened sceptic who asserts that the hostility and disharmony at present existing between country and town arise out of the very nature of things and cannot be eradicated without some far-reaching change in human nature or municipal ambition. They illustrate the curious way in which conflict and co-operation can exist simultaneously between the selfsame bodies in the tissue of local government. The fact that the lion can lie down with the lamb, on some occasions at least, is a fact not to be overlooked. The fact that he can lie down with a tiger is still more noteworthy.

The conclusion which emerges from this summary of the present position is that although a considerable amount of joint action is taking place in certain services, it is sporadic, uncertain and unsystematic. There is no function in regard to which the amount of joint action now obtaining can be considered satisfactory or as presenting a complete solution of the particular difficulties involved for the whole country. Compared with the dimensions of the problem, the solution provided by the joint action at present existing is negligible in extent although promising as a method.

¹ 1 *R.C.L.G.*, p. 220; *Evidence*: Taylor (III, 605).

² 1 *R.C.L.G.*, p. 222; *Evidence*: Sir Percy Jackson (III, p. 675).

We have to remember that "joint action" is a generic term which covers a multitude of separate endeavours, good, bad and indifferent. There is little information available concerning the actual areas which have been bonded together for particular purposes through joint organs of one kind or another; but there can be little doubt that many of these areas, although structurally superior to the separate units of which they are composed, are nevertheless far from satisfactory considered from the point of view of optimum efficiency.

More important, however, than the shortcomings in quantity and quality of most of the attempts at joint action which have actually been made is the large number of cases where no use whatever has been made of the powers of co-operation conferred by Parliament. The sins of omission on the part of local authorities in this respect are far more serious than the sins of commission. We must conclude without hesitation that no opportunity for co-operation in municipal affairs is likely to be used on a widespread scale unless it includes legal powers of enforcement and some machinery for supervision by a central government department armed with the necessary knowledge and extended vision required to envisage the country as a whole.

This is not to say that all initiative and scope for spontaneous combination is to be taken away from the local councils. It means only that somewhere in the background there must exist a national authority, armed with powers of compulsion and inspection, authorized to step in and insist upon co-operation in those cases where it is necessary but in which local authorities are too narrow-minded or apathetic or ignorant or reactionary to make a voluntary move in that direction of their own motion.

CONSTRUCTIVE

THE NEED FOR RECONSTRUCTION

The foregoing pages have been devoted to a somewhat lengthy analysis of the difficulties and defects inherent in the present structure of local government, and to an examination of the principal factors which must be taken into account in any attempt to improve the constitutional machinery of municipal administration.

Is it possible, after such a survey, to agree with the Onslow Commission when they complacently remark that the system of local government is "flexible and responsive to the facts of growth and change"?¹ Can we agree with them that local authorities "are continually adapting themselves, or being adapted by Parliament, to new functions which Parliament imposes upon them"?² Can we accept the comforting assurance that "the constitution of local authorities may perhaps be regarded as substantially settled"?³

I suggest we cannot. In my opinion the structure of local government is obsolescent and in grave need of reform. It is groaning under the immense burden of powers and duties which it is now required to carry. We have, it has been pertinently remarked, loaded the wagon without adding a horse. The functional results which the structure is now yielding are so demonstrably unsatisfactory that something in the nature of a crisis is almost certain to occur unless a coherent scheme of adjustment is put into operation at an early date.

No one is specially to blame for this state of affairs. It has arisen largely because Parliament has continuously showered new and unforeseen powers on the heads of local authorities unfitted by nature and design to exercise them.

One feature of the situation which especially reflects the chaos that prevails is the distribution of functions between the

¹ 1 R.C.L.G., p. 14. See p. 43, *ante*.

² *Ib.*, p. 13.

³ *Ib.*, p. 11.

county council on the one hand and the county district councils, whether in urban districts, rural districts or boroughs, on the other. The allocation of functions between these authorities is so devoid of plan or order as to appear almost anarchical. Thus, there are functions which the county council is either required or permitted to exercise throughout the whole area of the administrative county, excluding the county borough areas. Some of these are obligatory, such as the provision of higher education or the maintenance of county bridges, others are permissive, such as the acquisition of land for parish allotments or the protection of wild birds. Then there are functions which may be exercised by the county council over the whole or part of the administrative county, or alternatively in some or all areas by the minor authorities, regardless of size. These are all permissive functions, and include, for instance, maternity and child welfare work and the provision of public libraries. A third category of functions consists of those which may be exercised concurrently both by the county council throughout the whole area and by the county district authorities within their districts. These again are permissive, and include the prevention of river pollution, the promotion of Bills in Parliament and so forth. In the fourth place there are functions which the county council may exercise in certain parts of the county and other local authorities in other parts.¹ A fifth class of functions consists of those reserved to counties attaining a certain size: in the case of electricity supply, financial assistance

¹ The parts excluded from the county council's jurisdiction are defined in the following ways: (a) By reason of being governed by a local authority of specified type. This is the case with the legislation relating to the conditions of employment in shops, which is administered by all borough councils irrespective of size. (b) By reference to the size of population either at fixed dates or different dates. An illustration of this is elementary education, which is administered by the district council in all urban districts that had a population of 20,000 or over in 1901. (c) By virtue of the existence in a borough of a separate court of Quarter Sessions, e.g. appointment of a coroner. (d) By virtue of the existence in a borough of a separate police force. This applies where the payment of compensation for riot is in question. (e) By reference to the size of the population of a borough combined with one or other of the two last-mentioned conditions. (f) By reference to various other special conditions.

can be given by a county council to a joint electricity authority only where the population of the county exceeds 50,000. A sixth type of function consists of those in regard to which the county council has jurisdiction in default of a district authority. There are a large number of these, ranging from the administration of the Milk and Dairies Acts to the enforcement of sanitary conditions in dwelling-houses. Lastly, there are certain public health functions of a supervisory nature which the county council may exercise throughout the administrative county.

Could confusion be worse confounded? Neither plan nor coherence can be discerned in this formless scattering of powers. The result is a mere conglomeration without theoretic advantage or practical benefit. The well-known predilection of the nation for "muddling through" has been indulged to the full in its local government structure, with consequences which are no longer tolerable in a world of increasing complexity. The present welter can scarcely be the last word in municipal architecture or constitutional design.

The task of criticism is, however, always easier than that of construction, and I am fully aware that the work of improving the municipal structure is likely to prove full of doubt and difficulty. It must nevertheless be attempted. In our present civilization progress is a condition of stability.

We may remind ourselves at the outset that, strange though it may seem to many persons who are immersed in municipal affairs, all our local government authorities and administrative divisions exist solely in order to promote good government, and for no other purpose. This simple truism sounds so obvious that it scarcely seems worth stating; yet there are few political platitudes more frequently forgotten or more continuously needed to be borne in mind. Its acceptance compels us to deny the validity of all contentions based on considerations other than the welfare of the present generation and its successors. We must ignore the appeal to historical tradition, if the continuance of a tradition involves the sacrifice of the contem-

porary interests of living men and women. We must override all arguments addressed to vested municipal interests, however honest and free from financial corruption their sponsors may be, whenever they conflict with the public good. We must evaluate municipal government in terms of the service rendered to communities of citizens rather than in terms of the pride and pomp of councillors. Interpreted in this way, a simple maxim such as this may become a light that shines in darkness.

What we need most, however, are not simple maxims, no matter how excellent, but principles which will enable us to prescribe definite remedies for particular ills.

Owing to the complexity of the problem that confronts us, it is extremely difficult to lay down general principles. But *although difficult, it is not impossible, and difficulty is no excuse* for evasion. We must not be led astray by the so-called "practical business man" or administrator who says in effect: "Yes, I agree that the present position is unsatisfactory. But don't let us bother about highfalutin' theories. All we need do is to take the country bit by bit and do what is wise and reasonable in each case." An invitation of this kind seems to offer a most attractive opportunity to plunge into practical activity of a satisfying kind without enduring the toil and sweat involved by a search for principle and the attempt to obtain foreknowledge of cause and effect.

But there is no escape from the need for intellectual realization, once the aim of conscious control over the environment has become the goal of endeavour. It happens that the world is so made that there are definite reasons which make a certain course of action wise and reasonable in one case, and unwise and unreasonable in another. And if we do not comprehend the reasons for our actions, it is exceedingly unlikely that those actions will be either wise or reasonable. It is not enough to be wise. We must know why we are wise.

Hence there arises the need to discover general principles on which action can be based in particular cases. Hence, again, all such efforts as the recommendations contained in the

Second Report of the Royal Commission on Local Government (subsequently embodied in the Onslow Clauses of the Local Government Act of 1929), which merely set up the machinery of reform, without providing any indication of the principles on which that reform should proceed, are not likely, taken by themselves, to be of fundamental use in the difficult task of reconstruction.

The Royal Commission found that a review of areas should be undertaken "in order to see how far ineffective units can be eliminated by reorganization".¹ They accordingly recommended a general review of the existing county districts and parishes within a specified time, and subsequent general reviews from time to time "as they become necessary". Every local authority concerned in the review is exhorted to consult every other local authority likely to be interested; the Minister of Health is also to be consulted at every turn of the proceedings, and local enquiries frequently arranged. But there is little indication of the aims of all this pother and commotion.

The Minister of Health, it is true, had suggested certain principles which might be followed in reorganizing the municipal structure.² The three main conditions which he proposed should be laid down were: (1) that any proposal for change should be directed to encouraging the confidence of the local citizens in their councillors, and their active interest in municipal elections and administration; (2) that "due regard should be paid to the history and prestige of the form of local government at present applied to the areas affected", and to the sentiment with which it is regarded by the inhabitants; (3) that as far as possible areas should be so determined as to provide local authorities willing and able to discharge the functions assigned to them in such a manner as to secure the fullest possible return for the time and money spent on the work.

It is impossible to quarrel with these modest generalizations. The only objection that can be raised is that they fail to provide sufficient guidance of a concrete nature, and make no mention

¹ 2 *R.C.L.G.*, p. 15.

² 2 *R.C.L.G.*, pp. 9-10.

of the critical problems in the situation to which attention has been directed in the preceding pages. It is, as a matter of fact, excessively difficult to discover any exact content in these somewhat insipid aspirations of the Ministry of Health. What are the changes likely to encourage the confidence of the citizens in their councillors? What degree of consideration amounts to "due regard"? How far should historical boundaries be permitted to override the demands of efficiency? What changes are likely to produce competent authorities anxious to discharge their duties? What is to be done about the conflict of town and country? And overlapping authorities in the counties? And the unsatisfactory design of present areas? On all these questions the Ministry is discreetly and demurely silent.

COMBINED AREAS

The period before 1835, an American writer has observed, was one in which the chartered towns of England were veritable city-states.¹ If this remark is intended to mean that before the passing of the Municipal Corporations Act of 1835 the boroughs were independent and politically self-contained communities to a degree never subsequently attained, there is a good deal of truth in the observation, though one is bound to add that any suggestion of an analogy between unreformed Manchester in the early nineteenth century and Athens in the fifth century B.C. is scarcely flattering to ancient Hellas.

Despite immense developments in the scope of municipal activity, the conception of the great town as an independent city, meeting other cities on the basis of freedom and equality, has continued unchanged. This, at bottom, is the explanation of the great holes torn out of the geographical counties by the county boroughs. The holes have been growing larger in size and increasing in number, but the basis of the structure and the essential status of the largest cities of Britain rests in the

¹ Ernest S. Griffith: *The Modern Development of City Government* (1927), vol. 1, p. 31.

present century on substantially the same principles as those that served for city government fifty years previously. The large increase of functions has been met by the multiplication of committees and sub-committees.¹

In somewhat the same way, but with less historical justification, the counties have regarded themselves as county-states, proud, independent, resentful of interference from without. The cities have at least extended and rectified their boundaries, but the counties would appear to have tacitly agreed to preserve the settlement of 1888 for all time.

We have never seriously asked ourselves whether the areas which were regarded as more or less suitable half a century ago for the purposes of highways, police and sanitation are also suitable for such different services as education, maternity and child welfare, and housing. As a matter of fact, it is abundantly clear that the present areas are in many cases suitable neither for the older services nor for the newer ones. The days of both city-state and county-state are numbered.

A great mass of evidence has been marshalled in the preceding pages to show that for a number of services we need authorities having jurisdiction over areas larger than any of the existing counties or county boroughs. If we examine the demands for larger areas put forward by official committees and various disinterested experts, or survey the territories comprised in the most promising developments in electricity, town-planning and numerous other services, we shall find that what is required is not a single set of areas, however large or comprehensive, but a whole series of different areas for separate and distinct purposes. There is no division of the country which will suit all municipal functions.

In the case of land drainage, for example, the paramount

¹ In 1900, Liverpool, Leeds and Birmingham had 45 committees. By 1910 the number had increased to 58 (with 126 sub-committees); by 1922 to 71 (with 188 sub-committees). Glasgow had, in 1922, 45 committees, either standing or special, divided into 75 sub-committees; Sheffield in the same year had 24 committees, with 91 sub-committees. By 1923 no less than 15 committees were prescribed by statute. (Ernest S. Griffiths, *op. cit.*, vol. i, p. 379.)

need is for a controlling authority in charge of the whole course of the main channel of a principal river, including its bed and banks.¹ For this reason the Royal Commission on Land Drainage recommended that the proper drainage unit is a Catchment Area, which they defined as the whole of the land which directs the drainage towards one river, ending in the sea.²

The Land Drainage Commission proposed that for every such district delimited by the natural configuration of the land, there should be set up a Catchment Area Authority to act as the sole drainage authority for the main channel, banks and bed of river from source to mouth.³ Such a body would carry out all drainage works in the waterway and have power to enter into arrangements with port, harbour, conservancy, or other authorities for the regulation of the tidal portion of the main river⁴ in the interest of land drainage.

The Catchment Area Authority would be a body consisting of representatives of the county council or several county councils within the catchment area, whether touching the main channel of the river or not, together with representatives of the councils of county boroughs situate within the area and of certain other interests. The urban districts and non-county boroughs were to be expressly excluded from participation.⁵ All the powers conferred by general legislation on the counties and cities would vest in the new combined authority. The whole arrangement would be enforceable by the central government. County and county borough councils would be required within a specified period to prepare schemes for the constitution

¹ *Report of Royal Commission on Land Drainage*, Cmd. 2993/1927, p. 24.

² *Ib.* In some cases a tributary stream, especially when it discharges into a main river near the estuary, may be of sufficient magnitude and importance to justify being made a separate Catchment Area.

³ With an extension of the "area of benefit" so as to comprise the whole of the hereditaments in the catchment area of the river. *Ib.*, p. 18.

⁴ *Ib.*, p. 26. The Royal Commission made other recommendations relating to the internal drainage systems within the Catchment Area, but we are not concerned with these here.

⁵ *Ib.*, pp. 927-8.

of Catchment Area Authorities and submit them for approval to the Minister of Agriculture and Fisheries. The Minister would have power to proceed alone in default of action by the local authorities. "It is of the utmost importance", the Commission declared, that "it should be compulsory and not merely permissive to set up Catchment Area Authorities."¹ These recommendations have in the main been embodied in the Land Drainage Act 1930.

Far less definite in character are the areas suggested for water supply purposes, mainly owing to the fact that our knowledge is incomplete. Demands are made from time to time for a national allocation of water resources, partly in order to guard against the spasmodic but not infrequent danger of drought, partly in order to overcome the difficulties resulting from higher standards of civilization.

Any allocation which is to be of practical use, we are informed by the Advisory Committee on Water of the Ministry of Health, can be made only after a great deal of investigation.² But it is clear that the existing areas are entirely inadequate, and the Committee recommends that Regional Water Committees should be formed to ascertain the needs of each of the separate districts and to adopt a definite policy designed to meet their requirements. In this way a national policy could be based on fact instead of on surmise. The water regions will in some cases be extensive, in others consisting of the areas of only two or three authorities. The Regional Water Committee would consist of representatives of each local authority or water undertaker in the area. Its duties would be of an advisory character only, the main object being to formulate a programme for meeting, in an economical manner, the present and prospective water needs of the area for a considerable period ahead.³ The chief point to notice is that even in the present state of incomplete knowledge there is sufficient evidence to conclude that

¹ *Report of Royal Commission on Land Drainage*, Cmd. 2993/1927, p. 25.

² *Regional Water Committees 1928* (H.M. Stationery Office), p. 3.

³ *Ib.*, pp. 4-6.

the existing areas are inadequate, and that much larger regions of supply are required.

A similar statement can also be made in regard to river pollution. The Advisory Committee on River Pollution has definitely recommended the establishment of bodies specially charged with the administration of the Rivers Pollution Prevention Acts throughout the whole or the greater part of a river basin.¹ These bodies should consist of county and county borough councils, as in the case of Catchment Area Authorities. But their jurisdiction would not necessarily extend over the same area, for in the case of river pollution the authority charged with prevention should obviously have control over all the tributaries of a river, whereas in regard to land drainage this need not always be the case. Furthermore, land drainage may necessitate the regulation of the tidal portion of a river, whereas in river pollution a sharp distinction can be drawn between tidal and non-tidal waters.²

If we turn to electrical supply we find that an entirely different division of the country appears to be desirable. Without a considerable knowledge of electrical engineering it is not possible to appreciate all the technical considerations involved in determining the type of area best suited for electrical generating purposes. But it is clear from the reports of the Weir Committee and the activities of the Electricity Commissioners, that very large areas are necessary for optimum efficiency in supply. The schemes prepared by the Electricity Commission, and adopted by the Central Electricity Board, comprise territories so large that whole counties appear mere parishes, and large towns scarcely more than villages.

What we should particularly notice, however, is not only the size of these electricity areas, but also their leading characteristics. In the past, the Electricity Commissioners point out, it was the urban centres that presented the main objective of the electrical supply industry. There was little incentive to embark

¹ *Report of the Joint Committee on River Pollution* 1928, pp. 6-7.

² *Ib.*, pp. 6-7.

on the electrification of the sparsely populated rural areas,¹ where the distances are much greater, the potential load not high, and the spending capacity of the people lower than in the towns. Now, however, as a result of the progressive occupation and development of the various urban and suburban centres and of the extension of areas of supply into neighbouring districts, an increasing proportion of the rural population has been brought within potential range of an electrical supply service.²

The present incentive to rural electrification has been largely stimulated by the notable developments in connection with housing schemes and building generally which have taken place in many rural areas during the post-war period, and by the great increase in transport facilities, both of which have tended to encourage the removal of residents and industries from the congested centres of population.³ The result, in terms of electric supply areas, is that rural communities must be grouped round the great urban aggregates in order that they may receive their electricity supply in the evening from generating stations which are working during the day to supply power for industrial purposes. The results already attained by a number of undertakers who are operating outwardly from urban centres indicate that a considerable measure of rural electrification is economically possible in cases where the rural load can be developed as a supplement to the urban load.⁴ This clearly points to a large amount of combination between local authorities, not only in regard to the supply of electricity, but also in respect of its distribution. The problem of distributing electrical power on efficient and economical lines has scarcely been touched up to the present, but it is certain to become of increasing importance.

I have already dealt at some length with the disadvantages arising from the present duplication of education authorities and the splitting up of the education service into watertight

¹ *Eighth Annual Report of the Electricity Commissioners 1929* (April 1st, 1927, to March 31st, 1928), p. 7. ² *Ib.* ³ *Ib.*, p. 8. ⁴ *Ib.*

compartments unrelated to the facts of human life and growth. We may return to the subject in order to ascertain what areas would be desirable for educational purposes.

The New Outlook in Education, to use the suggestive phrase coined by the Board of Education,¹ requires that an entirely new nomenclature and organization shall be introduced into the national system of education. Instruction up to the age of 11 + would be called primary; that after 11 would be termed secondary. The schools dealing with post-primary education should include, in addition to Junior Technical and Trade institutions, at least the following main types:—

(1) Schools of the type now called "Secondary" (in future to be known as Grammar Schools) in which a predominantly scientific or literary curriculum would be taken by children remaining to at least 16 and perhaps 18 years of age.

(2) Schools of the type now known as Selective Central Schools (in future to be called Modern Schools) at which a course of not less than four years' duration would be given to children of 11 +, with a realistic or practical trend for the last two years.

(3) Schools similar to the existing non-Selective Central School (also to be called Modern Schools) catering for children between 11 to 14 + or 15 +. Such schools might be either the only central schools in the area, or they might exist side by side with Selective Central Schools and take children not seeking admission to the latter.

(4) Senior classes, Central Departments, Higher Tops and so forth (to go by the generic name of Senior Classes) giving advanced instruction for pupils of 11 + in those places where it is impossible to provide schools of the above-mentioned types.²

¹ See the pamphlet issued under that name by the Board of Education. Published by H.M. Stationery Office.

² Education of the Adolescent. *Report of the Hadow Committee*, pp. 77-80, 95-6.

With these different types of schools available for children of varying capacities, the first intellectual "cream-off" would go to the grammar schools and remain until 17 or 18 years of age; the second "cream-off" would enter the Selective Central Schools and stay until 15 or 16; the residue would attend non-selective central schools or Senior Classes until school-leaving age at 15 $\frac{1}{2}$. It is not suggested that these latter institutions should be inferior to the grammar schools. They would be different in scope and purpose, in order that every child should have the type of education he or she can most profitably receive.

It is obvious that a progressive and far-reaching policy of this sort requires large areas for its realization. It is utterly impossible for small education authorities to provide the necessary range and variety of institutions. Accordingly, the Hadow Committee unanimously declared that the large problem of providing a general system of post-primary education in all the alternative forms which are necessary can never be solved or duly co-ordinated with the provision of the "secondary" schools at present existing "unless and until a large and comprehensive authority is instituted and empowered to deal with the large and comprehensive duty which lies upon the community". Such an authority, they conceive, "will, in the majority of cases, have to be broader than the geographical county, all the more as county boundaries, over which children must often pass to reach the place of education best suited to their needs, already raise difficult problems." They look forward accordingly to the institution of a few large authorities, each of which would represent some grouping of contiguous authorities united by common characteristics and common needs. They recommend that consideration should be given to the question, "whether it might not be a desirable objective of educational development that provincial authorities for education should be instituted, in which the authorities for elementary education only and the authorities for higher education should both be ultimately merged".¹

¹ "Education of the Adolescent." *Report of the Hadow Committee*, p. 165

While no attempt need be made here to indicate the precise areas over which these provincial authorities should exercise jurisdiction, it might be expected that in each case a university or university college would form the pivotal centre of the whole system—though, let us add, it is important that the universities should never themselves fall under the control of local education authorities, however large or comprehensive.

A similar need for the grouping of local authorities into large combinations involving the association of several counties and county boroughs, was disclosed by the recent investigation of the Public Libraries Committee.

Every kind of public service, the Committee points out, is peculiar in the degree to which it lends itself to organization on a large or small scale. In regard to certain commodities and services which are the subject of municipal enterprise there is a direct ratio between the number of inhabitants and the amount of service or commodity required. A town of 500,000 inhabitants will require roughly ten times as much gas or electricity or water as a town of 50,000, and a hundred times as much as a town of 5,000. This rule does not hold good in the library service.¹ Every community having approximately the same standard of education requires access to a library of approximately the same magnitude. The general reader in a small town is not half as general as the general reader in a town twice as large.

In order, therefore, to assimilate in some measure the reading facilities offered in one area to the choice of books available in another area, it is necessary that a national system of public libraries should be built up. To this end, the Committee recommended, an extensive linkage of neighbouring library authorities should be effected by means of voluntary co-operation between county councils and the councils of towns and cities; through the grouping of public libraries round regional centres, which will generally be the great urban libraries; and by means of a federation of special libraries,

¹ *Report of the Public Library Committee*, Cmd. 2868/1927, p. 31.

pooling their resources in the service of research; and, lastly, by a central library acting as a centre of the whole system.¹

The need for large areas of survey, design and control in town-planning is so obvious that nearly all the town-planning schemes at present in operation have been formulated on a regional basis, and comprise groupings of many local authorities for this end. These town-planning regions have little or no relation to the areas delimited for the purposes of land drainage, electricity or education.

The main characteristic of the best type of town-planning region is a "conurbation" consisting of a large industrial centre or heart surrounded by residential towns or suburbs which thin out gradually into a belt of agricultural land or pasture. Open spaces, main roads and the regulation of building development are the dominant controls in present-day town-planning; and these factors accordingly play an important part in determining the ideal area. Transportation facilities, housing needs and social coherence are essentially relevant, and their bearing on town-planning is likely to be more and more appreciated. There is at present no regional planning for housing, with results that are sometimes disastrous.²

If we consider the best areas over which to provide transportation services, or for the purposes of highway administration, special factors peculiar to the problem clearly arise. The movement of goods³ and passengers over the roads, the

¹ *Report of the Public Library Committee*, Cmd. 2868/1927, p. 151.

² Thus there are immense disadvantages attaching to the acquisition by the London County Council of Becontree in Essex for the great housing estate which it has established there. One disadvantage is the conversion of the best market-garden land near London into working-class dwellings, although land of much less agricultural value was available near by. The difficulty of obtaining a supply of fresh fruit and vegetables for the vast population of London is already sufficiently acute without adding to it. But in any case it was unwise to house the black-coated workers on the east side of London, where transport facilities to the commercial quarters of the City are extremely poor. Such land should have been reserved for the dockland workers whose place of employment is already on the east side. Serious mistakes of this kind would almost certainly be avoided if planning for housing on a large scale was a function actively carried out by regional town-planning authorities.

³ Cf. E. D. Simon: *A City Council from Within*, p. 210.

daily tidal wave of population, the physical configuration of the land: these and many other considerations must obviously demand attention.¹ It is not, however, necessary to elaborate in any further detail the varying needs of particular services in regard to the type and size of areas demanded by each. Lunacy and mental deficiency, tuberculosis and venereal disease, certain kinds of animal disease, all these require the grouping together of counties and cities into large combined units.

Broadly speaking, the need for administering such services as town-planning, planning for housing, main roads and transportation by combined authorities operating over areas larger than those at present existing, arises from the improved methods of communication now available. The extension of the distance travelled daily by vast numbers of men and women is one of the dominant features of our time. It is clear that the enlarged area of diurnal movement brought about by improved railway services, the electrification of local and main lines, the coming of motor-bus and electric tramway, trackless trolley and underground tube, by the cheapening of motor-cycle and motor-car, must produce a formative influence on our local government structure. There can be no wisdom in attempting to disregard or ignore the administrative and political implications of this enhanced mobility.

Another group of functions demand areas of larger size for an entirely different reason. Health services such as lunacy and mental deficiency, tuberculosis and venereal disease, require a very high degree of specialized treatment if the best results are to be obtained in difficult cases. Specialists of high calibre, and specialized institutions equipped in an up-to-date manner, are far too costly to be provided by any save large and wealthy areas. Nor are they likely to be fully employed unless their patients are drawn from a very large district. It is not an accident that the largest and most progressive counties

¹ Cf. The Road Transport Act 1930 and the regions formed thereunder for the licensing of public service vehicles.

have led the way in combining with the great cities in the provision of curative institutions of certain kinds.

Whatever the causes may be, it is abundantly clear that separate areas are needed for different municipal services, if the best results are to be obtained. The determination of areas for land drainage proceeds on entirely different principles from that relating to public libraries. There is no single division of the country which is suited both for electrical supply and mental deficiency.

It would appear from this that such organs of government as the Catchment Area Authorities for land drainage, the River Boards for preventing pollution, the Regional Committees for water supply, the Joint Undertakers in electricity supply schemes, the Provincial Authorities for education, the Town Planning Committees—the names vary almost as much as the areas—must be composite bodies consisting primarily of county councils and county borough councils welded together into mutating groups for particular purposes. Whether the resultant units consist exclusively of members of the constituent municipal authorities, or partly of nominated or co-opted elements, is relatively unimportant. The essential principle is that diverse areas should be built up from certain more or less stable basic units.

The only possible alternative to this plan, apart from centralized administration, would be to establish a number of separate bodies elected or nominated *ad hoc* without reference to the general local authorities now existing.

But all experience is opposed to *ad hoc* elected bodies. The main lesson of the nineteenth century, so far as local government is concerned, is that for the purpose of creating a vital connection between council and citizen, and maintaining a substantial reality in the democratic process, the general local authority responsible not for one particular service but for many, is the best of all possible devices and the only successful solution.

It may be true that we shall gradually return to a kind of

ad hoc system of local government, in which all the main services will be carried on by federal bodies of which the separate elected councils will form but constituent parts without independent power. But such *ad hoc* government will be moulded on an entirely different pattern from that typified by the local Boards of Health set up by the mid-Victorian Public Health Acts, the School Boards, the Guardians of the Poor, and so forth. The elected authority, whether town council or county council, will remain the pivot and centre of gravity of the whole system, and the councillors will be elected, not for service in this or that department of municipal activity, but to represent the generality of citizens throughout the entire realm of local government. The omnibus authority will remain an essential feature of the system.

It is sometimes said that joint or federal authorities are unsatisfactory from a democratic point of view because they are conservative and out of touch with public opinion. This may be true in certain cases at present, but I do not accept it as a valid criticism of the types of combined authority which I have proposed above. What frequently happens at present is that only the older members of the constituent authorities, such as aldermen and chairmen of committees, are allowed to serve on the joint bodies. In other cases, persons of an unrepresentative type are nominated or co-opted. Such practices as these are easily remedied. So far as public opinion is concerned, I do not believe it will be less vitally interested in the activities of such combined authorities, once it realizes that they administer the most important services, than in the work of the separate councils.

THE UNIFICATION OF EXECUTIVE POWER

The character of the Combined Authority will not be uniform either as regards constitutional status or legal power. I have already shown the immense variety of forms which can be

found in the present legislation regulating joint action. There is little doubt that Parliament has been wise in adapting the form in which joint action may take place to the individual needs of the particular service.

The same applies to the larger and more comprehensive combinations which are contemplated. In some cases a mere joint committee without independent financial power will be sufficient; in others a much more drastic delegation of authority will be necessary.

There is clearly a great difference between identic action by a number of co-operating units and unified action by a single executive organ exercising jurisdiction over the whole combination. It is not possible to say that the one method is invariably superior to the other. It is merely different, and yields different results. Where the adaptation of general principles to local needs is specially required, separate administration by the co-operating units has many advantages. On the other hand, there are many services where large and expensive works or institutions are required in pursuance of the common policy of the combining units. Here the exigencies of the case can be met only by the concentration of power in a unified executive.

It is quite certain that the "friendly consultation" beloved of those who believe "getting round a table" or "bringing the parties together" to be an infallible solution of all difficulties, whether political, administrative or industrial, is insufficient to overcome many of the problems which confront our municipal life. Definite changes in organization will frequently be required.

The Desborough Committee on the police service, after reviewing the various places where adjoining counties or cities had placed their police forces under the control of a single chief constable, observed that in all these cases each force still retains a separate Standing Joint Committee possessing ultimate executive authority. "The necessity for reference to two, three or four separate police authorities" they remarked "is liable to lead to difficulties and delay in arriving at

decisions.”¹ The Committee therefore declared themselves strongly in favour of enlargement of the units of police administration. “We consider it desirable” they continued “that small county forces should be grouped with one another or with an adjoining large force, and that there should be not only a single chief constable but also a single Joint Police Authority consisting of representatives from all the counties or boroughs in the group.”²

In town-planning, the tendency has been for co-operating authorities to appoint a joint committee with advisory powers only, although the law empowers them to confer all or any of their administrative powers on such a body, without restriction.³ In practice, however, the execution of schemes, as distinct from the preparation of plans, has usually been left to the constituent local authorities acting separately.

There are, however, various disadvantages arising from this course. In the first place, where large regional open spaces and arterial roads are contemplated, it is essential that responsibility for financial compensation in connection with the acquisition of land should be assumed by all or several of the local authorities comprised in the scheme. In the case of the Manchester and District Regional Planning Council, a large number of the roads and open spaces recommended by the council are situated in rural districts. In one rural district alone more than 40 miles of new roads and several open spaces, making a total area exceeding 1,000 acres, are foreseen. No rural district council can meet an expenditure of this magnitude out of its own resources, and if the plan is to be carried out the cost of many local improvements will have to be borne by neighbouring authorities likely to derive special benefit therefrom.⁴ In other cases, the region as a whole must share the financial burden.

Similar problems are presented in connection with other fundamental region-planning requirements. In regard to sewer

¹ *Report of the Desborough Committee on the Police Service*, Part II, Cmd. 574/1920, p. 6.

² *Ib.*

³ Town Planning Act 1925, Sect. 2 (1) ii and Sect. 5 (3).

⁴ E. D. Simon: *A City Council from Within*, p. 213.

drainage, for example, it is extremely difficult to get the local authorities situated in an area which should obviously be drained upon regional principles, to undertake schemes with this object in mind. Their consideration of such questions, observes the Honorary Surveyor to the Midland Joint Town Planning Advisory Council, "is naturally overshadowed by the financial factor".¹

The need for a common purse is by no means the only reason why concentrated executive power is desirable in carrying out planning schemes over large areas. Unified authority is in many ways more economical than identic action by the constituent local councils. It enables a highly trained staff to be engaged for work requiring special qualifications. It provides a common standard of enforcement and ensures that the main objects of the scheme shall not be undermined by the numerous exemptions which small authorities are sometimes only too ready to grant. Above all, it gives to the scheme strength and certainty which may otherwise be lacking, since there is no way of compelling the separate local authorities to carry out the common plan if their determination weakens or their public spirit diminishes.

That these advantages cannot be obtained by identic action may be seen from the experience of the Midland Joint Town Planning Advisory Council, a body covering a vast area of 1,700 square miles and embracing no less than 65 different local government authorities. A serious difficulty which has impeded the work of this Council is that suggested deviations of existing main roads to by-pass towns and villages have been put forward by county councils and approved by the Town Planning Council, but do not meet with the approval of the rural district councils through whose districts the deviations would run. In consequence, we learn on high authority "some

¹ *Regional Planning Councils*: a Paper read to the Annual Conference of Municipal and County Engineers held at Buxton, June 20th, 1929, by Mr. Herbert Humphries, City Engineer, Birmingham. *Local Government Journal*, June 22nd, 1929, p. 384. See also *Report of Royal Commission on Land Drainage*, Cmd. 2993/1927, pp. 18 and 27.

of the most important regional proposals are endangered."¹ Trouble of a similar kind has been experienced in regard to parkways, traffic routes, zoning and regional recreation areas serving the districts of several adjacent local authorities. These and other cases furnish illustrations of the difficulties encountered in attempting to obtain the unanimity of opinion which is necessary if the separate councils are to be persuaded to incorporate such proposals in the town-planning schemes for their respective districts.²

Various devices are being gradually evolved to prevent the frustration of imaginative planning by the half-hearted and reluctant enforcement of a scheme, or even active opposition to its adoption, by individual local authorities of small size and smaller outlook. Sometimes, as in the case of the Rotherham area, the Regional Advisory Committee appointed to prepare a scheme has been afterwards reappointed as an executive body to carry it out. In other cases, as in Manchester, a number of Statutory Joint Town Planning Committees have been set up with executive powers to carry out the regional plan. These statutory bodies administer areas smaller than the region but much larger than those comprised in the separate local authorities.³ A further development is to distinguish purely local or "domestic" planning schemes from the large regional conceptions, and to delegate the former to the individual local authorities while retaining responsibility for the latter in the hands of unified executive committees acting for the whole region.

All these examples clearly show that, although combination for advisory purposes only may suffice to obtain a good result in certain services, such as water supply,⁴ in the case of other functions the grouping of areas must be accompanied by the concentration of executive power in the hands of a single authority having jurisdiction over the whole area.

One factor which requires consideration in this connection

¹ Humphries: loc. cit.

² Humphries: loc. cit.

³ E. D. Simon: *A City Council from Within*, p. 212.

⁴ *Regional Water Committees. Ministry of Health 1928*, p. 5.

is the question whether the service to be administered is one in regard to which the public is likely to hold strong views. So far as the purely technical services such as water supply or electricity or sewerage are concerned, technical considerations are paramount and all that need be taken into account, in determining the form of combination between local authorities, is administrative efficiency. In such cases, there is no objection to the creation of a new entity, such as a joint board or council with independent powers. On the other hand, there are some services in which public opinion plays an important part—education, for instance. In such cases the demands of administrative efficiency must yield, where necessary, to the higher expediency of ensuring the “consciousness of consent” among the citizens. This means, in terms of organization, that the combination of authorities must be established in a federal form. Only in this way can the machinery of government be kept responsive to public opinion in the localities.

PRIMARY ELEMENTS IN THE STRUCTURE

It will be clear from the foregoing suggestions that the primary elements of the municipal structure which is contemplated will consist of county councils and county borough councils. These bodies will be grouped together for various purposes into a number of combined authorities, whose areas will vary according to the function to be carried out.

It must not be assumed from this that the counties can be regarded as ideal primary units, that the self-admiration expressed by representatives of the County Councils Association carries conviction in the face of hard facts, or that the disadvantages of the county boundaries can be overlooked by any stretch of the imagination. The counties are, indeed, extremely defective as administrative units, considered as a whole; and if we were starting with a clean slate to design the municipal structure afresh it is extremely unlikely that we

should produce anything like the present county divisions. A county has merely a conventional boundary. The boundaries of a county were usually the limits of the jurisdiction of an iron-clad feudal earl in ancient days.¹ All our ancient counties, which form at least the basis of the administrative counties, appear to have reached some approximation to their present extent and form before *Domesday Book* was compiled about the year 1085 A.D. They were all in existence in almost their present form by the middle of the eighteenth century. Hence they all grew up before the industrial revolution, in a period when England was mainly a country of self-supporting agricultural communities between which there was comparatively little intercourse.² To-day the immense inequalities of area, population and wealth, the fantastic lines of the boundaries, the inconvenient position of the county town, the disregard for natural configuration and economic frontiers: these and many other factors contribute in greater or less degree in making many of the counties imperfect as areas of government. The chief reason for the undoubted fact that our existing county divisions are so unsatisfactory is that they are not related in any systematic or rational manner to the distribution of the people or the natural features of the country.³

Nevertheless, it seems inevitable that the county councils should be made the basis, outside the independent towns, for a reconstructed municipal framework. In the first place, they exist, and exist strongly; and however much we may deprecate the divine right of things as they are, or resist the dominance of past traditions over present benefits, nothing is more certain than that the future must grow out of the present. In the second place, the county councils, despite their defects, are better as a class than any other type of local authority outside the large towns, to some extent because they are larger. Compared with the urban and rural districts, the parish councils and meetings

¹ Cf. Lord Robert Montagu: *Royal Sanitary Commission* 1869. *Second Report*. vol. i, C. 281/1871, p. 54.

² C. B. Fawcett: *The Provinces of England*, chap. 1.

³ *Ib.*, p. 49

and the great majority of small non-county boroughs, the county councils appear to be the paragons of municipal virtue. Thirdly, it is a fact that the county council has a better staff of officers than most of the other local authorities outside the large towns. Patronage is less rampant among the counties and corruption almost unknown.

Two other considerations must also be taken into account. One is the fact that county feeling runs strongly in many counties, regardless of the fact that the administrative counties for which so much patriotic fervour is felt are areas often differing widely from the ancient counties in respect of which that consciousness was first aroused. Last but not least, the county councils are powerful from a political point of view, and there is nothing to be gained from advocating proposals which, no matter how desirable from an ideal standpoint, are practically impossible of achievement.

For these reasons, therefore, we must accept the counties as one of the two fundamental elements from which reconstruction must proceed.

This does not mean, however, that the counties must necessarily be regarded as fixed for all time in their present form. There is a great deal to be said for the contention that the county areas should be regarded as open to improvement, by the extension, exchange and amalgamation of territory, no less than the independent cities. County feeling is not likely to experience more difficulty in associating itself with modified areas in the future than it has in adapting itself to haphazard or accidental alterations in the past.

The extent to which continuous change by small unco-ordinated increments is always going on is not always appreciated. During the first decade of the century (1901-11), for example, 348 civil parishes vanished by absorption in others, 70 new ones were created, and 332 suffered changes of area; while 112 urban districts underwent changes in their boundaries, involving consequential changes in many rural districts. The boundaries of 17 administrative counties and of 8 registra-

tion counties were altered. These changes were so widespread that only 3 administrative counties were not affected.¹ There is evidently nothing sacrosanct in the boundaries of the local government areas of England, and no valid reason exists for refusing to consider any serious plan for the reorganization of the counties. The great number of these changes points to a general dissatisfaction with the existing divisions of local government; but that dissatisfaction has so far never found expression in a general survey for the purpose of revising the boundaries as a whole.

We can scarcely hope that the rationalization of county boundaries will be brought about by the unaided efforts of the county councils. The county councils, while acutely conscious of the shortcomings of all other classes of local authority, remain complacently unaware of their own defects. The spokesmen of the County Councils Association explained at length to the Royal Commission on Local Government the precise reasons why there should be transferred to the counties all functions which require an extended area of administration, the provision and maintenance of institutions, the exercise of semi-judicial activities and those partaking of a quasi-legislative or penal character²—a classification comprising almost the whole list of municipal powers and duties, and involving an extensive denudation of county district authorities.

One of the same witnesses dwelt fondly on “the distinction to be drawn between the reasons which made the normal administrative county a suitable area over which to administer services not rendered directly to particular persons, and those which made it a suitable area for services which were so rendered”.³ For “impersonal services” such as the maintenance of highways and the prevention of river pollution, what is needed by a local authority is sufficient financial resources and jurisdiction over an area “sufficiently comprehensive to enable them

¹ C. B. Fawcett: *The Provinces of England*, pp. 48-9.

² *R.C.L.G.*, p. 41; *Evidence*: Dent, Hinchliffe and Holland (X, 1961-2).

³ *R.C.L.G.*, p. 216; *Evidence*: Dent (III, 479).

to look at the problems before them on a proper scale" and to engage a staff suitably qualified to deal with them. For "personal services" of the second type, such as higher education or the treatment of tuberculosis or mental deficiency, the authority requires adequate financial resources and a population large enough to yield a sufficient number of pupils or patients to permit a suitable scheme of education or institutions for treatment being provided on economical lines.¹ In all cases the existing counties appear admirably suited, in the eyes of the County Councils Association, for the exercise of both types of function. How acutely aware is the Association of the need for areas of precisely the same size and shape as the existing counties; how sublimely ignorant of the need for anything larger or different in design from the "normal county"—whatever that may be!

Lack of imagination and self-criticism of this order suggests, it would seem, that any movement towards the rationalization of county boundaries will require in the first instance action on the part of Parliament and the central government to set the process in motion. A rectification of county boundaries must inevitably come sooner or later. There would seem no good reason why the idea of a compulsory general review at a given date, followed by others at periodic intervals, introduced by the Local Government Act of 1929 for the revision of county district boundaries, should not be applied to the amendment of county boundaries as well.

SECONDARY ELEMENTS IN THE STRUCTURE

The proposals made so far concern what have been termed the primary elements in the municipal structure: that is, the county councils and county borough councils. Out of these the new *ad hoc* combinations will be built up. No attention has been paid so far to the secondary elements in the framework:

¹ 1 R.C.L.G., p. 217; *Evidence*: Dent (III, 479-80).

namely, the parish councils and parish meetings, the urban and rural district councils, the non-county borough councils.

Before any fruitful discussion can take place concerning the county district authorities, we must make up our mind whether we want one or more than one local governing body in each area. This question, simple though it sounds when stated baldly, is of inestimable importance and has far-reaching consequences. It is seldom if ever raised, and never answered with the frankness which clear thinking demands.

I have no doubt at all that the correct principle on which a good system of municipal government must be based is that in every area there should be one, and only one, elected local authority responsible to the community for the whole mass of services paid for through the rates. This principle was enunciated in its special application to local health administration by the Royal Sanitary Commission of 1869. It was persistently ignored by the legislation of 1888 and 1894, which established the county councils, the parish councils and the district councils, and drew a distinction between independent cities and semi-independent boroughs within the county.

Much of the earlier part of this work was devoted to a critical exposition of the disadvantages which result from the existence of two, three and even four local authorities having jurisdiction over a single place. The immense confusion arising from the splitting up of functions which should be unified; the overlapping and waste necessarily attendant upon the disintegration of administrative power; the disastrous effects caused by making parish councils and district councils responsible for certain aspects of education and public health while county councils are responsible for other aspects of the same services; the impossibility of arriving at a coherent policy, or of carrying it out when formulated, so long as no one council has complete authority; the discontent of the councils of non-county boroughs with a system under which they are neither subordinate nor independent; the financial confusion which is the inevitable result of several unco-ordinated organs of government being

permitted to tap a single source of revenue; the jealousy and rivalry which exist, side by side with apathy and incompetence, between local authorities who strive perpetually to maintain and enlarge their respective shares of administrative authority: all these disadvantages are revealed, not by the tortured imagination of a querulous critic, but by the hard facts brought to light by official investigations. At the risk of being wearisome, I have again and again let the evidence speak for itself—more often than not through the mouths of representatives of the various classes of local authorities. The conclusion which irresistibly obtrudes itself through the mass of data which has been surveyed is that the multiplication of local authorities which now exists is a defective form of political organization demonstrably unsuited to the ends it is desired to attain and doomed to be superseded at an early date.

As is not infrequently the case, a long and elaborate argument was required to prove an essentially simple proposition. Looked at without prejudice and with fresh eyes, the maxim that there should be one, and only one, local authority responsible for the municipal affairs of each area might well seem self-evident and scarcely capable of contradiction. Yet so accustomed have our minds become to the anomalies and absurdities of the present confusion that this simple axiom will appear to many as a revolutionary idea deserving of the most severe censure and denunciation. Not a few of the vested municipal interests will raise the battle-cry against a conception which imperils their existence.

Yet political science has shed its light on this question, and I am convinced that no matter how strong the opposition to change may seem, the day is not far distant when the unification and simplification of our municipal structure will be seen to be an obvious and indispensable condition of social progress. No society can for long afford to permit its political institutions to lag behind the current state of scientific knowledge.

Having decided that we want only one local authority in each area, we have to choose whether that authority shall be

the county council on the one hand or the county district authority on the other. (The county boroughs will obviously remain independent units as at present and are not concerned in this part of the discussion.) With such a choice before us we cannot hesitate. The whole tendency to-day is away from the small local authority and in the direction of larger administrative units. We see this tendency at work wherever we look: in the Poor Law, in regard to roads, the police forces, town-planning, electricity and many other fields. The county must obviously be preferred to the county district. In spite of all its present defects, the county has within it at least the germs of efficient democratic government. It is relatively sizeable and wealthy. As much cannot be said of the multitude of small boroughs and urban and rural districts which offer the only existing alternative.

The objective which we should ultimately have in mind is, therefore, the establishment of the county council as the sole authority responsible for administering all municipal services outside the county boroughs. This objective, which is the ultimate aim, cannot, perhaps, be realized at once. There must doubtless be a period of transition. Furthermore, many of the areas which are at present county districts should become county boroughs.

SERVICE AND CONTROL

The process by which the undivided local supremacy of the county council is likely to be brought about is through the gradual transfer of functions from the district authorities to the county councils, combined with the persistent selection by Parliament of county councils (together with county borough councils) as the responsible authorities for administering new services. Both these tendencies are amply illustrated by much of the social legislation of the present century. An outstanding example of the former process is provided by the Local Government Act of 1929, which among other things transferred the

administration of the Poor Law and highways from the rural district councils¹ to the county councils.

The services which most urgently need to be transferred from the county district authorities to the county councils are sewerage, sewage disposal and water supply (which the Royal Commission recommended should be aided from county funds)²; the provision of infectious disease hospitals (which the Commission advised should be organized and in some cases maintained by county councils);³ the regulation of the milk supply; the provision of houses for the working classes together with such auxiliary functions as the formulating and execution of reconstruction schemes for the elimination of unhealthy buildings and districts; the preparation and administration of town-planning schemes; the supply of electrical energy; maternity and child welfare work (which can already be carried out alternatively by the county council); the prevention of river pollution; the provision of slaughter-houses, fire brigades, public libraries and aerodromes; the maintenance of police forces, and the administration of elementary education.⁴

All the municipal activities contained in the above list, with two exceptions, consist of collective services. They may accordingly be termed Service functions. The excepted activities are the regulation of the milk supply and the prevention of river pollution. These are forms of regulation, and may by contrast be called Control functions.

The distinction made here may be of some value in enabling us to enunciate a principle on which to base future legislative action. The most serious disadvantages of the present distribution of power between the county council and the minor county authorities occur in nearly all cases in connection with Service functions—that is, where the local authority is

¹ Acting as Boards of Guardians for Poor Law purposes.

² *R.C.L.G.*, p. 27; Local Government Act 1929, Sect. 57.

³ *R.C.L.G.*, p. 60.

⁴ It will be observed that not *every* county district authority has power to provide all these services, but we are no longer concerned with where these powers now reside, but with where they should be transferred.

charged with providing a specific benefit in kind to particular classes of individuals or to the generality of citizens. It is here that the unscientific boundaries, inadequate resources and lack of knowledge, enterprise and imagination which characterize many of the smaller district and borough councils produce the most detrimental results.

Functions of Control, which consist essentially in the regulation of the conduct of individuals and corporate bodies in the common interest, can frequently be exercised with a fair degree of success by quite small and relatively poor local authorities. Yet even here large areas of jurisdiction are occasionally required, partly in order to ensure consistent administration and partly in order to prevent the action of one authority from frustrating the efforts of its neighbours. Thus, river pollution can only be effectually prevented by operations covering a large natural area; and the same applies to smoke abatement, the regulatory aspects of town-planning, and the enforcement of statutory provisions designed to prohibit the sale of tuberculous milk.

It is not suggested that Service functions and Control functions are absolutely and necessarily distinct.¹ Quite frequently the power of regulation becomes directory and positive to such an extent that the authority wielding it is given power to act in default of a refractory member of the community; and in this way Control develops into Service. There are, again, many cases where inspection of the higher sort itself becomes a form of Service rather than of Control. In the limit, to use a mathematical expression, Control becomes Service. But for most practical purposes we can nevertheless draw a broad distinction between powers of Control and powers of Service.

The Control powers of the county districts might well be left undisturbed for some time provided we transfer within a reasonable period all or most of the Service powers of which

¹ For an illuminating discussion of the whole subject see Ernest Freund: *Administrative Powers over Persons and Property*. 1928. Harvard University Press.

mention has been made. In particular, efforts should be made to remove at an early date from the jurisdiction of the districts and small boroughs those services requiring extensive or expensive institutional arrangements, such as public libraries, education, the treatment of disease and so forth.

The subject may be looked at from another point of view. The functions of local government may be classified as services of a more or less technical character and those in which the need for studying public opinion is predominant. No one feels very strongly on the subject of water supply, provided only that the supply is a good one as regards quantity and quality, and reasonable in price. This is obviously a technical service, and the essential criterion of satisfactory administration is the result in terms of the commodity. On the other hand, in the case of licensing conditions, the making of by-laws, the removal of obstructive buildings and the management of commons or open spaces, the essential demand of a local community is to be allowed to govern itself. No result arrived at by another method, however good in other respects, would be a substitute for this need.

As a rule, the size and wealth of an area are not of much importance in regard to the exercise of powers of Control. Local knowledge is, however, vital both for the comfort of the public and economy of administration. In Service functions, on the contrary, the size and resources of the area are closely related to the excellence of the result. It is obviously desirable to secure integrity of conduct, the elimination of corruption, and the maintenance of equitable standards in the exercise of powers of Control. And it is sometimes suggested that an absence of these qualities makes the smaller authorities unfitted to exercise regulatory functions.¹ But all these desiderata, with the added advantages of coherence and consistency, can easily be obtained by means of judicial supervision. The courts of law, indeed, are at their best in supervising the exercise of administrative control over persons and

¹ 2 *R.C.L.G.*, p. 40: *Evidence*: Dent, Hinchliffe and Howard (X, 1961-2).

property.¹ Their efforts at regulating the service functions of administrative authorities are much less fortunate, and have been greatly restricted during recent years.²

REPRESENTATION AND ADMINISTRATION

If the county district authorities were denuded of their principal Service functions in the manner suggested, they would still be left with large powers of Control over persons and property—a form of local government much older, it may be observed, than most of the services which comprise modern municipal administration. This transference of so many functions to the county may appear at first sight an indignity not to be endured, a disaster of the “worse-than-death” order, compared to which complete extinction would be a preferable alternative.

This view is not necessarily well-founded. It is possible that in the modern world of social co-operation, in which practical activities are organized on a scale far exceeding the scope of our inherited physical capacities, there remains the need for organs of political communication suited to the natural senses of men and women even though no longer appropriate for administering the services on which our civilization depends. If this is so, we may learn to recognize the need in municipal affairs for representative bodies elected for the purpose of voicing grievances and demands, expressing the will of the community and enunciating and enforcing the common rule of life and conduct. These bodies would be distinguished from representative bodies created on a much larger scale for the purpose of administering collective services. In such an eventuality, parish councils and district councils and small non-county borough councils might continue to exist as representative organs of the former type, long after they ceased to be charged with the more elaborate functions of administration.

¹ Cf. William A. Robson: *Justice and Administrative Law*, chap. vi. Also Freund: *op. cit.*

² William A. Robson: *Justice and Administrative Law*, chap. iii.

We have already become accustomed to regard the Parish Council or Meeting as being essentially a Representing body rather than as an administrative unit. Much of our legislation reflects this attitude. Thus, parish councils or parish meetings may petition the Minister against confirmation of an order by the county council altering the parish boundaries. They may make representations to the county council that the rural district council is in default in carrying out its duties under the Housing Acts;¹ they have statutory authority to make official complaint to the county about the water supply and the sewerage system; they can seek the aid of the county council in compelling the rural district council to carry out its duties under the Public Health Acts; they can insist upon the maintenance of the highways in proper repair.² As a representing body, the parish council can justify its existence and survive in a world which is no longer parochial. As an administrative unit the parish can scarcely hope for immortality.

The business of a parish council consists largely of things which do not cost money. "It seems to me" said Mr. M. S. Pease to the Onslow Commission "the real use of the Parish Council is in calling the attention of other bodies to things which want doing."³ The speed of motor-cars and the existence of dangerous corners on the road are, in the opinion of this experienced parish and rural district councillor, typical examples of things in which a parish council can fulfil its purpose by calling the attention of the proper authorities to the matter in order to get the grievance remedied. In a well-administered area there is never any difficulty in getting the higher authorities to deal with the matters raised by the parish council.⁴ The real value of the parish councils seems to lie, concluded Mr. Pease, "in the spiritual effect which they produce on the village people. Villagers do see, when a parish council begins to be active, what they do at the parish meeting,

¹ Housing Act 1925, Sects. 73, 74 and 75.

² Local Government Act 1894, Sects 16 and 19 (8).

³ R.C.L.G.; *Evidence*: Pease (XIII, 2324).

⁴ *Ib.*

and how they vote, does have some effect and . . . anything which strengthens the feeling of local self-government is very valuable from a national point of view."¹

Even the parish meeting is valuable as a means of safeguarding the interests of a village when they are in any way threatened, although as an organ of administration and for initiating schemes for the improvement of conditions in the village it has little practical value.²

Not only in local government but in many other departments of life the tendency can be observed of distinguishing Representing bodies from administrative units. Chambers of Commerce, trade unions, trade councils, religious societies and professional associations of all sorts, are becoming increasingly important as organs of expression for voicing the feelings and opinions of selected groups, and of diminishing value from the point of view of executive action. The national government and even Parliament itself are growing more and more susceptible to the influence of organized opinion expressed through functional bodies. Every candidate for Parliament is bombarded with statements from organizations of bicyclists, anti-vivisectionists, insurance agents, licensed victuallers, cinema proprietors, divorce reformers, humane slaughterers and all sorts of other groups, each urging a particular point of view and demanding a declaration of acceptance as the price of support.

THE INTERNAL ORGANIZATION OF THE COUNTY

Although it may be expedient to leave the parishes and county district authorities for some time in undisturbed possession of their Control functions and powers of representation, it is unlikely that there could ultimately continue to exist, as permanent institutions, two sets of authorities covering areas of different sizes within the same territory: one elected for

¹ *R.C.L.G.; Evidence: Pease (XIII, 2324).*

² *R.C.L.G.; Evidence: Pease (XIII, 2323 and 2312).*

administrative functions, the other constituted solely for the purpose of formulating and expressing public opinion and regulating the general conduct of the body of citizens. Nor do I conceive this would be the case. The system of local government which is contemplated will consist ultimately of county boroughs and county councils, together with the various combinations for special purposes into which these primary elements will be grouped.

It is clear, however, that some constitutional machinery must be devised for the internal management of the county. A large county, like Cornwall or Kent, could not possibly have all its municipal affairs administered *en bloc* from the county town. Such a method would be objectionable to the local communities within the county and would present insuperable difficulties to the centralized county executive.

Stated shortly, I believe the most excellent method of dealing with the internal organization of the county as at present constituted would be to confer the status of independent county boroughs on a considerable number of large urban areas and to work the remainder of the administrative county by means of District Committees composed of a majority of county councillors together with an added element from the locality produced either by co-option or election.

This would make the District Committee in essence a committee of the county council. It would have delegated to it, either compulsorily or at the discretion of the county, a considerable part of the administrative work of the county council. For this purpose it would require office accommodation, a staff of officers and appropriate institutional equipment, all situate in the locality for which the District Committee is appointed. In some ways the District Committee would not be entirely unlike a district council of the kind now existing. But an essential feature of the proposed structure is that the District Committee would necessarily be an instrument for carrying out the policy of the county council. Even when given a free hand, the district administration would still be subject to contingent

supervision and co-ordination by the county council. The staff of the District Committee would consist of officers employed by the county council and allocated to the District Committee for local service. No money could be raised by rate or loan by the District Committee, all financial operations of this kind resting with the county council.

By this means we should get rid of the objectionable system of having several local authorities with jurisdiction over the same area. The county council would be the sole elected authority in the administrative county possessing inherent administrative power. At the same time, there would be a definite body entrusted with the welfare of each local community within the county, charged specially with looking after its peculiar interests and administering many municipal services on behalf of the county. A system not unlike this plan has already been in force in Scotland, and works extremely well.¹

There is, of course, an immense variety of forms in which this general idea may be applied. There is no reason why there should be only one District Committee for each county division. There might be one committee formed for each district on a territorial basis, acting as agent or delegate for the county council as a whole; and other committees formed on a functional basis and operating directly under the Public Health or Housing or Education Committee of the county council. There is no reason why the same district should be employed for all purposes. The county might be divided into different sets of district areas for different purposes, so that each District Committee would have jurisdiction over a type of area most suited to its needs. Just as the primary units of local government require to be combined into different groups for separate services, so the counties may need to be divided in various ways to meet the demands of particular functions. The

¹ The Scottish system of local government varies in many respects from that of England. See Memorandum by the Scottish Office on the *Local Government System of Scotland*, reprinted from Part VII of the *Minutes of Evidence taken before the Royal Commission on Local Government 1925*. H.M. Stationery Office. But cf. Local Government (Scotland) Act 1929.

composition of the District Committees would vary not only as regards the members appointed by the county council from among their own number, but also in respect of the local element from the district. In some cases it might be desirable to rely on co-option; in others, election by the district might be the best method. Sometimes, as in the case of education, it might be desirable to require functional bodies within the locality to nominate members of the District Committee, in order to secure the representation of special points of view.

The representatives of the county council on the District Committee should always include, wherever possible, those members of the county council who represent the division of the county in which the district is situated, and also perhaps those who live in the area in question. But there is no need for the representation of the county council to be confined to these members. The essence of the scheme is that the good government of the county as a whole should be borne in mind even when the administration of a much smaller area is under consideration. For that reason it would be a mistake to make the county council a federal body. There is a great difference between electing persons to the county council and then creating local territorial committees from the members so elected, and the alternative course of electing persons to minor local authorities and then manufacturing a county council from the aggregate of persons so elected. In the one case there is a fair chance of obtaining a large point of view; in the other the outlook is likely to be parochial.

Already in several of the counties we find a series of District Committees in existence for functional purposes. The county council of the West Riding of Yorkshire has set up no less than 120 district sub-committees in county districts in which they are the local authority for all types of education. These district sub-committees cover groups of 6, 8 or 10 villages, or one or more urban centres, and consist of at least one member of the county education committee together with other persons

appointed by the local district council or co-opted by the sub-committee itself. The district sub-committee has power to appoint assistant teachers and subordinate members of the school staff; it can take part in the appointment of head masters and mistresses; and is responsible for the general management of the school subject to the financial control of the county council. The clerical staff of the district sub-committee consists of officers of the county education committee.¹

In Lancashire, again, the county council has established 33 local committees for elementary education and 99 committees for secondary and technical education in urban areas. The county education committee devolves a large amount of detailed work on these committees, and great importance is attached to securing the local interest of as many people as possible who are likely to advance the public welfare.²

Even in some of the great cities a system of District Committees is coming into existence.³ In Manchester, for example, the Highway Committee is split up into 4 territorial sub-committees. Each sub-committee has its own surveyor, and deals with highway administration in an area covering about a quarter of the city.⁴

The parochial committee system embodies on a smaller scale a similar conception. Under the Public Health Acts a rural authority such as a district council may form for any contributory place within its area a parochial committee consisting entirely of members of the rural authority, or partly of such members and partly of ratepayers in the contributory

¹ 1 *R.C.L.G.*, p. 222; *Evidence*: Sir Percy Jackson (III, 675).

² 1 *R.C.L.G.*, p. 221; *Evidence*: Taylor (III, 607).

³ E. D. Simon: *A City Council from Within*, p. 218. It is of interest to note that a special committee appointed by the Manchester City Council in 1909 to consider decentralization reported in favour of the principle of establishing separate committees to deal with special services, in accordance with the prevailing practice, as against the alternative system of splitting up the city into smaller areas and appointing local committees to administer a number of services in each area.

⁴ *Ib.* The case of London is, of course, quite distinct. The metropolitan borough councils can in no sense be regarded as District Committees of the London County Council.

place who are qualified in any manner which the rural authority may determine. The parochial committee is subject to any regulations or restrictions imposed by the creating body. It becomes the agent of the district council, but does not relieve it of obligation. It can be empowered to incur expense up to any amount prescribed by the forming authority, and these expenses are discharged by the rural authority. Its constitution can be altered, and it can be dissolved by the rural authority at will. A parish council may be requested to act as a parochial committee, and this is frequently done.¹ The Royal Commission urged that if the reorganization of areas carried out as a result of the periodic general reviews effects the elimination of any small urban districts, provision should be made to substitute something in the nature of parochial committees² in those places.

It is not proposed that the county council should be under any obligation to delegate the administration of all or even the majority of its powers to the District Committees suggested above. It is obvious that a number of services require not merely planning and co-ordination over a large area, but also centralized administration on a similar scale. Hence, in many cases a service would be directly administered by the county council itself or by one of the larger combinations in which the county would be merged for the particular purpose. A distinction must once again be drawn between those services which ought to be administered by an authority of not less than a minimum size, and those where executive duties can be successfully undertaken by quite small bodies, provided co-ordination and adherence to a common plan are obtained by a supervising authority. Thus, certain services would be delegated to the District Committees in all cases; other services would not be delegated in any case; and a third category might consist of services which would be delegated to District Committees in areas fulfilling prescribed conditions.

¹ Public Health Act 1875, Sect. 202.

² 2 R.C.L.G., p. 15.

PLIMSOLL LINES IN LOCAL GOVERNMENT

There is room here for an intelligent use of the grading principle, which is at present applied in an old-fashioned and clumsy manner in certain restricted fields. The idea of conferring powers on those districts which satisfy specified requirements of fitness has much to commend it. If properly carried out, it could be made to serve the valuable purpose of distributing power on a basis of true categories, as distinct from the muddled and misleading classification which now exists. It is not suggested that powers or duties ought to be conferred on municipal bodies as a kind of reward for mere size, or even in recognition of prestige or antiquity. But it is clear that certain kinds of local services cannot be efficiently administered by units below a certain size. In these cases the grading principle should be regarded as a kind of Plimsoll line intended to ensure that no local governing body is overloaded with more functions than it can safely carry or entrusted with a larger cargo of duties than it can discharge in a satisfactory way.

At present, where the grading principle is employed, we usually take the last census prior to the passing of a particular statute and use that as a permanent measuring rod. Thus, the Education Act provides that elementary education shall be undertaken by the councils of boroughs having a population over 10,000 and by the councils of urban districts with more than 20,000, according to the census of 1901.¹ The allocation of police force powers to non-county boroughs proceeds on the basis of the census of 1881,² and the same applies to the administration of the Diseases of Animals Acts.³ Many other statutes follow similar lines. It is demonstrably unscientific to grade local authorities on the basis of their populations at a fixed date—often the last census prior to the passing of a particular piece of legislation—and then to stereotype that

¹ Education Act 1921, Sect. 3.

² Local Government Act 1888, Sect. 39.

³ *Ib.*

gradation for all future time. The population aggregates which existed in 1881 or 1901, or some other more or less remote date, often determine present functions and affect the distribution of power, although large changes have since taken place. This is clearly undesirable.

It may, furthermore, be suggested that mere size of population is not the only criterion which can be profitably employed in distributing powers among local authorities. Average density of population, the composition of the population in terms of age, sex and occupation, aggregate rateable value, assessable value per head, territorial area, the character of the area: these and many other criteria can usefully be employed for different purposes.

It is important that differences of power consequent upon variations in size should not be maintained "on principle", but instituted only when some real advantage is to be secured by so doing. In the case of the District Committees within the county, it is obvious that the grading method could often be applied with success to the areas under their jurisdiction.

One of the general advantages which might be derived from the grading idea, if properly applied, would be to keep the local government system "flexible and responsive to the facts of growth and change"—which it fails to be at present. It would enable areas to pass from one stage of municipal development to another without conflict or impediment. It would provide an incentive to growth, and mark quantitative degeneration with an impartial but decisive hand. It would leave room for an element of "becoming" in the municipal structure and provide transitional steps between "that which is A and that which is not-A", to borrow the logician's phrase.

In putting forward the suggestion that the counties should be divided into district areas governed for certain purposes by District Committees acting on behalf of the county council, I do not propose that the distinctions of status, class and nomenclature at present existing between county districts should be retained. I have already shown at some length that

the classification of county districts into rural districts, urban districts and non-county boroughs (not to mention the parishes) fails to correspond to a classification of areas based on the facts of population, wealth, territory or even character. Since the whole object of this work is to relate the institutions of our municipal structure to the realities of the social fabric, there can be little justification for continuing a hierarchy which distorts those realities or, at the least, disguises them. There must necessarily remain large differences of size and character between the county districts, no matter how far reorganization may proceed. But there is no real need for one kind of district authority for the older towns of small size and diminished importance and another kind for the newer urban centres or suburban aggregates. Moreover, the rapid development of motor transport and other forms of communication is breaking down the old clear-cut line of demarcation between town and country, and I do not think we can any longer justify withholding so-called urban powers from so-called rural districts and thereby placing such districts in an inferior position.

The Minister of Health, in giving evidence before the Onslow Commission, showed that he recognized the force of these contentions. The Minister's representative suggested that the Royal Commission might commend to the attention of Parliament, in its future dealings with the problem of distributing functions, the desirability of attaching less weight than hitherto to the legal status of local authorities, that is, to their being borough, urban district or rural district councils. The Minister's witness further suggested that the presence or absence of such a characteristic as a separate Court of Quarter Sessions or a separate police force is "decreasingly relevant to the efficient discharge . . . of the normal functions of local government".¹ He also deprecated the idea of attaching weight to the mere numbers of population in the areas of different districts, especially if they referred to those prevailing at a fixed date.

¹ 2 R.C.L.G., p. 47; *Evidence*: Robinson (XII, 2278-9).

THE INDEPENDENT TOWNS

We may turn now from the internal organization of the administrative county to a consideration of the other primary element in the municipal structure: the independent town or city. I have already indicated that the essential foundations of the improved framework must consist of county borough council and county council. We have still to consider the conditions under which a town should be enabled to become an autonomous unit of government.

It would obviously be both impracticable and undesirable to ask any town which at present enjoys county borough status to give up its independent position. There are, indeed, only 83 county borough areas in the whole of England and Wales, compared with 255 non-county boroughs and 785 urban districts.¹ It would clearly seem as though the tendency should be in the opposite direction, that is, towards the creation of more county borough councils.

If the proposals which have been made in the preceding pages are carried out with some measure of completeness, I do not believe there will be any real objection to conferring independent county borough status with a much freer hand than in the past. Such a development would be attended with many advantages.

There can be little doubt that the bitter conflict between the great town and county authorities which now disfigures English municipal life and, like some fell disease, produces an incessant drain on the energy and resources of the councils, is largely caused by the abrupt and illogical severance of county dominion which follows the creation and extension of county borough areas. The story of this conflict has been told at some length; and no fair-minded reader can fail to be struck by certain conclusions which emerge with irresistible force.

In the first place, despite the exaggerated claims put forward

¹ As on April 1st, 1927; 2 *R.C.L.G.*, p. 3.

for their own predominance, the county councillors would be less than human if they did not strive tooth and nail to avert the enlargement in size and numbers of the county borough areas. It is useless to expect the county councils to stand by with folded arms while vast cities escape their rule and wealthy provinces fall into the hands of rival authorities. On the other hand, we have seen with unmistakable clarity that the cities can make out an overwhelming case for the acquisition of county borough status and for the expansion of their boundaries.

There seems no reason to believe, however, that the present incessant warfare would persist if the association of county and city were to continue in regard to a number of important services through the combinations of county and county borough councils whose creation for special purposes has been urged in the preceding pages. If neighbouring groups of counties and cities were compulsorily merged in larger units for such services as education, land drainage, highway administration, sewerage, water supply, town-planning, electricity generation, lunacy and mental deficiency, Poor Law and so forth, the formation of new county boroughs or the expansion of existing ones would lose much of its sting from the standpoint of the counties. The financial aspects of the conflict would be immensely relieved and one great cause of disharmony be removed. The attempt to stop the extension and creation of county boroughs in order to preserve the county from becoming a mere residue is, as Mr. G. D. H. Cole truly observes, doomed to failure.¹ A town should not be administratively divided from its suburbs, or kept in an artificial state of tutelage, solely because the county council fears the loss of ratepayers to the town. The remedy for the present impasse lies in a reintegration of town and country through a series of new and wider areas, and not in an attempt to preserve a number of purely unreal and vexatious divisions.² Our boundaries should be so

¹ G. D. H. Cole: *The Next Ten Years in British Social and Economic Policy*, (1929), p. 325.

² *Ib.*

drawn that no suburban district is severed from its "focal town".¹

There is obviously an immense difference between the inferior position of a non-county borough under the present régime and that of an independent county borough operating major services through larger combinations. In the former case the town is governed for numerous purposes by a body on which the town council as such is in no way represented; in the latter case the town is supplied with various services by composite bodies in which the borough council is definitely included. The contrast amounts almost to the difference between subordination and participation.

Although I have urged at some length the necessity for insisting upon a far greater degree of co-operation between local authorities than now exists, and have without hesitation proposed that coercive measures should be employed to compel them to combine in appropriate groups, I nevertheless believe that a very large amount of independence can be enjoyed within a framework of obligation such as this. Such independence is an immensely valuable asset in civic life. While we should compel a high degree of co-operation as respects particular services, we should at the same time confer the greatest possible amount of autonomy in regard to the residue of functions. This means, so far as the towns are concerned, that county borough status must be conferred with a liberal hand.

With this in mind we can consider the conditions under which county borough status should be conferred. This is a problem of considerable difficulty. There are two or three counties which are approaching the point at which they might conveniently be apportioned entirely among co-terminous county boroughs. It has been suggested that this might possibly be the case in Middlesex, for example, and in Glamorgan.²

¹ C. B. Fawcett: *The Provinces of England*, p. 71.

² Sidney and Beatrice Webb: *A Constitution for the Socialist Commonwealth of Great Britain*, p. 232.

There are other counties, such as Radnorshire, in which there are no towns of importance, and the best thing to do would be to confer county borough powers on the county council. But these are exceptional cases to be found only at the extreme ends of the scale. The bulk of the counties consist of more or less rural areas studded with a few county boroughs and a large number of non-county boroughs and urban districts of varying magnitudes.

The Local Government Act of 1888, in setting up the county councils, established for the first time a distinction between towns which are independent of county control and those which are subject to the jurisdiction of the county council for numerous purposes. The statute declared that some sixty-one cities should henceforth become county boroughs, a term hitherto unknown to legal terminology or historical tradition. In drawing the distinction Parliament gave no indication of the principles on which it was to be maintained. Section 54 of the Act enacted that the Local Government Board (afterwards the Ministry of Health) could constitute a county borough by Provisional Order, subject to confirmation by Parliament, if the Minister considered it "desirable", provided the town contained not less than 50,000 inhabitants.

Many county boroughs were brought into existence by this means, while others were created by Local Acts of Parliament. In no case was the minimum figure of population regarded as more than a preliminary condition which had to be satisfied before an application or petition could be considered.¹ The Minister of Health was for many years accustomed to take into account a number of elaborate criteria before making his decision. These included the standard of administration in the locality, the effect of granting the application on county government, and the cumulative result of granting successive applications of a particular kind.² In regard to the extension of county borough boundaries, it was the practice of the department to consider further questions relating to the good government of

¹ 1 R.C.L.G., *passim*.

² *Ib.*, pp. 155-7.

the enlarged area, the wishes of the inhabitants, the equity of local burdens, differential rating schemes, community of interest, the inclusion of undeveloped land and cognate matters.¹

The Minister took the sound view that no sure and certain light can be obtained from population figures considered alone. No one is likely to suggest that the suitability of an area to become an autonomous community should depend exclusively on arithmetical facts. Nevertheless, the minimum population figure prescribed is a matter of great importance, and some note must be taken of it in these pages.

The figure of fifty thousand laid down by the Act of 1888 may be regarded as extremely high compared with the practice prevailing in many foreign countries.² It is, however, unnecessary to go abroad for examples of a more generous attitude on the part of the legislature towards local independence, for Scotland provides a notable illustration of the precise phenomenon. In Scotland the Royal and Parliamentary Burghs are municipal units separate from the county, and those possessing police forces, together with counties of cities such as Edinburgh, Glasgow, Aberdeen and Dundee, correspond in most essentials with the county boroughs of England.³ They are distinct from the Police Burghs, which somewhat resemble our urban districts and non-county boroughs. The independent Royal and Parliamentary burghs are not subject to an arbitrary population minimum. There are 64 of them with populations of less than 20,000, 56 with less than 10,000, 42 with less than 5,000, and 22 with under 2,000.⁴ Several of these independent Royal and Parliamentary burghs which maintain their own police forces have a population of less than 20,000, and one has only 7,500. The Scottish Office were scarcely overstating the position when they dryly remarked that "on the whole, it would seem

¹ 1 *R.C.L.G.*, pp. 157-63.

² G. Montagu Harris: *Local Government in Many Lands*.

³ Memorandum by the Scottish Office on the *Local Government Systems of Scotland*. Reprinted from *Minutes of Evidence taken before the Royal Commission on Local Government 1925*, p. 1508.

⁴ *Ib.*, Statement A, pp. 1530-2.

that independent powers have been more freely entrusted to small municipalities in Scotland than in England".¹ It is not suggested that the Scottish system of local government is to be followed as an ideal model, but merely that it is more free so far as the towns are concerned. This is one valuable advantage which it possesses.

Great pressure was brought on the Royal Commission on Local Government by the Associations representing the county councils and urban and rural district councils to raise the minimum population figure which a town should be required to attain before being able to apply for county borough status. The county councils suggested 250,000, which would qualify only a dozen cities in the whole country. The district councils contented themselves with merely doubling the present figure. In the result, the Royal Commission advised that the minimum should be raised to 75,000²; and this advice has now been embodied in legislation.³ It is interesting to compare this recommendation with the information at our disposal concerning the distribution of population in England and Wales.

QUESTIONS OF SIZE AND GROWTH

Broadly speaking, nearly four-fifths of the population of England and Wales is to be found within the areas of the 1,126 urban authorities (including non-county and county boroughs). Only one person in five, or less than 8 millions in all, inhabits the rural districts, of which there are 663.⁴

The reduction in the birth-rate during recent years is a matter of common knowledge. This slowing down is reflected in a restriction in the growth of towns during the past decade

¹ Memorandum by the Scottish Office on the *Local Government Systems of Scotland*, p. 1527.

² 1 R.C.L.G., p. 469 *et seq.*

³ Local Government Act 1926.

⁴ *Census 1921, General Report*, p. 23. The exact proportions of the urban and rural populations are 79·3 per cent and 20·7 per cent. The aggregates are 30,035,417 and 7,851,282 respectively.

or more.¹ But although the rate of growth has decreased, there is still a considerable absolute increase of population in the majority of towns throughout the country. This absolute increase is not, however, evenly dispersed among the towns and cities of different sizes, nor spread equally through the different localities.

Among the 1,126 urban areas are 101 which had populations in 1921 of 50,000 or more. These urban centres contain nearly 19 million inhabitants, so that almost a half of the total population of the country is to be found in large and relatively dense aggregates.² No less than a quarter of the population is massed in the twelve very large towns whose populations exceed a quarter of a million each. The proportion of the nation residing in these monster cities is, however, almost stationary, being 25·5 per cent in 1921 as compared with 25·4 per cent in 1911.³ In some places, such as London, for example, the number of inhabitants dwelling in the administrative area is actually diminishing.⁴

In the towns containing less than 250,000 inhabitants a tendency towards increased urbanization is evident. The proportion of the total population living in towns between 100,000-250,000 increased from 12·6 per cent in 1911 to 13·6 in 1921; in those between 50,000-100,000 from 9·9 per cent in 1911 to 10·2 in 1921; in those between 20,000-50,000

¹ The following figures from the census of 1921 illustrate this remark (*General Report*, p. 26):—

101 Towns having in 1921 a Population exceeding 50,000.	1901-11.	1911-21.
Increase of 50 per cent or more	6 towns	2 towns
„ 30 „ to 50 per cent	12 „	1 „
„ 10 „ to 30 „	38 „	17 „
„ 0 „ to 10 „	42 „	69 „
Decrease	3 „	12 „

² *Census 1921, General Report*, p. 25.

³ *Ib.*, p. 23.

⁴ *Ib.*, p. 28. A decrease of 37,162 persons in the administrative county of London was recorded in 1921.

from 12·8 per cent in 1911 to 13·1 in 1921.¹ The following table shows the increases in the population aggregates of towns of various sizes between 1891 and 1921² :—

Towns Classified by Magnitude of Population.	Percentage Increase in Intercensal Period of Population of Towns Constituted as at date of later Census in each Period.			Ratio of Group Increase to Increase in England and Wales		
	1891-1901.	1901-11.	1911-21.	1891-1901.	1901-11.	1911-21.
250,000-1,000,000	12·1	7·0	4·6	99	64	92
100,000-250,000	17·7	14·2	5·7	145	130	114
50,000-100,000	23·2	16·8	7·9	190	154	158
20,000-50,000	20·3	17·5	7·5	166	161	150
Under 20,000 ..	14·8	13·7	6·7	121	126	134
Total for England and Wales ..	12·2	10·9	5·0	100	100	100

These figures show that there are certain general factors at work determining the order of national growth, and that these forces affect all areas alike. But the table discloses a definite relation between the several groups of towns. For in each decennium the rate of growth in the smallest towns is above the average, and this rate increases with an increase of size up to about the 50,000-100,000 category. Thereafter it consistently diminishes, the growth in the largest units being rather below normal.

This seems to suggest that a figure in the neighbourhood of between 50,000 and 100,000 roughly marks a "limit of effective aggregation beyond which the advantages of further accretion begin to be counterbalanced by increasing disadvantages".³ Moreover, in the later decades the rate of increase in the smallest towns appears to have been relatively higher than before and that of the larger units lower than before. This tendency, the Registrar-General observes, is probably associated with the changes in the organization of industry which

¹ *Census 1921, General Report*, p. 23.

² *Ib.*, p. 24.

³ *Ib.*, p. 25.

are gradually being brought about by factors tending to the dispersion rather than the concentration of population. Among these may be numbered recent developments in transport, the increasing use of electrical power transmissible over long distances with comparative economy, and the necessity of providing workers with more adequate houses and a healthier environment. "The most effective concentration of individuals in urban units, the Registrar-General concludes, may in future be a diminishing one and the decline in the rate of growth set in earlier than it has in the past."¹

There is a considerable amount of evidence contained in the report of the last census to confirm the assertion made by various economists that a new industrial revolution is developing, and that the centre of gravity in English industry is swinging from the heavy industries in the North, such as mining and shipbuilding, to the lighter industries, such as electrical supplies and motor-cars, which are manufactured to a large extent in the Midlands and the South. Southampton, for example, increased its population by 11 per cent, and Coventry by no less than 20 per cent, while six of the great Lancashire towns suffered decreases varying up to a maximum of nearly 5 per cent.

A tendency in favour of the less populous areas is also to be observed in certain parts of the United States of America. Mr. Henry Ford has set out at length the reasons which have led him to the view that the dispersion of industry away from the great cities is profitable from a business point of view.² From a social standpoint, this movement would appear to possess many advantages. No amount of good government can counteract certain fundamental disadvantages resulting from elephantine size nor compensate for excessive remoteness from nature and the country-side.

The significance of the census statistics in regard to local government lies in the probability that the size of towns is

¹ *Census 1921, General Report*, p. 25.

² Henry Ford and S. Crowther: *To-day and To-morrow*.

nowadays likely to be stabilized at a much lower figure than those we have been accustomed to expect in the case of centres of new and developing industries. We can no longer assume that flourishing trades and rising manufactures will be concentrated in one or two enormous specialized centres, as hitherto.

It follows from this that we must be ready to regard towns of recent growth and rapid expansion as quantitatively mature, despite their relatively small size. We must, accordingly, be willing to accord such towns every means within our power to enable them to provide in the fullest sense for the civic welfare of their inhabitants. If this is to be anything effective, it must mean that they should be granted the status of independent county boroughs.

There can be no doubt at all that the fullest civic life, as well as the most efficient municipal administration, is to be found in those towns which enjoy the freedom and completeness of county borough status. This is due not merely to the enhanced interest in local affairs which comes from the opportunity of providing directly or indirectly for all municipal services, but also to the feeling of responsibility and self-reliance arising from an independent position and a greater measure of freedom. It is especially undesirable in the case of rapidly growing towns to delay unduly the grant of independent power, for without this there is little likelihood of there being any real development of either public spirit or civic control over the material environment during the formative period when directive regulation is vital and spoliation deplorably easy.

For these and other reasons, I believe that the Royal Commission on Local Government was mistaken in recommending that the minimum population qualification for towns desiring to apply for county borough status should be raised from 50,000 to 75,000.¹ Indeed, Parliament would have been well advised if, instead of raising the figure, it had lowered it to 30,000 and at the same time taken steps to ensure the enforce-

¹ 1 *R.C.L.G.*, p. 470.

ment of compulsory co-operation between local authorities in the manner I have indicated. I suggest that nearly all of the 101 urban areas with more than 50,000 inhabitants should receive county borough status without delay; and that a considerable number of the 81 towns having populations between 30,000 and 50,000 could also with advantage be created county boroughs.

There is at present no general agreement concerning the minimum population level which should enable a town to qualify for county borough status. But the contentions on the subject put before the Royal Commission on Local Government by the various associations of local authorities are by no means the last or only word on the subject. Various other suggestions have been made in favour of a minimum lower than the original figure of 50,000.

Thus, for example, the Public Libraries Committee observed that any town with more than 20,000 inhabitants must be regarded as able to maintain a library in a reasonable state of efficiency.¹ The late Sir Robert Fox, Town Clerk of Leeds, appeared to think that 10,000 was the minimum population which could be expected to provide the resources necessary to enable an area to be efficiently administered.² He accordingly suggested grouping small authorities into larger units of not less than this size. Education experts not infrequently name 30,000 as the minimum population required for a town desiring to provide education services of all grades, in conjunction with combined authorities for special types of schools.

One other consideration may be mentioned in connection with the suggestion made in the foregoing pages that county borough status should in future be conferred with a more generous hand than in the past. Our grudging attitude in this matter is due, not only to the conflict of material interests resulting from the desire for emancipation on the part of the town and the fear of severance on the part of the county

¹ *Report of Public Libraries Committee*, Cmd. 2868/1927, p. 33.

² *R.C.L.G.*, p. 381; *Evidence: Fox* (III, 512).

councils, but also to the distinction between different classes of boroughs introduced by Parliament in the legislation of 1888.

Before that year no one imagined that it was either necessary or desirable to have one kind of municipal authority for the largest cities and another kind for the smaller towns. All were municipal corporations, one and indivisible; all had franchise charters, ancient and honourable; all had borough councils, a mayor and several aldermen.

In introducing the Bill of 1888, Lord Salisbury's government decided to make a distinction between the ordinary run of towns and a few very large cities which, by reason of their vast commercial interests and general importance, were felt to be entitled to claim absolute autonomy in local matters.¹ During the passage of the Bill in the House of Commons, the Cabinet was persuaded, for reasons which have only recently been disclosed by the late Lord Long of Wraxall (at that time Parliamentary Secretary to the Local Government Board and largely concerned with piloting the measure) to allow a large number of other towns to be completely excluded from the jurisdiction of the county councils about to be established. The number of county boroughs originally stood at ten. By the time the Bill had found its way to the statute book there were sixty-one included in the schedule.

There was little principle involved in the selection of the favoured towns. The choice depended largely on questions of hand-to-mouth expediency and political influence. As we have already seen,² the county boroughs do not form a true category so far as population, rateable value and territorial area are concerned: they do not constitute a homogeneous class of municipal entities.

Parliament has itself recognized the inconsistencies and anomalies of the situation created in 1888 by ignoring, in much of the legislation passed since that date, the constitutional

¹ Evidence of Viscount Long before the Royal Commission on Local Government (III, 563).

² *Ante*, p. 21-26.

distinction between county boroughs and non-county boroughs of certain size. During the past forty years various Acts of Parliament have conferred on non-county boroughs, equally with county boroughs, extensive powers in relation to elementary education, allotments, public libraries, housing and town-planning, gas, water, electricity and transport, the diseases of animals, food and drugs, infectious diseases, maternity and child welfare, milk and dairies, and a large number of other functions. Many of these activities are far more important than the "added functions" which are acquired when county borough status is acquired. Among the activities which are reserved for county boroughs alone are such relatively trivial duties as the destruction of rats and mice and the licensing of cinematograph theatres.

In some cases the powers given to non-county boroughs and urban districts are restricted to those attaining a specified size, but this merely emphasizes the argument that the tendency of Parliament during recent decades has been to break down the class distinction between borough and county borough¹ and to seek a distribution of powers based on a truer alignment of local authorities. The new order has been in the direction of increasing the relative scope and activities of the larger non-county boroughs and urban districts.

It may be said, therefore, that the historical developments of the present century, no less than the reasons of principle and convenience which have been urged in the foregoing pages, lend support to the idea of granting independent status to many of the towns of, say, 30,000 inhabitants and upwards, which are in many respects at present in a position of irksome subordination to the county. Without such a liberating movement it will be wellnigh impossible to establish one, and only one, local authority in each municipal area—a principle possessing overwhelming advantages compared with the chaos and confusion resulting from the existing multiplicity of administrative bodies.

¹ 1 *R.C.L.G.*, p. 354; *Evidence*: Smith (V, 1045)

Even apart from that, the reform of the municipal structure generally will demand an abolition of the unscientific and anomalous distinction between county borough, non-county borough and urban district, and some approach to a new formation of areas and authorities based on less obsolete ideas than those embodied in the existing framework. The position of the county council must obviously be considered. But there are ample safeguards against the undue depletion of the county council's resources contained in the proposals relating to the continued association of town and county authorities, both financially and administratively, through combinations of local authorities for particular purposes which must in any case be set up. Once it is realized that there is overwhelming justification for persuading or compelling local authorities to co-operate permanently in group formations, the real objections of the county council to the creation of county borough areas will disappear automatically. The only opposition likely to remain will be that grounded on vanity, the greed for power, and the desire to dominate, none of which is deserving of consideration by the statesman who desires to improve the municipal structure. The county councils will in any case derive large compensation by becoming (in conjunction with the District Committees) the sole administrative authorities for the entire county outside the independent towns.

THE PROBLEM OF SEPARATE ENTITY

It does not require very much political insight to appreciate the inadequacy of arithmetic as a criterion of fitness to receive independent status. In the present state of knowledge, quantitative factors, although relevant and helpful, and indeed indispensable, are by no means conclusive. We may survey all the data which statisticians can provide, from infantile mortality rates to figures of overcrowding; we can peruse tables showing tramway accommodation per head of the local popula-

tion and the number of slipper baths for every thousand adult males; we can discover the expenditure on highways for each pound of assessable property in the locality, and the number and size of classes in elementary and secondary schools in the district. But when we have exhausted all the quantitative factors, we shall still be faced with certain qualitative phenomena before we can decide if an area is fit to have conferred upon it the status of an independent town.

It is extremely difficult to analyse the imponderable elements which make a number of individuals living and working in a particular area a true community for municipal purposes. Mere proximity, the bare fact of neighbourhood, is certainly insufficient to account for the consciousness of entity which exists among the members of such a community and which can be recognized without difficulty not only by those who partake of it but also by those outside. It is not necessary to invoke the aid either of Hegelianism or of mysticism to realize that there is a difference between "the place which is a place", with a real life of its own, and the place which is not a place in that sense.

One fundamental condition of every good system of local government must surely be that the town which is inhabited by a genuine community should have an independent council possessing the largest measure of freedom compatible with the enforcement of a national minimum of civilization on the one hand and an insistence on administrative co-operation with other local authorities on the other.

A place like Swindon, to take one example, ought clearly to have an independent council enjoying county borough status. Swindon is an industrial town planted by the Great Western Railway in the middle of Wiltshire. It is utterly different from the rest of the county. Its problems and outlook are distinct. It has a communal life of its own; and incidentally the best local medical service in England. The inhabitants have a real sense of unity.

By contrast, a large number of the rural and urban districts

established by the Local Government Act of 1894 are not "places" in any real sense of the word. They are merely conglomerates of ratepayers with an elected council to provide a water supply and maintain the drains. This is largely due to the narrow and unimaginative conception of local government which prevailed during the formative period in the latter half of the nineteenth century.

To the Victorians, municipal government was a negative affair, to be invoked only in the last resort when the community was threatened with some dire evil and the machinery of private enterprise had unaccountably broken down. There was a tardy and reluctant admission that municipal action was unavoidable in certain utilitarian and financially unprofitable fields; but a strong individualist feeling, epitomized in the social philosophy of Herbert Spencer, denied that local authorities should be allowed to embark upon activities other than those which the exigencies of the time rendered imperatively necessary. It is scarcely to be wondered at that local authorities, engendered in circumstances so unprepossessing and reared under conditions so unfavourable, should frequently have failed to attain the healthy development of civic maturity. All too often the rural and urban district councils, stamped by their very names with the frigid welcome which attended their birth, have remained the stunted, misshapen and impotent creatures their progenitors conceived.

There is no formula known to political science which enables us deliberately to create "the place which is a place"; nor conjure up at will the community imbued with a vital civic consciousness and a pervading sense of public spirit. All we can do is to provide conditions favourable to the growth of such an entity. The watchwords of those whose aspirations lie in that direction must be freedom and responsibility.

Conversely, if we cannot create such a civic community at will, neither can we destroy it: at any rate not without producing disastrous conflict and causing irreparable loss to the body politic. We cannot always erase municipal frontiers

merely because they appear arbitrary on the map, without considering any of the imponderable elements in the situation. And so when Mr. G. D. H. Cole remarks that such places as Manchester and Salford, Newcastle and Gateshead, Brighton and Hove, are in each case "virtually single towns, held apart by a purely arbitrary administrative division",¹ we must remember that a good deal more social tissue may have grown up within these illogical administrative divisions than Mr. Cole is taking into account.

It is no longer practicable to lay down too stringent conditions as to what constitutes self-sufficiency before recognizing the claim of an urban community to acquire the status of an independent town. The Surrey County Council, in opposing the proposal to constitute Wimbledon a county borough, put forward the contention that Wimbledon was only a suburb of London, and was not a place which had an independent existence in the sense of being "a complete community" from both an industrial and residential point of view, a "complete civic organism covering a variety of interests".² It probably did not occur to the County Councils Association, or to the Surrey Alderman who gave evidence on their behalf before the Onslow Commission, that Surrey has itself become largely a suburb of London and that its inhabitants cannot be regarded as forming "a complete community" with a substantially "independent existence". This fact was not recognized by the county councils bordering the metropolis when their case was stated before the Ullswater Commission on London Government. And even if it had been irrefutably demonstrated to the fullest extent the county councils would not have regarded it as a valid reason for depriving Surrey of its independent county status and autonomous council.

¹ G. D. H. Cole: *The Next Ten Years in British Social and Economic Policy*, p. 331.

² 1 R.C.L.G., p. 325; *Evidence*: Holland (IV, 857).

CONCLUSION

It is unlikely that any very definite agreement will be obtained regarding the qualitative conditions which ought to be fulfilled before the status of a county borough is conferred. As we have seen, even in regard to the measurable factors such as population there is great diversity of opinion, arising in the main from the conflict of wills and disagreement as to ends. The imponderable elements are too elusive even for definition in precise terms.

Despite these difficulties, I would nevertheless reiterate my belief that independent status should not be accorded automatically, on the fulfilment of specified conditions relating to size, wealth, territory or other measurable features. In the last resort, quantitative elements must give way to qualitative factors, in local government as in all other departments of life where human relations are concerned. There is no known method of testing or even ascertaining the civic consciousness. Yet it nevertheless exists, and is the vital spark which illuminates all the varied activities of a local council.

All that we can say is that no place should be regarded as a separate entity for municipal purposes unless there are signs that its inhabitants form a true social community, possessing a real sense of civic loyalty towards the locality, a conscious regard for the common weal, a solicitude for the welfare of the general body of citizens, and a genuine concern for the excellence of local institutions. Without such a spirit no place is likely to prosper socially, no matter how flourishing its economic life may be, nor how modern the drainage system nor how efficient the supply of electricity and gas and water. This is one of the lessons that is being learnt slowly and painfully in the United States of America.¹

¹ See *The City's Place in Civilization*: an address by Dr. Charles Beard: *Proc. 17th Annual Meeting of the Governmental Research Association* on October 15th-17th, 1928, at Cincinnati, p. 90 *et seq.*

The lesson is still to be learnt by many persons in this country. One high official explained to the Onslow Commission that he looked upon his town, and others with similar characteristics, as "commercial concerns entrusted to the local authority, who in managing them had to compete with the authorities of other similar towns".¹ This frank admission by the chief executive officer of a county borough that he regards the city as a mere business enterprise not unlike a department store or an hotel may be compared with the published statements made by Mr. T. Q. Newell when standing for the Office of Mayor of Oklahoma City a few years ago. "I stand for a higher civic tone," this candidate declared in the large advertisements which appeared daily in the local newspapers. "Americans like to advertise their virtues. I stand for virtue-loving and virtue-advertising Americans."

Neither the low commercial outlook expressed by the Town Clerk of Eastbourne nor the crude hypocrisy of the appeal to the Oklahoma voters is likely to prove a source of inspiration for the building of a great city. Freedom and responsibility are of small value save as opportunities for civic achievement high in purpose and not unworthy in execution. The constructive proposals made in the preceding pages are designed to produce a municipal structure which will aim at a more creative attainment than either the desire to run the collective body of citizens as a purely business undertaking or to provide the ratepayers with facilities for advertising their virtues.

The material achievements of a municipal community will never soar high into the realms of imaginative effort unless its social architecture is informed by a spirit which is not material. The mind must rise above the material in which it works; and the ultimate aims of a community lie beyond the civic institutions in which its immediate purposes are manifested. No matter how excellent and efficient those institutions may seem, the vision of the mind must reach beyond the vision of the eye and the senses of the body.

¹ 1 R.C.L.G., p. 341; *Evidence: Fovargue* (V, 1169).

PART II

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PART II

THE FUNCTIONS OF LOCAL AUTHORITIES

PRINCIPLES OF THE CONSTITUTION

The practical work of government is far less centralized in Great Britain than in many other countries, such as France, or Fascist Italy, for example. But the British system is nevertheless dominated by the idea that all legislative power is presumed to lie in the first instance in the King in Parliament and all executive power in the Crown—a twofold constitutional principle which represents the very apotheosis of centralization.

This vast mass of power, which is notionally supposed to have been concentrated somewhere between Buckingham Palace and the Houses of Parliament—say in St. James's Park—has been freely delegated to an immense mass of governing organs of one sort or another, not merely within the immediate realm of Great Britain and Northern Ireland, but also within the more far-reaching territories of the Empire. All these organs are theoretically in the same position. All derive their constitutional power from a specific delegating act of the King in Parliament.

Among the various classes of local authorities in Great Britain to whom administrative duties have been delegated there are large differences of size, wealth and power; but there is nothing that can properly be described as a hierarchy. The more important local councils possess no authority, with a few trifling exceptions, over the minor bodies, although they may administer services in the areas of the latter. Each local authority is more or less independent within its own defined sphere, and is free to carry out its duties without interference from its neighbours. The system of default powers, whereby a county council is, in certain cases, empowered to act in place of a recalcitrant District or Parish Council, does not invalidate what has been said above.

The relationship between central and local government is complex and diverse. The central departments exercise in the aggregate a vast amount of power over the local authorities. Some of this power is derived directly from legislative enactment, and takes the form of general Regulations or Orders expressly authorized by Act of Parliament. Other manifestations consist of sanctions or approvals which may be given or withheld, permission to borrow money or do this and that which may be accorded or refused. A great deal of control is exerted indirectly through the power of the purse. Local authorities have for generations received, in ever-increasing measure, financial assistance from the national exchequer. These grants are paid only if certain conditions are fulfilled to the satisfaction of the national government.

But the dominating feature of the whole situation is the conception that the residuary powers of government lie, according to the law of the constitution, in the King in Parliament, which means in practice the House of Commons and the Cabinet. The result of this is that local authorities can lawfully spend money only on such services as they are expressly empowered to provide. The freedom to do what they will enjoyed by the leading towns in Germany and the so-called "Home Rule" cities in the United States,¹ is unknown in modern England, where express legislative authority is required to justify even the most trifling municipal activity involving the expenditure of public money.

City government in England started, in historical times at least, with a series of individual charters granting corporate rights and franchises, immunities and privileges, to specified groups of burgesses residing in particular towns. During the nineteenth century the great mass of these boroughs came to be regulated by the Municipal Corporation Acts, which imposed a uniform structure on the straggling diversity which had hitherto existed. In the last quarter of the century, when the

¹ Cf. Ernest S. Griffith: *The Modern Development of City Government in the United Kingdom and the United States*, pp. 267 and 429.

county councils, the district councils and the parish councils were set up, uniformity was again the keynote of the legislation. The long series of important measures conferring additional powers and duties on these newly created or recently reformed bodies, such as the Acts relating to public health, education and housing, nearly always meted out similar and equal treatment to all local authorities falling within each class or sub-class.

Meantime, a vast number of Local Acts of Parliament, promoted by individual local governing bodies, including especially the borough councils, was operating in an opposite direction and producing diversity of function where the general legislation sought to impose uniformity. This process has proceeded without interruption, and the larger municipalities have persuaded Parliament to pass some hundreds or perhaps even thousands of private Bills affecting in each case only a single locality.

The present method of distributing power among local governing bodies is a survival from nineteenth-century conditions, when the municipal authorities which now exist were either not yet established or else had fallen from grace into a degenerate condition of corruption and inefficiency. The vital question to-day is whether the methods and safeguards which were necessary and reasonable in a period of inception, reformation or embryonic development, are appropriate and desirable now that a stage of maturity and fuller growth has been reached.

I propose to discuss this question here in reference only to English local government. But the same question is constantly being raised all over the world in one form or another by persons who are striving for the progressive development of democratic institutions. In India, in Egypt, in China, in Japan, in Africa, men are asking whether the time has not come for more freedom and responsibility. And women too have of late been asking that question in the very centres of Western civilization.

THE HEYDAY OF LIBERTY

The restrictions at present placed on the enterprise of local authorities of all classes are, to a greater extent than is generally recognized, the outcome of the historical development of English local government in the nineteenth century. Up to the appointment of the Royal Commission on Municipal Corporations in 1832 it was generally believed that corporate bodies could apply their funds and enter upon such activities as the corporators desired. Blackstone, in his *Commentaries on the Laws of England*, first delivered as lectures at Oxford in 1758, stated explicitly that a Corporation may 'sue or be sued, implead or be impleaded, grant or receive, by its corporate name, *and do all other acts as natural persons may*'.¹ This statement of the law was preserved intact, without modification, by the learned Doctor Burn, who edited the 9th and 10th editions of the celebrated *Commentaries* in 1783 and 1787 respectively. Corporate bodies, Blackstone continued, had general duties "like those of natural persons . . . of acting up to the end or design, whatever it be, for which they were created by their founder". Those duties were not, however, an exhaustive definition of their powers, which were in law no more limited than those of ordinary individuals.

Nor were the corporate funds to be applied only to particular authorized purposes. During the General Election of 1827, the corporations of Leicester and Northampton shamelessly used their corporate property, powers and authority to get certain Tory members elected to the House of Commons. There was a public exposure and much violent criticism of this action in Parliament,² and a Bill was introduced to restrain municipal corporations from applying their funds to electoral purposes. Lord Eldon, then Lord Chancellor, resisted the Bill when it came before the House of Lords, and authoritatively informed the Lords that "Corporations were situated precisely the same

¹ 1 Book I, ch. 18, ii.

² *Hansard*, 1826-7, xv, cols. 606 and 1198.

as individuals, they held some property in trust, as individuals held property in trust. . . . They also held property not in trust, and over such property the Corporation exercised the same right as individuals over their property. There was no difference known to the law."¹

The Lord Chancellor's view of the unrestricted powers of corporate bodies was shared, according to the Royal Commission on Municipal Corporations, by almost all the mayors, aldermen and burgesses of the chartered boroughs. "In general" they reported in 1835 "the corporate funds are but partially applied to municipal purposes, such as the preservation of the peace by an efficient police, or in watching or lighting the town, but they are frequently expended in feasting, and in paying the salaries of unimportant officers".² Some of the boroughs, continued the Commissioners, considered that the corporate property ought properly to be regarded as a trust fund to be used for public purposes. But this was only a moral sentiment. "Few corporations admit any positive obligation to expend the surplus of their income for objects of public advantage. Such expenditure is regarded as a spontaneous act of private generosity, rather than a well-considered application of public revenue, and the credit to which the corporation in such a case, generally considers itself entitled, is not that of judicious administrators, but of liberal benefactors."³

The accuracy of the Commissioners' opinion on this subject has been called into question by Mr. and Mrs. Sidney Webb, who point out that whatever theories may have been current as to the rights and liabilities of corporate members, many municipal corporations in fact held their funds on trust for public purposes; and that an effective sense of public obligation arose naturally from this habitual practice. "Besides the many definite duties which the municipal corporation had assumed" they write "for the benefit and advantage, not of the Freemen alone, but of the Borough as a whole—such as the

¹ *Hansard*, 1828, xix, col. 1745.

² *Report of Royal Commission on Municipal Corporations*, p. 45, 1835, *Parl. Papers*, vol. xxiii.

³ *Ib.*

administration of justice, the management of the Market, the administration of the Port, the making of By-laws, and the suppression of nuisances—it was indisputable that it had, in the past, intervened in any emergency, it had met new requirements, it had acted generally, and had been recognized, as the corporate representative of the Borough as a whole".¹

No matter how the corporate property might in fact be spent, no matter how completely it might in practice be devoted to public purposes benefiting all the inhabitants of the borough, the belief of the Cambridge burgess who declared to the Royal Commissioners of 1835 that the corporators "had a right to do what they pleased with their own" appears to have been held on a widespread scale. It seems that nowhere was there to be found a burgess, a lawyer or a statesman—or anyone else for that matter—who believed that the public purposes to which the corporate property might be devoted were limited or defined by the law of the constitution. The idea that a borough could be restrained from spending part of its funds on any object for the general benefit of the town which the corporators might consider desirable, merely because there was no express authority contained either in the charter of incorporation or in public or local legislation, would have appeared an absurd and pernicious heresy almost up to the middle of the nineteenth century.

The prevailing conception of freedom in this respect was, moreover, preserved in a fundamental sense by the Municipal Corporations Act of 1835, despite the fact that that measure deliberately deprived the individual corporators of their private interest in the corporate property. The statute declared that the income from such property was in future to go into the Borough Fund, and after the payment therefrom of debts, salaries and various specified expenses, the surplus was to be applied "for the public Benefit of the inhabitants and improvement of the Borough".² No limitations or restrictions of any

¹ *English Local Government: The Manor and the Borough*, p. 735.

² Municipal Corporations Act 1835, 5 & 6 Wm. IV, chap. 76, Sect. 92.

kind were laid down or even suggested. If the amount was insufficient, the council could raise a rate.

MID-VICTORIAN RESTRAINTS

The doctrine of *ultra vires*, which has now become of dominant importance in the constitutional system of English government, did not make its appearance until as late as the second quarter of the nineteenth century.¹ In the eighteenth century there had not been the slightest attempt by many of the trading associations or chartered companies which then existed to limit their activities to the terms of their charters; and this made it necessary to introduce certain statutory restrictions after the scandal of the South Sea Bubble.² But the principle of *ultra vires* did not emerge until about the year 1843.³ Even then it was devised, not to curtail the activities of municipal corporations, but to limit the powers of the new joint-stock railway companies which were daily growing in size and strength. At this period the great railway lines were being projected and developed. For the making of these lines larger funds were required than any partnership could secure, and compulsory powers were needed far beyond those which could be conferred by Royal prerogative or charter. Hence the companies made application to Parliament for corporate powers, and these were granted amid great excitement and apprehension.

Shortly after these bodies had been created, questions arose, as to the exact nature of the powers, rights and duties which had been conferred on them. Parliament had made them corporations. But corporations, under the common law notion, were civil persons or juristic entities differing only in physical facts from natural persons. Could a railway company subsidize a steamship line running combined services, if minority

¹ Seward Brice: *A Treatise on ultra vires* (1893), pp. v, ii.

² W. S. Holdsworth: *A History of English Law*, vol. vii, pp. 210-23.

³ *Colman v. Eastern Counties Railway Co.* (1846) 10 *Beavan's Reports*, p. 1; *East Anglian Railway Co. v. Ib.* (1851) 11 C.B., p. 775.

shareholders objected? Could a railway company engage in trading in coal? In answering this type of question in the negative¹ the courts stated the doctrine of *ultra vires* for the first time. The doctrine was formulated by Pollock, C. B., in 1859 in the following words: "There can be no doubt that a Parliamentary Corporation is a Corporation merely for the purposes for which it is established by Act of Parliament; and it has no existence for any other purpose. Whatever is done beyond that purpose is *ultra vires* and void."²

This principle was invented by the courts on grounds of public policy or social expediency in order to meet unforeseen circumstances and enable a new situation to be controlled. It was subsequently extended to various other transactions where doubt existed as to what powers had been conferred by Parliament. It was applied to local government affairs apparently because local authorities happened to be bodies incorporated³ operating under statute or charter and therefore resembling in this one respect joint-stock railway companies. There does not appear to have been an adequate appreciation of the far-reaching results which would ultimately ensue, nor an understanding of the fundamental difference between a joint-stock company trading for profit and a local governing authority providing public services in the common interest and regulated by the Municipal Corporations Act or similar statutes. Prior to the middle of the nineteenth century there seems to have been no attempt in practice, nor any right in law, to limit the activities of local authorities, provided they acted in conformity with the general law.

The doctrine of *ultra vires*, as it now operates, has the effect of making unlawful the expenditure of money by a local

¹ *Attorney-General v. G.N. Railway*, 1 *Drewry & Smith*, p. 154.

² *National Manure Co. v. Donald*, 4 *H. & N.*, p. 8; 28 *L.J. Ex.*, p. 185.

³ *Attorney-General v. Mayor, etc., of Wigan* (1854), 5 *De Gex., MacNaghten & Gordon's Reports*, p. 52; *Bateman v. Mayor, etc., of Ashton-under-Lyne* (1858), 3 *H. & N.*, p. 323; *R. v. Mayor, etc., of Sheffield* (1871), *Law Reports*, 6 *Queen's Bench cases*, p. 652.

authority on any object or purpose other than those expressly or impliedly authorized by the charter, statute or other enabling instrument by means of which a council can acquire power. The legal restrictions at present placed on local authorities arise entirely from the existence of this principle.

It would, of course, be historically untrue to suggest that extensive use of their vast potential freedom of enterprise was actually made by the unreformed municipal corporations of the seventeenth, eighteenth and early nineteenth centuries, at any rate so far as genuine municipal services in the modern sense were concerned. Such "unauthorized" activities as they engaged in consisted for the most part of wining and dining, political manipulation and the distribution among the members of benefits derived from the corporate property. But the reason for this absence of enterprise lay primarily in the obsolete or degenerate condition into which the organs of corporate government had fallen, and their inherent unsuitability for the task of modern administration, rather than in any lack of legal power.

When Parliament undertook the task of constructing a new system of local government to meet the urgent civic problem to which the industrial revolution had given rise, the question of limiting the powers of borough councils did not call for consideration. The problem was not how to limit power, but how to compel the effective and proper exercise of it; not how to restrict action, but how to enlarge initiative. Despite this, the whole tenor of contemporary thought and feeling was indisposed to do more than attempt a piecemeal solution of the particular problems which arose in turn as the industrial revolution passed from one phase to another.

Thus, the Poor Law Act of 1834 sought to remedy, through the separate machinery of the Boards of Guardians and the Poor Law Commissioners, the confusion, inefficiency and wild extravagance which characterized the relief of destitution. The Highway Act of 1835 and its successors set up Highway Authorities to remedy the appalling condition of the parochial

roads. The Public Health Acts 1848-1875 established Sanitary Authorities to stem the tide of death and disease which threatened the nation from the unhygienic conditions of life produced by the intense concentration of population in the crowded industrial centres. The current belief in *laissez faire* which dominated the Victorian age did not favour any attempt at municipal action beyond the minimum rendered imperative by immediate danger to life and health, or the safety of person or property. This explains the setting up of *ad hoc* authorities for dealing with poor relief, highways, public health, education and other services; the failure to recognize, for nearly fifty years, that such an obvious public utility as the gas supply was a fit subject for municipal enterprise; and the absence, until the last quarter of the century, of any reorganization of the general structure based on a more or less comprehensive view of local government. When at last, in 1882, in 1888 and 1894, the Municipal Corporations Act and the Local Government Acts were passed, the formative period of municipal development had already passed its zenith, and the new Parish and District and County Councils, and the reconstructed Borough Councils, took shape under the shadow of the *ad hoc* bodies which they superseded. It was an established rule that local authorities, like good children in a Victorian household, should do what they were expressly told they might do, and little or nothing else.

The result of this conception, enforced by the doctrine of *ultra vires*, is that we have to-day a system of local government which is remarkably good in certain defined spheres of activity, but at the same time excessively narrow in scope and unimaginative in outlook. In the fields of public health, maternity and child welfare, the police forces, elementary education, gas and water and electricity supplies, highway administration and the provision of new houses, results of a very high order have been achieved by the larger and more progressive authorities. Despite the failings of many of the smaller and poorer authorities, and the shortcomings of some of the larger ones, the

national attainments in these spheres, particularly in the larger towns, compare very favourably with anything that has been done abroad.

But although substantial progress has been made in these fields, the whole development of local government has for some years been suffering severely from the restrictions which are at present placed on the spontaneous activities of local authorities.

It can no longer be assumed that the ideal system of municipal government is one in which the local councils perform only the indispensable minimum of service required to preserve the elementary necessities of civilization. Many people feel to-day that the local authorities ought not to confine their activities merely to those things which are nobody else's business or to those which involve some measure of compulsion or statutory monopoly, nor yet only to those which require subsidizing from the rates; but that, in addition, they should properly undertake all those other things which municipal bodies can do *better* than the private individual or voluntary group or trading corporation.

PRESENT NEEDS

It is not possible to discuss here the extent to which the powers at present possessed by local authorities in all the various spheres of local government are adequate to meet modern needs. Such a study would involve an elaborate investigation of every municipal function in turn: health, housing, education, police, town-planning and so forth. A survey of this kind would in any case be unsatisfactory by reason of the difficulty of separating, for purposes of discussion, the question of insufficiency of power from the allied question of the degree to which existing powers are fully exercised in each one of these fields.

It is not proposed, therefore, to embark on an investigation which would involve a realistic study of every branch of local

government activity. I shall content myself with indicating certain directions in which municipal action appears to be specially called for, and devote the remainder of the discussion to an argument showing the need for developing certain cultural fields which have so far scarcely been tilled at all in this country.

It must not be thought, however, that in advocating an extension of municipal powers in certain new directions it is necessarily assumed that local authorities already exercise their existing powers up to the very hilt, or that every little county district or non-county borough, having achieved the maximum result possible under the present law, is waiting breathlessly for Parliament to give it new fields to conquer.

Would that such a picture were true! Unfortunately it is not. The bald fact of the matter is that in many places, especially among the smaller authorities, existing powers are by no means fully used. Mr. and Mrs. Sidney Webb suggest this in pedestrian but compact terms when they point out that although more than fifteen hundred million pounds' worth of the national capital is already being administered in this country by local authorities, that amount would probably be doubled or trebled if these authorities were all even as energetic and enterprising as the best among them now are. The extent and range of the direct administration will be greatly increased, they point out, as it becomes the rule for local authorities, in their position of associations of consumers, to free themselves from their present subjection to rings and price-agreements among municipal contractors, by producing for themselves, individually or through their federations, like the co-operative societies, as many as possible of the commodities they require. Eventually, they suggest, as much as one half of the whole of the industries and services of the country may fall within the sphere of local government.¹

The device of joint action is particularly well-suited to the

¹ S. and B. Webb: *A Constitution for the Socialist Commonwealth of Great Britain*, pp. 238, 242.

production by local authorities of commodities required to satisfy their own needs. A common service such as the insurance of municipal buildings against losses by fire might be profitably undertaken at once by local authorities acting in co-operation. There is, again, no reason why local authorities should not conduct their own banking service, and jointly undertake the flotation of municipal loans through a central bureau.¹ They could also, without resort to increased powers, form a federation for the mutual exchange of surplus products and the joint disposal of waste substances of every kind.

A great many of the supplies at present purchased by local authorities from private contractors could, moreover, be manufactured by the municipalities themselves at prices lower than those they now have to pay. Direct labour in building is already gradually making its way on its own merits, in a large number of areas; and the city of Sheffield has established a printing works which successfully undertakes all the printing required by the municipality. But many commodities, such as the uniform clothing required for the corporation staffs, the books and equipment for schools and libraries and other institutions, could best be produced, not by each local authority acting separately, but by all of them pooling their joint needs and mutual resources. Why should there not be, as Mr. and Mrs. Webb suggest, a federation of local authorities for the manufacture and distribution among the members of practically all the innumerable articles that are now purchased by them from profit-making traders? The local authorities have the advantages of a known, certain and regular demand, abundance of capital at the lowest possible rate and a total absence of bad debts. There seems no reason why they should not embark on productive enterprise through a federation not

¹ An arrangement such as this has become increasingly desirable since the serious loss to certain municipal corporations involved in the Hatry affair. It is a scandal that local authorities should entrust their loan-raising activities to profit-making financiers of doubtful integrity in order to obtain services of a purely routine character.

less extensive and successful than those established by the English and Scottish co-operative societies.¹

All this, moreover, could for the most part be undertaken without increasing the powers which local authorities at present possess. Our immediate concern here, however, is with an extension of the powers accorded by the law to municipal bodies.

The most obvious examples of services which local authorities ought immediately to be permitted to undertake are the handling of the milk supply and the distribution of coal. The milk supply of this country is in many ways a disgrace to a civilized nation, and the present methods of distribution are costly, unhygienic and inefficient. Yet local authorities have no power to undertake the collective provision of a purer and more adequate supply. The wasteful and uneconomic nature of the existing methods of distributing coal from pithead to consumer were revealed in the course of the evidence given before the Royal Commission on the Coal Industry in 1925. That Commission, which observed that "the present system of selling appears to carry competition to excess", recommended that local authorities should be permitted to engage in municipal trading in coal. Most of the members of the Sankey Commission of 1919 had approved a similar plan, subject to the proviso that no charge should be allowed to fall on the rates.

It was not suggested that the local authorities should be given anything in the nature of a monopoly, but only that they should be permitted to compete with private distributors. The representative of the coal distributors raised no objection to the proposal before the Samuel Commission, apparently believing that the retail merchants would have no difficulty in holding their own.

Municipal trading in coal, declared the Royal Commission of 1925, "might have useful results in the directions that are desirable, and we recommend that legislation should be passed to give effect to it"². It will not be practicable, they added,

¹ Webb: *op. cit.* p. 243.

² Cmd. 2600/1926, p. 93.

to apply a definite prohibition of recourse to the rates; for if a local authority did in fact incur losses in any particular year, it would be obliged to pay its debts, and it would, as a rule, have no means of doing so except from the rate fund. The control of the ratepayers would usually be sufficient to prevent the continuance of unsuccessful trading, but it might be advisable to provide in addition for intervention by the Ministry of Health, or of the Scottish Board of Health, as the case might be, in necessary cases. In any event they recommended that after a period of two years the position should be reviewed by the Mines Department with a view to determining what reduction of expenses had been possible, and what further measures, if any, were required.

Despite this unanimous recommendation by a Royal Commission composed of persons not believed to possess preconceived ideas as to the desirability of extending municipal enterprise, and anxious only to promote the prosperity of the coalmining industry, nothing has so far been done to enable local authorities to undertake this form of trading activity.

Another sphere of activity into which municipal authorities should forthwith be permitted to enter is the establishment of saving banks. This question was recently enquired into by a Committee appointed for the purpose by the Treasury, which reported against their extension during the next decade. It would take us too far afield to examine in detail the findings of this Committee. But it may confidently be asserted that the Report of the Committee contained little that can be regarded as either convincing or conclusive in the way of argument against the extension of municipal savings banks. The Labour Government recently indicated (1930) that it would be prepared to assist cities of not less than 150,000 to obtain Private Bill powers from Parliament to establish municipal banks. It is regrettable that general legislation will not be passed on the subject, but it is to be hoped that the larger county boroughs will make use of their opportunity to petition Parliament.

THE LIMITATION OF POWERS

I do not wish to enlarge at length upon the desirability of extending the functions of local authorities in the particular fields mentioned above, because the impotence of municipal bodies in these spheres is only a special aspect of the general importance from which they suffer under the present system, and it is with these general limitations that I am now concerned. There are a hundred-and-one services which local authorities ought to be empowered to undertake, and should indeed be encouraged to provide. Those services vary from place to place. Here it may be a municipal hotel or restaurant that is required, elsewhere a municipal laundry or a recreational institute. The fundamental point is that where some obvious local need exists, the local authority ought to be empowered to satisfy it without being hindered through lack of express statutory authority.

The only method at present available is for the local council to petition Parliament for a Local Act. The Private Bill procedure is cumbersome and expensive and slow, and the Local Legislation Committee frequently reports adversely on proposals contained in Bills promoted by local authorities for no discernible reason other than that the powers sought are novel or of a kind not conferred under the general law. The Private Bill procedure appears to be largely based on the purely negative assumption that nothing of importance is to be permitted unless an overwhelming need for it can be proved in advance to a legislative committee unacquainted at first hand with local conditions. No really novel enterprise of any magnitude would be likely to receive favourable consideration from the Local Legislation Committee. The Annual Reports of the Committee reveal a singular lack of imagination, and suggest that the Committee regards its own function as mainly that of confining the functions of local authorities within the bounds set by convention and tradition.

The attitude of the Committees towards certain clauses in the Bill promoted by the Sheffield Corporation in 1929 may be taken as a typical illustration of its general outlook. One of the clauses of this Bill was designed to enable the city council to control sky signs, not only in the interests of safety, but also from the point of view of the amenities of the town. Counsel for the county borough said he could not understand why it was objected that the corporation should not be allowed to consider the amenities of the city in this matter. They did not want to do away with sky signs, but only to control them.

The Chairman (Sir Walter Raine): "You want to control people out of existence in Sheffield. I have been amazed during the last week at all these clauses you have been asking for. Really, I am staggered." The Committee struck out the clause.

It may be asked whether the Chairman of the Local Legislation Committee would have been less staggered by so harmless a proposal, and more sympathetic to a movement in the direction of improving the amenities of a provincial town not renowned for its beauty, if it had been his fate to live in such a city. If he had been a citizen of Sheffield it is possible that he might even have welcomed a clause enabling the city council to control "out of existence" the more hideous of the sky signs which at present disfigure the streets. There is a world of difference between safeguarding from Westminster the liberties of others in a remote town, and being prepared oneself to live under the unpleasant conditions produced by the anti-social exercise of such liberties.

The state of tutelage described above is, it may be suggested, no longer suited to present-day requirements or the realities of modern local government. Some of our great cities and counties are larger in population and richer in assessable value than whole European States. Their yearly expenditure exceeds the entire annual budget (excluding armaments) of perhaps half a dozen separate nations. They possess a highly trained staff of professional administrators. During the past half-century their responsibilities have been steadily increasing, and

from the point of view of experience, of integrity, of efficiency, of financial stability, their past achievements and present position justify a largely increased measure of independence being accorded to them. It is anomalous and anachronistic that a great city like Birmingham cannot carry on a milk-distributing business; that the London County Council has never been permitted to help out their tramway system by running motor-bus services;¹ that if Manchester wishes to undertake some trifling new activity it is compelled to go to Parliament, cap in hand, at great expense and with a good chance of being refused without reason assigned.

The unreasoning reluctance not only of the Local Legislation Committee but of the House of Commons, to effect any improvement in the present position was well-illustrated by the fate of the Bill introduced into the House in March 1926 by a private member, to empower the Minister of Transport to authorize the running of motor-bus services by those local authorities which already possess powers to run tramways or trolley-car passenger services. At the present time local authorities are compelled to obtain special powers by private Act of Parliament, and the proposed measure, while retaining central control, would have provided a quicker, cheaper and less clumsy method of procedure. The Second Reading was moved by two Conservative members, and the measure received considerable support from the members of all parties. But it was defeated by 133 votes to 128.²

FREEDOM AND RESPONSIBILITY

The time has come, I venture to suggest, when an increased measure of freedom and responsibility could with safety and

¹ In London the underground railway system is very largely assisted by the profits of motor-buses, but the L.C.C. tramways, which have to face heavy competition from the privately owned motor-buses, are not permitted to follow suit.

² A somewhat similar provision was contained in the Road Transport Bill introduced by the Labour Government in 1930. This passed the Commons but was rejected by the House of Lords. But see the Act as finally passed.

advantage be accorded to the larger city and county authorities. The councils of the great counties and county boroughs should be permitted to undertake any service they desire, provided it is intended to promote the good rule and government of their areas. A long list of specified services must obviously be excluded and reserved for national control and administration. The reserved services would of course include the armed forces of the Crown, foreign and Imperial affairs, the post office, the right of taxation other than by local rates, all the services at present administered by the various government departments and independent public bodies, together with any other functions which Parliament might think fit to reserve now or at any future time.

Unless two things are realized, this proposal sounds more revolutionary than it actually is. In the first place, there is no objection to making the list of reserved functions very long and comprehensive to commence with; and to include therein various activities (such as the control of noise or the running of air transport services within Great Britain) which are not at present the subject of administration by any public authority, either central or local. In the second place, the ultimate sovereignty of Parliament would not be affected in the slightest degree, because there would be nothing to prevent the whole arrangement being revoked by future legislation, nor to preclude unreserved powers being subsequently reserved, and *vice versa*. Even if the great cities were free to embark on a variety of unspecified activities, their power to do so would constitutionally be delegated to them by the King in Parliament, the source of all sovereign power.

In the next place, there is no reason why a limit should not be attached to the financial liability which local authorities should be permitted to place on the ratepayers within their area. It might possibly be desirable to refuse to allow a local council to spend more in the aggregate on unspecified services than the produce of, let us say, a rate of 2s. in the £. It would be easy enough to lay down that, where the deficit, if any,

on the aggregate of unspecified services required assistance from the rates in excess of some definite figure, the Minister of Health should have power to order the local authority to close down some or all of its unspecified services contributing to the deficit. And when this had occurred, the local authority might be prevented from starting new activities without permission from the Minister.

A device such as this could easily be employed as a safeguard to ensure that local authorities would continue to display under the new conditions the same degree of caution and responsibility that they have shown themselves to possess in the circumstances which now exist. I believe myself that the ballot-box and the rate-collector's demand notes provide sufficient positive checks against potential folly and extravagance on the part of local authorities. But since many people would feel reassured if a precise limit were fixed to the expenditure which a local authority might incur on unspecified services, there is no real objection to a concession of the kind suggested being made to their timidity. The really desirable object to be achieved is to obtain a margin of power for experimentation in municipal enterprise; and if we can get the bonds which now hamper and confine local authorities of all classes loosened to the extent of allowing a certain amount of free movement in every direction, there is no need to jeopardize the whole proposal by refusing to accept safeguards designed to reassure the faint-hearted. If the principle of free activity is once accorded even to a limited extent, complete liberty will follow in due course.

The Local Authorities (Enabling) Bill, introduced into the House of Commons in 1927 by members of the Labour Party, and supported by the present Minister of Health (Mr. Arthur Greenwood), aims at conferring on local authorities freedom of action of the kind discussed above. The method of procedure is, however, entirely different. Clause 1 of the Bill provides that every county council, and the council of every borough and urban district with a population over 20,000,

may "establish or purchase or carry on any business or undertaking within their area having for its purpose either the acquisition of gain or the promotion of commerce, art, science, recreation, charity, or any other object which might lawfully be established or carried on by a company" or incorporated association, under the Companies Acts. Local authorities under the Bill may also purchase or hold land within their areas in unlimited quantities. Other clauses provide that councils may combine for the purposes of the Bill; that they shall not sell or lease their undertakings for more than seven years without the consent of the Board of Trade; that borrowing powers shall be limited and subject to contingent control by the Board of Trade. Clause 8 lays it down that every council shall establish a special Common Fund into which the rents of land acquired and the net profits of undertakings established under the Bill shall be paid. This Common Fund is not to be used to relieve the rates or to meet any of the liabilities of local authorities under existing legislation. It would therefore presumably either have to accumulate or be applied to the promotion of further municipal activities or the acquisition of land and property for the benefit of the public.

The general scheme of the Bill is obviously in accord with the broad conception of enhanced freedom and responsibility for local authorities which I have advocated above. The method and machinery of the measure are no doubt open to criticism from more than one aspect. For example, I do not myself think that the powers contemplated should be conferred in the first instance on small urban councils with no more than 20,000 inhabitants, but should be confined, to commence with, to county councils and towns of county borough status. In the second place, there is something objectionable in founding the emancipation of local authorities on the assimilation of their powers to those of joint-stock companies, especially when we recall that their present servitude is itself due to a false analogy having been drawn between a municipal corporation

and a trading corporation. But these and other objections relate only to questions of technique, and I should myself be prepared to support, not only the Local Authorities (Enabling) Bill, but any other measure which would help to open up a larger vista of civic achievement than that which is possible under present conditions.

Unfortunately, the private members of Parliament who first promoted the Bill when in opposition became almost completely changed in their views when a turn of the political wheel brought them into power. On February 14th, 1930, the Local Authorities (Enabling) Bill was again introduced in the House of Commons by two Labour members, Mr. McShane and Dr. Salter. It received the support of Mr. E. D. Simon, a prominent member of the Liberal Party, which was at least an indication that the Bill might secure sufficient backing from the Liberal ranks to secure its passage. But Mr. Greenwood, the Minister of Health, saw fit to pour cold water on the very measure which, as a private member, he had previously introduced. Thus the Bill which for many years had formed part of the stock-in-trade of the Labour programme, which had been introduced on successive occasions into the House of Commons by Labour members, and had been given a prominent place in the official party document entitled *Labour and the Nation*, perished ignominiously at the hands of its progenitors in peculiarly unworthy circumstances.

The interesting suggestion has been made that one method of extending the trading powers of municipalities without recourse to Private Bill legislation, save in exceptional cases, would be to set up a statutory board or commission empowered to grant any request by an appropriate local authority for enlarged trading powers. This body would be authorized to refuse such applications only on certain clearly defined grounds, such as the inappropriateness of the particular local authority to undertake the service on account of its limited area, the existence of a more suitable authority for the service, or the fact that the service was already being provided in the area

by another local authority or by a private company having a statutory monopoly. In the last-mentioned case, the commission might have power to authorize the compulsory acquisition of the company by the local authority concerned.¹

Despite the need for constructive measures of this type, it would be a mistake to believe that legislation of the kind mentioned would result in a hectic rush on the part of local authorities to avail themselves of their extended powers. Mr. G. D. H. Cole is doubtless right when he prophesies that even if wide powers were given to local authorities to acquire privately owned undertakings and to embark on new trading enterprises of their own, it is unlikely that there would be at present any great outburst of municipal trading activity.²

Special measures taken by a Labour Government might, he suggests, result in the spread of municipal banking and the development of the other services I have already mentioned. But apart from this, only a slow extension of municipal trading is probable, partly on account of the conservative disposition of the local authorities themselves, but mainly because their hands are already full with other developments. No reckless plunge of numerous local authorities into a wide variety of trading enterprises is in the least likely to occur, whatever policy future governments may adopt in enlarging their powers.³

All this refers, however, to trading enterprise on the part of local authorities. But the real case for widening the powers and extending the freedom of local councils depends on considerations of a more imaginative and far-reaching character than those which are generally embraced by municipal trading. Our concentration on municipal trading is itself both a symptom and a result of the narrow conceptions we have inherited from the Victorian era. If the reconstruction of municipal life is to mean anything fundamental it must take into account not

¹ G. D. H. Cole: *The Next Ten Years in British Social and Economic Policy*, p. 325.

² *Ib.*, p. 326.

³ *Ib.*

only the collective provision of utility services and the material commodities of everyday use, but also the more spiritual elements in the public life of a community.

CULTURAL ASPECTS OF CIVIC LIFE

The most obvious defect in English Local Government at present is the almost complete neglect by the municipality of the cultural elements in social life. We have no municipal theatres, no municipal opera-houses, scarcely any municipal concerts of the first rank, and hardly a municipal picture gallery or museum worthy of a great city. The whole force of municipal enterprise has been concentrated into the utilitarian channels of public health and police, roads and housing, gas and water, while all the finer aspects of civic life have been persistently ignored. The Victorian age was notorious for its ugliness; and ugliness is the dominant external characteristic of the industrial cities of modern England. Even the mere names of some kinds of local authorities are repellent to the aesthetic sense; Urban District is an example. It is difficult to conceive of the citizens having their imagination stirred at the thought of living in an "Urban District" or of desiring to make the "Urban District" more beautiful.

The results of this disastrous neglect of the cultural aspects of communal life are apparent on all sides. Huge tracts of our modern towns and outlying suburbs consist of monotonous rows of hideous dwellings and bedraggled lines of dreary shops. The industrial portions of such areas often comprise factories, warehouses and office buildings of a character which reveals not merely artistic blindness on the part of architect, builder and owner, but an undisguised contempt for aesthetic decency. The outlook of those who produced these monuments of artistic iniquity must have been totally lacking in that solicitude for other people's feelings which lies behind all public-spirited endeavour.

Even during the past few years many of the loveliest places in England have actually suffered or been threatened with various forms of desecration in a way which would be impossible in a community brought up with some regard for civic beauty. The Foundling Hospital site in Bloomsbury, Ken Wood, the Brighton Downs, the Seven Sisters cliffs on the Sussex coast, the approach to Jordans in Buckinghamshire, parts of the city of Oxford, Endsleigh Gardens in London, Friday Street, the Malvern Hills—the number is legion, whether we look at town or country. Sometimes, as a result of a hectic appeal promoted at the eleventh hour by residents in the immediate neighbourhood, a few public-spirited men of wealth have come forward at the last moment and saved what ought never to have been endangered. In other cases, so-called economic man has had his way and the community has suffered for its blindness, past and present.

One of the most notable features of our splendid new system of arterial roads is the mass of hideous bungalows and jerry-built caricatures of "period" dwellings which deface the sides of them, sometimes for miles on end. The growth of motoring as a popular pastime is leading to the spread of ugliness from the towns to the country: the urban motorist carries with him the low aesthetic standards of the city wherever he goes. His blighting hand infects the country-side as with a disease. The rugged coast of Cornwall, encompassed unforgettably with emerald and cobalt, the South Downs and the North Downs, rolling splendidly from east to west, are alike disfigured by grotesque bungalows, garages, petrol pumps and other paraphernalia that is at once irrelevant and irreverent.

The municipal authorities, who by tradition and status should be guardians of the public interest in securing local amenities, are themselves too often the very instruments of destruction of that which they should be zealous to preserve. There are innumerable instances where the local council has been utterly blind to its obligations in the matter and defaced the scenery as wantonly as any speculative contractor.

Professor G. M. Trevelyan tells us of a lovely road in Cornwall running between old Cornish banks of stone, covered at Easter with primroses. The local authority, in widening the road after the war, pulled down several miles of those banks and replaced them by solid grey concrete, on which nothing can ever grow, a hideous profanation for all time to come.¹ This is only one case among many.

It is not pleasant for those who care for local government to find a lover of natural beauty like Professor Trevelyan lumping together the local authorities with "the builders, the week-end villa dwellers, the manufacturers, the timber merchants and quarrymen" as those who "in the discharge of their duties and in the course of their legitimate trades and pleasures, will complete the destruction of old England and leave a mechanized landscape for our descendants".² But it must be confessed that there is much to justify the charge. There are, of course, a number of instances where the local authority has done its duty; but on the whole municipal activity has been, not in the forefront of the battle against vandalism, but well in the rear. It is significant that in town-planning schemes all land reserved from building operations is deemed to be "property injuriously affected" for which compensation must be paid.

AESTHETIC CONTROL OF THE ENVIRONMENT

All might be different, and better, without detriment to our economic interests. It is a mistake of the crudest kind to imagine that economic prosperity necessitates the destruction of a beautiful environment and the creation of an ugly one. Nor must the present conflict be conceived as a struggle between "good business" on the one hand and impractical sentimentalism on the other. Even from a purely financial point of view, an agreeable environment has a considerable

¹ G. M. Trevelyan: *Must England's Beauty Perish?* p. 23.

² *Ib.*, p. 17.

economic value. In the United States of America, where it is not customary to subordinate business interests to aesthetic imponderabilia, we find a well-established movement to preserve natural amenities in the interests of business itself. A series of important organizations in that country are busily engaged on a vast publicity campaign designed to make citizens realize the economic value of good rural and urban amenities as a method of attracting tourists and residents. One typical leaflet issued by a Committee for Zoning the State Highways elaborates the theme of "Roadside beauty as a valuable public asset versus unregulated commercialism"; another, illustrating a clean, tidy garage devoid of enamel signs, exhorts the faithful by announcing "Interest aroused by artistic Ohio station stimulates sales".¹ The comic crudeness of the wording need not conceal the truth of the moral sought to be conveyed.

It is another fallacy to imagine that the ugly thing is invariably cheap, even in terms of money. A beautiful environment is not necessarily more costly than a repulsive one. It is more a question of taste, of education, of collective control, of mere choice, than of expense. Local authorities, since they spend public money, are naturally subject to public opinion. If they think that an important section of the public does not like to have its money used in the wholesale destruction of beauty, or the erection of aesthetic monstrosities, then, in making their plans, they will give a place not only to utilitarian but to artistic considerations.² It is generally agreed that the rebuilt Regent Street in the London of our own generation is incomparably inferior in artistic merit to the lovely unity which Nash created. But it has cost far more money. A work equal in quality to that of Nash would have required for its accomplishment, not only an architect of exceptional genius, but also an appreciation on the part of Londoners of that

¹ Cf. Letter from Mr. Arthur Hazlerigg, President of the Country-side and Footpaths Preservation Conference held at Leicester, in *The Times*, February 23rd, 1929.

² G. M. Trevelyan: *op. cit.*, p. 22.

particular portion of their heritage, a desire to preserve its beauty in a new guise, and effective power to control the aesthetic environment of which it is a part.

It is impossible to accept the present state of affairs in England as though it were the ordained order of providence. The collective control of the aesthetic environment is as feasible as the collective control of the sanitary environment, which we now take for granted.¹ When we contemplate what has been done on the Continent in this respect, the shortcomings of English municipal life become apparent.

In Germany, for example, the cities are usually well-planned and elegantly laid-out, the streets spacious and the buildings attractive to the eye. Nowhere is the ruthless hand of the smoke nuisance permitted to cast a blight over the whole community and besmirch the entire mass of edifices. Mr. Guy Dauber, lately President of the Royal Society of British Architects, remarked after a recent visit to Germany that the thing which struck him above all else was the almost entire absence of advertisements, both in towns and villages. "The approach to a village is a real delight," he writes, "for you enter directly from the open country without being offended by vulgar hoardings and petrol advertisements placed along the road-side." In the country around Heidelberg, Mainz, Frankfurt and Coblenz, where he visited, none may be put up, except in a most inoffensive way, and "as you travel by road or rail no disfiguring advertisements of any sort mar the beauty of the country-side".² The absence of unsightly petrol stations and motor garages is even more noticeable, although, apparently, there are relatively as many available for use as in England. It seems to be an agreed principle, Mr. Dauber

¹ A commendable step in the right direction was the decision made by the Minister of Transport in 1925, as a matter of policy, that in future architectural excellence and beauty of design are to be essential requisites, no less than strength and durability, in the construction of all road bridges for which assistance is required from the Road Fund. This decision was communicated in writing to local highway authorities by the Minister.

² Letter in *The Times*, September 10th, 1929.

writes, that all the unsightly work connected with motor-cars should be kept out of the public view. As an example of what can be done to provide necessary service facilities without injury to local amenities, he cites the petrol station and garage at the entrance to Bad Ems, near Coblenz. There, at the junction of two roads, is "a quiet, dignified building which serves its purpose in every way and is an ornament to the town. It is built of concrete, in cream colour, with a deep-blue frieze and gold letters and stars. The garages are behind, and there are no sheds or advertisements of any kind."¹

The villages in Germany, to mention another aspect, have in most cases the fields close up around them, and there are no straggling or isolated buildings to produce the ragged effect on the landscape which is becoming increasingly common in England. In the towns the unpleasant effect of scattered and untidy suburbs is avoided as much as possible. For some distance outside the villages the roads are usually bordered with fruit-trees. When the fruit is ripe it is sold for the benefit of the community. There are no fences, hedges or ditches by the roadside, and the trees are therefore open to everyone. But the fruit is neither stolen nor destroyed; and the presence of the trees adds immensely to the attractiveness of the highways.²

The housing in Germany is evidently extremely good from an architectural point of view. Mr. Dauber observes that the houses built by the town councils for the workers in particular gave him great satisfaction. "I never saw a bungalow or any of the ill-mannered houses so common here" he remarks. Dr. Charles Beard, the distinguished American historian, confesses that he finds the new working-class houses built by the Socialist administration of Vienna "more beautiful than most of the old Habsburg piles, borrowed, copied, and gingerbreaded from half a dozen civilizations and expressing no creative sincerity at any point".³

¹ Letter in *The Times*, September 10th, 1929.

² *Ib.*

³ Dr. Charles Beard: *The City's Place in Civilization. Proceedings of the 17th Annual Meeting of the Governmental Research Association of America*, held October 15th-17th, 1928, at Cincinnati.

In Switzerland, in Italy, and again in Germany, many of the towns possess railway stations, and other buildings of a purely utilitarian character, which are an architectural delight. New York in particular has achieved a dazzling triumph in the marvellous Grand Central and Pennsylvania terminal stations: visitors go to inspect these wonderful places in the same way as visitors to London go to inspect the Tower or Westminster Hall.

The greatest city in the New World has, indeed, much to teach us in regard to the successful control of the aesthetic environment. The Municipal Art Commission of New York has, in the past decade, exerted considerable direct power and an immense indirect influence in raising the whole standard of architecture, both as regards public and private buildings. A single man, Henry Rutgers Marshall, who acted as Secretary to the Art Commission from 1919 until his death in 1927, performed Herculean tasks in transforming the city, or vast tracks of it, from a wilderness of ugliness to an oasis of harmonious form. On the occasion of his death Mr. Oswald Garrison Villard, the fastidious Editor of the *American Nation*, wrote a moving tribute to the services which Marshall, himself an architect of high standing, and a critic, lecturer and author of distinction, had rendered to the city.

"There under the tower of New York's beautiful City Hall he sat, passing upon the plans submitted for public buildings of every type, for water-works, for bridges, for police and fire stations, for every sort of construction for which public money is expended. He it was who weeded out the good from the bad before referring matters to the Commission of which he was the executive. During these eight years, therefore, the seal of his approval was stamped upon all the construction of our greatest city. He himself largely created the standards to which municipal building is now held."¹

The services rendered to the city of New York by the Municipal Art Commission, under Marshall and other men of

¹ *Local Government News* (London), March 1928, p. 22.

his type have been invaluable, Mr. Villard continues. "Its existence guarantees that not only architectural but also sculptural monstrosities will die aborning and not be permitted to disfigure streets or parks. If in the last thirty-five years New York has grown from an ugly and stereotyped city, distinguished only by Washington Square and a few other cases, into one of often extraordinary beauty, the credit is not all due to the invention of the skyscraper, or to Beaux Art teachings, or to the architects who are working out the complex problems of modern municipal life with their new materials used in huge dimensions. Some credit must be given to the standards set by the city itself and some to the new ordinances which compelled the 'stepping-back' of the gigantic structures and gave rise to the amazing towers which are creating in New York a majesty and a romance of building never seen before."

"Yet the cry once was that if the municipalities undertook to interfere in construction, art and architecture would be pinioned and bound and be at the mercy of mere bureaucrats. They have been freed, instead, and will surely continue to be well-guided and supervised as long as men of the breadth of view, the tolerance, the vision, and the professional skill of a Henry Rutgers Marshall can be enlisted in the public service."

Where is our English Marshall? And where in England is the city which is endeavouring to seek him out? Or which, if he were discovered, would employ him under appropriate conditions and give him the power required for his work?

There is scarcely even the legal authority to employ such a man. Almost all our vaunted town-planning schemes relate, not to the planning or improvement of existing towns, but merely to their extension and development. Existing town-planning powers permit the control of land already built on only when it is required in order to complete the plan of undeveloped land. Local authorities are not empowered to carry out a broad scheme of replanning, on an area already developed, in the express interests of that area. The powers

of local authorities relating to the replanning of built-up areas are very scanty, and are practically limited to the reform of insanitary areas by means of buying up the site, usually at heavy cost, and demolishing and reconstructing the property.

There are signs, fortunately, that this crippling limitation of power may be superseded by a measure of authority conceived in most generous and imaginative terms. Newcastle-upon-Tyne and Blackpool, for example, have special powers to make planning schemes to regulate built-up portions of their areas.¹ In the case of Bath the Council is authorized to refuse approval of building plans if they consider the buildings in question would seriously disfigure the street, whether by reason of their height or design or the nature of the materials to be used. In such cases the matter is to be referred to an Advisory Committee, of whom one member is an architect appointed by the President of the Royal Institute of British Architects, one member a Fellow of the Surveyors' Institute, and the third a Justice of the Peace. The decision of this Committee is final and conclusive. This method of control over aesthetic amenities has been recommended also in the case of the North Middlesex Regional Planning Scheme, and will doubtless be adopted.² A similar provision has been made in Chester, where the Council also has control over all shop facia signboards, new shop-fronts and suchlike objects.

Despite this movement in a progressive direction things are moving slowly, and compared with the mass of ugliness and disfigurement which now exists these sporadic efforts are but drops in the ocean. It will be long before local authorities in England have either the will or the legal authority to bring the towns and villages up to the level of the best town-planning practice abroad.

¹ Newcastle-upon-Tyne Corporation Act 1926, 16 & 17 Geo. V, chap. cii, Sect. 4; Blackpool Improvement Act 1928, 18 & 19 Geo. V, chap. cxii, Sect. 28.

² See the Report of the Town Planning Consultants (Messrs. Adams, Thompson & Fry) in connection with this scheme, published in March 1929. A model clause on the lines of the Bath Act has been prepared by the Ministry of Health and was recommended for adoption.

MUNICIPAL ENTERPRISE IN THE ARTS

But it is not only in regard to the architectural aspect of the aesthetic environment that our civic life lags behind that of certain other countries. One of the most noticeable lacunæ is the complete absence of a municipal theatre or opera-house, or even of a regular subvention from local or national funds to assist private effort in this sphere.

The question of establishing a municipal theatre in the metropolis was recently discussed by the London County Council on a Report of the General Purposes Committee. That Committee had before them a Report¹ on the practice of foreign municipalities in regard to the drama, prepared by the Clerk to the Council. This Report is a most interesting document. It reveals that "virtually every country in Europe, other than Great Britain, has a national theatre; that many have municipal theatres; and that in every case the stage receives in a greater or less degree assistance from the national and/or local exchequers". Control is in general effected by the representation of the local authority on a committee of management, or by making the director immediately responsible to the authority.

The method of giving assistance varies widely in different countries. Sometimes, as in France, the municipality assists the local theatres by means of annual grants. Paris possesses several municipal theatres of various types, some of which are rented to private directors in whom the management is vested. The municipality exercises ultimate control by compelling the lessees to conform to conditions and regulations laid down by them. Municipal theatres run on similar lines are to be found in most of the French provincial towns, including Nice, Nantes, Rennes, Montpellier, Dijon and many others. In Germany, there is a diversity of practice. The

¹ I am obliged to Mr. Montagu A. Cox, the Clerk to the London County Council, for a copy of the Report in question, dated October 6th, 1927.

city of Berlin, for example, owns an opera-house which is managed by the Municipal Opera Company, all of whose shares are in the hands of the municipality. The city also has a theatre, which has been leased to a private company. In Cologne there is a municipal opera-house and a theatre, both administered directly by the local authority. Dresden has two municipal theatres, one for opera and the other for drama. The city bears 35 per cent of the expenditure. In Hamburg, the Opera House is worked by a joint-stock company, of whose share capital the city owns more than half. Representatives of the town sit on the supervising committee. In Munich there are three State theatres, and the city bears one third of the annual deficit on these. In Brussels, an annual grant of 600,000 francs is made to the Théâtre Royal de la Monnaie, where opera is performed, and a smaller grant to two other theatres. Some form of subsidy, direct or indirect, is also made to local theatres by the municipalities of Antwerp, Ghent, Liège, Mons, Namur and Verviers. In Holland, most of the larger towns possess a municipal theatre and pay subventions to theatrical companies to enable them to give cheap operatic performances. In some cases, the subsidies are paid only in the event of a loss being shown. In Scandinavia, the drama is assisted largely by the State, and the local authorities do not intervene; but in Finland we find the municipality taking an active part in promoting the higher interests of the drama.

Almost everywhere, indeed, we find (as the General Purposes Committee informed the London County Council) that "the Continental conception of local government—following the example of ancient Greece in its State support of the drama—leads public authorities to foster in the people a taste for drama as an element of general culture and a social force".¹

It is not inspiring to turn from this high aim, and the fine artistic results which it has often produced, to the completely negative attitude displayed by British municipal authorities

¹ Cf. *Minutes of Proceedings of the L.C.C.*, June 19th, 1928, pp. 865-7.

towards the drama. There is nowhere to be found, from one end of England to the other, a local authority with either the power, or apparently the desire, to encourage in any effective manner the cultural forces represented by the acted drama in its higher ranges.

Yet the arguments in favour of a municipal theatre are overwhelming. When theatrical enterprise is organized on an exclusively commercial basis, profit-making comes first and artistic considerations second or third or nowhere at all. A municipal theatre can give proper attention to the artistic and educational merits of a play, without regard to the immediate balance sheet. It can afford to take a long view of the situation; it can educate an audience up to higher standards instead of merely responding to the existing level of taste. The commercial theatre does not, except in the rarest cases, aim at educating public taste. For the most part it seeks merely to make a profit from the presentation of plays likely to appeal to the greatest number, regardless of their social or cultural value. Moreover, a municipal theatre is peculiarly well-fitted to serve as a training-ground for young actors, and to make possible the establishment of repertory companies, which are everywhere acknowledged to possess special advantages over the "long-run" system which now prevails in England.

Even so severe a critic of political institutions as Mr. Bernard Shaw remarked recently that he had great faith in local government, and very little in central government, when it came to matters of art. The future of the theatre, declared Mr. Shaw, lies very largely with our municipalities.¹

The educational value of the drama for persons of all ages is becoming recognized to an increasing extent. The Adult Education Committee of the Board of Education, in their recent *Report on the Drama in Adult Education*, pointed out the obvious truism that the drama is at once a most vivid and subtle artistic medium, and therefore a powerful instrument

¹ Speech at Malvern at a dinner given by the Urban District Council after the Malvern Festival, *The Times*, August 31st, 1929.

for the conveyance of ideas; that, in consequence, theatrical presentation under right conditions can be a most potent instrument of moral, artistic and intellectual progress, and conversely, an equally potent instrument of moral, artistic and intellectual degradation.

With these and many other considerations brought clearly to their notice, what action did the General Purposes Committee of the London County Council advise should be taken? After pointing out with ill-founded complacency that the Council "has already shown its sympathy with, and appreciation of, dramatic art in a practical manner", it describes the assistance rendered by the Council to theatrical effort in the past. This turned out to consist of the purchase of tickets for children for Shakespeare performances, the establishment of two scholarships at the Royal Academy of Dramatic Art, and the provision of courses of lectures at evening institutes. With this dazzling record before their eyes, the Committee advised that no action be taken by the Council to provide or maintain a theatre for the presentation of Shakespeare's plays and the higher drama, but that legislation be promoted to enable the paltry sum of £500 (later increased to £1,000) to be contributed towards the cost of rebuilding Sadler's Wells theatre.

In the course of a debate in the Council to refer back this recommendation of the General Purposes Committee, the late Sir John Gatti, a member and chairman of the Council with long experience as a lessee of private theatres, spoke strongly against the Council taking any serious action in the matter. His point of view was in many ways typical of that held by those who oppose municipal enterprise in the realm of culture. He commenced by saying he "would like to know what the supporters of the movement claimed that a municipal theatre would do which was not already being done. The moment an official standard of art was set up, art became sterilized and bad. All progress in art had been made by the rebels and not by the officials. . . . No municipal theatre in

any part of the world had been a stimulus to the drama or to the art of acting." Before embarking on a municipal theatre "they should be satisfied that they were likely to produce something which, but for them, would not have been produced. He ventured to say . . . that no good play written in England to-day would fail to find a manager to produce it sooner or later." And so on in similar vein.¹

These negative arguments seem at once old-fashioned and ill-informed. If anyone really wishes to know what the supporters of "the movement" would hope to see accomplished in this country he might begin by taking up a list of current entertainments running during an average week in the commercial theatres of London and compare it, not only with a corresponding list of what is available in such a city as Munich, for example, but also with the productions offered by the private dramatic societies on Sunday evenings in London and the achievements of little semi-amateur groups like the People's Theatre in Newcastle. If he believes that the public encouragement of art leads inevitably and automatically to its sterilization and decay, he should ask himself whether the art of painting has been improved or deteriorated by the establishment of an "official standard" in the national collections at home and the municipal galleries abroad. If he labours under the delusion that no civic theatre has been or can be a stimulus to the drama or to acting, he would be well-advised to pay a visit to the Hofoper or the Burg Theater in Vienna, or to the Prinz Regenten Theater in Munich, or to some of the municipal opera-houses and theatres and arenas in Italy.

The statement made by Sir John Gatti that progress in art is due to "the rebels" as distinguished from "the officials" is quite unassailable. But does any sane person understand civic support for the drama to mean that the town clerk is expected to write plays in his spare time, the borough surveyor to orchestrate the operas, the mayor and aldermen to play the leading parts, and the Watch Committee to provide an

¹ *The Times*, June 20th, 1928.

audience? Does anyone even believe that a municipal theatre would be or should be managed directly by a committee of the council? Lastly, how can unwilling minds already well-pleased with the existing state of affairs, and convinced that all the best available plays get produced in the best possible manner with the best possible actors, ever be "satisfied" that an improvement over the present idyllic condition is likely to be effected by municipal enterprise?

The fact remains, nevertheless, that very often in the Continental towns, especially in Germany, the best theatre is the municipal theatre; the best concerts those organized by the city; the best operatic performances those promoted or encouraged by the civic authorities. Another fact which also remains sticking in the mind is that when the Public Health Act of 1925 was making its way through Parliament, fierce opposition was manifested by the commercial entertainment interests to a minor clause enabling local authorities to carry on any form of entertainment, provided the cost does not exceed the produce of a paltry penny rate. Mr. Payne, the President of the West End Theatre Managers and Chairman of the Entertainments Protection Association, wrote a letter to *The Times* fulminating against "the most dangerous principle" involved in permitting the citizens to provide themselves at their own expense with a pennyworth of recreation. This principle, he declared, "may well be disastrous" to the interests which he represents.¹

¹ The section of the Public Health Act 1925 (Sect. 56) ultimately reached the statute book in the following form. Special note should be made of the narrowing effect of the provisos, inserted no doubt to conciliate the commercial entertainment interests.

1. The following powers shall be added to the powers conferred upon the local authority by Section 76 of the Public Health Acts Amendment Act 1907 (in this section called "the principal section"), with respect to any public park or pleasure ground provided by them or under their management and control, namely, powers—
 - (a) to provide or contribute towards the expenses of any concert or other entertainment given in the park or ground;
 - (b) to enclose for the purpose of such concerts and entertainments, any part of the park or ground not exceeding 1 acre or one-tenth

That may possibly be the case. It may even be desirable that such a result should ensue. It is difficult to survey the mass of meretricious entertainments offered to the public in London and the provincial towns without feeling that there is a great opportunity for municipal effort in this field. The public will have to decide, however, whether it desires to retain the dominance of commercial values which at present obtains. It is more than a pity that London, with its vast opportunities and great wealth, should have failed so miserably to give a lead in this connection. But everything that has been said in reference to the metropolis applies, with even stronger force in some respects, to the great centres of population in the provinces.

One of the most hopeful symptoms of a healthy reaction against the present position was the debate in the House of Commons on November 26th, 1929. A Labour member moved "That leave be given to bring in a Bill to enable local authorities

- of the area of the park or ground whichever is the greater; and
- (c) to charge for admission to any such concerts or entertainments provided by themselves, or to let the part of the park or ground so enclosed to any person for the purpose of providing the same, and to authorize that person to charge for admission thereto:

Provided that the following restrictions shall have effect with respect to any concert or other entertainment provided by the local authority under this section, that is to say

- (i) No stage play shall be performed; and
- (ii) The concert or other entertainment shall not include any performance in the nature of a variety entertainment; and
- (iii) No cinematograph film other than a film illustrative of questions relating to health or disease, shall be shown; and
- (iv) No scenery, theatrical costumes or scenic or theatrical accessories shall be used.

2. . . .

- 3. Any expenditure of the local authority, in the exercise of their powers to provide or contribute to a band under sub-section (1) of the principal section and any expenditure of the local authority in the exercise of their powers under sub-section (1) of this section, shall not when added together exceed in any one year an amount equal to that which would be produced by a rate of one penny in the pound on the property liable to be assessed for the purpose of the rate out of which the expenses of the park or ground are payable, as assessed for the time being for the purpose of that rate, or such higher rate not exceeding twopence in the pound as may be approved by the Minister of Health.

to spend an amount up to a penny rate annually on the establishment of municipal theatres, etc." The resolution was passed by a majority of 110. The Municipal Repertory Theatres Bill was thereupon brought in and read a first time. It was introduced as a non-party measure, and was supported by men of all parties. Facilities were not available for the further progress of the Bill in view of the congested Parliamentary programme. But the success which attended its first reading is a significant straw in the wind.

Another strand in the thread of civic culture is the provision of museums. The value of the museum as an adjunct to education, a stimulus to curiosity and an aid to research, is only beginning to be appreciated at its true worth. A most interesting survey was recently undertaken for the Carnegie Trustees by Sir Henry Miers, F.R.S., the former Vice-Chancellor of Manchester University. His report revealed for the first time a vast mass of significant information relating to the public museums of the British Isles.

In England alone there are nearly a hundred towns with populations exceeding 20,000 souls which are entirely devoid of anything in the nature of a public museum; and there are nine other towns in Wales and five in Scotland in similar plight. A great shipbuilding centre like Barrow-in-Furness has nothing to show its seventy-five thousand inhabitants in the way of objects of artistic, historical or scientific interest. Margate, reeking with feeble sideshows, piers, negro minstrels, coconut-shies and lucky dips, does not see fit to provide its 46,475 denizens, or the vast mass of holiday visitors who flock annually to its shores, with a collection of significant objects likely to break in on the fun even for a brief moment and intrude the horrid thought that the human mind has during its more serious moments achieved great triumphs of imaginative creation. Windsor, famous for its Royal castle and a school of manners, leaves its twenty thousand men, women and children, to say nothing of the schoolboys, devoid of opportunity for visualizing selected groups of the objects on

which so much of our mental heritage is based. Wallasey in Cheshire, with a population of 89,600, Wigan (89,421), Newcastle-under-Lyme (20,418), Gosport (33,580), Rhondda (162,717), and many other towns included in a list long in length and dismal in its implications, in like manner neglect their duties and deprive their inhabitants of valuable intellectual opportunities.

Even the local museums which do exist, 530 in number, are distributed without reference to population or geographical position. There is a great concentration in London and the industrial areas of Warwickshire, Lancashire and Yorkshire. But other large territories have no museum at all. In Western Scotland, for example, there is none within fifty miles of Fort William. The Grimsby area, containing a population of 120,000 or more, has only one very poor museum which is almost unknown to the public. Derbyshire, with a population of not less than three-quarters of a million, has only two.¹

The mere presence or absence of a museum is, however, by no means the only criterion of the service provided for the public in this field. In most cases the public museum is administered by a special sub-committee of the local authority, but quite frequently the administering body is a "library and museum" committee, or "library, museum and art gallery" committee. This merging of distinct institutions produces bad results which causes the museums in particular to suffer. But the most degraded administration of a cultural service occurs in those cases where the museum is administered by such bodies as the parks, market, or even the cemetery committee.²

Serious defects are also disclosed in regard to the appointment of qualified curators and the terms of their employment.

In a great number of museums, Sir Henry Miers informs us, curators are appointed in middle age, without any special

¹ *Report on the Public Museums of the British Isles by Sir Henry Miers to the Carnegie United Kingdom Trustees 1928*, p. 15.

² *Ib.*, p. 17.

training or experience. This applies to nearly all those cases where librarians have undertaken the duties of curator. There are about fifty museums which do not possess a curator having *any* of the requisite qualifications. Furthermore, the service is miserably and disgracefully underpaid. In some cases the curator is paid less than the caretaker under him. Thus, to the first conclusion that museums are distributed about the country in a most haphazard and disadvantageous manner, Sir Henry Miers adds the second conclusion that in only a dozen or so is there a full-time competent curator with an adequate staff.¹

One of the root causes of the evil is the misguided parsimony of local authorities in regard to the cultural services. In no case does a municipal museum receive from the local council more than the produce of a $\frac{3}{4}$ d. rate for its total upkeep, as compared with a maximum library grant in excess of 4d. Even where there is a fairly good museum it generally receives less than the produce of a $\frac{1}{2}$ d. rate.²

Poor accommodation and equipment is the inevitable accompaniment of financial stinginess of this kind. It is scarcely surprising to learn that only 10 per cent of the museums in the country are housed in separate buildings designed for the purpose, and that 20 per cent are in residential houses which have been more or less adapted for the purpose. Nearly half of the municipal museums are contained in a room or rooms in the public library, or associated therewith.³

Although the museums are systematically utilized to a large extent by the schools provided and maintained by local authorities, neither the authorities themselves nor their education committees show any real recognition of the services rendered by the museums to the work of national education. Most of the county councils, Sir Henry Miers observes, "have no special interest in or knowledge of the school visits to

¹ *Report on the Public Museums of the British Isles by Sir Henry Miers to the Carnegie United Kingdom Trustees 1928*, pp. 20-2.

² *Ib.*, pp. 17, 33, 47.

³ *Ib.*, p. 25.

museums authorized by them. In practice it is left to schools to make their own arrangements with the museum authorities."

The county borough councils, in their capacity as education authorities, are with a few exceptions scarcely more enlightened in their attitude towards museums than the county councils, nor more willing to make proper grants in support or recognition of the important assistance rendered under special arrangements by the museum to the schools in practically every one of the large towns.¹ In view of the small amount of interest evinced by county and county borough councils in the educational work of museums, it is not surprising to find that the smaller boroughs and towns show an equal or even greater amount of indifference.

The chief functions of the museum suggested by the distinguished author of this Report is by means of exhibited objects to instruct, and to inspire with a desire for knowledge, children and adults alike; to stimulate not only a keener appreciation of past history and present activities, but also a clearer vision of the potentialities of the future. Museums should stir the interest and excite the imagination of the ordinary visitor, and offer to the specialist and the student a fruitful field for research. When Sir Henry Miers asks if the public museums in the United Kingdom fulfil these functions, he is reluctantly compelled to declare, after surveying all the facts and exploring all the available channels of information, that "the stronger one's belief in the great work they might do, the stronger is the conviction that at present, in spite of certain noteworthy exceptions, they fail—and fail lamentably. There is no doubt that the country is not getting what it should from the public museums, and that most of them are not going the right way to supply what is wanted."²

Since the passing of the Public Libraries Act of 1919, both urban and rural authorities have been free, not merely to establish museums, but to spend whatever they please on their upkeep. It is, therefore, not possible to ascribe the

¹ *Report on the Public Museums of the British Isles* 1928, p. 33. ² *Ib.*, p. 38.

defective position at present existing to any lack of statutory power on the part of the local councils.

It is, nevertheless, largely owing to the traditional legal inability of municipal bodies to foster the cultural services in the past century, and to the absence of encouragement in this connection from the central government, that they have continued to neglect these services even when, as in the case of museums and art galleries, their legal incapacity has been subsequently removed by legislative enactment. The damping effects of seventy years' repression are not always to be remedied by ten years of nominal liberty. Continuous lack of freedom may destroy both the desire for liberty and the capacity to make use of it.

THE POVERTY OF PROVINCIAL LIFE

We must not therefore be too ready to blame local authorities for not immediately seizing each opportunity to undertake a new enterprise in an untrodden field the moment it is doled out to them by a gracious legislature. We must recollect that for generations the doctrine of *ultra vires*, and the strict limitation of powers it involves, have hung round their necks like a millstone. In order to realize the possibilities of even such relatively meagre opportunities as are now open to them they require stimulus, advice, moral encouragement and financial assistance from the central government. Above all, they need to be made to *feel free*, and not subject to the cramping restrictions of a legal principle quite unsuited to the requirements of modern local government looming in the background like a giant shadow. This principle of *ultra vires* often exerts a depressing influence over even those activities for which express permission has now been granted.

How otherwise can we explain the fact that in Germany the municipality is very often the focusing point of all that is most valuable in the cultural life of the community? That in the sphere of music, the drama, opera, picture galleries and

museums the municipality exerts a vital influence for good? From the point of view of civic culture no English town can compare with Dresden or Munich. From the standpoint of architectural excellence, due largely to the enforcement of aesthetic standards by the municipal authorities, no modern city in this country can compare with New York.

The cultural quality of life in the English provincial cities is from most points of view deplorably low. It is scarcely too much to say that, apart from the universities, three-quarters of the cultural life of the whole country is centred in London. This concentration of the intellectual, artistic, musical, scientific and literary forces of the community at a single focal point may be flattering to the metropolis, but it is not good for the national welfare looked at from the broadest point of view. Everyone cannot live in London, which is already surfeited with theatres, concerts, libraries, museums, picture galleries, lectures, scientific conferences, historical anniversaries, literary groups, commemoration gatherings, political meetings and all the other manifestations of a full and quickened mental life. Nor can all the talent in the cultural fields manage even by hook or by crook to get to London. Yet unless it does get there it stands a good chance of being nipped in the bud, of dying for want of stimulus and encouragement and appreciation.

It is not desirable that life in the provinces should be as thin and aesthetically starved as it is in most places, including even the largest towns. Human needs do not vary to any marked extent as between London and Newcastle, Bristol or Sheffield. But the opportunities for satisfying those of them which relate to the higher realms of culture vary enormously. London, on the one hand, is overstocked, weighed down with an *embarras de richesse*. There are too many concerts, too many theatres, too many lectures, too many picture galleries, too many museums, in the capital city. The provincial cities, on the contrary, are for the most part seriously under-nourished with cultural amenities.

It is a clear case of "congestion at the centre, anaemia at the extremities". A better balance of life is indubitably needed.

A visitor to England comes inevitably to London, just as a visitor to France goes inevitably to Paris. There is no other city in either country (leaving aside special cases like Oxford or historical accidents such as Stratford-on-Avon) with anything to offer of serious contemporary cultural interest apart from the universities. But a visitor to Germany or the United States does not necessarily go to Berlin or to Washington or even New York; or at any rate he does not go to those cities exclusively. He may gravitate to Frankfort or Munich, Dresden or Leipsic, Hamburg or Heidelberg, Boston or Philadelphia or Chicago. All these have much to offer which compares favourably with the capital.

The cultural superiority of London is largely due, not to superior municipal institutions—far from it!—but to the fact that great national art galleries and museums, libraries and semi-official associations like the Royal Society or the Royal Academy, have been founded in the metropolis under the auspices of the Crown or the central government. These act naturally as centres of attraction. The barrenness of the provincial cities, on the other hand, is in my opinion to a considerable extent due to the restrictions which have for so long been placed on the free development and spontaneous activities of the municipal authorities. This contention derives support from the more distinguished results in this respect achieved by certain Continental towns under conditions of greater constitutional and legal freedom.

My own conviction is that the shortcomings in this connection of the English towns are to a large extent due to the limitation of powers which the doctrine of *ultra vires* imposes upon local authorities of all classes. To restrict a local authority to the narrow letter of a statutory enactment is not the best way to evoke the maximum amount of initiative and spontaneous enterprise of a high order, particularly in those fields of social endeavour where the organs of civic government

ought to join hands with the individual creative ability of the artist. When we look at the finest achievements of past ages in this direction, whether we turn to the magnificent Hôtel de Ville in Brussels, or to the Pont du Gard which carried the aqueduct to Nîmes, or to the arenas and theatres built by the ancient Romans in Provence, or to some of the magnificent public buildings of Tudor England, or of the Netherlands of the sixteenth century, it seems suddenly to become clear beyond all argument that these great monuments of civic glory were not and could not have been erected by public authorities whose every act was liable to be declared invalid if it exceeded the letter of some closely construed legal instrument, and who were compelled to delay all their activities until a Private Bill Committee or similar body in a distant capital had been convinced by a cumbersome and expensive procedure that the proposed enterprise was absolutely essential.

I conclude, therefore, by suggesting that if we desire to broaden the basis of our local government system, and to enlarge and enrich municipal life so as to bring it more into accord with modern aspirations and developing social needs, one of the most vital steps in that process will consist of abrogating the nineteenth-century rule of *ultra vires* in the manner suggested above.

THE CIVIC SPIRIT

It is not only a mere decentralization of culture which is needed at the present time. What we have also to seek is something in the nature of a new impetus in the direction of cultural activities on the part of municipal authorities.

There is a significant difference, write Mr. and Mrs. Sidney Webb, between the impulse to take part in local government of the Labour councillors of to-day, and that which inspired the rulers of the medieval city, or that which created, among the wealthy citizens of the Liverpool or Birmingham of the

past century, what was regarded as municipal patriotism. The Labour members, they continue in a fine passage, "do not seek election to the local council of to-day because they are proud of their city, but because they are ashamed of it. Unlike the fourteenth-century citizens of Florence or of Bruges, they are striving, not for municipal magnificence or even utilitarian efficiency, but rather for the removal of municipal degradation. So low has fallen our conception of municipal life in Britain to-day that what even enthusiastic reformers are concerned about is not the glory of the utmost development of communal life, the widest possible extension of the civic functions, or the outshining in municipal achievement of any other city, but merely the scavenging of the slum, the mitigation of scandalous overcrowding, the arrest of preventable sickness, and the stopping of the collect neglect that we now know to be virtually infant murder. Municipal enterprise has, in our degradation, come to mean little more than rescuing our own neighbourhood from the material and moral defilement and pollution to which capitalism has condemned it. . . . The larger aspects and purposes of local government, the limitless promotion in all directions of the activities, the faculties and desires of the citizens, by the creation of the best possible material and mental environment for them, almost escape our attention."¹

Such an attitude as is here described cannot and must not be permitted to endure. Whatever the virtues of the medieval economy may have been, whatever the defects of modern capitalism, we have to recognize the fact that, unlike the urban centres of antiquity, the cities which dominate the social scene to-day are built, not on commerce and handicrafts but upon manufacturing machinery and science, with all that that implies for aesthetics and the good life. These essential conditions will persist regardless of any other changes which may be introduced in the economic system.

¹ Sidney and Beatrice Webb: *A Constitution for the Socialist Commonwealth of Great Britain*, pp. 206-7.

That is not a matter for simple regret. The body of scientific knowledge which led to the industrial revolution also made it possible to remedy and prevent the intolerable evils which that revolution produced. It would be easy, as Dr. Charles Beard reminds us, to draw from authentic records a far from beautiful picture of the life of the nameless masses who lived in fever-infested hovels under heaven-searching spires and glorious town halls, in the old days before the advent of the machine.¹ We do not know much about these nameless masses, but we know enough to warn us against any vain imaginations idealizing the handicraft city. To-day it may safely be said that sanitation has made our best cities freer from disease and suffering than most of the country-side. We no longer live in the walled and sewerless towns of medieval times. Some of the worst conditions of physical decay are now to be found in the pure air and under the open sky of the country.

Whatever the shortcomings of our age may be, we can then surely take pride and comfort in the knowledge that the vision of the new city takes in those masses which were ignored or scorned by the upper classes of antiquity and the middle ages. A return to the exclusiveness of the earlier centuries is as socially undesirable as a return to its handicraft system is economically impossible. If we are unable to reproduce the arts of the old order, we certainly are unwilling to reproduce its filth and squalor and disease.

The real lesson of the middle ages and the opening centuries of the modern world seems to be, so far as local government is concerned, that beauty is not a "ginger-bread decoration added to utility" but an expression of the aesthetic sense working through the whole community. That aesthetic sense, we may believe, is closely related to the civic spirit. Our cities are ugly and discordant because we lack the civic spirit: we do not lack the civic spirit because they are ugly.

¹ Dr. Charles A. Beard: *The City's Place in Civilization*: an address. *Proceedings of the 17th Annual Meeting of the Government Research Association*, held on October 15th-17th, 1928, at Cincinnati, p. 90.

Despite extensive changes and improvements, the grim and avaricious hand of the nineteenth century weighs heavily upon the local councils in many subtle and intangible ways. The greatest need in English local government to-day is a recapture of the kind of civic sense which invested some of the older cities with a special glory in the Tudor age. In those days the towns and villages were dirty, narrowly exclusive and undemocratic; and we want none of those characteristics brought back into municipal life. But there did exist, above and beyond the dirt and the exclusiveness, a civic pride and a civic sense which, to our loss, has since disappeared. Our aim should be to combine the efficiency and scope of twentieth-century municipal government, with its free universal education, increased public safety, improved health, ease of communication, higher standard of housing and other advantages, with the civic spirit of the fifteenth and sixteenth and seventeenth centuries, shorn of its narrow exclusiveness and undemocratic basis of representation.¹

The most hopeful method of achieving that purpose would be to pay greater attention to the cultural activities that could be promoted by the local authorities. Even the ordinary utilitarian services may be regarded, not only from the point of view of the benefit they bring to the individual citizen or ratepayer, but also from the standpoint of what they yield to the local community as a whole in terms of civic self-respect. But the corporate sense is most likely to be quickened by those activities which lift the mind of the citizen above drains and trams and waterworks and, through the medium of music, the drama, painting, lectures, museum displays and the written word, bring him into contact with other minds. Where the municipality is itself the instrument through which that contact is made, the citizens who experience it may feel stirred by a sense of civic unity in a great enterprise. Thus may our public life become fuller and run in ever-deepening channels.

¹ C. R. Attlee and William A. Robson: *The Town Councillor*, chap. ix.

PART III

THE MUNICIPAL CIVIL SERVICE

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PART III

THE MUNICIPAL CIVIL SERVICE¹

THE IMPORTANCE OF THE MUNICIPAL CIVIL SERVICE

The need for efficient administration in local government is so obvious that its attainment may be regarded as an end universally acknowledged to be desirable. The achievement of efficiency in administration depends upon a combination of four distinct factors: first, an enlightened electorate; second, councillors possessing wisdom, public spirit, integrity, and imagination; third, a scientific constitutional structure; and fourth, a municipal civil service of high mental ability and good moral calibre.

There is at present a most urgent need to concentrate attention on the last of these elements, for until recent years the question of the municipal service attracted but little public attention in England: a somewhat curious fact in a country which has led the way for almost the whole civilized world in the task of creating a national civil service based on principles which are everywhere regarded with admiration. The problem of raising the standard of the local administration is now one of widespread interest and frequent discussion. This is scarcely a matter for surprise considering that we are now entrusting the local authorities with the expenditure of a sum of money in the neighbourhood of £500,000,000 a year. This sum, which amounts to about a ninth of the national income, is considerably more than half as large as the total national budget; and if we deduct loan charges and the cost of the fighting services from the national budget, local expenditure is far greater than direct central expenditure. Over and above that, there is an external loan debt of local authorities standing at £1,000,000,000, while the capital value of municipal assets is probably many

¹ The substance of part of this chapter was given as evidence before the Royal Commission on Local Government. See *Minutes of Evidence*, Part XIII. For the effect on the Commission, see *Final Report*, Cmd. 3436/1929, p. 117.

times larger. These figures indicate the magnitude of local administration in terms of financial expenditure. They do not reveal its vital importance in terms of the well-being of every inhabitant of the country.¹

THE REQUIREMENTS OF THE LAW

Local authorities are to a large extent free to appoint officers and workmen at their discretion, subject to a number of limitations and stipulations.

The law requires that certain offices must be filled by local authorities of particular classes, whether they desire to do so or not. Thus, for example, a borough council is compelled to appoint a Town Clerk, and when a vacancy occurs the office must be filled within twenty-one days. A Treasurer must also be appointed by every borough council. An urban district council, again, must appoint a Clerk, a Medical Officer of Health, a Surveyor, a Treasurer and a Sanitary Inspector.

There are a number of legal prohibitions regarding persons holding offices under local authorities. These often served useful purposes in days gone by in checking corruption or other undesirable practices which were prevalent; but the principles which they embody have become woven into the texture of municipal tradition, and the legal provisions are no longer of vital current interest. Among legal prohibitions of this order we may note, for example, the requirement that the Town Clerk must not be a member of the town council, nor Treasurer or elective auditor of the borough. Nor may any of the officers of local authorities be interested in bargains or contracts made with the council which employs them, except in certain specified cases.²

A positive condition of much greater importance is the

¹ Cf. W. A. Robson: *The Relation of Wealth to Welfare*, for an attempted evaluation in terms of life.

² Local Government Act 1894, Sect. 46; Municipal Corporation Act 1882, Sect. 12; Public Health (Members and Officers) Act 1885.

statutory provision which requires the clerk to a county council to hold the office of Clerk of the Peace for the county. The latter office is one of considerable antiquity, and the occupant cannot be removed from it unless he commits one of those enormities which constitute misconduct relating to his office in the eyes of the law. The House of Lords decided in a recent case that the effect of the statutory combination of the offices is that the clerk to a county council cannot be removed save for misbehaviour, even though he may have agreed to have his appointment terminated by six months' notice.¹ This decision in effect makes the office of clerk to the county council a freehold for life. It is clearly absurd that county councils should be penalized in this exceptional way, while every little district council can dismiss an unsatisfactory clerk at will. A draft Bill has been agreed between the County Councils' Association and the Society of Clerks of the Peace, which if passed will have the effect of separating the two offices to the extent of enabling a clerk to the county council to be dismissed with the approval of the Home Secretary. But the Bill contemplates that both offices will continue to be held by one person, which is a thoroughly undesirable practice.

A number of local appointments are subject to approval by central departments. The outstanding example of this is the case of the Poor Law, which under Chadwick's guiding influence was so moulded as to give the Poor Law Commissioners in London an immense amount of power over the activities of the Boards of Guardians. The result is that the appointment and dismissal, and the terms and conditions of employment, of practically all the officers engaged in administering the Poor Law, such as Clerk, Relieving Officer, Medical Officer, Matron, Nurse and Chaplain, are subject to control by the Minister of Health. So powerful, indeed, is the hand of the Minister in this connection that it was held by the Courts that Poor Law officers are not "employed" by the Guardians at all, and that the Guardians were not an

¹ *Leconfield v. Thorneley* (1926), A.C., p. 10.

autonomous local council, but a "subordinate administrative authority". The local authorities to whom Poor Law functions were transferred by the Local Government Act 1929 have no doubt inherited this inferior status in regard to their new duties.

Despite the occasional injustice¹ which this partial control by a central department produces, it is impossible not to recognize that, in the case of Medical Officers and Sanitary Inspectors, overwhelming advantages have accrued from the power of sanction which the Minister of Health exercises over certain classes of appointments. Where the appointment of a local Medical Officer of Health is made—as is now usually the case—with a view to repayment of half the salary from the Exchequer Contribution Account of the county council, the Minister is able to insist upon the fulfilment of the following conditions (among others):—

(1) The person appointed must, in addition to being a qualified medical practitioner, possess a Diploma in Sanitary Science, Public Health or State Medicine; or have had not less than three years' experience as a Medical Officer.

(2) The appointment shall be subject to the approval of the Minister of Health, who must be informed whenever a vacancy occurs or is pending.

In the case of county boroughs or urban districts, where part of the salary is paid out of national funds, the Medical Officer may not be appointed for a limited period nor be removed from office save with the consent of the Minister. This applies only where the Medical Officer is prohibited by his agreement from engaging in private practice.² Similar provisions apply to the appointment of Sanitary Inspectors.

¹ The injustice referred to arises from the fact that partial control by the central department may destroy the relationship of master and servant between the local authority and its officers, and so not make the local authority liable in law for the latter's torts. See Gleeson Robinson: *Public Authorities and Legal Liability*, passim, and the cases cited therein.

² Public Health (Officers) Act 1921; Statutory Rules and Orders 1922, 276.

The Minister of Health and his predecessors have for half a century been waging a continuous battle against the employment of part-time Medical Officers by local authorities who were large enough or rich enough to afford a whole-time officer either alone or in combination with neighbouring authorities. In 1929, the Local Government Act (Section 58) provided that in the case of all future appointments, District Medical Officers shall be prohibited by the terms of their agreements, from engaging in private practice. This important change was introduced as a result of the recommendations of the Royal Commission on Local Government, which in turn were largely influenced by the evidence and views put forward by the Ministry of Health. There is no doubt that in this matter the Minister of Health has insisted upon a higher standard of qualification than would otherwise have been attained.

The appointment of certain other leading officers is subject to the sanction of a government department, in those cases where a grant is made towards the salary from national funds. Thus, the Home Office exercises a power of approval in the case of the Chief Constable, and the tenure of office of Engineers or Surveyors in charge of roads is subject to control by the Minister of Transport in cases where grants-in-aid of their salaries are made from the Road Fund. The attitude of the Home Office in regard to the appointment of Chief Constables has not been particularly constructive or enlightened; but a discussion of the predilection of the Home Office for retired naval and military officers would take me too far afield at this juncture. Of much greater magnitude has been the control exercised by the Board of Education over the training, qualifications and terms of appointment of school teachers employed by local education authorities. But here again it is impossible to discuss the subject in detail.

A limitation of a different character regarding the municipal service concerns the remuneration which local authorities may pay to their employees. This must not be "unreasonably" high, or it will be unlawful and liable to be surcharged on members

of the council by the District Auditor, where the accounts are subject to audit by that official.² The effect of the decision in the Poplar Wage Case appears to be that, so far as the standard categories of workmen are concerned, no council can lawfully pay wages in excess of the market rate, plus a small discretionary margin, which it is understood the District Auditors have fixed for the time being at 10 per cent.

There has been no direct application of the principle here involved to the clerical and administrative classes of municipal officers, yet it is probable that there are limits to the rates of remuneration which local authorities may lawfully pay almost anywhere along the line. So far, however, as efficient administration is concerned, the effect of the Poplar wage decision is not considerable, though it is objectionable on other grounds. For, in the first place, the tendency of most local authorities is to pay too little rather than too much. In the second place, since the market rate for a particular class of worker is the basis of the remuneration which may lawfully be paid to municipal employees of that class, the local authority will always be in a position to offer what is necessary from a purely economic point of view however inadequate the remuneration may be from a social standpoint.

It can be seen from these preliminary remarks that local authorities are remarkably free, so far as the law is concerned, to employ what officers they think fit for the purpose of carrying out their statutory powers and duties. All the vital questions of qualification and training, remuneration and conditions of service, tenure and superannuation, are left to the discretion of the local authority. The limitations placed on the exercise of that discretion are, with a few exceptions, trifling in character, and are for the most part obstructive rather than constructive. In any event the dominant fact regarding this aspect of municipal government is the freedom of local authorities, rather than the relatively slight obligations referred to above.

² See Part V, *post*.

THE PRESENT UNSATISFACTORY POSITION

What use, we may ask, have local authorities made of their freedom in this connection? The answer to this question is scarcely flattering to the imagination, public spirit, powers of co-operation and desire for efficiency of local authorities. Up to the present, hardly anything in the nature of a systematic effort has been made by local authorities, either singly or collectively, to secure a high general level of efficiency, administrative ability and trained mental capacity in their officers. There are, it is true, a considerable number of men of exceptional ability in the municipal service; but their presence is due to a fortunate accident rather than to any well-planned scheme of recruitment designed to attract a continuous supply of men and women fitted by nature and education to shoulder the immense responsibilities which fall to-day on the local administration. Not on a single occasion, so far as I am aware, have the local councillors of Great Britain, or the various associations representing particular classes of local authorities, ever considered the problem of the municipal civil service as a whole. No attempt has been made to correlate entry into the service with the various stages in the system of national education, or to tap the reservoir of developed mental ability which is to a large extent concentrated in the universities. We may search in vain for any sign of a deliberate effort, by the combined local councils, to eradicate the widespread patronage which still prevails on a vast scale, particularly among the smaller authorities—we shall not find even a challenging denunciation of this serious scandal. The responsible councils, in short, have contributed little, if anything, towards the task of assisting the municipal civil service to become a profession in the true sense of the word, rather than a mere occupation or employment.

The result of all this persistent apathy and indifference is that there is an immense amount of inefficiency arising from

the employment of part-time officials and persons with inadequate qualifications, experience and education. The level of administration is frequently lower than it would otherwise be on account of the refusal of local authorities to pay adequate salaries or to insist upon suitable qualifications for their officers. Above all, the absence of a regular supply of men with a university education has produced a lack of imagination, a pedestrian quality, in all ranks of the service. Even when the leading officers in charge of the departments of a local authority are men of exceptional capacity, the rank and file are often definitely inferior to comparable grades in the national Civil Service. The disinclination of the local governing bodies to raise the standard of their personnel to the highest possible level of efficiency appears the more unaccountable when we remember that the example of the Civil Service is continually before their eyes. In recent years, moreover, a very large number of the great industrial concerns, including the joint-stock banks, the great insurance companies and the chartered overseas trading corporations, have taken definite steps in the direction of offering opportunities for suitable employment to promising young graduates and clever youths from the secondary and public schools, and in various ways have endeavoured to import Civil Service standards into their conditions of employment.

So far as the methods of recruitment are concerned, the Local Government Service presents a sharp contrast to the national Civil Service. In the local administration we have neither the impartial tribunal exemplified by the Civil Service Commission nor the minimum qualifying standard of general education or of technical knowledge and of capacity for concentrated work, nor the element of competitive literary examination, which are leading features of recruitment in the national Civil Service. One or two of the larger county and county borough councils have, however, introduced isolated and sporadic schemes intended to secure a minimum level of intellectual capacity among specified groups of workers, and

more than a hundred local authorities are said to have adopted some sort of qualifying test as a preliminary educational standard for junior entrants.

THE PROFESSIONAL DIRECTING STAFF

The most important feature which characterizes the Municipal Civil Service is a division of the personnel into a small professional directing group and a large clerical or administrative non-professional subordinate staff. Thus, in the Town Clerk's office the Town Clerk himself and one or two of his chief assistants will be solicitors or barristers; in the Public Health Department the directing head and one or more of his chief assistants will be members of the medical profession; in the Surveyor's Department the official in charge and his first-lieutenant will be qualified engineers; while the most responsible work in the Treasurer's Department will probably be in the hands of Chartered or Incorporated Accountants. Under this small professional directing staff is the rank and file of the service. The "unprofessional" clerical, administrative or operative personnel in each department is usually in an overwhelming numerical preponderance; but it remains subordinate on account of the virtual impossibility of acquiring the costly professional qualifications which are traditionally required for the higher appointments.¹

The work falling to the lot of the higher officials in the municipal service differs to a marked degree from the work of the ordinary private practitioner engaged in what is nominally the same profession. A Medical Officer of Health, according to professional theory, is primarily a doctor, indistinguishable from every other qualified medical man. But in reality the Medical Officer of Health of a great city has scarcely anything

¹ W. A. Robson: *From Patronage to Proficiency in the Public Service* (published by the Fabian Society), p. 32 *et seq.*; L. C. Evans: *Examinations for Local Officials, Public Administration*, July 1928.

in common with a general practitioner in a quiet country district so far as his duties, interests, ambitions or professional outlook are concerned. The work of a whole-time Town Clerk, though professionally identified with that of other members of the legal profession, has little, if anything, in common with a solicitor or barrister in private practice. Similar contrasts exist in regard to many other fields of municipal administration. The net result is that there exists, in the case of Town Clerks and Medical Officers, and certain other leading officials, a profession within a profession.

Two effects have been produced by this phenomenon. In the first place, some of the professional officers in the municipal service have evolved or become associated with separate vocational bodies in addition to their primary professional organizations. Thus, the Medical Officer will usually be a member of the Society of Medical Officers of Health as well as of the British Medical Association; the Surveyor will be a member of the Institution of Municipal and County Engineers as well as of the Institute of Civil Engineers; the Accountant will belong to the Institute of Municipal Treasurers and Accountants as well as the Institute of Chartered or of Incorporated Accountants.

Despite the emergence of these specialized vocational organizations, the qualifications required for entry into the various professions are in the main determined by the members who are engaged in private practice, for these constitute the bulk of the membership. Hence, the professional education normally provided is often hopelessly inadequate or unsuitable for men who intend to undertake the more complex sort of municipal administration. Partly in consequence of this, but also partly owing to less disinterested considerations, we may note, as a second result, that a kind of apprenticeship system has grown up in the higher ranks of the local government service. In a large number of cases a young man who wishes to become a Town Clerk will become articled to a solicitor holding that office; and a similar arrangement often obtains among municipal Engineers or Surveyors.

The ordinary rules of the profession apply to these transactions, and the leading officials of Local Authorities are in this way often enabled to accept substantial fees paid, in theory, as a premium for providing instruction into the mysteries of the profession. The question arises whether it is desirable to permit public servants to make private profit out of the business of initiating new-comers into the conduct of municipal affairs. Although justified by professional usage, I think it is impossible not to feel that there are overwhelming disadvantages from the public point of view in permitting salaried officers to indulge in a traffic of this kind, not the least of which is to give rise to the frequent allegation (which may or may not be well-founded) that the likelihood of promotion in a department is best secured by the payment of a substantial premium to the officer at the head of it. A few local authorities refuse to allow their professional employees to retain fees paid in respect of premium pupils. It is to be hoped that this practice will become general. The Royal Commission on Local Government were unfortunately unable to recognize that there should be any interference with the present system, "so long as the arrangements are approved by the local authority concerned".¹

THE RANK AND FILE OF THE SERVICE

Although it is only the small directing staff at the head of various departments that is deemed "professional" in the accepted sense of the word, there is a high degree of vocational organization existing throughout the local government service. The manner whereby the vocational associations in which the rank and file of the service are grouped have endeavoured to lay down minimum qualifications of knowledge or education, to be imposed on all members of particular grades or classes of officers, is a striking phenomenon of considerable significance. These bodies have persistently attempted to impose qualifying

¹ *R.C.L.G., Final Report*, p. 127.

tests on all members of the occupation, and to secure their recognition and enforcement by local authorities throughout the country.

The National Association of Local Government Officers, with a membership of more than 50,000, has for long been in the forefront of the movement for raising the educational standard of the clerical and administrative classes of the municipal civil service. Its efforts in this direction, made for the most part in face of a blank wall of apathy and reactionary indifference manifested by local authorities, are highly creditable and far-sighted. Their aim has always been to further the public interest by improving the personnel of the municipal service.¹

But N.A.L.G.O. is by no means the only vocational organization which has persistently endeavoured to lay down minimum qualifications of knowledge or education for its members in the municipal service. Similar attempts have for long been made by such representative bodies as the Association of Rate Collectors and Assistant Overseers, the Sanitary Inspectors Association, the Institute of Municipal and County Engineers, the Institute of Municipal Treasurers and Accountants, the Women Sanitary Inspectors and Health Visitors Association, and other similar groups. The movement by these vocational associations towards professional qualification, accompanied by a keen and vigorous interest in the advancement of professional knowledge, is the most striking characteristic of the municipal service voluntary organizations. This movement is no doubt due, primarily, to enlightened self-interest, but it would appear to have been entirely good in its results.

The efforts of the N.A.L.G.O. and the other vocational

¹ The aims and objects of this society as regards recruitment and training were recently explained by its representatives in giving evidence before the Royal Commission on Local Government on March 31st and April 1st, 1927 (see *Minutes of Evidence*, Part VIII, p. 1691 *et seq.*). The official policy of the Association may be divided into three parts. First, as regards junior entrants into the service, the age of admission should normally be not less than sixteen years, and a preliminary examination of matriculation standard should be required. N.A.L.G.O. itself holds an examination of a purely

associations have not met with any widespread support from local authorities, for various reasons unconnected with the desire to improve the general level of the municipal civil service.

"A general recognition of the aspirations of the Association" observed the representatives of N.A.L.G.O. in their evidence before the Royal Commission on Local Government "has not been forthcoming from the local authorities." The work of the N.A.L.G.O., they went on to say, in regard to improving the standard of recruits and the further education of local government officers, "has not received the encouragement from the local authorities which the importance of the question deserves. The recruitment, training and promotion of local government officers is . . . of paramount importance."

That was in 1927. In June 1928 a meeting was held of a joint committee appointed by the County Councils Association and the Association of Municipal Corporations to consider the subjects of recruitment, education and training of local government officers. This committee, "after careful deliberation," passed a series of resolutions bearing closely on the proposals put forward by N.A.L.G.O.

The committee recommended in the first place that the question of educational qualifications for new entrants is a

scholastic character for this purpose, but does not desire to continue to do so, provided that local authorities will adopt a uniform standard of education for junior entrants equivalent to recognized matriculation level.

Second, the National Association advocates that after entry, junior officers in all grades should endeavour to improve their education by the systematic study of vocational subjects. Facilities for this further study should be given by local authorities, and young officers be encouraged to pass either a professional or technical examination, or the examination in vocational subjects offered by N.A.L.G.O. itself. N.A.L.G.O. asks that local councils should give due recognition to the vocational certificate issued by the Association.

In the third place, the National Association is anxious to promote the establishment in the various universities of a diploma course in the science of public administration, which should be supplementary or additional to other qualifications. This course would presumably be somewhat on the lines of that prescribed for the Diploma in Public Administration in the University of London.

matter which should be left to the complete discretion of individual local authorities. They did not consider that qualifying examinations passed by officers after entry should be made a condition of promotion; nor is it desirable, in their view, that the various associations of local authorities should set up an examinations board jointly with N.A.L.G.O. This report of the committee was adopted by the County Councils Association and the Association of Municipal Corporations; and evidence to this effect was given by these bodies before the Royal Commission on Local Government.¹

I think it is clear from this and other evidence that no considerable progress can be looked for from the great mass of the local authorities in regard to methods of recruitment, unless the question is considered from a national (though not a centralized) point of view. I also believe that the efficiency of municipal administration is a matter of such importance to the whole community as to warrant the intervention of Parliament or the government.

METHODS OF RECRUITMENT

Any scheme which proposes to remedy the present state of affairs must commence by recognizing the overwhelming advantages which competitive literary examination has been proved to possess over any other known method of recruiting personnel for the public service, at any rate up to the time when candidates have attained the age of twenty-four or twenty-five years. More than half a century's experience of the system of competitive examination in the national Civil Service at home and overseas, not to mention a host of foreign examples, has proved to the point of demonstration that competitive written examination is the best instrument for securing for the public services the most able recruits from school and university. Written examinations do not disclose a number of valuable

¹ *R.C.L.G.*, Final Report, p. 123.

qualities; but the characteristics they do disclose are of paramount importance in the complex administrative machinery of modern government.

I venture to suggest that, if we aim at improving the quality of human material flowing into the municipal civil service, two steps are absolutely necessary. In the first place, we must endeavour to secure the entry into the municipal service each year of a small number of promising young graduates from the universities, to be trained for the higher positions. In the second place, we must provide a series of qualifying and competitive examinations for the general grades of clerical and administrative officers.

As regards the first of these objectives, I think that the advantages of a university education in training the mind and developing the creative faculties during one of the most formative periods of life are so generally recognized as to require no emphasis.

In industry and commerce, uneasiness is being shown at the results, in terms of economic leadership, of the policy of taking in a lad at fourteen or fifteen years of age and leaving him to "work his way up from the stamp book". The larger and more progressive firms are beginning to realize more and more the value of a university training; and on all sides efforts are being made to provide opportunities in business for young graduates with a good record of work and play at the university behind them.

In the municipal service, however, there seems to be no recognition of the need for obtaining a regular supply of men who have spent three or four of the best years of their lives at a university. Outside the education service there are scarcely any appointments at present offered by local authorities likely to attract young men leaving the universities at about twenty-one or twenty-two years of age. The number of senior officers who have received a university education is remarkably small. Most of those who have been to a university have generally taken a vocational course rather than one in the more enlarging

subjects. And as I have already pointed out, even the professional training in law or civil engineering or surveying is frequently obtained through apprenticeship to a municipal officer.

COMPETITIVE EXAMINATIONS

Perhaps further discussion of this problem of how to attract able young men from the universities may best be deferred until something has been said concerning the general scheme of recruitment which it would be well to establish.

Assuming that competitive literary examination is desirable, the question arises as to what body or bodies should act as the examining agency. At a conference which took place at Cambridge under the auspices of the Institute of Public Administration, a number of papers were read on this subject, but no agreement was forthcoming as to what body should be responsible for the examination of candidates. Various ideas were put forward. Different speakers favoured in turn the local authority, the universities, professional associations such as N.A.L.G.O., Whitley Councils and a Local Authorities Public Service Commission, consisting of representatives of the associations of local authorities, of the Faculties of Political Science or Economics of four Universities, together with a sprinkling of members nominated by N.A.L.G.O., the Institute of Public Administration, and the Minister of Health.¹

So far as the examining body is concerned, there can be little doubt that if some sort of Parliamentary or governmental intervention is required, as appears to be the case, the ultimate control over the constitution of the Personnel Commission will have to be placed in official or semi-official hands. This rules out the idea of making N.A.L.G.O., or some of the other professional societies, responsible for holding examinations.

The real question is how far the work of examination shall be centralized or decentralized.

¹ *Public Administration*, July 1928, vol. vi, No. 3.

The idea of a nation-wide personnel commission is in many ways attractive. It would secure uniformity of standards. The importance which such a body would possess would make it possible to secure men of reputation and ability to serve on it. The mere ubiquity of its jurisdiction would be an advantage, in that it would produce an equalization of talent or ability as between different areas. Despite these advantages there is a good deal to be said for breaking up the work on a geographical basis. We have to remember that a very high proportion of the official staffs of local authorities—according to a well-informed expert no less than 95 per cent¹—are originally recruited from within the administrative area of the appointing authority. The starting-point in the official career of most municipal officers has been the town hall of his native place, though the senior officials are accustomed to frequent moves.

It is not feasible to abrogate at a single stroke the localism inherent in the existing arrangements. Local patriotism has some place in municipal administration, not only in the council hall and committee-rooms, but also in the offices and yards and works of the local authority. Other things being equal, it would appear desirable on that ground to allow for the continuance of recruitment on a more or less local basis.

Apart from civic sentiment, there are other factors of considerable importance to be taken into account. Parents are not always willing to permit boys of sixteen or seventeen years of age to reside permanently in distant towns far from home; nor is it always in the best interest of a youth that he should be wrenched violently out of his customary environment during the difficult period of adolescence. The argument applies even more strongly in the case of girls. Finally, there is the economic factor. Local authorities do not usually offer junior entrants into the service a salary sufficient to enable them to live in reasonable comfort away from home; and although parents are often able to provide a home for the lad in his early working

¹ *Examinations for Local Officials*, by L. Hill (General Secretary of N.A.L.G.O.). *Public Administration*, June 1928, p. 313.

years, they are seldom in a position to pay the difference between the economic value of his services and the cost of living for a black-coated worker in the public service.

It may be said, of course, that a national public service commission could overcome this difficulty by breaking up the field of examinees into territorial divisions and arranging for separate tests to be held in each area. If that were done, we are presented with a measure of decentralization which merely deprives local authorities of any direct responsibility for the character and quality of the competitive examinations while compelling them to accept the results thereof. Having regard to the traditional tendencies in English municipal affairs, this does not appear to be the most desirable solution.

There can be little doubt but that an individual local authority is too small a unit in all but a handful of cases. In order to get good results, it is necessary to offer a fairly large number of vacancies, and thereby to attract a large field of candidates. The examining body should therefore cover a large area of jurisdiction.

LOCAL PERSONNEL COMMISSIONS

What I should myself advocate would be a scheme of recruitment based on groups of local authorities formed for each region in the country. A series of joint committees should be formed, *ad hoc*, under the direction of the Board of Education and the Minister of Health. These joint committees would consist of members of county and county borough councils. Their task would be to appoint from time to time a personnel commission to act for the regional area. These commissions should be independent bodies appointed for a period of years. Their members should include educationists, eminent administrators, university professors and members of the larger local authorities. It might be desirable to have a Chairman nominated by the Minister of Health or Board of Education, and a member appointed by the Civil Service Commission.

Each personnel commission would be required to submit schemes of examination within a specified time for approval to the Civil Service Commission or the Board of Education. The only function of the approving body would be to decide if the scheme submitted fulfilled the minimum requirements which ought to be demanded throughout the country. The submission of schemes is of course a well-known device frequently employed in the administration of local services.

The personnel commission would aim at holding examinations to correspond with three of the main stages of education. It is generally agreed that sixteen years is the minimum age at which entrance to the clerical and administrative grades should be permitted. There should accordingly be an open competitive examination for junior entrants at sixteen or seventeen years old. This is the usual matriculation age; and it might be a good thing to insist on matriculation or its equivalent as a condition precedent to entering for the competitive examination, in order that the subsequent educational progress of an officer should not be blocked by his having failed to surmount this preliminary barrier, which becomes more difficult with increasing age. There should be a competitive entrance test of this kind, founded on the subjects of general school education, in place of the qualifying examination, such as matriculation, which is now sometimes demanded. Such a large proportion of boys and girls now take one or other of the school-leaving examinations that a selective process is required.

A second type of examination should be held for youths of eighteen or nineteen: that is, maximum leaving age at secondary schools and the public schools. But this examination, which again should be competitive, ought not be confined to candidates coming straight from school. The list of optional subjects should be so framed as to enable young officers already in the municipal service to offer without disadvantage subjects partly related to their work. The list of subjects would accordingly include, not only the recognized branches of study in the most advanced stages of school life, but also such subjects as public

administration, economics, social and political theory, and so forth. In this way young municipal officers who had entered the service at sixteen or seventeen would be encouraged to study in their spare time, not the narrow vocational technique, the dry-as-dust procedural details of the Gasworks Department, which is so often held out to them by professional associations and even by their own superiors, but the kind of educative subjects, at once stimulating to the imagination and enlarging to the mind, which are prescribed for the Diploma in Public Administration at the University of London or the Degree in Public Administration at Manchester. The further development of University Extension Lectures and W.E.A. classes and the encouragement of social science courses for evening students at the provincial universities, should enable adequate provision to be made for the educational facilities required by serving officers.

A third type of examination might also possibly be held for young men between twenty-one and twenty-five years of age: that is, university leaving age.

OPENINGS FOR UNIVERSITY GRADUATES

The case for a competitive examination suitable for candidates of university education is not nearly so strong as the case for competitive examinations at the other two stages of education already indicated, at any rate for the present. The primary task for the immediate future is to secure a flow of university graduates of good quality into the municipal service; merely to obtain each year a few good men with this qualification would itself be a big step forward, quite apart from competitive examinations.

The young university man is not at present accustomed to look to municipal administration for a career. The business of attracting him thereto, in competition with industry, commerce, the professions and the Civil Service, will prove quite

hard enough to start with without adding to the difficulty by setting up competitive examinations. Furthermore, the Honours Schools in the various Faculties already serve as selective criteria of intellectual ability. I think we should aim ultimately at holding competitive examinations for *all* first entrants to the service, whether coming in at 16 years or after graduation; but for the next five or ten years attention should be concentrated on the provision of opportunities likely to attract the young graduate. A commencing salary of £200 to £250 per annum should be offered during a probation period of, say, two years, with a substantial rise if the appointment is confirmed.

But more important than the commencing salary is the interest and scope of the work offered. Young men with trained minds must not be wasted on mere routine work although it is no doubt true that a few weeks spent in each department is an excellent preliminary step for a future executive, and ensures that he will have a good idea eventually of the way in which the routine work is done. It is obvious that even the most brilliant young men cannot be given responsible and constructive work until they have gained some experience of the routine organization. But they can and should assist the chief officers in the creative and more difficult aspects of their duties, and in that way get a sense of the dimensions of the problems of municipal development.

A good use might be made of some of these young men by employing them during their second year of service on drawing up reports of various matters closely affecting the life of the city or county, or making a survey on some undeveloped or novel aspect of municipal affairs. Mr. H. A. Mess has shown in his series of Tyneside Papers what valuable use can be made of the material already available from local municipal sources; and similar documents might well be prepared by young graduates in their probationary years of service. It used to be the practice in the Indian Civil Service to send young men, shortly after their arrival in India, for a six months' tour of the

province with instructions to draw up a general report on what they had seen, with suggestions of any improvements they considered might be made. This plan was found of great value; and local authorities might well endeavour to obtain and turn to account the impressions of a young graduate on his first acquaintance with the inside working of the municipal organization.

If and when the time comes to establish competitive examinations to correspond with the university standard of education, the emphasis in those examinations should be laid on general mental development and a knowledge of the social background to public affairs rather than on the acquisition of narrow technical knowledge and specialist information. At present, far too much stress is laid upon specialized knowledge for the chief departmental positions, and insufficient consideration given to general administrative ability of the kind which enables a trained executive to turn his mind effectively on to almost any type of governmental or business problem.

This raises the whole question of the character and training of the head officials, but before discussing this I would point out that none of the proposals so far made would interfere fundamentally with the freedom of local authorities to control their own officers. The only limitation imposed would be that new appointments would be confined to the group of examinees who had distinguished themselves most in the competitive examinations and the personal interview which would naturally follow them. Control over the examinations would in any case be in the hands of an independent personnel commission appointed by groups of local authorities themselves.

Mention has already been made of the sharp differentiation which exists in the municipal service between the directing executive composed of men with professional qualifications, and the rank and file of the service consisting of clerical, technical and manual workers. Although it is only in the case of the Medical Officer of Health that a professional qualification is actually prescribed, local authorities are accustomed to require

standard professional qualifications for most of their other leading officers.

TECHNICAL QUALIFICATIONS IN RELATION TO GENERAL ADMINISTRATION

We may next consider the relation between specialized technical knowledge and general administration, a question which is illustrated in a vital way by a consideration of the position of the Town Clerk. It has recently been suggested by Mr. E. D. Simon, formerly Lord Mayor of Manchester, that it is by no means necessary or desirable to confine the post of Town Clerk to lawyers, or that of head of the public health department of a large authority to a doctor.¹

It may be emphasized that the question of what type of ability and training the Town Clerk ought to possess is purely a matter of administrative expediency, and has no relation to any question concerning the constitutional character of our local government system. In the national government we find precisely the opposite arrangement to that existing in municipal affairs. The head of a great department of State is invariably an administrator. The legal work is done in a separate division of the department, and the lawyer in charge of it is actually precluded, together with all the other Civil Servants belonging to the "professional" class, from reaching the highest administrative positions in the service. Thus, in local government we insist on the head of a department being a professional, and permit none but lawyers to occupy the highest administrative position. In the central government we refuse to allow the permanent official at the head of a department to belong to a professional grade, and deliberately bar lawyers from the highest administrative positions.

Could anything be more inexpedient or short-sighted or unjust than these narrow rules of appointment and promotion?

¹ E. D. Simon: *A City Council from Within*, pp. 133-4.

In the last resort we want men, not categories; and although it may be desirable to insist on certain types of specialized mental equipment as a normal attribute for the average officer, administrative ability of the first rank is so rare a quality that we cannot afford to recognize it only when it is found among individuals who have undergone a particular kind of vocational training and experience.

The chief executive positions in large local authorities are so important and require so varied a combination of qualities that the filling of them will always remain to some extent a special problem, resisting all attempts at solution by formula and prearranged plan. But although we may not be able to discover any method for producing with infallible certainty the exact individual we require at any given moment, we can nevertheless profitably discuss the type of man who seems to be needed for the position of Town Clerk.

THE WORK OF THE TOWN CLERK

The character of the work which the Town Clerk is required to perform has changed enormously during the past half-century. In the unregenerate days of the old unreformed boroughs prior to the Municipal Corporations Act 1835 the Town Clerk's duties were in the main either ceremonial or connected with the maintenance of law and order in the borough. Even after the passing of the Municipal Corporations Act of 1835, the Town Clerk's office was for several decades chiefly concerned with such matters as the drafting of by-laws and Private Bills, the affairs of the Commission of the Peace for the Borough and the Borough Police Force, the abatement of nuisances, the disposition of real property owned by the corporation, and similar duties connected primarily with the legal process. It was natural, therefore, that a lawyer should come to be regarded as a valuable man to fill the office, especially when we bear in mind the widespread desire to escape from the

rottenness and corruption disclosed by the Royal Commission on Municipal Corporations of 1835, and the high reputation for integrity and honesty which members of the bar had for long enjoyed.

During the past thirty or forty years, however, the nature of the Town Clerk's work has changed considerably, for the simple reason that the nature of local government has itself changed. The main concern of the town council is no longer the maintenance of law and order among the local inhabitants, the policing of the city or the repair of its highways. These perpetual necessities continue to exist and to demand attention, but the real centre of gravity has shifted to the vast body of social services which the local authority is called upon to provide. Public health in all its branches, education, housing and town-planning, maternity and child welfare, lunacy and mental deficiency, public utilities and transport services—these are the functions which dominate modern local government, and it is these questions which demand the attention of the leading official of the county borough or county council. Poor Law has now been added to their number.

Whether these questions in fact secure the attention of the Town Clerk or Clerk to the County Council depends on the type of man who occupies the position. An unimaginative man of narrow outlook can find more than enough work to fill his time in attending to the purely legal aspects of the council's affairs in these and other fields. But the best and most vigorous and creative Town Clerks devote their main energies to considering the large administrative questions relating to the work of the authority as a whole, the co-ordination of the separate departments, negotiations with the central government, new and ambitious schemes of municipal development, and the intelligent anticipation of future problems and difficulties. This work is of predominant importance. It is not legal in the technical sense, and there seems no particular reason why the chief executive officer engaged upon it should also be specially responsible for the technical legal work of a

local authority. The majority of Town Clerks in the great cities spend only a fraction of their time on law duties, and there appears to be no good reason why they should not be encouraged, if they so desire, to set up a separate department to deal with legal affairs, with a lawyer at the head of it, to which the law work would be referred in the ordinary way.

The effect of this would be to enhance the position of the Town Clerk rather than to disparage it. The Town Clerk is in many cases to-day only nominally recognized as the leading official of the local authority. In practice he is often regarded by his colleagues as being no less of a specialist in charge of a single department than the Medical Officer of Health or the Treasurer. The Town Clerk will be more likely to emerge definitely and clearly as the chief official of the municipality if he sheds the technical legal work to a separate department, over which he would continue to exercise a general control.

A certain amount of misunderstanding has arisen in recent times owing to suggestions being made that the City Manager idea should be introduced into this country, or that the Town Clerk should be superseded by a City Manager, or something of that kind. The friends of efficient local administration would be well-advised to leave out of the discussion all reference to the City Manager idea, which originated in America under entirely different circumstances. The City Manager scheme is not merely a method of administration: it involves constitutional changes in the very framework of municipal government. It is an alternative to other forms of city government—not merely of internal administration—which now exist, or have existed, in the United States.¹ Without a comprehension of the alternative methods of city government, the City Manager plan cannot be understood, and since the alternative methods do not exist in this country, it is only misleading to speak of introducing the City Manager plan into England.

¹ Leonard D. White: *The City Manager*; C. R. Woodruff: *The City Manager Plan. American Journal of Sociology*, January 1928.

THE POSITION OF THE CHIEF OFFICER

A suspicion that all is not well at present undoubtedly crossed the mind of the Ministry of Health some few years ago, when the following observations appeared in their Annual Report for 1923-4:—

“Some difficulties have been caused during the year by proposals to give the Town Clerk more extensive powers of control over other officers than are usually provided for expressly by the terms of appointment.

“It is manifest that a Town Clerk or any other officer could not properly dictate to other persons in the employment of the Local Authority, the Medical Officer of Health or the Engineer, for instance, what they should do in the details of technical matters within their particular purview. Nor could any Local Authority impose on any one of their officers duties in conflict with those conferred on any other officers by statute or by central regulations.

“The proposal to make some one officer definitely responsible for the general supervision of the whole of the business of the Local Authority, and their chief adviser on all matters of policy, is, however, a different question.

“The work of Local Authorities has changed very considerably in recent years. The large Authorities, in particular, in addition to being the bodies regulating matters of local government in their area, are in fact important business corporations, carrying out costly services, trading and other.

“There appears to be room for consideration whether, while maintaining to the full the traditions of local government service and, especially, of democratic control, the time has not come for some further development of the administrative arrangements of the Local Authorities, and for their having one chief official who, whatever his title,

shall be in a position of definite responsibility for the general official organization.

"It may be premature to express any decided opinion on this possible development, but the question clearly merits attention. Two conditions would always have to be fulfilled: (1) the unquestioned control of the elected body; (2) no derogation from the responsibility of the present principal officers. The value of any such chief official as has been suggested would depend very largely on his exercising general control, on his not attempting to do the detailed work of officers expressly appointed because of their specialized qualifications, and on his working in full harmony with them."

The Ministry of Health does not appear to have shown any further interest in the matter since this message of exhortation and good will, nor to have given vent to any subsequent official utterances. Yet the Ministry could do much to influence local authorities and their officers to take a more liberal view of the position which the Town Clerk or the Clerk to the County Council ought to occupy.

The whole question of the internal organization of the local administrative staff calls for examination, and has up to the present received little attention. In particular, the relations of the chief officials of a local authority among themselves vary widely and demand definition, analysis and forethought. One of the most successful methods of organization occurs where provision is made for the holding of regular conferences between the head officials in charge of the various departments. The beneficial results of this are twofold. In the first place, the Town Clerk is assured that no important project comes to his attention from one department, for presentation to the council, without having been considered by the other departments concerned; and in the second place, the functional committee promoting a scheme has the advantage of learning the respective points of view of the other departments before coming to a decision.

THE QUALIFICATIONS OF THE CHIEF OFFICER

The position occupied by the Town Clerk is, as we have seen, only one side of the equation. The other side is the question of the training and qualifications possessed by the holder of that office.

The present custom is to appoint a lawyer. This means that among the smaller urban districts or non-county boroughs the Clerk will often be a solicitor in private practice working part-time for the local council. Among the larger authorities, where full-time appointments are the rule, candidates are in practically all cases required to be barristers or solicitors. There is a rapidly increasing tendency to confine the appointment to solicitors only, and if things go on at their present rate in a few years there will not be many barristers in the service.

But the question has been raised as to whether a knowledge of law is necessary for the chief executive of a great city council; whether, in fact, local authorities would not be wise to select as their chief adviser a man of proved executive ability from some other realm of general administration—say, from business or industry, from the public service, perhaps the general manager of a railway, or a distinguished engineer.

There can be little doubt that some knowledge of the law is essential for a Town Clerk for the paramount reason that local government in this country has to operate within a complex framework of statutes and regulations, rules of common law and equity. The doctrine of *ultra vires* is alone sufficient to preclude most local councillors from appointing a man to be Town Clerk who does not know all about the legal nature of corporate bodies, and the dangers of ignoring their limitations. The Electrical Engineer may make a mistake about a power scheme, or the Education Officer may misjudge the educational needs of his area, with the result that the sitting members of the council may be politically discredited and turned out of office

at the next election. But if the Town Clerk advises the council wrongly, and allows them to embark on activities involving *ultra vires* expenditure, the whole cost may easily fall on the innocent but responsible members of the council.

- ~ It seems to be absolutely clear that the chief officer ought to possess a sound working knowledge of constitutional law and the legal structure of our local government system. He should be broadly conversant with the statutes and regulations governing the procedure and functions of local authorities, and the powers of government departments. He should know the elements of the law of contract and tort and *ultra vires*.

Beyond this general background of legal knowledge which a Town Clerk should possess, if he is to keep his council on the path of safety and peace and immunity, and guide it forward on progressive lines without danger of personal liability to the councillors, I do not see that the Clerk need have any additional knowledge of the more technical aspects of law or procedure, provided the technical legal work is transferred to a separate department.

In the United States of America, the great majority of City Managers are engineers by profession, although when in office they devote themselves to questions of general administration. Engineers, however, have been selected for the job more on account of the popular belief in America that engineering comes next to godliness, that a man who can wrestle successfully with masses of steel and iron can overcome any problem, that the engineering approach is aggressive (in the best sense) and scientific (in the worst sense) and non-political, rather than from any careful analysis of the qualities actually demanded by the work. The weakness of the technical engineer in the more general departments of public affairs is precisely his tendency to ignore the human elements in the situation, his frequent inability to discuss, negotiate, temporize and come to terms with people who are often satisfied with mere verbal alterations which seem to him pedantic. He sometimes tends, in short, to treat people like mineral products, just as the doctor

in public life tends to treat them like patients requiring treatment. On the other hand, the engineer is accustomed to think continually of the functional results of his work, and for the most part his "attack" is a positive and constructive one. The lawyer is accustomed to negotiation, to clarifying and analysing the real grounds of difference, to recognizing that other people have other points of view and may feel strongly if their interests are threatened. He is also often useful in discovering an acceptable formula, a compromise, a *modus vivendi*.

But I do not think that the sort of training given either to the average lawyer or the average engineer is really suitable for the ideal Town Clerk. Three-quarters of the technical legal knowledge required for the solicitor's or barrister's final examination is almost useless so far as the higher executive work of a chief municipal officer is required. Moreover, very scanty attention is given to those branches of law which specially appertain to local government.

On the other hand, a knowledge of the social sciences, of economics and statistics, of political science and social psychology, would appear to afford an excellent educational background on which to graft the administrative experience likely to produce an executive chief of first-class capacity.

What that experience ought to be it is impossible to say with any confidence. Quite often the municipal service is itself able to produce the very qualities most needed at the topmost rungs of the ladder. Certain Town Clerks who are admirably fitted for their work have never had outside experience. There are also leading officials in other departments of local authorities who would make excellent Town Clerks if the technical law work were shed off to a special department.

I could mention the names of men who are now holding, or have held, the posts of Director of Education, Treasurer, General Manager of a Tramways Department, Chief Electrical Engineer, and Medical Officer of Health in large county boroughs, who would have made exceptionally good Town Clerks or Clerks to County Councils. They have been definitely

precluded from holding the latter appointments by the traditional insistence on professional legal qualifications and experience. I cannot believe that it is wise to "compartmentalize" the chief officials in this way.

It is interesting to note that the Onslow Commission, in their Final Report, adopted this line of argument to the extent of recommending that, although in the majority of cases the Town Clerk should have legal qualifications, it would be regrettable, in the case of the larger authorities, "if such a requirement were maintained to the exclusion of candidates who might bring into the service administrative abilities of a high order".¹

A local authority in need of a big man should not refuse to look outside the service in its search for executive talent. There are men of imagination and proved administrative ability in industry and commerce, shipping and finance, on the railways and in the Civil Service, in the universities and schools and the professions, who would make an excellent showing in the Town Clerk's office of a large city.

MOBILITY BETWEEN THE NATIONAL AND LOCAL SERVICES

Most important of all is the question of mobility between the national Civil Service and the municipal service. There is no reason at all, apart from conventional traditions, and certain technical difficulties which have resulted from the operation of those traditions, why central and local officials should not be interchangeable. In the case of a number of professional appointments, a limited amount of interchange has actually taken place. For example, some of the medical staff at the Ministry of Health, including the Chief Medical Officer of Health, have been recruited from local medical officers; and at least two of the Electricity Commissioners were formerly in the municipal service.

But these are rarities. There is no case on record, so far as my knowledge goes, where a county borough has taken a high

¹ *R.C.L.G.*, Final Report, p. 137.

administrative civil servant from the Treasury or the Ministry of Health or the Home Office as their Town Clerk; nor is the Ministry of Health or the Home Office accustomed to scrutinize the ranks of the leading municipal officers when a new assistant secretary or secretary is required. Yet a certain amount of interchange would have great advantages. The central departments greatly need an infiltration of men who have a practical sense of the needs and aspirations of the localities. The municipalities, on the other hand, would occasionally derive considerable benefit from the services of central government officials who are used to dealing, not with one local authority, but with all of them throughout the country, and who are in consequence aware of the immense variety of methods of administration prevailing in most fields of municipal activity. There must obviously be a limit to the amount of mobility which is desirable. No one desires to see the municipal service centralized, or the Civil Service localized, in spirit; but the fact that there is a point beyond which the idea of interchangeability could not be applied with advantage is no reason for not applying it at all.

There are two main obstacles at present. The first is the rigid insistence by local authorities on technical qualifications for their leading administrative officers. I have already pointed out the desirability of introducing greater flexibility in this respect. The second obstacle relates to superannuation allowances. Pension rights in the Civil Service are at present non-transferable, and are forfeited on leaving the service. Superannuation in the municipal service is by no means universal, and where it does exist it is not even co-extensive with the local government service. The reform of this matter so as to enable Civil Servants to carry their superannuation rights with them into the municipal service, and *vice versa*, is a relatively simple matter of financial technique. The real obstacle to interchangeability lies in the prevailing resistance to the *idea* of mobility. There is at present no sense of the organic unity underlying the apparent separateness of the municipal service and the central administration.

MOBILITY WITHIN THE MUNICIPAL SERVICE

The question of mobility arises also in connection with the transfer of officers from one local authority to another. There is far less lateral mobility than is desirable both between local authorities of the same class and between those of different classes. Here again the key to the whole problem lies in superannuation. An indispensable condition of mobility within the service is a ubiquitous and uniform superannuation system; and until we establish this on a compulsory basis, in the manner suggested by the Second Departmental Committee on the Superannuation of Local Government Employees, we shall not secure facility of transfer. Compulsory superannuation is to be desired for its own sake—it is almost an essential in a self-respecting public service—but quite apart from its other merits it is absolutely necessary if what may be termed free trade in municipal officers is to be brought into existence among the local authorities of Great Britain. "We have no doubt" reported the Departmental Committee in 1928 "that a general system of superannuation would tend to raise still further the existing high standard of local government administration. . . . If the local government service is to attract the best type of recruit it must offer a career to diligence, energy and capability. . . . A local authority cannot draw candidates from the staffs of other authorities which have established superannuation schemes, if it has not such a scheme itself, or if there is no regular system of carrying rights of superannuation from one service to the other. In this respect the position is even worse since the Act of 1922 was passed than before." Those conclusions were arrived at before the passing of the Local Government Act of 1929, which has intensified the disadvantages and injustice of the present position.¹ For that statute transferred to county and county

¹ Cf. two articles by L. Hill entitled *Superannuation: A Brief History and Present Position*. *Municipal Journal*, July 11th and July 18th, 1930.

borough councils a large number of officers subject to the provisions of the Poor Law Officers Superannuation Act 1896.

The question of superannuation is to no small extent bound up with the question of security of tenure, which in turn is closely connected with the problem of satisfactory methods of recruitment. It is clearly desirable, in my view, that local government officers should enjoy the same degree of security of tenure that Civil Servants possess in practice if not in law.

HIGH SALARIES FOR MUNICIPAL OFFICERS

Even if local authorities were to offer the highest appointments to men of distinguished administrative ability in other walks of life, it would not be easy to attract successful men from outside occupations to even the highest appointments in the municipal service unless salaries of substantial magnitude were offered. It is obvious, of course, that remuneration for public work can seldom, if ever, approach the highest earnings for similar work in private life. Nor is it necessary even on economic grounds that it should do so, since the total advantages of public employment, in terms of prestige, security, superannuation, leisure, interest, social purpose and satisfaction often outweigh the relative advantages of a higher income in terms of money from private enterprise.¹ Nevertheless, the remuneration of leading municipal officers is a subject of great importance at the present time. The Labour movement, in particular, will have to make up its mind in the near future concerning the extent to which public officers doing work requiring exceptional capacity and special training are to be rewarded with correspondingly high incomes.

In a closed society from which no escape were possible, and in which every business were owned and managed by the community, it might well be possible that the services of the most capable individuals could be obtained for the most

¹ W. A. Robson: *The Relation of Wealth to Welfare*, chap. iv.

difficult work, regardless of whether larger salary scales were offered to them or not: the mere satisfaction of doing important work might be relied upon to prove sufficiently potent both as an incentive and as a selective agency. But we cannot assume the existence of such a society with any degree of reason. We cannot at present foresee a time when public authorities will not have to compete with private enterprise for the services of men and women, nor contemplate a Socialist state from which it will be impossible to emigrate. One of the most remarkable features of recent developments in Russia is the way in which the directing technical experts and managers in State-owned industrial undertakings are receiving considerably larger incomes than the mass of routine workers, though this is in direct violation of Communist principles.¹ The competition between private and public enterprise is specially acute in municipal affairs, because many branches of local government administration, such as housing, gas, electricity and water supply, civil engineering and transport services, require precisely the sort of organizing ability and managerial talent which possesses a high economic value in private enterprise. That being so, it is necessary to face the question whether we are prepared to reward persons doing work of unequal economic value with incomes of differing size.

This question is being raised in a more or less acute form in local government circles wherever a reactionary majority on a local council is endeavouring, as the main principle of their policy, to keep down the rates at all costs. It also frequently arises where Labour representation on the local authority has attained considerable proportions.² In the latter case the controversy sometimes takes the form of a protest against a high salary being offered to the Medical Officer of Health when the office falls vacant. At other times it takes the form of opposition to an increase in the salaries of the head officials, such as the Town Clerk or the Surveyor; or a resolution that

¹ Maurice Dobb: *Russian Economic Development since the Revolution*.

² See *R.C.L.G.*, Final Report, pp. 147-9.

no salaries above a certain amount shall be paid to municipal officers "while poverty and unemployment are so prevalent and wages so low in the district". Underlying the particular example there is often the feeling that it is wrong, or in some way opposed to Labour principles, to support or acquiesce in the payment out of public money of £1,500 or £2,000 a year to a chief official while engineers are receiving less than £3 a week, and thousands of miners and shipbuilders or cotton spinners out of work.

The vital question to be considered is not, however, whether Mr. Brown or Dr. Smith is receiving more than we should like him to have, or more than he deserves, from a moral point of view, having regard to our own incomes or someone else's needs. The real question is whether it is necessary to pay that salary in present circumstances in order to obtain the best man for the job. The efficiency of the municipal service should be the sole criterion in fixing the salaries of the leading officials. If the best doctors require £2,000 a year as an inducement to take up full-time public health work, then assuming, as I do, that we need first-class men for the local medical service, we must be prepared to pay that amount. If the best electrical engineers will not go into private employment unless they are offered £5,000 a year by the great city councils, the Electricity Committee must pay £5,000 a year, and pay it cheerfully. The crucial question is: Do we want the best doctors, engineers, surveyors, lawyers, transport managers, town planners, housing experts, architects, financial organizers and administrators inside the municipal service, or outside? I believe emphatically that we want them inside, and that there is work for them there worthy of their mettle. Accordingly we must be prepared to pay whatever amount is necessary to secure their services, though that will not by any means always be as much as they could earn in private enterprise.¹

¹ The salaries now being paid by the smaller American towns to their City Managers is instructive in this connection (*The City Manager Plan*, C. R. Woodruff, *American Journal of Sociology*, January 1928):

[Footnote continued overleaf.]

The easiest way to ruin the prospects of a vast municipal development and an extended provision of social services is to man the local authorities with second-rate ability and to allow the best men to go into private enterprise. The quickest method of discrediting the idea of municipal trading and collective ownership is to permit the municipal services to be run less efficiently, less aggressively, less economically, less imaginatively, less flexibly, and with less initiative than similar undertakings in private hands. There is no magic in municipal ownership. Whether a tramway is well run depends largely on the quality of the management, not merely on whether it is owned by a joint-stock company or a borough council. Municipal enterprise is administration; private profit-making industry is no less administration. The objects in view are for the most part widely different; the means are to a large extent similar.

Municipal enterprise has got to win on its merits, if it is to establish itself on a permanent basis, and not on *a priori* arguments. For that reason the local authorities must have the best men for the job. For that reason local councillors must bear in mind that the maxim, so widely accepted both by trade unionists and enlightened employers, that high wages are cheap wages, can be applied to the four-figure-income men no less than to the weekly wage-earner.

City.	Population.	Salary.
Stockton, California	40,296	\$20,000 (£4,000)
Sacramento, ,,	65,908	\$15,000 (£3,000)
Fort Worth, Texas	106,480	\$15,000 (£3,000)
Knoxville, Tennessee	77,818	\$15,000 (£3,000)
Pasadena, California	45,354	\$12,000 (£2,400)
Phoenix, Arizona	20,053	\$10,000 (£2,000)
Petersburg, Virginia	31,012	\$10,000 (£2,000)

The largest salary offered by any English city is £3,000 per annum. Even this salary is paid to the Town Clerk by only one or two of the great industrial cities with vast populations approaching a million. The largest salary paid by a county council to the clerk to the council is £7,500 per annum. This again is quite exceptional.

PART-TIME OFFICERS

A word may be said in conclusion concerning two or three ancillary points. In the first place, the time has come when a determined effort should be made to eliminate the part-time officer. Medical officers are by no means the only municipal officers who divide their time between private employment and the public service. Where a local authority is too small or too poor to be able to employ full-time officers by itself, it should arrange to share full-time officers with one or more neighbouring authorities. The evil to be eliminated is not part-time employment by one particular authority, but the conflict of interest which almost inevitably arises when a man is being employed part of the time on municipal work and part of the time on private work.

THE EMPLOYMENT OF WOMEN

Another matter to which reference may be made is the employment of women in the municipal service. Women are employed extensively by local authorities as teachers, assistant medical officers and sanitary inspectors, housing supervisors, nurses and health visitors, attendants and domestic workers in various institutions, and as clerks and stenographers. The rule prevailing in most areas is that no married women are engaged for the professional, technical and clerical staffs, and that single women must resign on marriage. An exception is sometimes made where the husband is incapacitated or unable to maintain his wife.

This policy has caused acute discontent among a considerable mass of educated women workers. The women teachers and doctors have vigorously demanded a removal of the bar on marriage, and have endeavoured to seek redress for what they feel to be an intolerable injustice both in the Courts and in Parliament—so far without success. The various actions at

law by which women teachers have asked the Courts to declare that a resolution by a local education authority to dismiss women teachers on marriage is illegal and void have all been unsuccessful and have resulted in the local authority being upheld in its attitude.

My own view is that the municipal service in all its branches ought definitely to be open to women, whether married or single, provided that it is to the interest of the local authority from the standpoint of good administration to employ women instead of men. The public interest, looked at from the point of view of the particular service administered, ought here, as always, to be the sole criterion. It is an economic fallacy to suppose that a married woman in gainful occupation necessarily displaces a single woman. A married woman who is herself employed can in turn afford to employ a domestic servant to do the housework which she might otherwise have to do herself. It is a biological mistake to force the more intelligent women to make a clear-cut choice between marriage on the one hand and an independent working career on the other. It is a misconception of the purposes of local government to use municipal employment as a means of differentiating between the sexes and of promoting "home-building" among the women regardless of their own wishes. It is misplaced benevolence towards the husband to permit his physical or financial condition to extend the duration of his wife's appointment. It is a complete misunderstanding of the true character of public ownership and collective administration to regard public employment under the local authority as a charitable benefit to be conferred on single women or poor and necessitous wives.¹

The only logical and fair policy is to treat women in this respect in the same manner as men. If their services for any particular post are as good, or better, or lower in cost, than those of men they ought to be employed just so far as it is

¹ Cf. Eva M. Hubback: *The Employment of Married Women. Local Government News*, June 1927.

advantageous to do so. It is greatly to be regretted that the Married Women (Employment) Bill, which prohibits local authorities from refusing employment to women, or dismissing women from employment on the sole ground of marriage, was defeated recently in the House of Commons on its Second Reading by 84 votes to 63. An agreeable contrast is provided, however, by the recent action of the Lancashire Education Authority in deciding that women teachers in their area shall not be dismissed on marriage.

As regards single women, no obstacles at all should be put in their way on *a priori* grounds. They should be allowed to compete on equal terms with men so far as the employing authority is concerned, and to get as far as their capacities will take them.

As regards married women, I cannot see why the choice between continuing in employment or of leaving it cannot be left to the wife herself to decide. If marriage interferes with a woman's work; if she becomes less interested in her job, or unpunctual or lazy or less capable; above all, of course, if child-bearing intervenes, then the local authority must consider its own interests, and if necessary dismiss or suspend her. It is the set ideas, the narrow water-tight rules based on preconceived notions of women's position, which are so objectionable and out of date.

The employment of married women is far commoner abroad than in England. In France, which is not an advanced country from a feminist point of view, I have seen married women acting as tramway conductors, as booking-office and information clerks on the railways, and in all sorts of capacities in the public service from which they would be precluded in this country.

So far as the municipal service is concerned, the employment of women ought to be particularly encouraged, because so many branches of municipal administration are directly related to the home and to the individual members of the family, and the greater knowledge and experience of domestic life possessed by women can be turned to account in all sorts of useful ways.

So far as education is concerned, it is difficult to believe that the almost total exclusion of married women from both elementary and secondary schools is desirable from the point of view of the child's character and mental development.

OPPORTUNITIES FOR FOREIGN TRAVEL

The efficiency and successful development of municipal administration depends on a number of related factors. The quality of the leading officers in the service is of paramount importance. But I do not agree with the view sometimes expressed that if we concentrate on obtaining really good men at the top of the ladder, the other rungs will look after themselves—or be looked after by the top rungs. Local government differs largely in this respect from private business, and even an energetic and capable leading official cannot easily dismiss incompetent or lazy subordinates with impunity. There are all sorts of influences, political and otherwise, which prevent high-handed action of this sort, even when it is done from the most public-spirited motives. In any case, autocratic hiring and firing at pleasure is highly undesirable, and should if possible be avoided in the public service. But as I have observed, it is not even practical in many places, and I have myself known instances where an able chief official has been seriously hindered by a poor subordinate staff. The Municipal Civil Service must be good in quality throughout, and the problem of improving it must be viewed as a whole.

The last matter on which I wish to touch is the desirability of giving municipal officers in the higher ranks of the service opportunities for foreign travel.

There are few fields of public affairs in which the observation of foreign methods and achievements is more likely to prove stimulating and helpful than in the sphere of local government. A great many of the results of municipal administration, both good and bad, are visible to the naked eye on even a casual

visit to a strange town. The general lay-out of the city, the condition of the highways, the public buildings and pleasure grounds, the museums and picture galleries, the libraries and school buildings, the tramway and omnibus services, the power houses and sanitation—these and many other factors can be appreciated even without linguistic attainments. To the visitor from England who can command a foreign tongue, or converse with those who speak his own—and the latter outnumber the former to a deplorable extent—a study of foreign municipal activities will of course yield far more detailed and scientific results.

It is difficult to over-emphasize the value which might be derived by local authorities from the systematic provision of travelling facilities for some of their leading officials. If one or two of the rising men in each department were offered a couple of months' special leave every third year on full pay, on condition they went abroad to study foreign conditions, the keener spirits would probably be prepared to find the travelling expenses out of their own pockets, if it were impractical to provide an allowance out of public funds for the purpose.

If the leading officers were given opportunities of this kind, and the elected councillors themselves persuaded to follow suit, an almost unimaginable improvement in certain departments of our civic affairs might be effected as a result. Our antiquated methods of refuse collection, our dangerously unhygienic methods of handling certain kinds of food, our complacent refusal to establish adequate hospital accommodation, these and other backward services might be replaced by more enlightened methods of administration if the responsible municipal officers were able to realize how far we lag behind the best foreign practice in these respects. If a few of the more imaginative officers in the service of the great industrial cities could be brought into touch with recent educational achievements in Denmark and Vienna, our system of education might be infused with a fertile stream of new ideals. If they were

brought face to face with the spacious beauty and architectural splendour, the clear fresh atmosphere and clean shining buildings of some of the finer cities of Germany and Scandinavia, the ugliness and squalor and congestion of our smoke-laden towns in the Midlands might yield to something at once finer and more inspiring as a habitat for men and women. If those who are responsible for the conduct of our municipal affairs could see the dignity and beauty of a civic marriage ceremony in the Hôtel de Ville at Bruges or Brussels, they might return home aflame with the desire to imbue our municipal institutions with some of the majesty, the colour and the conviction which they now lack only because we ourselves lack the inspiration to endow them with these high qualities.

PART IV

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PART IV

PUBLIC HEALTH ADMINISTRATION

UNIFICATION AT THE CENTRE

Apart from the general questions relating to the constitution and functions of local authorities which have been discussed in the preceding chapters, there are certain matters relating to public health administration which urgently demand attention. The remarks which follow are written without any special knowledge of medical science, and will therefore be concerned exclusively with the administrative aspects of the public health system.

The public health movement started in England with an attempt to provide a pure-water supply, to prevent the spread of infectious disease by establishing the more elementary necessities of sanitation, and to regulate the more obvious forms of anti-social conduct through which a person might become a dangerous nuisance to his neighbour. The movement drifted more or less casually from one sphere of activity to another, from the laying down of drains to the supervision of food and drink, from the medical inspection of school children to the provision of maternity centres, from the construction of fever hospitals to the regulation of buildings, until to-day there are few aspects of the physical well-being of the citizen in which the community does not manifest a direct or indirect interest in one way or another through the organs of government.¹

Despite the efforts of Bentham, Southwood Smith and other pioneers, this great sanitary movement grew up very largely without comprehensive planning, save for the Report of the far-sighted Sanitary Commission of 1868-9. A remedy was

¹ Charles Singer: *A Short History of Medicine*, p. 193 *et seq.* Cf. William A. Robson: *The Relation of Wealth to Welfare*, chap. ii; H. L. Hutchins: *The Public Health Agitation*, *passim*; E. G. Bannington: *Public Health Administration*, 2nd edition.

sought for each evil as it occurred or became intolerable. It was not until after the War of 1914-18 that a real attempt was made to deal with the problem from a wider point of view.

The Royal Sanitary Commission had drawn attention to the inefficiency in local government resulting from the lack of unified control which then prevailed owing to the fact that in those days the Poor Law was administered by the Poor Law Board, the Privy Seal was charged with the prevention of disease, the Home Office was responsible for general questions of local government, while the water supply was the joint affair of the Board of Trade and the Home Office. The Local Government Board was created in 1871 in response to the recommendations of the Commission, and continued to exist as an organ of central administration for nearly fifty years. But half a century's experience of practical results, reinforced by modern progressive tendencies in political and scientific thought, indicated that the best method of organization for the central department was on a functional basis.¹ In 1919 the Ministry of Health Act was passed, and the new-born Minister of Health arose, phoenix-like, from the ashes of the old Local Government Board.

The new department had conferred upon it not only all the powers and duties of the old Local Government Board—a number of which it subsequently shed²—but also those of the National Health Insurance Commission, the functions of the Privy Council relating to midwives, the responsibilities of the Home Secretary relating to the protection of infant life under the Children Act, the powers of the Board of Education with respect to the health of expectant and nursing mothers and of children under five years not in attendance at recognized schools, together with all the Board's powers and duties relating to the medical inspection and treatment of

¹ See the Report of the Machinery of Government Committee, presided over by Lord Haldane, 1918.

² For example, Registration and Elections was transferred to the Home Office, Gas Undertakings to the Board of Trade, Gymnasiums, Museums and Libraries to the Board of Education.

children and young persons receiving education under the national system. The Ministry of Health Act further provided that it should be lawful to transfer from time to time by Order in Council, all or any of the powers and duties of the Minister of Pensions concerning the health of disabled officers and men after they have left the service; of the Home Secretary appertaining to lunacy and mental deficiency; and any other powers and duties belonging to any government department "which appear to His Majesty to relate to matters affecting or incidental to the health of the people".¹

Apart from one or two special exceptions, such as the Health side of War Pensions work (carried out by the Pensions Ministry) and health work connected with the Mercantile Marine, which is still in the hands of the Board of Trade, the general intention and effect of the legislation was to combine within a single department all the functions of the central government in regard to health. Medical research work was regarded as a thing apart from administration and was considered to require a position of special independence and a wider field than the national territory. For this reason it was entrusted to the Medical Research Council, who are responsible directly to the Privy Council. The powers of the Home Office in regard to the medical inspection of factories were left untouched because it was thought undesirable to separate them from the enforcement of the other parts of the Factory code.² The Home Office also continues to supervise the provision of burial grounds and to control the care of inebriates and the drug traffic, matters which relate largely to police powers. In regard to school children, the Act contained a

¹ Ministry of Health Act 1919, Sect. 3; Ministry of Health (Lunacy and Mental Deficiency. Transfer of Powers) Order 1920. S.R. & O. 809.

² It may be noted, however, that by the Ministry of Health (Factories and Workshops Transfer of Powers) Order 1921 the powers and duties of the Home Secretary were transferred to the Minister of Health in respect of the prohibition of employment of women after childbirth, the provisions relating to bakehouses and other matters dealt with under the Factory Acts. The administration of these functions is carried out by the local sanitary authorities.

special provision permitting the Minister of Health to make arrangements for the exercise of his powers and duties connected with medical inspection and treatment by the Board of Education, subject to the reservation of questions of principle to the Minister. As a result there continues, in the Board and the Ministry of Health, a measure of separation between public health administration and the educational medical service; but a partial unification has been achieved by the appointment of one chief medical officer to act for both departments.¹

These exceptions do not obscure the strong general tendency towards unification. Broadly speaking, the central administration of health services has been *integrated* in a single unit of administration, the Ministry of Health. The Ministry, it is true, is overloaded with all sorts of extraneous duties with which it should have no concern, such as the Audit of Local Finance, the Administration of Contributory Old Age, Widows and Orphans Pensions and so forth. But that does not alter the fact that a vast improvement has been effected in the organization of the central Health Department. Further developments in the same direction may be expected to follow in due course.

DISINTEGRATION IN THE LOCALITIES

When we turn to the local administration of health services, we find that no analogous development has accompanied this unification of function at the centre. Local health services are carried on by a number of separate authorities, between whom no co-ordination of effort necessarily takes place. Thus, there is the county borough council responsible for the general public health services in the large towns; the county council, the county district council and the parish council or meeting, each discharging sanitary functions within the county areas; there is the local education authority sometimes maintaining

¹ Sir Arthur Newsholme: *The Ministry of Health*, chaps. vii, viii and ix.

a separate school medical service; a whole series of certifying surgeons appointed by the Factory Inspectors for work in connection with the medical inspection of industrial workers under the Factory Acts and the Workmen's Compensation scheme; and the system of National Health Insurance administered by the Approved Societies and the Local Insurance Committees with an army of medical practitioners, volunteers and part-time workers. Until recently there was also the Board of Guardians attempting to cater, not only for the sick pauper, but also in many cases for solvent members of the community.

It may be of interest to give a brief quantitative description of the principal services which make up the main body of public health administration in the localities.¹

The public health functions of the general local authorities cover a wide field, and include such activities as sanitation and drainage, the provision of a water supply, the regulation of offensive trades and nuisances, the inspection of the food supply, maternity and child welfare, the supervision of midwives, the treatment of infectious diseases, the treatment of tuberculosis and venereal disease, the care of the blind, various duties in connection with town-planning, the provision of new working-class houses and the maintenance in habitable condition of old dwellings.²

This work is carried out by the general local authorities described in Part I of this book, acting through their various committees, such as those for Public Health, Maternity and Child Welfare, and Housing. The actual administration falls within the respective provinces of the responsible officials in charge of several departments of the local authority; but the public health system in the last resort centres round the Medical Officer of Health. There were (in 1929) some 1,233

¹ For more detailed accounts, see E. G. Bannington: *English Public Health Administration* (2nd edition); Stella Churchill, M.D.: *Health Services and the Public*; Lurnley: *Public Health Acts*.

² Cf. E. G. Bannington: *English Public Health Administration* (2nd edition); Ministry of Health: *Memorandum on the Duties of Medical Officers of Health in England and Wales* (1925), H.M. Stationery Office.

Médical Officers of Health, of whom no less than 882 are part-time officers engaged in private practice. In no less than 1,181 county districts out of a total of 1,686, the Medical Officer of Health is an officer who does not give his whole time to public duties, but is engaged in private practice in addition to holding the post of medical officer for one or more county districts.¹ Although the Ministry of Health and its predecessors the Local Government Board has for long been anxious to encourage full-time medical officers, the proportion of such officers to the total has only risen during the past fifty years from one quarter of the number employed to slightly over a third. The Local Government Act of 1929² provides that in the case of future appointments the medical officer in every county district shall be precluded by the terms of his employment from engaging in private practice.

After sewers, sewage disposal and the collection of house refuse, the combating of infectious disease occupies by far the most prominent place in the programme, and accounts for an annual expenditure of three and a quarter million pounds. Next in magnitude, judged by expense, comes the treatment of tuberculosis, which is carried on by the county borough and county councils at a cost of nearly three million pounds per annum. Some 378 approved tuberculosis officers are employed on this work. There were, on November 1st, 1928, nearly 567 dispensaries for the treatment of this disease, of which 470 are provided by local authorities. In addition, there were at the same date 512 residential institutions for the treatment of tuberculosis. Two hundred and thirty-one of these, containing 16,906 beds, are maintained by local authorities. The remaining 281, containing only 8,244 beds, are kept up by approved voluntary institutions, which are usually assisted by grants of public money.³

¹ R.C.L.G.; *Evidence*: Robinson (IX, p. 1743).

² Sect. 58 (1).

³ This information was conveyed to me by the Ministry of Health in answer to an enquiry in a letter dated October 29th, 1928. I am greatly indebted to the Ministry for their courtesy. See also *The Fight against Tuberculosis*, *Municipal Journal*, November 16th, 1928. Figures as to the

Maternity and child welfare work comes next in order of expense. There are some 1,840 centres maintained by local authorities at a cost of nearly a million and three-quarters sterling.¹

Apart from these services administered by the public health departments of the general municipal bodies, there is a whole series of other services directed towards the same end of maintaining the national health. One of the most important of these is the School Medical Service. The total number of School Medical Officers is 1,140, of whom 261 give their whole time to the school medical service; 567 are whole-time officers for public health and school work, and the remaining 312 are part-time officers. The school medical service costs about £1,300,000 per annum. Sometimes the Medical Officer for the district or the borough council or the county is also appointed School Medical Officer; sometimes (as in Manchester, for example) an entirely separate service is maintained by the Education Committee. School medical officers not only inspect school children at regular intervals, but also provide treatment for children from poor families suffering from defective vision, bad teeth, enlarged tonsils, adenoids and various crippling defects.

Prior to the reforms embodied in the Local Government Act of 1929 a Poor Law Medical Service was provided on an extensive scale by 635 Boards of Guardians. These destitution authorities maintained 629 workhouses in England and Wales, in nearly all of which there was some provision for the sick poor. In addition, there were 71 separate infirmaries

growth of the service are given by Sir Arthur Newsholme: *The Ministry of Health*, p. 222. See also the Annual Reports of the Ministry of Health; and the yearly volume issued by the Chief Medical Officer entitled *On the State of the Public Health*.

¹ Ministry of Health letter, ref. 131874/28, dated October 29th, 1928. See also *Hansard*, House of Commons Reports for June 17th, 1928, in which the then Minister of Health stated in answer to a question that there were 2,463 maternity and child welfare centres known to his department. This would include a large number of centres run by voluntary effort, many of which receive financial assistance.

or hospitals kept up by the Guardians, and in many of these persons other than paupers were given medical treatment for bodily or mental disease.¹ This service was administered by 737 medical officers in institutions and 3,538 district medical officers.² Most of these Poor Law medical officers are engaged also in private practice.³ It is not possible to ascertain the cost of the Poor Law medical service, owing to the unscientific manner in which the Guardians accounts were kept; but the expenditure under this head has probably been not less than £7 millions a year⁴ in recent times. The number of Poor Law medical relief cases at any one time has been in excess of 300,000 in recent years.

All these Poor Law institutions, whether workhouses, hospitals, or mental asylums, have been transferred by the Local

¹ This arose through the wide interpretation given by the Ministry, and some of the Boards of Guardians, to the word "destitute". See the evidence of Mr. Adrian in vol. i of the *Minutes of Evidence of the Royal Commission on the Poor Law* 1905.

² The figure of 3,538 District Poor Law Medical Officers include about 400 officers who acted as medical officers of institutions. They are counted in the figure of 737. Furthermore, a number of institutional medical officers acted for more than one institution. The total number of posts for medical officers of institutions was 828. Letter from Ministry of Health, ref. 131874/28, dated October 29th, 1929.

³ Sir Arthur Newsholme: *The Ministry of Health*, p. 179.

⁴ The following statement shows the expenditure during the year 1926-7 on Poor Law relief:—

- | | |
|--|-------------|
| 1. In Poor Law Infirmeries and other Poor Law institutions (including Poor Law institutions belonging to the Managers of the Metropolitan Asylum District) for persons (including children) suffering from disease of body or mind | £5,004,753 |
| 2. In other institutions of the Guardians (including children's establishments) and the Training Ship <i>Exmouth</i> belonging to the Managers of the Metropolitan Asylums District) | £10,637,410 |
| 3. In respect of persons in receipt of domiciliary medical relief | £369,467 |

It is not practicable, according to the Ministry of Health, to distinguish the expenditure on sick and mentally infirm persons in the institutions referred to above under item 2. The total number of persons in these institutions on the night of the 1st January in the year 1927 was 168,892, including 76,942 persons relieved on account of sickness, accident or bodily or mental infirmity.

Government Act of 1929 to the county and county borough councils, which are now responsible for relieving destitution. Owing to the power conferred by the Act¹ of declaring certain kinds of poor relief to be assistance rendered under a number of social service statutes, a great part of the Poor Law medical service has been, or will be, or is in process of being, merged in the public health work carried on for the general body of citizens by the county and county borough councils. The magnitude of the Poor Law medical work is, however, at the present time best illustrated by the pre-transfer figures given above.

By far the largest health service outside the system of municipal administration is the National Health Insurance scheme, which provides medical treatment and other benefits in cash or in kind to a vast population of fifteen million employed workers between the ages of 16 and 70, at a cost of nearly £30,000,000 per annum. This scheme of insurance is based, not on residence, but on employment. It aims at giving to the mass of wage-earners medical attention of the sort which is provided by the ordinary professional doctor to a private patient of the poorer classes. When we consider, however, that no less than £7,000,000 is contributed each year by the state towards the cost, and observe the large measure of control exerted by the Minister of Health in enforcing detailed standards of service on doctors and druggists,² it is obvious that the National Health Insurance scheme ought to be regarded as part of the public health system of the country.³

A third of this insured population, consisting of the five million weekly wage-earners who happen to be employed in factories, are again dealt with in connection with their health

¹ Sect. 5.

² For detailed information as to the methods, see William A. Robson: *Justice and Administrative Law*, chap. iii.

³ The question of the National Health Insurance scheme raises such large problems that it is not possible to deal with the subject in these pages. To do so would take us far outside the subject of local government. See p. 327, *post*.

by the 1,771 certifying surgeons who, together with five or six full-time medical inspectors, are appointed by the Home Secretary to carry out the health provisions of the Factory Acts and the Workmen's Compensation Acts.¹ These certifying surgeons are nearly all doctors engaged in private practice, and are in many cases panel doctors who in that capacity also treat the workers as insured contributors under the Health Insurance scheme. As certifying surgeons they have no connection with the local authority. Part-time Poor Law medical officers are also sometimes appointed to be certifying surgeons.

A WELTER OF AUTHORITIES

The multiplication of health authorities and the disintegration of function described above is largely due to accidental historical causes. But the dispersion of effort which is involved results in overlapping, waste, inefficiency and extravagance. The members of a single working-class family may be tended within a short space of time by half a dozen separate health authorities. If the father is in work and falls ill he will be treated by his panel doctor and draw sick benefit under the National Health Insurance scheme. If he is accidentally injured while at work he will be examined by the local certifying surgeon appointed by the Home Office in connection with the Factory Acts and Workmen's Compensation Acts. If he becomes unemployed and receives relief from the Public Assistance Committee he may be treated medically by the Poor Law medical officer. If he contracts an infectious disease he will be cared for in an isolation hospital maintained by the local authority. If he suffers from war wounds or disease attributed to service with the military forces, he will be treated by the Local Pensions Committee. If his wife is confined she will be visited by the District Nurse and advised by the medical

¹ If the workers employed in docks and quarries, on railways and in the building industry are included, the numbers falling to be treated by the certifying surgeons is 7,342,311.

officer connected with the maternity and child welfare clinic run by the district or borough council. If certain diseases supervene before or after the child is born the county council will become responsible through their medical officer for her medical treatment. If there is another child in the family, a boy aged ten years, let us say, the health of that child will be cared for by the School Medical Officer of the local education authority. When the lad leaves school and wants to get a job in a factory, it is the certifying surgeon—who has never seen him before and knows nothing of his medical history—who is alone empowered by statute to decide whether he is sufficiently fit to be permitted to take such employment. If he develops tubercular trouble it is the County Medical Officer who is responsible for his treatment and care.

An indefinite number of illustrations could be given to show the anomalies arising under the present state of affairs. For example, the panel doctor treats an insured patient for ordinary ailments not beyond the average skill of a medical practitioner. This may include the treatment of venereal disease. But separate provision for the treatment of this disease, as well as for acute infectious diseases, is also made by the county councils and county borough councils.¹

The matter may be looked at from another point of view by considering the manner in which responsibility for the health of an individual is shifted from one local body to another at different stages of the individual's life-history.² Thus, before birth the expectant mother may be advised and treated by the local health authority, which is the council of either a county, county borough, or county district. At birth there may be in attendance either a midwife provided by the local authority or a private medical practitioner. From birth until five years of age is reached, the child comes under the child welfare scheme of the local authority. During its school attendance years, a boy or girl comes under the medical

¹ Sir Arthur Newsholme: *The Ministry of Health*, p. 142.

² David McKail, M.D., and William Jones: *A Public Medical Service*, p. 8.

inspection scheme of the local education authority. If treatment is required, it may be obtained through clinics provided by the education authority, where these are available, or from the family doctor, where funds exist to pay him, or through a voluntary agency. For young persons between 14 and 16 years who have left school there is no public provision of medical treatment of any kind. But if a young person desires employment in a factory, he or she must be examined by a certifying surgeon appointed by the Home Office under the Factory Acts. From 16 years of age onwards, a man or woman, if employed, comes under the Insurance Acts, and receives medical benefit through the Insurance Committee.

Amid this welter of health authorities there is no interchange of medical records, little administrative co-operation, no scientific consultation, no co-ordination of effort, no continuity of treatment. The administrative organization, considered as a whole, is inefficient, unscientific and wasteful. Some measure of unification of these conflicting and sometimes competing health services is urgently needed.

Before considering the changes which appear to be called for to remedy this state of affairs, a word may be said concerning two facts which emerge from the brief survey given above.

First, the financial inducements at present offered to members of the medical profession to remain in private practice while undertaking part-time public health work are very great. Thousands of doctors in private practice are at one and the same time also (1) part-time Medical Officers of Health engaged by the local sanitary authority, (2) panel doctors receiving capitation fees under the Health Insurance scheme, (3) poor law medical officers appointed by the Destitution Authority, (4) Certifying surgeons appointed by the Home Office, (5) School Medical Officers in the service of the local education authorities, (6) Public Vaccinators appointed by the general local authorities, (7) Police Surgeons. In this way they frequently receive large separate payments for treating the same patient in different capacities. For health insurance work

and the certifying surgeons there is a uniform flat rate of payment. In regard to all the other appointments, the remuneration, tenure and conditions of service vary greatly between different authorities. In many cases the approval of a particular central department must be obtained before the appointment is ratified.¹

Under the Local Government Act 1929 it will be incumbent on all county district authorities, in filling vacancies in the office of Medical Officer of Health, to make it a condition of the appointment that the medical officer shall not engage in private practice. This is a great step forward. It will not, however, prevent a medical officer from accepting other public health appointments of one sort or another, or indeed in some cases even overloading himself with work of the kind mentioned above.

Second, despite the existing mass of health services, there is no public medical service of a general character provided for that part of the population which does not happen to be insured under the compulsory national scheme. And even the contributors to the Health Insurance scheme are not given anything in the way of institutional treatment or accommodation in exchange for their payments.

• LINES OF ADVANCE

Any attempt to improve the existing arrangements must start with the question of the distribution of functions between the major and minor local authorities in the county area. This question does not of course arise in the case of a county borough.

The allocation of duties and responsibilities in regard to public health between the county council on the one hand, and the non-county borough, the urban or rural district council on the other hand (not to mention the parish council

¹ Newsholme: *op. cit.*, pp. 244-5.

or meeting), proceeds on no logical or scientific plan. There are, in effect, at least two distinct and independent bodies attending to what is, broadly speaking, a single task. This clearly does not lead to efficiency. The Royal Sanitary Commission pointed out nearly sixty years ago that "All powers requisite for the health of town and country should in every place be possessed by one responsible local authority . . . so that no area should be without such an authority, or have more than one".

Mr. Neville Chamberlain, when Minister of Health, made certain suggestions as to the way in which he considered the county health services might be unified in a satisfactory manner. His proposals were, briefly, that the county council should be responsible for a general supervision of health services, with power to delegate to minor authorities (such as urban and rural district councils) functions of a kind which the latter already possess at present.

There can be little doubt but that this scheme proceeds on the right lines. In place of overlapping and duplication, of a senseless independence where there should be co-ordination, we should have (outside the large towns) the country divided into county areas in each of which the county council would be ultimately responsible for all the local health services of the community.

Such a plan accords admirably with the proposals affecting the general structure of local government made in Part I of this book. Those proposals, it will be recalled, were to the effect that all towns of 50,000 and upwards, and many others between 30,000 and 50,000, should become county boroughs; and that they, together with all the cities at present enjoying county borough status, remain completely independent of the county councils, though co-operating with them for a number of special purposes—such co-operation, if necessary, being forced upon them by compulsion. Within the county, the county council would have supreme control, but the detailed local administration of many services would be carried out by

District Committees responsible to the county council and following the general policy laid down by them for the whole county.

If the county councils were given the general supervision of health services within the county, a big step would have been made in the direction of unifying the constitutional machinery of local government. With the existing structure delegation could only take place to separately elected county district councils of one sort or another, but even that would work better than the present arrangements, until such time as the district councils came to be definitely converted into, or superseded by, District Committees of the county council.

Even if the present structure were retained intact, a power of general supervision over county health services would enable the county council to step in and carry out a service wherever the local authority is unwilling or unable to do the work properly. The most important feature of the scheme is that the County Medical Officer, acting under the Public Health Committee of the county council, would have an opportunity of organizing and supervising the entire work of the county. In my opinion, there can be little doubt that this would result in a vast improvement over the existing arrangements. All the county councils employ full-time Medical Officers of Health, who are usually men of high ability and eminent professional attainments. The sixteen or seventeen hundred non-county boroughs, urban and rural district councils, have between them only 195 whole-time medical officers, as against 882 part-time.

I have already endeavoured to show¹ in some detail the serious disadvantages arising in various directions from the multitude of tiny authorities which now clutter our municipal system. It is clear from that survey that this is particularly serious in the case of the health services. "The chief difficulty in efficient sanitary administration" observes Sir Arthur Newsholme "is the existence of an excessive number of small

¹ See Part I.

sanitary areas".² Sir Arthur Newsholme was for long Medical Officer at the Local Government Board, and more than twenty years ago he told the Royal Commission on the Poor Laws that experience showed that local personal interests predominate in the small areas and that "a very large proportion of the smaller sanitary authorities are unworthy of their powers. Local considerations of expense and favouritism, and the insecurity of tenure of office of their sanitary officers, make efficient work an exception. A chief reason why sanitary progress has been impeded is furnished by the continued existence of these unsatisfactory small sanitary authorities."² Little notice was taken of the medical officers' plea that the small local authorities should be combined or redistributed into larger units possessing reasonable resources. In 1925 Sir Arthur Newsholme (no longer on the active list) was still contending that the number of sanitary authorities should be reduced to one-third of their present number, and those outside the county boroughs be brought into relation with public health administration on a county scale.³

An almost precisely similar thesis was placed before the Royal Commission on Local Government in 1927 by Sir Arthur Robinson, the Secretary to the Ministry of Health. On that occasion the theme was illustrated by about seventy examples of small rural and urban independent areas whose councils are so unwilling or unable to fulfil their duties that the local community is living under medieval sanitary conditions. As a result of these representations, the Royal Commission was convinced that reforms must be introduced, and recommended that a survey of all the county districts should be undertaken with a view to the elimination of the unfit areas from among them. This advice is now embodied in the Local Government Act 1929. The abolition of the small and inefficient authorities has thus been made possible if the fullest use is made of the Act.

¹ Sir Arthur Newsholme: *The Ministry of Health*, p. 52.

² *Royal Commission on the Poor Laws 1905-9*, Appendix, vol. ix.

³ *The Ministry of Health*, pp. 54, 145.

What still remains to be done is to bring the work of the district sanitary authorities, whose areas will now be reformed, into organic relation with the public health department of the county. The county is already supposed to have certain supervisory powers concerning public health over all minor authorities within the area. Thus, the district medical officer must send to the county council a copy of his annual report, and if it appears from the report that the Public Health Acts have not been properly put into force, or that any other matter affecting the public health of the district requires to be remedied, the county council may "cause a representation" to be made to the Minister of Health on the matter.¹ This feeble machinery is seldom employed, as the Ministry's own evidence discloses; and even if it were, there is little that could be done without a drastic reform of areas and authorities. Something far more radical than the making of representations is needed.

A tendency of quite the wrong kind is to be found in those provisions of the Local Government Act of 1929 which empower county councils to make grants of money to backward districts in respect of water supply and sewerage works.² This again follows the recommendation of the Onslow Commission,³ and so too does a section which provides that the expenses of installing water supply and sanitation in a parish may be made to fall on the whole district, if the rural district council so determine, instead of remaining, as hitherto, a special obligation on the particular place.⁴ These provisions are misguided because they have the effect of bolstering up incompetent authorities with a subsidy while rendering them financially irresponsible. Administration is divorced from financial obligation on the one hand, and on the other hand the counties are asked to shoulder new monetary burdens without receiving any effective voice in the carrying on of the services in respect of which their grants are to be made. If

¹ Local Government Act 1888, Sect. 19; 1 *R.C.L.G.*, p. 72; *Memorandum on the Duties of Medical Officers in England and Wales* (1925), par. 29.

² Local Government Act 1929, Sect. 57.

³ 2 *R.C.L.G.*, p. 20 *et seq.*

⁴ *Ib.*, p. 26; Local Government Act 1929, Sect. 56.

the area of charge is too small, as it frequently is, the area both of taxation and of administration should be enlarged simultaneously.

COMBINED MEDICAL OFFICERS

The proposals made in the preceding pages for bringing the district and county public health work into organic relation with one another would link up, in an extremely convenient manner, with an extension throughout the country of the scheme of co-ordinated public health services which has already been tried with great success in some eighteen counties.¹

The co-ordinating scheme originated in Essex, Hampshire, Gloucester and West Sussex. The chief reason for its adoption was the increasing complexity of public health administration and the consequent need for specially qualified and experienced Medical Officers of Health. This gave rise to difficulties in the smaller rural and urban districts where part-time medical officers were employed. Furthermore, in the rural parts of a county overlapping and waste of time are often a serious factor in producing inefficiency. In Essex, for example, the whole-time tuberculosis officer might have an area of 100,000 to 200,000 acres to cover, which made it impossible for him to keep in touch with the homes of his patients. A school medical officer, again, engaged by an elementary education² authority might be running over part of the same ground as the tuberculosis officer. Similarly, the child welfare medical officer was doing work in the same area under three or four district authorities. In addition, there was the local medical officer for general purposes appointed by each county district council.

To remedy this, a plan was evolved in Essex whereby the county was split up into Divisions, and arrangements made with the minor local authorities in certain places whereby each

¹ *R.C.L.G.; Evidence: Robinson (IX, p. 1744).*

division has a whole-time medical officer responsible for *all* public health functions in the area. The appointment is made by a Joint Committee consisting of members of the local health authority and of the county council. One half of the salary is paid by the Ministry of Health, and the other half is apportioned between the district health authority and the county council according to the allocation of the medical officer's time. Since the scheme was first introduced in Essex in 1920 it has developed continuously, and by March 1927 was applied in 20 out of the 51 sanitary districts in the county, affecting nearly a third of the population and covering almost one-half of the territorial area of the county.

At County Headquarters (in Essex) there are various specialists, the Chief Assistant Medical Officer being appointed as a mental deficiency expert and examining both for the Education Committee and the Mental Deficiency Committee. Similar consulting experts are available at headquarters, or could be appointed, for other specialist services, such as tuberculosis, maternity and child welfare, infectious fevers, venereal disease and so forth.

There is a consensus of opinion that great advantages have resulted from the scheme, among which the following may be mentioned: (1) a full-time medical officer with up-to-date knowledge of public health is at work in every district, (2) this officer is free from the competing and restrictive influences of private practice, (3) there is adequate supervision of all the public health services of the district, including the work of the Sanitary Inspectors, (4) there is no overlapping and unnecessary travelling, (5) the service is efficient and economical, (6) the relationship between the local sanitary authority and the county council is more harmonious, (7) continuity of supervision and treatment of child life, and a common public health policy, are maintained throughout the area, (8) there is a competent local routine service with specialist consultants at headquarters, (9) the various branches of public health work are linked up more completely instead of being kept in water-

tight compartments, (10) the work of the medical officers appointed to combined positions is wider in scope and variety, and more interesting and responsible, (11) the position and prospects of the medical officer are improved, without extra expense and with consequent advantage to the public, (12) last, but not least, in many of the rural and small urban areas a definitely higher level of sanitary administration has been achieved under the combined system.¹

A system such as this could with great advantage be put into operation throughout the country. The schemes now existing in the counties mentioned above have the advantage of being the result of voluntary co-operation and local initiative. But the situation is too urgent to permit of delay. We cannot wait till all the counties and sanitary districts are as wise as Essex and Gloucestershire and the others; the statutory enforcement of a combined public health service is most necessary.

THE SCHOOL MEDICAL SERVICE

A similar unification is clearly needed in the case of the School Medical Service, in those cases where it has not taken place already. As I have pointed out above, no less than 312 school medical officers are part-time officers engaged in private practice. A further 261 are whole-time school medical officers, while 567 are whole-time officers for public health and school work.

The first two categories are the ones which require consideration. It is difficult to believe there is anything to be said in favour of maintaining a part-time school medical service in those areas which are sufficiently small for the work to be undertaken by the local medical officer for general purposes. In the large county education areas or in the great cities, where the medical inspection and treatment of school children

¹ Cf. Report by Dr. J. Pearse on the *Co-ordination of the Public Health Services*, Ministry of Health, H.M.S.O. 1928.

is called for on so large a scale that it is necessary to employ several officers for that work alone, there are certain advantages in having medical officers who are not concentrated exclusively on that task. It is sometimes said that the medical inspection of school children is not by itself sufficiently wide in scope to keep the school medical officers continuously interested, mentally alert and growing in a professional sense, and that it therefore ought to be done in conjunction with other work. On the other hand, the work is indubitably attractive and enlarging for young practitioners in the early years of their careers. Furthermore, young medical graduates can bring to the work the latest knowledge from medical school and clinic and hospital.

What seems to be called for, therefore, is that in the smaller areas the work should be undertaken by a whole-time medical officer responsible (under the system of combined appointments) for all health functions in the county district. In the larger towns and extensive county areas, the school medical work should be given to young practitioners taken on as assistants to the medical officer of health for short service periods of two, three or four years. In all cases these assistants should be made to devote part of their time to maternity and child welfare work, which is organically related to the school medical service. And in all cases the ultimate responsibility and duty of supervision over the school service should lie in the hands of the general medical officer for the locality.

There is at present frequently no co-ordination between the School Medical Officer, who works under the Local Education Committee, and the Medical Officer of Health, who works under the Public Health Committee. Furthermore, overlapping and waste result where a full-time School Medical Officer has to cover extensive areas which are also being covered by other specialist officers for the purpose of their particular duties. Despite the fact that the medical work of the Education Committee is sometimes carried out more effectively than the medical work of the Public Health Com-

mittee, I am convinced that the appointments of School Medical Officer and Medical Officer of Health should be combined. This has been done in many places, but there are numerous areas where separation still exists, and I suggest that statutory unification is needed.

Mention has already been made, in an earlier part of this work dealing with the municipal structure, of the inefficiency and conflict resulting from the confused muddle of education areas and authorities which now exists. The disadvantages in the field of education resulting therefrom are carried through into the realm of public health, by reason of the fact that all local education authorities have power to maintain a medical service for the inspection and treatment of their school children. The Local Government Act of 1929 enables school medical work and maternity and child welfare work to be made from now onwards inseparable companions; but that does not touch the problem of education areas. In some counties the county council is the education authority for the whole county; in others there are enclaves of separate education authorities for elementary education only, each with its own system of medical inspection and treatment. These and allied anomalies are inimical to efficient public health administration.¹

THE POOR LAW MEDICAL SERVICE

The question of merging the Poor Law Medical Service with the work of the general sanitary authorities has for long been a matter of great importance and urgency. It was one of the principal causes underlying the transfer of the functions of the Board of Guardians to the county and county borough councils.

When the main structure of Poor Law administration was laid down by the Poor Law Amendment Act of 1834, it was not then contemplated that the Board of Guardians should provide hospital accommodation for the destitute sick. Many

¹ Sir Arthur Newsholme: *The Ministry of Health*, p. 140.

of the Boards of Guardians in the great cities have, however, greatly to the advantage of the poorer members of the community, gradually transformed portions of their workhouses into costly general hospitals, complete with surgical departments, lying-in wards, training schools for nurses, and much of the paraphernalia of modern specialized treatment. This development took place in about ten per cent of the unions; but even in the best of them, as their medical staffs complained, the work was restricted and hampered by its association with the Poor Law. The doctors did not get the bulk of their cases early enough, because admission depended, not on medical urgency, but on destitution. Meanwhile, the shortage of accommodation in the voluntary hospitals, and their perpetual financial difficulties, led to continuous pressure on the government for money to stop the scandal of the long waiting lists by enabling more beds to be provided. Furthermore, there has for long been an urgent need for hospital accommodation in the small towns and rural areas, where the Guardians have been less enterprising, to provide for the treatment of non-surgical cases such as pneumonia, maternity and so forth. No government was willing to provide the millions required for these hospitals so long as the hundreds of Poor Law institutions managed by the Boards of Guardians remained outside the general scheme of public health organization.

A number of unforeseen disadvantages resulted from the separation between the Poor Law and the public health movement. Perhaps the most serious was the fact that in many unions the hospital accommodation and the nursing staffs available were not fully utilized either by the destitute poor or by self-supporting members of the community. It has been estimated that on an average no less than 30,000 beds out of a total of 94,000 are empty in the summer months and 20,000 in the winter,¹ a proportion of between a third and a fifth of the whole.

In the second place, the hospitals maintained by the Poor

¹ *Voluntary Hospitals Committee, Final Report*, Cmd. 1335/1921, p. 16.

Law authorities have hitherto been characterized by an inadequate medical staff, a lack of consultant facilities, unsatisfactory nursing and a complete absence of teaching or research work.¹ The institutions maintained by the Metropolitan Asylums Board were better in some respects than those run by most Boards of Guardians; but they fell far short of the highest standards attainable.

The Poor Law hospitals have gradually made a practice of catering, not merely for the destitute sick, but for large numbers of the working classes in need of medical attention and for emergency cases of all descriptions.² The practice has been for many of these persons to be admitted as paying patients. There appears to be no legal authority, statutory or otherwise, to justify these beneficent activities on the part of the Guardians; but the Ministry of Health has for long turned a blind eye to the proceedings and has, indeed, connived at and encouraged them. So far as the patients themselves are concerned, the position was attended by considerable risk. As the law now stands a pauper has no remedy for even the grossest negligence displayed by a local authority when administering Poor Law relief.³ It might well have turned out to be difficult, if not impossible, for a non-pauper patient to claim damages for negligent medical treatment provided without legal authority by a statutory body established for the sole purpose of administering Poor Law relief.

Now that the Guardians have at last been abolished, and their powers, property and duties transferred to the general municipal councils, the position may be entirely changed. But not necessarily. It is only where the county or county borough council makes use of the power conferred by Section 5 of the Local Government Act 1929 to declare that "all assistance which can lawfully be provided otherwise

¹ Sir Arthur Newsholme: *The Ministry of Health*, p. 181.

² Sidney Webb: *Poor Law Reform. Local Government News*, January 1926, p. 5.

³ Gleeson Robinson: *Public Authorities and Legal Liability*, p. 54; *Tozeland v. West Ham Guardians* (1907) I.K.B., p. 920.

than by way of poor relief shall be so provided", that provision for the sick can be completely cut adrift from the Poor Law and merged in a comprehensive institutional scheme for each county and county borough as a whole. Where this is done, however, all provision for the sick, whether indoor or outdoor, would properly come under the direction of the Public Health Committee and the medical officer, regardless of whether the patient is a pauper or a solvent citizen.

It should be noted, however, that Section 5 of the new Local Government Act does not enlarge the powers of local authorities.¹ It merely enacts that where assistance can be given under (for example) the Public Health Acts *or* under the Poor Law, the county or county borough council may declare it to be given exclusively under the former.

Fortunately, local authorities already possess ample powers to provide everything that is needed in the way of hospital accommodation and treatment. For under the Public Health Act 1875 (Section 131) they are empowered to provide for the inhabitants of their district hospitals or temporary places for the reception of the sick, and may build such hospitals either alone or in combination with other local authorities.

This power, it will be observed, is only permissive, and so far as I can ascertain, it has hitherto scarcely been exercised at all. Practically the entire body of municipal hospitals now existing (apart from tuberculosis sanatoria and mental asylums) are infectious disease hospitals, erected and maintained under the separate legislation relating to those diseases. The Ministry of Health have no knowledge of any local authority which has "established" a general hospital under the Public Health Acts; but, the Ministry informs me, hospitals of that nature are being "maintained" by the Bradford City Council, by the Willesden Urban District Council, and by the Town Council of Barry, which took over an accident hospital provided by voluntary effort.²

¹ But see p. 323, *post*.

² Letter to me from the Ministry dated October 29th, 1928, ref. 131874/28.

Where the county or county borough makes use of its powers under the new Local Government Act to convert Poor Law relief into social assistance, the Poor Law infirmaries will presumably become general hospitals under the Public Health Act 1875, in which the whole body of local citizens can be treated for every sort of disease or bodily infirmity.

THE HOSPITAL QUESTION

It is something of a scandal that, after being in possession of full legal powers for more than fifty years, local authorities should have made no attempt to provide the public with an adequate hospital service.

Despite the great mass of existing health services, there is, as I have already pointed out, no general medical treatment available for the general body of citizens. The result of this is that a very large part of the nation is in an extremely unfortunate position in regard to the treatment of serious illness. For the pauper there is the Poor Law hospital. For the wealthy person there is the excessively expensive private nursing-home run for profit. For the middle-class citizen there is scarcely anything in the way of hospital accommodation suited either to his income or his needs. The National Health Insurance scheme provides the weekly wage-earner with the panel doctor, bottles of medicine and small cash payments; but the insured contributor has no right to hospital treatment, and in case of serious illness is compelled to scramble for a place in a voluntary hospital or Poor Law infirmary.

The situation is unsatisfactory even in regard to accommodation for infectious disease cases. Sir W. Arthur Robinson recently informed the Royal Commission on Local Government that in the opinion of the Minister of Health, so far as responsibility for infectious disease hospitals is concerned, "effective provision is not facilitated by the numerous alternative methods under which it is open to local authorities of

different types, but obligatory upon none of them, to take steps to discharge this function". A characteristically guarded statement; but one which, despite its official reserve, reveals a wilderness of sloth and ineptitude and parsimony on the part of backward councils in regard to this vital public service. The uncomplaining endurance with which the nation accepts the ludicrously inadequate hospital service with which it is at present provided is one of the most remarkable facts of contemporary history.

For some decades the position has been growing steadily worse, judged by the standard of the growing needs of the community. An improvement has been rendered extraordinarily difficult owing to the existence of the voluntary hospitals, which are, paradoxically, at one and the same time both a glory and a shame. It is a glory that so much should have been achieved by voluntary disinterested effort; a shame that an essential public function such as the hospital service should be left to the vagaries, uncertainties and insufficiency of unregulated private charity. But for good or for evil, and leaving aside all questions of advantage and disadvantage, the position in England in regard to hospitals differs from that obtaining in any other country. The essential reason for that difference lies in the existence of the voluntary hospitals.

These institutions have a unique tradition of altruistic public service behind them. In one or two cases their history winds back into the very infancy of the nation.¹ Their scientific eminence is undisputed. The medical schools which are attached to the best of them serve a valuable professional purpose as centres of research and learning. But, as so often happens in England, the qualitative excellence of an institution leads people to overlook its quantitative defects. Just as the existence of the voluntary schools established by religious organizations in the nineteenth century resulted in the postponement of effective national action in the educational sphere until an excessively late date, so the very excellence of the

¹ Kirkman Gray: *History of Philanthropy in England*.

voluntary hospitals has served as an impediment to the provision of hospital accommodation on an adequate scale for every member of the community who needs it. The country, it has been truly said, is without a hospital system.

The voluntary hospitals at present occupy a position of importance out of all proportion to their size. There are at present in England and Wales about 804 voluntary hospitals (including cottage hospitals) for general and special purposes. Of these, 130 are in the London area. The number of beds available was officially stated in 1925 to be 13,607 in London and 36,703 in the rest of England and Wales making a total of 50,310 for the whole of the country.¹ The number has probably been increased during the past five years and is perhaps now in the neighbourhood of 55,000.

If we turn to the hospitals maintained by the public health authorities we find that there were (in 1928) 266,136 beds in Poor Law institutions provided by the Guardians and now transferred to the county and county borough councils; 115,690 beds in county and county borough mental hospitals; 14,228 beds in approved institutions provided by local authorities for the treatment of tuberculosis (as at March 31st, 1929); and 36,397 beds in infectious disease hospitals maintained by local authorities. The total accommodation in public hospitals provided by local authorities is thus 432,451 for England and Wales.²

The voluntary hospitals, moreover, are now admittedly unable to provide sufficient accommodation either for the very poor who seek admission to their doors or for those who, although unable to meet the exorbitant charges usually demanded by private nursing-homes run for profit, are in

¹ *Voluntary Hospitals Commission*, Cmd. 2486/1925, p. 26. Cf. the Ninth Annual Report of the British Hospitals Association (1927) entitled *The Voluntary Hospitals in Great Britain*; see also *Annual Report of the British Red Cross Society and Order of St. John*, and *Annual Report of King Edward Hospital Fund*.

² I am indebted to Dr. F. N. Kay Menzies, Medical Officer of Health and School Medical Officer to the London County Council, for these figures.

a position to pay a moderate sum. The Voluntary Hospital Commission reported in 1925 that the number of patients on the waiting list of the voluntary hospitals exceeded 45,000, and declared that at least 10,000 additional beds would be required to maintain a "reasonable standard of adequacy".¹ The Commission further stated without some assistance and encouragement from the State there would be little prospect of essential extensions being undertaken within the next few years.² London is by far the most favoured city in the British Isles so far as voluntary hospitals are concerned, but Sir Cecil Levita, late Chairman of the London County Council, recently pointed out that there is on Thames-side a population of no less than half a million persons without a single voluntary hospital bed at their service.³

It would not be the part either of wisdom or of gratitude to fail to recognize that the voluntary hospitals possess an importance which is not and cannot be based on arithmetical calculations concerning the number of beds they provide. Their prestige is to be accounted for partly by the excellence of their medical staffs, the quality of their research work and the renown of their teaching schools, and partly by the fact that they have for centuries been the focusing point at which private philanthropy and personal service of an unselfish character could unite in voluntary work for the public good. The community not unnaturally feels a sense of obligation towards these voluntary organizations which have endeavoured for so long to satisfy an urgent need ignored alike by the State and the municipalities.

Despite these considerations, the position of the voluntary hospital is becoming increasingly untenable in so far as it claims to be an adequate substitute for the public hospital provided by the local health authority. For as I have shown, the voluntary hospital is catering for only a small fraction of

¹ *Report on Voluntary Hospital Accommodation in England and Wales*, Cmd. 2486/1925, p. 13.

² *Ib.*, p. 14.

³ Letter in *The Times* newspaper, March 2nd, 1929.

the nation's medical needs. Moreover, it is having an increasingly hard struggle to provide sufficient funds to pay even for the work it already does. This struggle is intensified by the large increase of emergency cases arising from motor accidents on the one hand, and by the diminution of gifts from wealthy donors resulting from the increase of death duties and other forms of direct taxation on the other. As the difficulty of making two ends meet increases, the voluntary hospital is being forced into the position of seeking, or at least of not refusing, assistance from public funds. When this occurs, it is obvious that the voluntary principle must be tempered with some measure of State control. The position in this respect is not altogether unlike that which arose last century in regard to the non-provided schools built by voluntary religious organizations. The solution embodied in the Education Act of 1902 may suggest a useful precedent. We may possibly see an arrangement whereby the local authorities will assume partial financial responsibility for all the voluntary hospitals in their areas which require monetary assistance. The direction of the non-provided hospitals would come under the control of separate and independent boards of managers, consisting partly of the present governors, etc., and partly of persons appointed by the local authority.

AN INCIDENTAL REVOLUTION

In the meantime, the position in regard to hospitals has become radically changed by the Local Government Act of 1929. When that measure was going through the Commons, little notice was taken of the far-reaching consequences resulting from the transfer of Poor Law functions and institutions to the general local authorities. But in the House of Lords, Lord Dawson drew insistent attention to the great change that would be effected when infirmaries provided by the Guardians under the Poor Law became converted into general

municipal hospitals maintained under the Public Health Acts by the county or county borough councils. He pointed out that in Part I of the Bill there were clauses which enabled and encouraged councils to found general hospitals for the treatment of general medical and surgical disease.

Lord Dawson did not by any means deplore this development. He admitted freely in the course of an eloquent speech that the needs of the future could not be met by voluntary hospitals alone. "It seems inevitable" he continued "that there must arise municipal hospitals."

The fact is, declared the King's physician, hospitals are no longer the need of a class: they are the need of the whole nation. "Anyone might need a hospital in these days. The progress in knowledge demands it. Social and economic conditions demand it. The main reason is the progress of knowledge. The art of medicine now calls to its aid a number of sciences; science is mobilized on its behalf. These new sciences require teamwork. Years ago a cough or a disease of the chest required a stethoscope and a bottle of medicine. To-day they require, besides the clinical knowledge of the physician, the services of the radiologist and the chemist and the bacteriologist. In other words, there is the necessity of bringing together many branches of knowledge which have to act in co-ordination if they wish to attain the best result. That can only be done by organization. Each of these specialities requires its equipment. These equipments have to be brought together not only for efficiency but for cost, because the more science progresses the greater the cost of treatment becomes. That is a reason why people in increasing numbers need institutional treatment, which in other words is hospital treatment."¹

The burden of Lord Dawson's message was the necessity for linking up the new municipal hospitals with the existing voluntary institutions and the medical profession in general. In his view the voluntary hospital, with its great experience

¹ *Hansard*, Lords Debates, Wednesday, February 27th, 1929, and Tuesday March 5th, 1929.

and traditions, ought to lead and direct the building up of the new municipal hospital service.

The eloquence of Lord Dawson's plea, and the prestige of his position, secured for him a sufficient following of peers to induce the government to insert in the Bill a provision requiring every county and county borough council, when making arrangements for hospital accommodation in discharge of their new transferred functions, to consult a committee or other organ representative of both the governing bodies and the medical and surgical staffs of the voluntary hospitals in their area.¹ The consultation is to be concerned with the question of the accommodation to be provided and the purpose for which it is to be used. There is, however, nothing which compels the local authority to follow any advice which may be proffered during the course of such a consultation; and the whole section can scarcely be regarded as more than a half-hearted attempt by the legislature to express a pious hope that the municipalities and the voluntary hospitals will work harmoniously together.

THE VOLUNTARY HOSPITALS

Some sort of conjunction between the public health movement and the voluntary hospitals has for long been inevitable. The Voluntary Hospitals Commission, which (in 1925) was "forced, however reluctantly, to the conclusion that a substantial measure of state assistance is essential,"² recognized that no such recommendation could or should be made unless it were accompanied by a reorganization designed to secure co-ordination between the voluntary hospitals and the public health authorities. The Commission pointed out that many of the small hospitals, particularly the cottage hospitals, are

¹ Local Government Act 1929, Sect. 13.

² *Report on Voluntary Hospital Accommodation in England and Wales*, Cmd. 2486/1925, p. 14.

not at present adequately used, despite their relatively strong financial position.¹ In the great cities, on the other hand, they found "a multiplicity of institutions whose functions often overlap" with the result that "the greatest economy in administration is not always realizable".² Again, special hospitals, such as those for diseases of the eye, ear, nose and throat, are often discovered competing with each other, and sometimes competing with the larger general hospital of which they might well form special departments.³

In order to remedy these disadvantages the Commission made a number of recommendations. Thus, the cottage hospitals should be linked up with the nearest big hospital and treated as branch hospitals, while the larger hospitals should refuse cases which could be dealt with locally. The larger voluntary hospitals ought to be reserved in the main, according to the Commission, for cases requiring "special diagnostic facilities or a high degree of technical skill". On the other hand, continued the Report, a function which cannot be removed from the local authorities' hospitals is to provide for cases in which the primary need of the patient is skilled nursing which cannot be obtained in his own home.⁴

These restrained but suggestive remarks from a Commission whose members consisted exclusively or predominantly of persons in warm sympathy with the voluntary principle indicated that all is far from well with the system of voluntary hospitals regarded as a whole. The terms of appointment of the Commission were themselves significant. A government grant of £500,000 had been given shortly after the war to meet the immediate needs of the then insolvent hospitals. The Voluntary Hospital Commission was called into being for the purpose of administering the grant. The terms of appointment reminded members of the Commission that "Controlling as it will a government grant of half the estimated debt, the Commission should be able to bring into the volun-

¹ *Report on Voluntary Hospital Accommodation in England and Wales*. Cmd. 2486/1925, p. 9.

² *Ib.*, p. 11.

³ *Loc. cit.*

⁴ *Ib.*, p. 8.

tary hospital system a community of outlook and co-ordination of effort which it has hitherto been difficult to obtain, largely because the hospital system naturally embodies the defects as well as the merits of a voluntary system".¹ This is only another way of saying that unification of control is essential to the establishment of a public hospital service, of which the voluntary hospitals would be a part.²

In this way the thin edge of the wedge of State control was introduced into the voluntary hospital system. But the future of the voluntary hospitals lies, not in subordination to the national government, but in association with the local authorities. The Voluntary Hospitals Commission reported that the areas of the Local Voluntary Hospital Committees should correspond with recognized local government boundaries. Any attempt to make the areas of these Committees correspond with the spheres of activity of particular hospitals would, they declared, be impracticable, and "although any system based on counties and county boroughs must in some instances cut across areas served by the larger hospitals . . . the difficulties of any alternative system of organization would be far more serious."³

Another step forward in the same direction was taken two years later by Sir Arthur Stanley, when in a paper read before the Annual Conference of the British Hospitals Association at Norwich in June 1927, he told the hospital representatives that they must give up their isolated existence and get together in a real attempt to arrive at a uniform policy to guide them in their negotiations with other authorities.⁴ Still more significant is the Revised Hospital Policy formulated for the profession by the British Medical Association. This was approved by the Council in April 1930 and carried almost unanimously

¹ Cmd. 1402/1921, p. 3.

² *The Labour Movement and the Hospital Crisis*, p. 1.

³ Cmd. 2486/1925, p. 16.

⁴ *Eighth Annual Report of the Voluntary Hospitals in Great Britain*. See also an article entitled *Voluntary Hospitals and Local Government* in the *Local Government News*, June 1928.

at the Annual Representative Meeting of the Association in July 1930.¹

"Among the social changes of recent years," observes the British Medical Association in the opening paragraph, "none is more remarkable than that which has taken place in our hospitals. Originally charitable institutions for the general treatment of the very poor, they have become centres of highly specialized and complex service to which four-fifths of the population look for help. . . . Voluntary hospitals have become increasingly the hospitals of the worker and his dependants. There is an urgent national demand that the benefits of the fully staffed and equipped hospital shall not be denied to any class in the community and in particular shall be available at reasonable rates for those who cannot meet the cost of private nursing-homes and whose means are yet above the income level of the insured person."

It is not to be denied, continued the British Medical Association, that most areas in Great Britain urgently need extensive provision of general and special hospital accommodation. The people's needs cannot be satisfactorily met by merely delimiting spheres of independent and possibly competitive service but only by the most intimate co-operation between the public and the voluntary hospitals in any area. Full co-operation will not readily be achieved unless the governing bodies and medical staffs of voluntary hospitals adjust themselves to the altered conditions which must now prevail.²

Underlying the detailed proposals which follow is a clear recognition of the right of municipal hospitals to claim, not merely a place in the sun, but the fullest co-operation of the medical profession. There is also an admission that the voluntary hospital can no longer hope to continue as a charitable institution, but must henceforth operate on a basis of payment for services rendered.

¹ See *British Medical Journal Supplement* of July 26th, 1930, and Document No. 22.

² *Revised Hospital Policy of the Association*, par. 4.

The Revised Hospital Policy remarks that it is necessary to ensure that there shall be no unnecessary duplication of accommodation or wasteful competition between municipal hospitals and voluntary hospitals. In order to achieve these ends, it is not sufficient that the local authority shall merely "consult" with the voluntary hospital staffs, as required by the Local Government Act.¹ A joint committee should be set up with definite functions, such as the devising of means for the co-ordination of admission and transfer of patients, the co-ordination of the ambulance transport service for the whole area, and the development of new hospital accommodation.²

The New Policy of the British Medical Association envisages a hospital system in which all hospitals, whether voluntary or municipal, will be grouped round a central or base hospital. This may or may not be the locus of a medical school, but will in any case be expected to set the standard of hospital practice in the area and be the chief centre of education and research. Like the Voluntary Hospitals Commission, the Association emphasizes the desirability of making hospital areas coincide with local government areas.

We can see, therefore, that both the accredited representatives of the voluntary system and the organized body of private practitioners alike recognize the fact that the time has come for a definite reorientation of the position of the voluntary hospitals. The attitude of the British Medical Association and the various voluntary Hospital Organizations shows a marked advance in breadth of outlook and understanding of the problem; and the position, so far as relations between voluntary and municipal hospitals are concerned, is hopeful. Now and then we find touches of condescension, the adoption of a patronizing tone towards the local authorities as though they were poor relations whom the voluntary hospitals are kindly helping over a stile. This "big brother" attitude is entirely ridiculous having regard not only to the quantitative

¹ *Ante*, p. 318.

² *Op. cit.*, pars. 15-17.

proportions of voluntary and municipal effort respectively, but also to the quality of the hospital service rendered by local authorities. The Voluntary Hospitals Commission were "impressed with the volume and quality of the work carried out by the able infirmary officers" whom they had seen,¹ and went so far as to regret the absence of medical schools in the Poor Law hospitals—a tribute of no small weight. Sir Cecil Levita, lately Chairman of the London County Council and "a staunch supporter of the voluntary hospital system," confessed in *The Times* that, after many years' experience of municipal councils and of voluntary hospital boards of management, he had no hesitation in saying that he had failed to find that difference in administrative capacity which is so strongly emphasized.²

Whatever arrangements are made between the voluntary hospitals and the local authorities, there will remain a large shortage of hospital accommodation. New municipal hospitals will inevitably be required; and no mere reorganization of existing institutions will provide an alternative solution. More than half a century's experience of the working of the Public Health Act 1875 has shown that the permissive power contained therein to provide municipal hospitals is insufficient to secure the necessary activity on the part of local authorities. The Local Government Act of 1929 extends to county councils the powers already conferred on other sanitary authorities by the Public Health Act; and enables all local authorities to provide "places for the reception of pregnant women"—an addition designed to modify a judicial decision to the effect that pregnancy was not equivalent to sickness.

There is, however, no reason to believe that these powers will be more vigorously exercised in the future than in the past; and it would be a good thing if all these permissive powers concerning hospitals were made obligatory. Then, and only then, shall we attain the ideal of a completely organized

¹ *Final Report*, Cmd. 1335/1921, p. 16.

² *The Times*, March 2nd, 1929.

hospital service, with receiving stations, cottage hospitals, base hospitals and national hospitals, ramifying throughout the length and breadth of the country, all working together for the speedy cure of individual sufferers and for raising the standard of health of the whole nation.¹

THE FINANCIAL BASIS

The increase of sympathy shown by the medical profession towards municipal hospitals is not due exclusively to a change of heart on the part of the general practitioner or a more widespread recognition of the needs of suffering humanity. These have had their share, no doubt, but doctors, like everyone else, have their own interests to consider, and the British Medical Association has not been slow to realize the economic possibilities in the new hospital situation. "It is certain" we learn from the Revised Hospital Policy "that local authorities must continue in their council hospitals some system of paid medical staffs, whether whole or part time. *If the voluntary hospital system is to persist and even more if demands for expansion are to be met the visiting staffs must be paid on a like basis.* Every extension of hospital service diminishes the field of private practice open to consultants and specialists, and economically it is no longer possible largely to increase the numbers of these practitioners without making definite provision for reasonable remuneration for their hospital work."²

Not only is the staff of honorary consultants in the voluntary hospitals to be replaced by paid physicians or surgeons, but the treatment of patients will also be placed on a self-supporting economic basis. It is now the declared policy of the British Medical Association that the vast majority of persons requiring treatment in a hospital should pay for both the medical and

¹ *The Labour Movement and the Hospital Crisis*, p. 12.

² *Op. cit.*, par. 12, p. 2. *My italics.*

maintenance services received therein, either as private patients (if their income exceeds a specified limit) or participants in group contributory schemes.

There is nothing essentially new in this frank admission that voluntary hospitals have to a considerable extent ceased to be charitable institutions. According to the information given in the Revised Policy of the British Medical Association, not more than 10 or 15 per cent of the total number of hospital patients are now treated free of charge. The voluntary hospitals have, in fact, by a series of small charges radically transformed the economic foundations of their work. Formerly they were dependent entirely on charitable gifts and legacies, and sought no return from the patient or his immediate fellows. Now, however, the revenue derived from philanthropic sources is reinforced by money received from various other quarters. There are weekly subscriptions from employees, payments by patients for services rendered, donations from approved societies, payments by insured persons, contributions by public departments and grants from local authorities for services carried out under Acts of Parliament. Some or all of these methods are to be found in operation in various parts of the country.¹

So far as municipal institutions are concerned, a curiously indeterminate position has existed for the past half-century. The Public Health Act 1875 declared that the expenses incurred in maintaining a non-pauper patient in hospitals should be a debt due from such patient and might be recovered from him within six months after discharge or from his estate in case of death. This was modified by the Public Health Act of 1907 which provided that local authorities should not be compelled to recover the cost from a non-pauper patient where "the circumstances of the case are such as to justify the remission of the debt". Now, under the Local Government

¹ See Sir Napier Burnett in *Report on the Financial Position of the Voluntary Hospital in England and Wales* for 1920. See also *The Labour Movement and the Hospital Crisis*, p. 8 *et seq.*

Act¹ 1929,¹ the position is again changed. The local authority has an absolute duty to recover from any person who has been maintained by them in any institution, or from his relatives, "the whole of the expenses incurred by the council or authority in the maintenance of that person". If the local authority are satisfied that the persons from whom the expenses are recoverable cannot reasonably be required to pay the whole of those expenses, having regard to their financial circumstances, they may be let off with the payment of such part, if any, of the expenses as they are, in the opinion of the council, able to pay.

It will be noticed that there is a primary obligation placed on the local authority to recover the full amount of the expense incurred by them in treating any particular case. That is to say, the cost of supplying the service is paid directly by the consumer. This will work without unreasonable hardship among middle-class people and exceptionally well-paid wage-earners if the municipal hospital is efficiently and economically managed and kept continuously full or nearly full. But if for any reason the overhead charges and running expenses of an institution which is half empty have to be divided among a relatively small number of patients, the cost to each might well turn out to be impossibly high. In any case it is probable that the local authority will have to exercise in a good many cases their right to temper the wind of recovery to the pocket of the shorn lamb. The vast mass of wage-earners in England and Wales live literally from hand to mouth; and their economic resources are inevitably at the lowest point when sickness intervenes. Illness is itself an economic disaster; and the mere interruption of earning power will in most cases result in the disappearance of any slender hoard which may exist, leaving little or nothing to meet the claim for the recovery of expenses put forward by a local authority.

Looking at the mass of municipal services as a whole, it is

¹ Sect. 16. Special exceptions are made in the case of infectious disease patients.

difficult to discern any ground of principle for requiring hospital treatment to be paid for directly by the patient on a cost of production basis. We provide elementary education free of charge. We make no direct charge for such amenities as public libraries, recreation grounds, museums and picture galleries. Health services such as maternity and child welfare, tuberculosis and venereal disease treatment, are offered gratis to the consumer. Yet general hospital treatment, which no one would undergo unless compelled to do so by ill-health, and which reduces the earning power of the recipient, is alone singled out as a service to be paid for, not out of the general revenue derived from the rates, but on an ordinary economic basis as between producer and consumer.

The time will no doubt come when hospital treatment will be accorded freely and cheerfully to all who need it, without a thought being given to any sort of "recovery" save that of the health of the patient.

HEALTH INSURANCE

The suggestion has often been made that hospital treatment should be made an ordinary or additional benefit available to insured persons under the National Health Insurance scheme.¹ This appears to be attractive at first sight, but on the whole I believe that any further differentiation between the insured population and the rest of the community in the matter of health services is not ultimately desirable. The administration of health insurance benefits through the Approved Societies is based on such unscientific foundations that any attempt to link up the insurance system with the public health movement without first reforming the administration of the former is likely to prove unprofitable in the highest degree to all the parties concerned, except possibly the Approved Societies.

The National Health Insurance scheme is profoundly un-

¹ *Voluntary Hospital Committee, Final Report*, Cmd. 1335/1921, p. 28.

satisfactory in a number of important respects. Its whole basis needs reforming both as regards the persons who fall within the ambit of insurance, the benefits which are available, and the administration of those benefits by the miscellaneous collection of insurance companies, friendly societies, trade unions, and other associations which go by the name of Approved Societies. The issues which are involved by these questions would take us, however, far outside the realm of local government. I must therefore omit any detailed discussion of the Insurance system from these pages. I do so with reluctance, for the need to bring the Insurance scheme into organic relation with the public health movement of the country is obvious and urgent. This was stressed by the admirable Minority Report of the Royal Commission on National Health Insurance.¹

INDUSTRIAL HYGIENE

We may now turn to the important problem of bringing the administration of industrial hygiene into organic relation with the general public health system of the country.

At present, the health provisions of the Factory Acts are enforced by five or six full-time medical inspectors working on the Factory Inspectorate of the Home Office, supplemented by nearly two thousand private practitioners appointed to act as certifying surgeons on certain occasions specified by statute. This administrative separation is due partly to the historical accident that factory inspection came earlier in point of time than public health; and being primarily a police matter, inevitably went to the Home Office. The medical aspects of factory inspection have never developed sufficiently to establish an effective claim to be administered by the organs of public health which have subsequently arisen in the local government structure. But the main reason why the medical

¹ Cmd. 2596/1926.

side of factory inspection has not developed to a greater extent is precisely because it is carried out in a non-medical Department where it has been treated as a Cinderella.

There is a good deal to be said in favour of transferring responsibility for the medical functions of factory inspection from the Home Office to the Ministry of Health, or at least of establishing some sort of *liaison* between the two Departments in connection with it. In the case of the school medical service, the Chief Medical Officer of the Ministry of Health is appointed Chief School Medical Officer by the Board of Education, and in that way a contact between the two Departments is established.

But of far greater importance than the rearrangement of central government functions is the question of local administration. Local authorities have practically no concern under the present law with factories, save in regard to a few incidental matters such as the means of escape available in case of fire. But in regard to workshops and workplaces local authorities have important duties. The medical officer and his staff are responsible for a number of vital matters relating to the sanitary condition, such as cleanliness, prevention of overcrowding, ventilation, drainage of floors and sanitary accommodation.¹

There appears to be no ground of principle or logic or even convenience underlying these arrangements. The mere fact that mechanical power is used in a factory, but not in a workshop or workplace, does not draw any fundamental line of distinction so far as industrial hygiene is concerned, whatever may be the case in regard to safety. Furthermore, the law is studded with anomalies even in regard to workshops. For example, the question of ventilation is inseparable from that of maintaining an adequate temperature. The Factory Act requires adequate ventilation to be provided, and also a reasonable temperature to be maintained by methods which do not interfere with the purity of the air. Two separate

¹ Factory Act 1901, Sect. 2 (2) (3).

authorities are concerned in this matter, the local authority's inspector dealing with ventilation and the factory inspector with temperature! This is manifestly absurd. There are many other instances of a similar kind.

The results of the present administrative disintegration must inevitably be bad. The workers, Sir Thomas Legge, until recently Senior Medical Inspector of Factories, has pointed out, stream from the factory to their panel doctors when they become ill. There is no return stream from the panel to the factory to try to prevent sickness claims arising there. Another result is that the Local Medical Officer of Health does nothing important in the factory—he hardly gets inside it—although, as I have already mentioned, he is responsible for carrying out the sanitary provisions of the Factory Acts in regard to workshops and workplaces. Neither the School Medical Officer nor the Tuberculosis Officer at present gets anywhere near the inside of a factory. The height of inefficiency is reached when the Certifying Surgeon is called upon to give a statutory certificate that a "young person" (whom he has perhaps never seen before) is fit to work in a factory. The School Medical Officer, who has usually known and inspected the young person as a child for years, and is probably acquainted with all the important medical, social and biological facts relevant to the case, is not consulted or even asked to produce his records.

This almost complete separation between public health work inside the factory and public health work outside the factory is highly detrimental both to the industrial interests of the producer and to the social interests of the citizen. One-third of the entire working life of five or six millions of the population is spent within factory walls; and the influence of that environment must obviously colour the health of the worker during the other parts of his life. Yet so far we have made no attempt to correlate the sanitary control of the industrial environment with the hygienic control of the non-industrial environment. The result of this appears to be that

little preventive medicine is being practised within factory walls, and, so far as a layman can judge, the science of industrial hygiene is in an unnecessarily backward state. In no direction would progress seem to be more badly needed, nor more likely to repay time and trouble.

What seems clearly needed is an Industrial Hygiene Officer, appointed by each county borough and county council¹ with the approval of the Minister of Health, to take over the functions which are now performed by Medical Inspectors of Factories and the Certifying Surgeons. The Industrial Hygiene Officer would work under the general direction of the local authority, but his tenure of office, remuneration and personal independence would be safeguarded in the same manner as are those of the Medical Officer of Health in a county.

The industrial hygiene work under such statutes as the Factory Acts and the Workmen's Compensation Act would come principally within the jurisdiction of the Public Health Committee of the local authority. The Industrial Hygiene Officer would be subject to the general co-ordinating authority of the Medical Officer of Health. He would also have to work in close co-operation with the local Factory Inspector. The Home Office or Ministry of Health would make a grant of half his salary, subject to the ordinary conditions of overriding inspection and approval by the central government. The Ministry of Health would be the central department responsible for general supervision of the industrial hygiene work.

There is little reason to think that friction or overlapping would arise between the Industrial Hygiene Officer and the Factory Inspector. Industrial hygiene, which should comprise all the broader aspects of public health so far as the working environment is concerned, is for most practical purposes quite distinct from the other branches of Factory Inspection. The task of knowing whether machinery is pro-

¹ County and county borough councils should of course be permitted to combine for this purpose.

perly fenced and whether the safety provisions of the Factory Acts are being enforced is one thing. The job of inspecting the health of the workers and improving their sanitary conditions is another. That this is recognized by the Home Office is shown by the fact that a Medical Inspectorate, inadequate though it is, is specially appointed for the latter work. The weakness of this medical inspection as it at present exists is that it is completely divorced from the general public health organization and shut off from the main stream of preventive medicine.

The part-time certifying surgeon ought to be abolished. He does not appear to justify his existence by displaying any special knowledge of industrial disease or occupational accident, and does not, in short, serve any useful purpose in the scheme of social administration that would not be better served by a full-time Industrial Hygiene Officer acting under the great county and county borough authorities.

CONCLUSION

There are a large number of public health services which urgently need improvement or expansion. One can mention, as illustrations of existing services selected at random, such important matters as sewage and dust collection, baths and washhouses, abattoirs and slaughter-houses. There are many other subjects closely affecting the health of the community which ought to be brought within the scope of public control or administration, but which have so far scarcely been touched by the public health movement. Under this head we might mention the regulation of noise and the handling of foodstuffs. Volumes might be written on these and cognate subjects by those qualified to deal with them.

What I have been concerned with here is not this or that function of public health, but the structural organization which is responsible for administering the whole mass of such services. Unless and until the general machinery is

working smoothly and effectively, it is useless to look for good results from the operation of particular services grafted on here and there. As I have shown in some detail, the local administration of public health is at present split up among a considerable number of unco-ordinated and even competing authorities. There has been no integration or unification similar to that which resulted in the creation of the Ministry of Health. In consequence we have waste, inefficiency, chaos, and worst of all, a failure to envisage the health of the individual as a continuous entity. Our most urgent need in this field is to recognize the essential unity in the life of the individual, and to reflect that unity in the organization which attempts to ensure the health of the community at different ages and different stages. From womb to grave, life flows on in an unbroken stream. It is our failure to recognize that simple and dominating fact that has resulted in a public health organization broken into a number of unco-ordinated fragments: one bit attending to the infant and the nursing mother, another to the school child, another to the employed worker, another to the sick pauper, and so forth and so on. An attempt has been made in this chapter to suggest the lines on which a coherent and scientific public health system might be organized. If it were adopted, an immense improvement in the health and happiness of millions of men, women and children might be expected to result; and the evolution of the public health idea in new and promising directions would prove a comparatively simple matter. I have been concerned in the foregoing pages only with foundations; but without firmly based foundations, no superstructure, however attractive, is likely to endure. Integration, unification, simplification—these are the watchwords for the future.

PART V

THE DISTRICT AUDITOR

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PART V

THE DISTRICT AUDITOR

A STRUGGLE FOR POWER

I propose in this chapter to discuss certain leading questions relating to the audit of the accounts of local authorities. The subject may sound somewhat dry and pedestrian, a matter of mere technical routine to those who are unacquainted with the remarkable situation which now exists. Behind the deceptive appearance of dull words and technical terms, however, there lies a struggle for power which is neither dry nor pedestrian. To those who are not initiated in the complexities and mysteries of this peculiar corner of our governmental system, the disarming official title of District Auditor seems to suggest a benevolent elderly gentleman bicycling quietly round old-world villages, peering through horn-rimmed spectacles at neatly kept ledgers, poring over petty cash books, intent only on improving methods of book-keeping which were already wellnigh immaculate.

A glance at the realities of the situation results in a rude awakening from these pleasant illusions. Beneath the guise of what is called auditing, a struggle for the substance of financial control has been proceeding apace for the last three or four decades. A state of affairs has now been reached when it may be said without exaggeration that the District Audit system constitutes not only a serious menace to the freedom of the local electorate and to the authority of the democratically elected local council, but also a danger to the fundamental conception of ministerial responsibility on which our method of Parliamentary government is supposed to depend.

It will perhaps be as well to start with a brief historical outline.

THE HISTORY OF THE AUDIT

Before the end of the eighteenth century there was no one whose specific duty it was to check the accounts of local authorities. The Elizabethan Poor Law required the churchwardens and overseers to "yield up to two justices a true and perfect account of all sums of money received",¹ and this arrangement continued more or less unchanged until the passing of Gilbert's Act in 1782. Under this statute "visitors" were appointed by the local justices from among persons nominated by the guardians to "settle and adjust the accounts between the guardians and the Treasurer, if any question shall arise respecting the same". The visitors were exhorted by the Act to prevent unnecessary expenses and burdens falling on the parishes.

This inadequate system persisted until 1810, when the justices were given power, on having the accounts submitted to them by the overseers, to "disallow and strike out . . . all such charges and payments as they shall deem to be unfounded, and reduce such as they shall deem to be exorbitant".² Despite the apparent stringency of these provisions, the audit of the justices was in practice little more than a formality. Under Hobhouse's Act 1831, an audit by five ratepayers elected for the purpose by the parishioners was made compulsory in every parish containing more than 800 ratepayers, except in cities and towns. This measure was not, however, put into operation to any large extent outside the metropolis.

The modern system of district audit dates from 1834, when the Poor Law Amendment Act was passed. The three Commissioners of Poor Law who were appointed thereunder were given power to issue orders and regulations for the guidance and control of the guardians, vestries and parish officers concerning (among other things), "the keeping,

¹ 43 Eliz., chap. 2.

² 50 Geo. III, chap. 49.

examining, and auditing and allowing of accounts".¹ The Commissioners could not themselves appoint paid officers for these purposes, but they could direct the overseers or guardians to do so. And they could dismiss such officers even against the wishes of the guardians.² The thin end of the wedge of central control was firmly in place.

During the next decade the system grew despite the obstacles placed in the way of efficient administration by local prejudice. By 1844 the legislature felt itself strong enough to pass the Poor Law Amendment Act under which the District Auditors were appointed for the first time.

The Poor Law Act of 1844 provided (by Section 32) that the Chairman and Vice-Chairman of each Board of Guardians should elect a person to be the Auditor of the District. The Poor Law Commissioners in London were empowered to combine Parishes and Unions for audit purposes. The Auditors were "to examine, audit, allow or disallow of accounts, and of items therein, relating to monies assessed for and applicable to the Relief of the Poor . . . and to certify monies due and deficiencies or loss incurred by any person accounting or accountable". In every district where an auditor was appointed, the powers of the justices to examine the accounts was to cease.

In 1855, the Metropolis Management Act set up District Boards of Works in the London parishes, and provided that Auditors were to be elected, by ballot, from persons already acting as Auditors for the Parishes. The Secretary of State was to appoint an Auditor for the Metropolitan Board of Works.

THE RISE OF THE DISTRICT AUDITOR

Twenty years later, the Public Health Act 1875 applied the system of District Audit to all the rural and urban sanitary authorities (except borough councils) established by the Act.

¹ 4 & 5 Will. IV, chap. 76.

² *Ib.*, Sect. 46; *R. v. Poor Law Commissioners*, 20 L.J. M.C. 236.

In 1888, the Local Government Act brought the newly created county councils within the system, and six years later the Local Government Act of 1894 extended the District Auditor's jurisdiction to the urban and rural district councils, the parish councils and the parish meetings. The method of election had, however, been abolished in 1868¹ as regards Poor Law Auditors; and the District Auditors Act of 1879 empowered the Local Government Board to appoint and dismiss the District Auditors. By that statute the Board (now superseded by the Minister of Health) might "from time to time by order make, and when made revoke and vary, such regulations as to the Board seem necessary or proper respecting the audit of such accounts".

The borough councils were never brought within this rapidly extending jurisdiction of the District Auditor. So far as their general expenditure is concerned the Municipal Corporations Act 1882 perpetuated the so-called system of elective audit, by which the borough accounts are audited by three Borough Auditors, two of whom are elected by the burgesses, and the other appointed by the Mayor. The elective auditors must be qualified to be councillors, but must not in fact be members of the council, nor hold the office of Town Clerk or Treasurer. The Mayor's auditor, on the contrary, must be a member of the council. The accounts of borough councils may, however, be audited by the District Auditor if the council so desire, and this is actually done by some of the smaller corporations. Apart from this, borough^ccouncils are compelled by statute to submit the accounts of much of their grant-in-aid expenditure for audit by the District Auditor. This applies, for example, to expenditure on education and housing. The Local Government Act 1929 requires county borough councils to keep separate accounts of their receipts and expenditure in regard to Poor Law functions, and enacts that such accounts shall be subject to the jurisdiction of the District Auditor.

I believe I am correct in saying that nowadays the Minister

¹ 31 & 32 Vic., chap. 122.

of Health endeavours to bring pressure on urban district councils, when applying for a charter of incorporation, to undertake, in the event of their petition being granted, to accept the District Audit system of audit. The Minister has, however, no legal powers of compulsion in this respect.

THE RIGHT OF APPEAL

The Poor Law Amendment Act 1844 provided that an appeal would lie either to the Court of Queen's Bench on a writ of *certiorari*, or alternatively to the Commissioners of Poor Law in London, who were to "enquire into and decide upon the lawfulness of the reasons stated by the Auditor for the allowance, disallowance or surcharge" and to issue such order as they might deem requisite. The Poor Law Amendment Act 1848 empowered the Poor Law Commissioners to decide an appeal on broader grounds, according to "the merits of the case"; and if they found that a disallowance or surcharge was lawfully made by the District Auditor but that the expense was incurred in circumstances which made it "fair and equitable" that the disallowance or surcharge should be remitted, they might remit the same on payment of costs.

This system of alternative appeal was continued by the Public Health Act 1875, and preserved until 1927. The person or persons surcharged could either challenge the decision of the Auditor in the High Court, where the surcharge could be quashed on legal grounds, or go to the Minister of Health, who might quash the Auditor's action on social grounds. The Minister might either (1) quash the surcharge, (2) uphold the surcharge, (3) uphold and remit. It was decided, however, in the case of *The King v. Minister of Health, ex parte Dore* (1927), 1 K.B., p. 765, that where an appeal to the King's Bench Division has been made, the alternative right of appeal to the Minister is lost; and if the Court upholds the decision of the District Auditor the Minister has no power to remit the surcharge.

The Audit (Local Authorities) Act 1927, which was passed in the face of the most strenuous opposition, enacts that persons surcharged with an amount exceeding £500 shall be disqualified from membership of any local authority for a period of 5 years, under penalty of a fine. The statute also alters the system of appeal. Where the disallowance or surcharge exceeds £500, an appeal lies to the High Court only. In any other case, an aggrieved person may appeal either to the Court or to the Minister. A person surcharged may, whether or not he appeals in other respects, apply to the Tribunal (whether the High Court or the Minister) to which he might have appealed or does in fact appeal, for a declaration that in relation to the subject-matter of the surcharge "he acted reasonably or in the belief that his action was authorized by law", and the Court or Minister may at their discretion make such a declaration, which then relieves the person concerned of disqualification from holding office. The Court or Minister may, furthermore, relieve him wholly or partly from personal liability in respect of the surcharge, if they consider he "ought fairly to be excused".

Another statute which requires mention is the Local Authorities (Expenses) Act 1887, which provides that expenditure paid by a local authority is not to be disallowed by the District Auditor if it has been sanctioned by the Minister of Health. This measure enables expenditure to be sanctioned though not legalized, and was intended to reduce the number of surcharges. The Local Government Board (in their seventeenth Annual Report) observed that "power of sanction is intended to be used in those cases where the expenditure is incurred *bona fide* but in ignorance of the strict letter of the law, or inadvertently without the observance of the requisite formalities, or under such circumstances as make it fair and equitable that the expenditure should not be disallowed. We do not regard the Act as intended to supply the want of legislative authority for particular classes of expenditure and as justifying us in giving prospective sanction to recurring expense."

The Public Health Act 1875 contained, in Section 247, elaborate provisions regarding the procedure, etc., to be followed at the District Audit, but these are not of fundamental importance. The vital words relating to the powers of the District Auditor are to be found in Section 247 (7), which reads as follows:—

“Any Auditor . . . shall disallow every item of account contrary to law, and surcharge the same on the person making or authorizing the making of the illegal payment, and shall charge against any person accounting the amount of any deficiency or loss incurred by the negligence or misconduct of that person, or of any sum which ought to have been but is not brought into account by that person, and shall in every such case certify the amount due from such person . . .”

It is obvious that under this section the Auditor has a duty to disallow and surcharge payments on objects *ultra vires* the local authority purporting to make them—such, for example, as expenditure on a shop or other unauthorized purpose. It is obvious, also, that the District Auditor has always had a duty to enforce the repayment of any deficiency or loss arising from negligence, corruption or misconduct on the part of councillors or officials. The vital question until recently was, however, whether the Auditor could disallow and surcharge expenditure on objects lawful in class or character, but excessive in amount compared with what the Auditor regards as reasonable or necessary.

THE ATTITUDE OF THE COURTS

In order to understand the existing state of the law in this respect reference must be made to one or two leading cases on the subject.¹ In *R. v. Haslehurst* (1887, 51 Justice of the

¹ For a complete treatise on the law reference should be made to *The Law Relating to Local Government Audit* by William A. Robson (published by Sweet & Maxwell, 1930).

Peace, p. 645) the District Auditor had regarded a commission of $1\frac{1}{4}$ per cent for raising a loan as excessive, and made a surcharge. This was quashed on appeal. In *R. v. Calvert* (1898, 2 Irish Reports, p. 25), O'Brien, J., said, in reference to the powers of the District Auditor in Ireland, which scarcely differ from those in England, "I certainly am not inclined in the least degree to derogate from the authority of the Auditor . . . or to narrow his authority so that he could not under this head of 'unfounded' have the power to deal with all payments of an unnecessary or extravagant kind". Approval of this view was expressed five years later in another Irish case concerning the amount of daily subsistence allowance payable to members of the council and officials when absent from home on municipal business; in the course of his judgment Palles, C.B., said "Neither am I inclined to derogate from or to narrow the authority of the Auditor, but I am of opinion that . . . he has complete authority over every illegal payment" (*R. v. Newell*, 1903, 2 I.R., p. 342). The learned Baron then went on to observe that the Auditor had power to sever the exorbitant parts of a payment from the reasonable parts, and to surcharge the former. In the present instance, he continued "It is not pretended that any statute has fixed the actual rate of the daily subsistence allowance, therefore, the only amount legally allowable is a reasonable sum. . . . What is a reasonable sum is a question of fact which the Auditor must himself determine." (See also *R. v. Drury*, 1894, 2 I.R., p. 489^a)

During the next decade it is possible to trace a disposition on the part of the High Court to resist the inroads made on the discretionary freedom of local councillors by the District Auditor, and a growing determination to curtail his power. "No doubt" if a payment is excessive, a surcharge can be made for the excess said Lord Chief Justice O'Brien in *R. v. Browne* (1907, 2 I.R., p. 505), but, he continued, "a body such as the applicants are responsible only for *crassa negligentia*. Certainly the standard of care to be demanded of them is not higher than that required of Company Directors. The degree

of negligence which subjects such a body to responsibility is *crassa negligentia* . . . mere imprudence is not enough, want of judgment is not enough, grave error of judgment is not enough."

This was going a good long way in favour of the elected councillor. The same tendency was displayed in the following year when the Court of Appeal in England expressed their view of the position of the District Auditor in no uncertain terms in the case of *R. v. Roberts* (1908, 1 K.B., p. 419). The facts of that case were that the Westminster City Council had accepted a tender other than the lowest one submitted. The tender accepted was indeed the highest one received and the Auditor had surcharged the difference between that and the lowest one submitted. "The statute" observed Lord Justice Cozens-Hardy, then Master of the Rolls, "has enabled an Auditor, who has in my opinion no power to administer an oath or to subpoena witnesses, and who is not a judicial officer in the ordinary sense, to decide that a member of the local authority has been guilty of negligence or misconduct and to assess the amount of loss incurred thereby." But, added the learned Lord Justice "happily, this extraordinary jurisdiction is subject to review in the King's Bench Division, where the merits will be dealt with upon legal evidence". Lord Justice Fletcher Moulton, observed in the same case, "The true mode of securing the good management of municipal affairs is to induce the best men to take part in them and to give their services to the community in this way. The task is at best unremunerative and often thankless; but if those who accept it are to be liable to have their conduct pronounced upon and their character and property injured, by decisions, not of any Court of Law of the country, to which they are of course amenable, but of a special tribunal consisting of an official chosen by a government department without any powers or qualifications for holding a judicial enquiry, and discharging those functions without any of those securities which protect an individual before our Courts, and if the jurisdiction of

that individual is not to be limited to requiring an account of municipal money for which the accused has made himself responsible, but extends to calling him to account for the reasons and motives of all his actions, no self-respecting man will take part in municipal affairs." The Court in the result quashed the Auditor's surcharge.

THE POPLAR WAGE CASE

All these attempts to stem the tide of the Auditor's power of autocratic control over the activities of the elected council were, however, doomed to be swept away at a single stroke by the House of Lords.

The leading authority on the power of the District Auditor is now the decision of the House of Lords in the Poplar Wage Case (*Roberts v. Hopwood* (1924), 2 K.B., p. 514 and p. 695; (1925), A.C., p. 578). The facts of the case were as follows: From May 1st, 1920, the Poplar Borough Council paid a minimum wage to their municipal employees of £4 per week. The District Auditor raised no objection when auditing the accounts for the year ending March 31st, 1921, on the ground (as he afterwards explained) that the cost of living had risen. In auditing the accounts in January 1923, however, the District Auditor found that the minimum wage of £4 was still being paid, although the cost of living had fallen. The £4 minimum was admittedly in excess of the wages paid for similar work in London under trade agreements between employers and workers. But the council did not take the view that wages paid should be exclusively related to the cost of living. They had, they explained in an affidavit, from time to time carefully considered the question of the wages, and were of the opinion, as a matter of policy, "that a public authority should be a model employer and that a minimum rate of £4 is the least wage which ought to be paid to an adult, having regard to the efficiency of the workpeople, the duty of a public authority

both to the ratepayers and to its employees, the purchasing power of the wages and other considerations which are relevant to their decisions as to wages". Under the Metropolis Management Act 1855 the borough council were expressly given power to pay "such salaries and wages as [they] may think fit".

The Auditor took the view that the £4 minimum was excessive and unreasonable. He accordingly disallowed the sum of £5,000 in the accounts and surcharged it upon the Councillors, who appealed to the High Court. The King's Bench Divisional Court upheld the Auditor's action and discharged the rules obtained by the Councillors. The Court of Appeal (Banks, L.J., dissenting) reversed the decision of the Divisional Court and decided against the Auditor. Lord Justice Scrutton observed: "The question is not whether I should have sanctioned these wages—I probably should not—nor whether the Auditor or the Whitley Council would have sanctioned these wages; it is for the Poplar Borough Council to fix these wages, which are not to be interfered with unless they are so excessive as to pass the reasonable limits of discretion in a representative body." Lord Atkin (then a Lord Justice) went farther and asked whether it was open to the Auditor to disallow the payment of 4 charwomen out of 44 if he thought 40 sufficient, or 10 dustmen out of 144 if his experience led him to believe his work could be done by 134—clearly implying that the Auditor had no such authority. In conclusion he quoted with approval, as applicable to the circumstances, the well-known words of Lord Russell, who had said, in a celebrated case,¹ "A by-law is not unreasonable merely because particular judges may think it goes farther than is prudent or necessary or convenient, or because it is not accompanied by a qualification or an exception which some judges think ought to be there. Surely it is not too much to say that in matters which directly and mainly concern the people of the country, who have the right to choose those whom they think best fitted to represent them in their

¹ *Kruse v. Johnson* (1898), 2 Q. B., p. 91.

local government bodies, such representatives may be trusted to understand their own requirements better than judges."

The House of Lords unanimously upheld the decision of the Auditor and reversed the Court of Appeal. Lords Buckmaster, Atkinson, Sumner, Wrenbury and Carson revealed the state of the law at length in their speeches, from which certain representative extracts may be quoted. Lord Atkinson said that the words of Section 247 (7) of the Public Health Act,¹ rationally construed, show that the Auditor necessarily has jurisdiction to enquire into the legality of every payment, and to disallow and surcharge payments of money on every item of account. He may disallow it if it be excessive, and therefore illegal, "contrary to law", or if the excess be severable from the remainder of the payment he may disallow or surcharge this excess, and allow the remainder of the payment.

Lord Sumner said in his speech that the council contended that they could pay in good faith what wages they please. "It is not said that they can pay, if they please, unreasonable wages, but that, for all purposes, what they please is what is reasonable. Their reason is substituted as the test of reasonableness for that of the Auditor or of the Courts of law." Passing later to the power of the District Auditor, the learned Law Lord observed "He has to restrain expenditure within proper limits. His mission is to find if there is any excess over what is reasonable. I do not find any words limiting his functions merely to the case of bad faith, or obliging him to leave the ratepayers unprotected from the effects on their pockets of honest stupidity or unpractical idealism." Lord Sumner went on to approve a dictum of Farwell, L.J., to the effect that the District Auditor could not claim to exercise control over questions of policy, but he could control administration. By questions of policy, he continued "I understand . . . such matters as the necessity for a urinal and the choice of its position, provided no public or private nuisance is created. . . . The word, however, is policy, not politics, and

¹ *Ante*, p. 343.

I can find nothing empowering bodies, to which the Metropolis Management Act 1855 applies, which authorizes them to be guided by their personal opinions in political, economic or social questions in administering the funds which they derive from levying rates."

SOVEREIGNTY OF REASON

It can be seen from this brief survey of the statutes and case-law that the District Auditor has been placed in a position of great power in regard to the expenditure of local authorities. His function far exceeds the task of ensuring honest administration, and of preventing corruption or the improper application of public funds by elected councillors or officials. He has to disallow and surcharge any expenditure on objects which are *ultra vires* or of an unauthorized character. But more important than this is his duty to declare illegal such expenditure as he regards as unlawful on the ground that it is exorbitant or unreasonable in amount. In determining what is lawful or unlawful under this last head the District Auditor has to decide what is reasonable, and in deciding what is reasonable he must rely, in the last resort, on what he considers necessary or desirable.

The system as it at present stands results in the opinion of the District Auditor as to what is reasonable in regard to expenditure, overriding the views of the elected councillors. The District Auditor is made the arbiter of what is reasonable and therefore lawful, and the views of the council are subordinated to his authority. An appeal lies, it is true, to the High Court or in some cases to the Minister of Health. But this does little to restore the authority of the democratically elected councillor, for the effect of the law is only to make the Auditor's decision subject to review by judges of the High Court or a Minister of the Crown. In either event the wishes of the local electors and the considered views of the local

authority may, according to the Poplar case, be regarded as irrelevant. Moreover, the trend of a series of recent decisions regarding rates of wages in Bethnal Green, Woolwich and elsewhere suggests that the Court will be reluctant to interfere with the discretion of the District Auditor, whose "mission", to quote again the words of Lord Sumner, "is to find if there is any excess over what is reasonable". It is assumed that there is an objective or absolute standard of reasonableness, independent of the opinions of the persons concerned in discovering it.

The power which the law now places in the hands of the Auditors is so extensive that it may well be asked whether they are fitted by training or position to exercise it in a satisfactory manner; and in particular why their "reason" should be entitled to take precedence over the "reason" possessed by the councillors and the electorate.

The position of the District Auditors is most peculiar, and perhaps unique in the framework of the British Constitution. The Auditors were for long appointed by nomination of the President of the Local Government Board, and his successor the Minister of Health, without any specific requirements as to qualifications. During recent years, however, a qualifying examination has been held by the Civil Service Commissioners, and the appointment now goes by nomination *plus* qualifying examination.

A STUDY IN BUREAUCRACY

The relation between the Minister of Health and the District Auditor is, however, distinctly anomalous. The Minister has statutory power, as we have seen, to appoint the Auditors, to remove them, to regulate their work, to promote them and to fix their salaries (which are presumably paid out of the fees charged to local authorities for audit services). But the Minister does not regard the Auditors as being ordinary members of his staff subject to the normal rules of depart-

mental discipline. Mr. Neville Chamberlain, in his speech in the House of Commons on December 13th, 1927, on the Third Reading of the Audit (Local Authorities) Bill, said that it was unfair and mean for Members of Parliament to attack District Auditors who are endeavouring to carry out their duties, because they are not in a position to defend themselves.

"It has been said" continued Mr. Chamberlain "that the Auditors are my Auditors. They are not my Auditors. They are entirely independent of me. I have never attempted to give a District Auditor instructions as to what he should do; I have never sought to influence a District Auditor in carrying out his duties. It would not have been any use if I had. As a matter of fact the action of the District Auditor has often been the cause of some embarrassment."

In making this remarkable statement the then Minister appears to have overlooked certain vital considerations affecting the whole basis of responsible government. The immunity from criticism and attack normally enjoyed by civil servants is based on the fact that under the British Constitution the Minister in charge of a Department accepts full responsibility in Parliament and elsewhere for the acts of his subordinates. This fundamental principle was entirely disregarded by Mr. Neville Chamberlain in maintaining the propositions that: (1) it is unfair to criticize the Auditors personally, because they cannot defend themselves, (2) the Minister is not responsible for the Auditors. If Mr. Chamberlain's view of the position be accepted, the District Auditor is a bureaucrat of the worst type: that is, an official for whose actions no Minister is responsible to Parliament. If this is so, it is difficult to see how immunity from public criticism or censure can be claimed for the Auditor, and harder still to see why the Minister should retain complete control over his official career and advancement. Such a position is in direct conflict with modern ideas of democracy.

Another ground on which I believe the present arrangement to be unsatisfactory, is that the District Auditors are

officials who have not had any experience of local government from the point of view of practical administration. Their outlook appears to be excessively narrow and lacking in vision. The type of man who regards it as improper for a great local education authority like the London County Council to provide necessitous school children with fruit, cod-liver oil and malt extract under the Education (Provision of Meals) Act, does not possess the mental equipment likely to produce the most satisfactory method of audit.

THE REFORM OF MUNICIPAL AUDIT

There can be little doubt that an Audit of the accounts of local authorities is both necessary and desirable. But the type of Audit which is required is much wider in character than that at present exercised. What is needed is not a mere checking of payments in order to ascertain their legality, but a thorough investigation of the financial methods and organization of the local authority, with a view to their efficiency. The District Auditor has at present no right to advise local authorities from this broader aspect, no right to report to the council on matters not involving illegal payments or negligence, and no power to compel improved methods of financial organization. The Audit of the accounts of local authorities should be, above all, an efficiency audit, designed to show, by the light of comparative statistics, the cost in significant terms of the various services administered by the council. The main object should be to demonstrate, by means of these statistics, the relative efficiency of any particular area, in respect of those services, as compared with other areas. Little, if anything, is done on these lines at present, and the existing District Auditors do not appear adequately qualified to carry it out.

The most serious anomaly in the present system is the position occupied by the Municipal Corporations. The borough

councils, as I have pointed out, have their accounts audited by the method laid down in the Municipal Corporations Act 1882, whereby two elective Auditors and a Mayor's Auditor are appointed for the work. Under this arrangement no provision is made for the payment of the Borough Auditors, nor for ensuring that they are competent for the task. The statute lays down no directions as to the method of procedure, except that the Auditors are "to audit" the accounts. Borough Auditors have no power to disallow illegal charges or to surcharge councillors or officials. And although they have a duty to ascertain whether any improper payments have been made, and also to investigate whether the payments represented by the vouchers are authorized or illegal, this is a duty of imperfect obligation, since there is no sanction available to secure repayment. (*Thomas v. Devonport Corporation* (1900), 1 Q.B., p. 16; *Attorney-General v. De Winton* (1906), 2 Ch., p. 106.)

The position is only very slightly improved by the Public Health Act 1875, which provides for the payment of the Borough Auditors for auditing the accounts of expenditure under that statute. There is no other modification of the system.

In my opinion, the accounts of local authorities ought to be entrusted to Auditors appointed by the local authorities themselves. I do not mean that each local authority should be responsible for auditing its own expenditure, but that a staff of Auditors should be appointed and controlled by the whole mass of local authorities, acting through their representative associations. An Audit Commission should be appointed consisting of representatives of the County Councils Association, the Association of Municipal Corporations and the Urban and Rural District Councils Associations—these forming the majority—together with representatives of the Ministry of Health, the Treasury, the Auditor and Comptroller-General, and perhaps one or two unofficial experts in local government finance, statistics and law. The Commission should be responsible for appointing the Auditors, removing

them and controlling their methods of work. This body might be called the Local Authorities Audit Commission, have a paid chairman, and headquarters in London. The Commission would inherit all the powers of the Minister of Health and of the District Auditors. The officials conducting the audit would be definitely and openly acting under the Commissioners' instructions.

The powers of disallowance and surcharge should not only be continued, but extended to apply to all the accounts of Municipal Corporations. The right of appeal now lying to the Minister of Health would in future be transferred to the Commission, and should be conferred in cases involving any amount. The alternative right of appeal to the Courts on legal grounds should be preserved.

Under this scheme the local authorities would acquire a measure both of freedom and of responsibility in regard to the auditing of their accounts. We might hope to see as a result, not only a vast change in the whole conception of what is involved in a municipal audit but also a continuous improvement in methods of financial organization and technique among local authorities. The yearly or half-yearly audit might well become the critical testing time of the local authority's achievements in administrative efficiency. The Audit Commission's Headquarters in London might develop, under the guidance of the representatives of the local authorities and their colleagues, into a veritable mine of statistical information concerning the administrative capacities and relative efficiency of the twenty-five thousand local authorities who are now entrusted with the expenditure of approximately a ninth part of the whole national income.

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