

why local democracy

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1. abolish local government ?

We are now passing through one of our reformist phases. Proposals for changing almost every political institution, all of them urged as first priorities, are gratifyingly thick in the air. But reformist phases have their own peculiar dangers; after a time our senses become numbed and one proposal begins to resemble another. The result is that we tend either to accept uncritically or to lapse into a kind of mindless cynicism. Anyone advocating reform, then, must be wary and hope that his proposal will not be viewed as just another modish reform tract. This is certainly my hope, for local government is something more than another political institution which needs to be brought up to date. It constitutes, in fact, a significant slice of our whole political and administrative system. In its evidence to the Maud Committee, in December 1964, NALGO, the local government trade union, stated: "Local government is, today, the biggest business in Britain. It employs more than 1,800,000 people—one thirteenth of the working population. It spends more than £2,700 million a year—one eleventh of all domestic spending. It owns and manages one fourth of the nation's homes; educates more than seven million children, makes and maintains most of its roads, and administers a vast and growing complex of protective, welfare and amenity services."

Local government is, of course, going through a reformist phase of its own initiated by the 1958 Local Government Act. In Greater London advocacy has given way to action and the new machinery began operating in April of this year. Outside London, the Local Government Commission for England is slowly coming to the end of its long journey through the provinces and some of its recommendations have already received parliamentary sanction. The ill-starred Welsh Commission reported at the end of 1962. On the financial side, for the first time for more than thirty years, almost all types of occupiers, other than those occupying agricultural land, now pay their full rates at current values. And in the Spring of 1964 two committees were set up to look at local authority staffing (Mallaby Committee), and

the recruitment of chief officers and councillors (Maud Committee). Thus on almost all fronts local government, as the phrase goes, is in the melting pot. The principal aim of this pamphlet will be to discuss each of these developments, except finance. But before doing so it is worthwhile looking at the more fundamental question of why we have local government anyway. Unless we are quite clear that local government does have a place in our political system then there would hardly be much point in spending time and energy reforming it.

One of the less happy characteristics of discussions about reforming local government is that there is no shortage of ingenious proposals but the arguments get a little threadbare when it comes to the much more important question of why we have local government. Nor is space usually given to the no less important task of clearing away the intellectual rubble which stands between the enthusiastic reformer on the one hand and the well meaning but sceptical layman on the other. No apologies are therefore necessary for the fact that this pamphlet devotes rather more space to preliminary comment and argument than is usual, and less to cut and dried proposals.

low status

The first obstacle to gaining a proper understanding of the place of local government in the political system is its low status in the eyes of the public. Of course, in one sense local government can never achieve the status that it has in some other countries. In a unitary and politically homogeneous society such as ours it will always remain in the shadow of central government. But there seems to be plenty of evidence that it is now at a lower ebb than for a very long time.

Which social scientists, for instance, as distinguished as the Webbs, would devote a lifetime to its study? Where is the latter day Rosebery to chair the new Greater London Council as he did the nascent London County Council? Or a

rising young playwright to sit on the new London Borough of Westminster as Bernard Shaw did on its distant ancestor, the Marylebone Vestry? It is surely no accident that when John Braine wanted to underline the extent of his hero's climb to the room at the top, he made his starting point the borough treasurer's office, Or that Kingsley Amis chose the borough librarian as the job for his hero when illustrating the slightly seedy, down at heel flavour of provincial white collar life in his novel *That Uncertain Feeling*.

At the more popular level television plays about local government, culminating in the final absurdity of *Swizzlewick*, where they have not treated it as outright farce, have usually settled for corruption as being its most distinctive feature. On occasion one begins to wonder whether "alderman" has now replaced "mother in law" in the pantheon of British popular humour.

irritating controls

Local government is unpopular with the public because their most frequent contact with it usually involves some form of control or restriction: which school little Johnny may attend, rate demands, parking restrictions, inspectors of this, that and the other, planning permission, bye-laws, and so on. Another reason is ignorance and misunderstanding. The division of responsibilities between Whitehall and the Town Hall seems impenetrable and local government is seen as the bumbling agent of central government with perhaps a few powers of its own over drains and refuse.

This ignorance and misunderstanding is widespread. A leading intellectual weekly, for example, recently recommended the substitution of a local income tax for rates. In order to make this feasible, education and highways (which together absorb about 70 per cent of local government expenditure) would have to be transferred to the central government. The whole operation was designed, so it was claimed, to preserve local government from "Big Brother

Whitehall" and to "restore the element of independence to local government that is badly needed" (*New Statesman*, 28 February 1964). Similarly, the assistant editor of another distinguished weekly has proclaimed recently, "As with other voluntary bodies, the most useful role of local councils is as pioneers till professionals are publicly acknowledged to be necessary" (*New Society*, 7 January 1965).

This kind of nonsense is fairly common and, what is more important, breeds further misunderstanding which is compounded by the hideous complexity of the system. Even to the most favourably disposed observer local government seems to be an inexplicable morass of areas, powers and committees, and the illogical but nonetheless human desire for a system that can at least be grasped leads to impatience and irritation with the whole idea of local government.

local obsessions

These are all the more or less inevitable handicaps that local government suffers in its relations with the public. But there are some other barriers between the citizen and his council which have rather less justification. One is the curious addiction which many of those in local government have for pointless formality often bordering on pomposity. When this is allied to a weakness for dressing up and that phoney medievalism that is so characteristic of many of our nineteenth century institutions the result, despite a national predilection for ceremonial, impedes rather than fosters public understanding of local authorities as political and administrative bodies of any real importance.

Another barrier to greater public respect and sympathy is the awful majesty of the law which seems to hang like a soggy blanket over the activities of local authorities. This tends to reinforce the belief that local government is essentially a restrictive, quasi-judicial institution. The reluctance of local authorities to make better use of public relations is

yet another. This is particularly true for those activities which expand rather than restrict the lives of its inhabitants, such as town planning and education.

Finally, the prestige of local government in the public eye is severely handicapped by the extraordinary obsession of the mass media with Westminster. The merest twitch of the opinion polls is made to yield the last dregs of national significance, whether it has any or not, and the most obtuse backbencher's even more obtuse pronouncements are given headline treatment. Yet the whole world of local government politics remains for most people entirely anonymous. But the members of the Lancashire county education committee say, or the Birmingham town planning committee handle budgets in excess of those of many member states in the UN and have more responsibility and influence in shaping the lives of their citizens than the majority of back bench MPs, and their chairmen more than some junior ministers.

official attitudes

The low esteem of local government in the popular mind inevitably finds its reflection in official attitudes. Three examples must suffice. Under the terms of the new Police Act, county boroughs will be required like county councils to share responsibility for the administration of their police forces with local JPs, who are appointed by the Lord Chancellor and are directly involved with the police via their work on the Bench. Thus what was considered to be a temporary expedient for the democratically backward counties in 1888, and apologised for by the Minister at the time, will now be extended to cover all local police authorities. Another example is found in the Crowther Steering Committee's recommendations which form part of the Buchanan Report. Here the massive re-development programmes which will be required to meet the needs of universal motorisation are viewed as *automatically* lying outside the purview of local government and are allocated to new *ad hoc* regional agencies. There is almost

no discussion of why local government is incapable of tackling the problems or, more important, of the consequences for local government of taking from it some of its most important services.

Finally, there is the Robbins report on higher education which recommends that teachers' training colleges and regional technical colleges should be transferred from local authorities to the universities. The committee's principal argument for doing this, namely, the need to integrate higher education, may or may not be right. Certainly American experience suggests that there are losses as well as gains when teacher training is brought under the university umbrella. But what is disturbing is the unquestioned assumption that the colleges will inevitably improve their position by taking them out of local authority control. It is therefore an encouraging sign that the government has decided to leave teacher training colleges with the local authorities.

As well as reflecting the low popular esteem of local government the presumption against local democracy expressed in these three examples also reflects a significant weakening in our understanding of the purposes of democratic control and forms part of a general retreat from politics which has been in progress for the past twenty years. If one examines any new piece of administrative machinery from the boards of the public corporations to the hospital management committees the common proviso seems to be that it should not on any account involve a democratic election. An appointed member, a JP or a civil servant are always viewed, almost by definition, as being more competent and more efficient than anything the electorate might choose.

Yet the dangers inherent in a system of appointed boards are plain enough. Mary Stewart's invaluable researches into the social background and political affiliations of the chairmen of the fifteen Regional Hospital Boards showed "Five of the chairmen were found to have held office in the Tory party at national or local level. Three more were believed to

be Tories, but it was not known if they were or had been paid-up party members. Two chairmen were, or had been, committed Liberals, one as a parliamentary candidate and the other as chairman of the party. Facts known about three more of the chairmen (one of whom was a member of the National Liberal Club) did not suggest that they were Labour supporters. Each of the remaining two chairmen was described by an acquaintance as 'a progressive' but as unlikely to vote Labour in an election. We did not, in fact, find a single known Labour supporter among the 15 chairmen" (*Unpaid Public Service*, Fabian Occasional Paper 3, 1964).

In a sample of four of the Regional Hospital Boards she found that only one of the 58 non-medical members was an industrial worker and not one among the women members "whose education, standard of living and way of thought resembled those of the average citizen."

FUNDAMENTAL FUNCTIONS

But perhaps of greater consequence in these three examples is the tendency to forget two of the fundamental functions of local government in this country. This is not altogether surprising since local government, like many democratic institutions, has perhaps suffered as much at the hands of its friends as its enemies. Too often its defenders have relapsed into mysticism when faced with the bald but legitimate question: Why local government? Justifications more akin to incantations than explanations are offered, usually of the "seedbed of democracy" or "foundation of our liberty" variety. Or, alternatively, the individualist argument is transposed and local government is seen as the bastion against the depredations of majoritarian democracy. Instead of reassuring, both defences leave a strong suspicion in the mind of even the sympathetic enquirer that local government is, in truth, another outdated nineteenth century shibboleth. Indeed, according to *The Times*, "Local government is a legacy of nineteenth century interest in democratic

forms. It is beginning to look as if confidence in it and practice of it may prove to be a passing phase in British political evolution" (10 November 1964).

The traditionalist defence that "it exists" or "it works" does not advance the argument much farther either since local government has all the appearances, false though most of them may be, not of "working" but of slowly dying. Nor can the defence that is the "reconciler of classes" and the "training ground for democracy" of themselves provide sufficient justification, although it is true that local government has an important subsidiary role as a political training ground. Since Parliament, in the nature of things, will always be an institution dominated by the middle class, local government provides the only real opening for the working class to take a direct hand in the political process. (L. J. Sharpe, "Elected representatives in local government," *The British Journal of Sociology*, September 1962). The same is true for women. But this is essentially a subsidiary, almost accidental, role of local government; it is hardly a justification for its existence.

Although free of mysticism and traditionalist cant, the defence that some services are national in scope while others are local does not help much, since today almost all services can have national implications. Certainly those functions which comprise the core of local government's activities could be, and are agreed to be, national in character.

None of these explanations really gets down to the heart of the matter. We have yet to see the successful monocratic state. The east European countries who tried almost wholly centralised regimes in the immediate postwar years have found this out to their cost. They are now attempting to inject some form of local autonomy into their systems. Given the organisation of central government into departments providing specialised services there must be some generalist agency for bringing these services together so as to meet the needs of the communities who will receive them.

Equally the specialists who administer the services at the local level require a higher superior placed somewhat closer to their field of operations than the Cabinet. The crux of the matter is whether the generalist common superior is elected or appointed. In a society with any claim to democracy the answer must be elected.

resolving competing claims

One fundamental role of local government is therefore that of resolving the competing claims of major services on given resources by the elected representatives of the citizens who will use these services and of co-ordinating them at the point of execution. The demand for national minima and the growth of central control of investment have admittedly diminished this function; nevertheless it remains very important. Without it some other, less flexible, non-democratic, more expensive and highly bureaucratized system would have to be devised. By forgetting or misunderstanding this role of local government within our system, the problems of adjusting the administration of services to meet new situations and objectives may be reduced to the purely technical level and viewed piecemeal, in isolation from other services. Thus replacing local authorities by public corporations, appointed boards, JPS or regional agencies becomes a simple matter of functional efficiency.

providing effective pressure groups

The second, and perhaps more important, function of local government is that of providing a series of primary political pressure points bearing upon the central bureaucracy. Ministers may decide broad policy according to party principles, but whatever their party, they and their senior civil servants are also arbiters who must seek to satisfy the demands of competing pressure groups. Some of these pressure groups derive from local authorities and the activating force is the elected members, who are accountable to their electorate.

They are effective as pressure groups precisely because they are neither appointees of a Ministry nor its employees. Moreover, local authorities are pressure groups of a very special and valuable kind. This is not the place to enter the debate as to the legitimacy of pressure groups in a representative democracy, but suffice it to say that one of the admitted deficiencies of pressure group politics in Britain is the relative weakness of consumer interests as opposed to producer interests. Local authorities are pre-eminently the representatives of communities as consumers.

The apparent reluctance to recognise that political institutions, like any other kind of institution, need some primary impulse if they are not to be run on behalf of their bureaucracies again reflects the retreat from politics noted earlier. It also breeds another intellectual attitude which hampers a clear understanding of the importance of local government. This is what may be called the centralist fallacy.

centralist fallacy

Briefly, this view holds that the solution to the shortcomings of local government can be found by transferring its major functions to the central departments. Some centralists would concede that something may be lost in terms of local democracy, but since local authorities have little autonomy in these services anyway and Parliament and the Minister are after all democratically elected, what does it matter? Weighed against the clear gains that would be made in efficiency, in expertise, in the creation of uniform standards and a generally urbane and progressive approach to administration, the loss would be insignificant.

The first objection to be made to this argument is that, even if the Minister does decide, his sphere of influence must necessarily be limited. When Parliament decrees that the Minister will decide this or that, nine times out of ten this must mean the civil servant. It is true that some ministers do influence a high pro-

portion of important decisions. It is equally true that many local councils are run by their officers. Nevertheless, in broad terms, precisely because local councils are administered through a committee system, the local government officer has less influence than a civil servant. In essence then, the issue is not merely one of transferring responsibility from one set of democratic hands to another, but of taking power from the elected and giving it to the official.

However, the principal objection to the centralist case is that it consistently ignores reality. For it leaves entirely out of account any discussion of the actual central departments who could conceivably take on these massive additional responsibilities. Although in other contexts central government may be viewed as being seriously deficient, in relation to local government it becomes a fantasy manned by omniscient supermen.

the ministries

When one begins to examine individual ministries, the centralist argument, despite its initial attractions, is less persuasive. Whatever may be the attributes of the Ministry of Transport, for example, it would be difficult to argue that it was very efficient, progressive or, indeed, particularly expert. Despite some considerable tub thumping in recent years, its reputation for solid mediocrity remains untarnished. This is perhaps symbolised by the Ministry's new bridge at Staines. Compare it with Waterloo Bridge, built by a local authority (the LCC) in the teeth of opposition from Whitehall almost a quarter of a century ago.

The Ministry still has to complete 400 miles of motorway, and as it is responsible for our national road system (trunk and motorway) it has perhaps the worst record of any comparable Ministry of the other industrial democracies. As the recent Fabian study on the reform of the civil service noted, ". . . it is well known that until recently the Ministry of Transport has not contained a single econom-

ist, that it has almost no planning organisation and that only last year was the first report ever published which looked at road and rail transport together" (*The Administrators*, Fabian Tract 355, 1964).

Similar doubts arise in relation to the Ministry of Housing's ability to shoulder the national housing burden alone. Some kind of national housing responsibility has been lodged in Whitehall for the past thirty years yet we still await even an accurate account of the state of the housing. The appointment last year of the first statistician to the Ministry will presumably speed up matters in this field.

One of the most important housing statutes of the postwar period was the 1957 Rent Act, yet some of its important sections seem to have been drafted on the assumptions which were derived from little more than guesses (D. V. Donnison, C. Cockburn and T. Corbett, *Housing since the Rent Act*, Occasional Papers in Social Administration, 3, Codicote Press, 1961). Only in the past few years has there been any real attempt to give local authorities that kind of technical assistance for this major service which only central government can give.

Nor can anyone cast a dispassionate eye over the curious record of the Ministry of Public Building and Works and still hold the theory that centralisation must always be beneficial. There is hardly a building it has built since the war which merits a second glance, let alone esteem, and its handling of the £3 million rebuilding of 10 and 11 Downing Street was little short of scandalous. Far from leading the field as the national construction authority, it has been a national embarrassment in a sphere in which British local authorities have established a world wide reputation for building design.

This Ministry, recently, has been given a new look, and it has sponsored the National Building Agency, which will promote the use of new building techniques. This is a laudable move; nevertheless, it is well to remember that a similar agency was set up under the aegis

of this Ministry and headed by Lord Portal towards the end of the last war. By 1948, however, it had disappeared, apparently without trace. Moreover the Ministry of Housing and Local Government will still be responsible for local authority house building and until we get one Ministry for all aspects of public housing and construction it is difficult to see how central government can come to grips with its real job.

The Home Office, too, despite its recent commendable conversion to criminological research, is not a ministry which immediately springs to mind when progressive, forward looking and efficient administration is under discussion.

The Department of Education and Science conversely presents a very different picture. Here we are nearer to centralists' fantasy. Here, clearly, a central department is efficient, progressive and expert and there is little doubt that the partnership which has been established between it and the local education authorities is one of the great successes of British postwar public administration. Nonetheless it is a *partnership* and the Ministry does not by any means always take the lead. In fact, it is viewed as a positive drag on progress by the more advanced local education authorities. The extent to which the education service has succeeded has as much to do with the flow of ideas, drive and enthusiasm from LEAs to the Department as it does with the reverse flow from the Ministry.

The example of this Department however neither proves nor disproves the case for centralisation. The truth of the matter is that central government can be efficient, it can take the lead, it can be what unthinking centralisers automatically assume that it is. But it can also be just as backward, just as inefficient, just as crass as the most mediocre local authority.

results of centralisation

The history of the hospital service since it was centralised is instructive here. The merits of the National Health Service as

such is not in question, but it should not be forgotten that since hospitals were transferred from local authorities in 1948 only six (as at September 1964) new hospitals have been built. This, be it noted, when two thirds of the present hospitals were built before 1900. Compared with schools and housing, both of which have remained firmly in the hands of local authorities, this record is almost unbelievable. Some three million new houses and flats and about 7,500 new schools have been built by local authorities in England and Wales since the war. The hospitals have also been notably slow in adapting their administration to meet current concepts of a social service for all. Indeed, the running of most hospitals seems to be as securely fixed in the meaningless charade of nineteenth century authoritarianism as it ever was. Again, this is in striking contrast to housing, which has been transformed from a minimal service for slum dwellers to one which has set the pace for all housebuilding—public or private. Nor can the hospital service offer anything comparable to the transformation of the secondary and further education system during the postwar period.

Now it will be argued, quite rightly, that the lack of new hospitals, if not the archaic way in which they are run, reflects national investment policy decisions. That is to say, no hospitals have been built because the Government decided to channel available resources into housing and education. But this is not to deny the fallaciousness of the centralist argument. On the contrary it underlines it, since it admits that the successful administration of the hospital service does not rest solely on whether they are centralised or not, but on conscious political decisions by Governments. And, it may be added, had they not been removed from local authorities, whatever other faults would have persisted, it is difficult to believe that so few new hospitals would have been built. The sheer pressure by local authorities on the Minister in this key service, precisely because they are locally rooted representative bodies with executive powers, would have ensured that more hospitals were built. A

similar situation seems to have arisen for highways. Central government has had responsibility for part of the national trunk system since 1936 and for the whole of it since 1946. Yet it is precisely our national highways system which lags so much behind all other industrial democracies. Our secondary road system, on the other hand, which has remained in the hands of local authorities, is perhaps one of the best.

The important point to be noted is that centralisation renders the service that much more vulnerable to the Treasury. Lacking any political grass roots it is in a weaker position to defend itself against other competing services when the recurrent need to cut down public investment arises.

In a word the long term consequence of centralisation may often be capital starvation. Apart from its more obvious defects capital starvation has two less obvious but equally important drawbacks. The first is the decline in expertise in the specialised techniques of construction and design which have to be painfully and expensively built up again before new establishments can be built. Second, large sums are spent in the highly expensive process of patching up and augmenting outworn establishments. This is often money poured down the drain and has the effect of further delaying new investment. For hospitals where the structure and fabric of the building is vitally linked to the activities carried out within it, the patching up approach is likely to have very serious consequences.

Our lamentable record in university building for almost two decades after 1945 is another example of capital starvation deriving from centralised arrangements lacking any political muscle. It is a great pity that in the discussions of the American experience in higher education which have surrounded the Robbins Report, more attention has not been given to the crucial role which State universities, backed by local, democratically elected assemblies, have played in the growth of American higher education.

Again, comparison of university building with the record of local government in the higher education field is instructive.

The number of students at university between 1939 and 1962 rose from 50,000 to 118,000. Those at institutions of further education, most of which are run by local authorities, rose during the same period from 6,000 to 43,000. In other words growth in the local authority sector was three times that of the universities. This of course leaves entirely out of account the enormous growth in the numbers of part time students at the colleges run by local authorities. Comparison with the teacher training colleges, again mostly maintained by local authorities, also shows a substantially higher rate of growth in the number of places, this time twice that of the universities.

the ins and outs

There is a further aspect of the centralist fallacy which merits discussion and that is the special attraction it has for the left. One reason for this is a lurking suspicion that local government is the political equivalent of the free market; that centralisation must be right because nationalisation in the economic sector also involves centralisation. Strong faith is also put in the concept of the omnipotent minister carrying all before him, applying party policy by sheer force of character. But the primary reason for centralism on the left boils down to the wholly admirable desire for high national minimum standards. The greater the degree of autonomy granted to local authorities, so the theory runs, the harder it is to achieve high minimum standards.

The trouble with this argument is that it presupposes a permanent Labour majority in Parliament. Yet in the nature of things, a two-party system presupposes that, at least occasionally, there is a change in power. And experience suggests that it is the Labour party which is the occasional majority party and not vice versa. Thus any move to centralise must take into account the fact that it

also enables a Conservative minister to ensure ^{low} minimum standards! The deficiencies of the hospital service discussed earlier is a clear example of this. Thus centralisation is not in fact the simple road to high minimum standards that it is thought to be. Moreover, many of the largest and most powerful local authorities *do* have a fairly impregnable Labour majority, particularly in those areas where the case for high minima is strongest, that is in the poorer urban areas. On the face of it then the left should, if anything, have some strong reservations against centralisation and not the reverse.

functions of local government and of central government remain unchanged. Until executive elected regional bodies are a real possibility, and given the nature and history of our constitution this is unlikely, to say the least, the positing of regional government as an *alternative* to local government reform is sheer moonshine.

To sum up, reliance on functional *ad hoc* agencies, some mythical omniscient Whitehall or regional authorities will not automatically bring efficient government. The answer lies, if it lies anywhere, within the local government system itself. Local government must be reformed not superseded.

REGIONALISM

The new regional machinery which has been established by the Labour government is one of the most exciting events in public administration for a long time. But it must be emphasised that it is not an alternative to local government. With or without regional bodies there still remains the necessity for more local organs to administer the vast majority of local services which cannot be feasibly administered on a regional basis. Moreover, when we talk of local authorities we are talking of elected bodies with executive powers to decide their own budgets, housing programmes, secondary education systems and so on. These are not the kind of bodies which are at present being set up in the regions. For the moment at least, the new regional machinery is primarily an administrative rearrangement within central government. It consists of, on the one hand, regional planning boards manned wholly by civil servants. They are to administer related functions devolved from the major departments in Whitehall and co-ordinate them at the regional level from new regional HQs in the light of the special problems of each region. Advising the boards and putting forward local, sectional and perhaps regional interests are regional councils consisting of representatives of industry, the trades unions, local authorities and a sprinkling of academics—all chosen by the Minister for Economic Affairs. The powers and

2. the case for reform

Before discussing its defects, it is perhaps worth recounting the basic features of our local government. Outside Greater London this consists of two systems. The county boroughs, which include all the large towns, many medium sized and a few small ones, are wholly independent and have no connection with any other local authority. They are responsible for all local government functions within their boundaries. These include education, housing, town planning, highways, personal health, welfare, child care, libraries, street cleansing, refuse, main drainage, parks, markets, museums, and a number of licensing functions.

The rest of England and Wales has a two tier system, the first tier consisting of the administrative counties which usually follow the boundaries of the geographical counties. Administrative counties have major responsibility for all the key local functions except housing, but may share responsibility for some of these (education, health and town planning) under the system known as delegation with some of the county districts within their area. These county districts comprise, in descending order of status and normally of size, non-county boroughs, urban districts and rural districts. Rural districts are further sub divided into parishes. Each of the county districts, besides participating in the running of the delegated services, carries out important functions in its own right. Thus all (except parishes) have responsibility for housing, refuse collection, minor roads and sewage disposal.

DEFECTS

Most of the defects of this system stem from its rigidity. The broad outlines of our present local government structure were laid down in the Acts of 1888 and 1894, yet apart from an increase in the number of county boroughs, some extensions of their boundaries and changes up and down the scale among the county districts, this structure has remained unchanged. But, since the turn of the century, two fundamental changes, one in human geography, the other in functions,

have been occurring which profoundly affect it.

urbanisation

The first has to do with the steady urbanisation of the population. In 1888, 10.5 per cent of the working population were engaged in agriculture, today the figure is nearer 3.5 per cent. This movement from the land, together with natural increase and more spacious living standards, has swollen our towns and rendered the old 1888 boundaries obsolete. This suburban revolution is well illustrated by the population growth of the English counties which, outside the metropolitan area, grew six times as fast as the county boroughs between 1931 and 1951 (J. B. Cullingworth, *Town and Country Planning in England and Wales*, p268, 1964). Not only have towns grown very much larger, they have also grown together to form huge urban agglomerations.

The 1961 census revealed that the six great conurbations of England and Wales embraced more than one in three (40 per cent) of our population. This does not show the true extent of the dominance of these urban concentrations since the conurbations, as defined, do not cover the true extent of the built up area in most cases. Indeed, purely rural communities are relatively few, the vast majority of people today live in varying degrees of urbanity. The distinction between town and county, which is central to the concept of the dual system of county and county borough, hardly exists in many areas of England and Wales. In short, our present pattern of local government no longer reflects the actual pattern of life of the inhabitants it is, after all, designed to serve.

change of functions

The second major defect of the present system is derived from the enormous changes that have taken place in the nature and scope of the services undertaken by local authorities. In the 1890s

local authorities had almost no responsibility for the whole range of functions we lump together under the heading of education. Yet education alone now absorbs well over half of all local expenditure. Housing, the second largest of all services provided today, was not a local function at all in 1888. Absent too was that group of highly specialised personal services which include health, welfare, youth and child care. Broadly speaking, apart from the police and fire services and a few basic environmental services, the functions and powers of local authorities have been entirely transformed. Even where the name remains the same the scope and nature of the service may now be substantially different.

Little attempt has been made to adapt the structure in the light of these functional changes. The allocation of functions to local government has been piecemeal. It has never been anyone's concern to examine the total effect on the system of functional distribution. This has meant that many local authorities have been granted functions they are ill-placed to perform. They have neither the scope to attract adequately trained staff, the resources to provide services at present day standards, nor are their populations big enough to provide case loads to warrant the provision of the necessary specialised staff and institutions. In a word, there are too many small authorities.

It is true that there has been a long term drift of functions upwards to the counties and county boroughs which has been roughly determined by the need for larger and more efficient units of administration. During the immediate post-war period these transfers included primary and secondary education in 1944; police, midwifery and welfare in 1946; the fire services and town planning in 1947. However, even these changes were partly nullified because of wide variations of populations and resources among the counties and county boroughs.

County boroughs include Birmingham, with over a million population, and Canterbury, with less than 30,000 and 34

county boroughs have less than 100,000 population. Similarly among counties, Lancashire has a population of over 2 millions, whereas Rutland barely reaches 24,000 and 13 counties are below the 100,000 population mark. The upward movement of functions has been particularly unfortunate for the larger county districts which have had the dispiriting experience of losing important powers and gaining few new ones despite the fact that they had greater population and resources than many of the county boroughs. It remains to be seen whether the delegation of education, personal health and welfare services as of right to county districts over 60,000 population under the 1958 Act has done much to assuage these feelings.

REMEDYING THE DEFECTS

After the first world war an attempt was made to remedy some of these defects. In 1926 the outdated concept of autonomous town government was at least brought into question when the minimum population for county borough status was raised from 50,000 to 75,000 and thenceforth required a Private Act. Further remedial measures, directed at reducing the number of county districts (from 1606 to 1048) were brought about by the 1929 Local Government Act. These were, however, minimal responses. Still the rigid and unreal division between town and county remained, and no serious attempt was made to relate area and population to functions.

local government boundary commission

It was not until the Local Government Boundary Commission was set up in 1945 that the opportunity for a full-scale appraisal of the system was taken (a committee under the chairmanship of Lord Reading was set up at the same time for the County of London, but was wound up in 1946 without making any recommendations). It was not quite as full scale as was needed since the Commission was excluded from considering functions. However, the Commission

soon arrived at the inevitable conclusion that it was essential to consider areas and functions together and in 1947 issued a report which endeavoured to meet both the territorial and functional deficiencies of the system. The Commission proposed that there should be greater uniformity among the top tier authorities, i.e. counties and county boroughs, and postulated a minimum population of 200,000. This gave a total of 67 new major authorities of which only the twenty largest towns among them would have county borough status. The remaining 47 authorities would be two tier counties roughly corresponding to the present counties. Most of the existing county boroughs would cease to be autonomous and become "most purpose" authorities relinquishing some of their functions to the new counties. In this way the Commission sought to minimise the unreal conflict between town and county which is built into the present system.

The Commission's scheme found little support among local authorities and did not commend itself to the Minister (Aneurin Bevan) who already had a battle on his hands with the doctors. So the Commission was wound up in 1949 without one of its proposals reaching the Statute Book. Yet the new and enlarged responsibilities in education, town planning, child care and housing, conferred on local authorities during this period made the need for new machinery, if anything, more acute. In addition, the growing urbanisation of the population, halted and reversed during the war, resumed once peace time conditions returned.

the local government commissions

Discussions between the local authority associations were begun in the early 1950s to find some formula for reorganisation which would be agreeable to the two principal pressure groups in the local government world, the County Councils Association and the Association of Municipal Corporations. These discussions foundered in 1952 with the withdrawal of the Association of Municipal Corpor-

ations which represents all the county and non-county boroughs. The fundamental cleavage between the AMC on the one hand and the other local authority associations led by the CCA on the other arose from the fact that the AMC favoured a one tier system and the rest favoured a two tier. In 1954, after an assurance by the Minister that no drastic reform was contemplated and that any reorganisation would include both systems, talks were resumed. The result was two White Papers (*Areas and Status of Local Authorities in England and Wales*, Cmd 9831, 1956; and *Functions of County Councils and County District Councils in England and Wales*, Cmd 161, 1957) laying down the principles on which any future reorganisation would be based.

These formed the basis of the 1958 Local Government Act. This Act set up two Local Government Commissions, one for England, the other for Wales. Despite the experience of the Boundary Commission, the new Commissions' terms of reference were carefully laid down so as to exclude them from any consideration of functions except in the conurbations. Broadly speaking, the two Commissions were required to assume the retention of the existing structure and the English Commission was excluded from dealing with Greater London. This area was given a royal commission by order in council in December 1957. The next chapter will discuss the London Commission and its report which formed the basis of the London Government Act, 1963.

3. the London government act

Greater London is the first area in the country to have its local government reorganised. The new pattern, which was laid down in the London Government Act, 1963, which in turn was based on the Report of the Royal Commission on Local Government in Greater London, 1960 (Herbert Report), came into operation rather inappropriately, on April Fools day of this year. (1965)

area

The Royal Commission was set up "to examine the present system and working of local government in the Greater London area; to recommend whether, any, and if so what, changes in the local government structure and the distribution of local authority functions in the area, or in any part of it, would better secure effective and convenient local government." The area covered by the Commission was approximately the extent of the continuous built up area of Greater London with a few minor incursions into the green belt which encircles it. The area originally comprised some 842 square miles, but this was subsequently reduced by the Commission itself and by Parliament so that the area as defined by the Act is some 616 square miles.

The area is fairly uniform in shape, extending approximately in a 15 mile radius from Charing Cross and embraces a population just short of eight million. The new structure replaces the two entire counties of London and Middlesex and the inner urban segments of Essex, Kent, Surrey, and a small part of Hertfordshire, together with the three county boroughs of West Ham, East Ham and Croydon. The old second tier of local authorities consisted of 58 boroughs and districts in the outer area and 28 metropolitan boroughs plus the medieval relic of the City in the County of London. The metropolitan boroughs differed from normal county districts in that they had almost no responsibilities in education, planning or health delegated to them by the county. These services were all the exclusive province of the LCC. The County also shared housing powers with

the metropolitan boroughs, was the main drainage authority, and provided other services which were not usually the responsibility of counties elsewhere.

THE HERBERT REPORT

Broadly speaking, the Herbert Report sought to remedy two fundamental defects which it detected in the existing structure. These may be briefly summarised as the absence of any body covering the whole area responsible for those functions which by their nature should be administered on a metropolitan-wide basis, and the lack of any rational relation between functions and areas, in particular, the functional weakness of the county districts which the Commission considered to be the basic units of local government.

The Commission's remedy for the first of these defects was fairly straightforward. A directly elected body called the Greater London Council (GLC) was to be set up to be responsible for the strategic aspects of planning and education, and for overspill housing, major highways, traffic management, major housing projects and urban renewal schemes, refuse disposal, most of the main drainage schemes, and a series of miscellaneous services including those for fire, ambulance, civil defence, information and intelligence, major cultural establishments, major parks and open spaces.

The Commission placed special emphasis on two of their assumptions regarding the Council. The first, which flowed from their conception of the second tier authorities as the basic units of local government, was that the GLC should perform only those functions for which there was an overwhelming case for metropolitan wide administration. The second, that it was essential, if the Council was to transcend purely local interests and be fully accountable to the electorate, that it should be directly elected with full executive powers.

An important determinant of the Commission's case for setting up the Council

was their conclusion that there was an overriding need to bring under the aegis of one authority the inter related functions of formulating the overall development plan, overspill housing, large scale redevelopment, highway planning and traffic management. This kind of co-ordination, they noted, had been hitherto conspicuously absent in London precisely because it had lacked the functional unity provided by the county borough in other cities.

the right size

The Commission's recommendation that the GLC should have education powers was nothing less than revolutionary. Their case rested principally on the advantages of scale. They had been particularly impressed by the benefits accruing to the LCC area by virtue of its large unified education service; benefits not only in terms of the specialisation of staff and institutions and the staff career structure it could provide, but also the breadth of choice of schools open to parents and pupils.

The Commission's solution for the second fundamental defect which they detected, the absence of any rational relation between the functions and the areas, involved a wholesale realignment within the existing system, aimed at placing the "personal" services closer to the citizen through the agency of a series of strengthened boroughs of comparable size. In this way the Commission hoped to rejuvenate the lower tier and stem the drift of functions away from them.

This strategy involved the abolition of the county structure and the amalgamation of the existing boroughs and districts into a series of enlarged units to be called London boroughs. These fell within the population range of 100,000 to 250,000 and would be responsible for all the remaining local functions not allocated to the GLC. That is to say, the bulk of local services, but in particular the whole range of personal health, welfare and children's services together with housing. The Commission put special

emphasis too, on the interrelated character of these services and the consequent need to have units of administration smaller than the existing counties so as to achieve greater co-operation between staffs and avoid the evils of departmentalism. The Commission also expressed the hope that the boroughs, being smaller, would facilitate the integration of the health and welfare services by the creation of domiciliary teams under the clinical leadership of the general practitioner.

shared powers

In addition to health and welfare services, the proposed boroughs would also have important responsibility in planning and would handle all the planning control functions. In education they would be responsible for what may be briefly described as the day to day management of the schools. Thus for two important services there would be a sharing of responsibilities between the boroughs and the GLC.

But this was to be the limit of shared powers for the Commission were insistent that the area of jurisdiction for the council and the boroughs should be closely defined so that as far as possible they were self-contained. This arose out of their dissatisfaction with the present system of delegation, which they considered led to unnecessary duplication and overlapping and did little to mitigate the lack of executive powers among the boroughs and districts. The Commission also emphasised that there should be no element of hierarchy in the relations between the boroughs and the Greater London Council.

high quality personnel

One additional factor which powerfully influenced the Commission in conferring on the new boroughs a full range of functions is worth noting. Their investigations seemed to suggest to them that the steady drift of powers away from boroughs and districts had led to a decline in the quality of elected council

lors and officials. By giving the new boroughs real power in the important and politically sensitive services, they would attract higher quality personnel all round and thereby be an important element in the rejuvenation of the lower tier

GOVERNMENT PROPOSALS

These were the salient features of the far reaching proposals put forward by the Herbert Commission and the Conservative Government pondered them carefully. After a year's cogitation with the local authorities affected and professional interest groups involved, it issued a White Paper (*London Government. Government Proposals for Reorganisation*, Cmnd 1592, 1961) accepting the Commission's fundamental diagnosis, differing only from its remedies on two major points.

education plan rejected

The first, and fairly predictable disagreement, was that it rejected the Commission's plan for dividing up education between the Greater London Council and the boroughs. Instead, it wanted education to be wholly a borough function. But it was felt that there were special circumstances in the LCC education service, covering inner London, which would make immediate transfer to the boroughs difficult. The principal reason was that the LCC service had always been a unified service so that the distribution of schools bore little relation to borough boundaries. Moreover, the metropolitan boroughs had no previous experience of educational administration, whereas some of the larger non-county boroughs in outer London had enjoyed certain powers for elementary education before 1944. Another factor which clearly weighed heavily with the Government was the widely acknowledged high quality of the service, reflected in the opposition to the break up by the Ministry of Education, professional organisations and the public. So it was decided after some shilly shallying to retain the LCC service intact

in the Act, at least until 1970, as a special *ad hoc* body under the umbrella of the Greater London Council.

From the decision to confer all education powers on the boroughs flowed the second departure from the Herbert Report, which was to enlarge them so that their population range was 180,000 to 330,000.

opting out

The White Paper also contained a short but significant sentence offering peripheral county districts the chance to opt out of the scheme if they could offer a convincing case for doing so. As a result of this loophole, eight areas did opt out: Staines, Sunbury, Walton and Weybridge, Esher, Epsom and Ewell, Banstead, Caterham and Warlingham and most of Chigwell. Four town clerks were then imported from the provinces to make the necessary readjustment and put an independent gloss on the Government's borough pattern (*London Government—The London Boroughs*, 1962). As a result, the final tally of new boroughs became 32, plus the City of London, which remains, curiously enough, amid all this vast upheaval, unscathed, and, moreover, with enhanced powers and status.

Besides the changes deriving from the White Paper a number of other departures from the original Herbert conception, such as the decision to transfer the Metropolitan Water Board to the GLC, were made by the Government before a Bill was finally presented to Parliament in December 1962. Further amendments were made during the passage of the Bill, which received the royal assent in July 1963.

planning

In planning, the borough's role was strengthened by giving them power to formulate a borough development plan. The Greater London Council remains responsible for the overall plan and the borough plans are required to fit within

its terms. The overall plan includes the determination of the general pattern of land use in Greater London including population density, communications, employment and industrial location. Planning control powers are being shared, and although the bulk of applications are a borough responsibility, certain classes of planning application go to the GLC for direction. Boroughs are required to send copies of their planning decisions to the GLC.

housing

The GLC has stronger housing powers than were envisaged by Herbert. For an initial period it will exercise all the housing powers of the LCC. That is to say as well as being solely responsible for all housing outside Greater London, it has taken over the LCC's present building programme, and its stock of housing, comprising about a quarter of a million units. Eventually these will be re-distributed to the boroughs in which they are situated and the Council will only retain limited housebuilding powers within Greater London. These will be largely confined to major schemes of redevelopment and housing for people displaced by its activities. It will also be able to make loans for house purchase and improvement and be responsible for the overall aspects of housing management in the area, such as acting as a clearing house for home exchanges and keeping a central register of the total housing need of Greater London. The boroughs will perform all remaining housing functions.

traffic and highways

The GLC's supreme role in traffic management as envisaged by the Commission has been diluted in favour of the Ministry of Transport, which retains powers of direction over the Council's duty to make traffic orders, traffic schemes and to designate parking places. Moreover, the Council only shares responsibility for major highways and is responsible for a newly designated class of major roads called "metropolitan roads". The Minis-

try remains responsible for trunk roads. All roads other than trunk and metropolitan roads will be the responsibility of the Boroughs.

education

Only the Boroughs in outer London are educational authorities. In inner London (population three million) the Greater London Council, acting through the Inner London Education Authority, is the local education authority. This committee consists of all the GLC councillors elected in inner London and one representative from each borough in inner London. The Minister will review this set up in 1970 to see whether it can be brought into line with outer London.

finance

The boroughs are the rating authorities and the GLC precepts on them. The Minister has drawn up a rate equalisation scheme to replace the former London equalisation scheme for the area in consultation with the boroughs. For the first eight years of its life the GLC is required to make transitional payments based on a special formula to the severed counties adjoining it on a falling scale.

other functions

The Greater London Council is responsible for most of the main drainage schemes in the area and has powers to take over almost all of the remainder if it wishes. It is also responsible for the fire, ambulance and refuse disposal services throughout the area and has responsibility for the major open spaces and parks (Hampstead Heath, for example) and major cultural establishments (Festival Hall). The Council is also setting up a research and information unit whose services will be available to the boroughs and the Minister. It has created a central supplies division whose services are available to the boroughs. The distribution of the principal functions and powers may be summarised as follows:

GREATER LONDON COUNCIL

master development plan
 planning control for certain types of development
 overspill housing outside Greater London
 major urban renewal schemes
 overall housing management and records
 ownership of all LCC housing (to be transferred to boroughs later)
 education in inner London to be reviewed in 1970)
 planning, building and maintenance of "metropolitan roads"
 most traffic management powers
 refuse disposal
 most main drainage, including main sewers and sewage works
 fire and ambulance and co-ordination of civil defence
 major cultural establishments and major open spaces
 research and information
 vehicle licensing and other licensing powers
 supplies

LONDON BOROUGHS

education (except in inner London)
 local development plan
 most planning control powers
 most housing powers
 planning, building and maintenance of roads other than "metropolitan" and "trunk"
 personal health
 welfare
 child care
 refuse collection
 local main drainage
 parks and libraries
 allotments
 powers under the food, drugs, shops and offices acts
 rating

THE PARTY FIGHT

Local government reorganisation is loved by no one. In the abstract most people of reasonably progressive outlook are in favour of it but, faced with concrete proposals, enthusiasm wanes. We may all want reform, but for someone else. The London reform was no exception. Cer-

tainly at the opening stages most local authorities and professional bodies in the area were against the plan and so, of course, was the Labour Party, which was faced with the prospect of losing the LCC. The following is a brief summary and discussion of the salient arguments put forward against the London Government Act:

5 arguments:

1) wrong size

The area of the Greater London Council is too large for effective local democracy and too small to be truly regional government. The effective democracy argument is somewhat specious. There are no tablets of stone which tell us when a local authority is too large. The history of local government is one of increasingly larger areas of jurisdiction. The LCC itself, by 1901, had a population of over 4½ million, which was, in relation to the national population, proportionately not so very different to the GLC's position today. In any case size is only one of the conditions for effective democracy.

The regional government side of this criticism seems to be based on the mistaken assumption that regional government is an alternative to local government noted earlier. The creation of an urban authority for the built-up area of London does not preclude the creation of a regional authority for the London region as well. The two authorities are complementary to one another, not opposed. This criticism is justified, however, in so far as it views the area as being too small. The original area as defined by the Commission was reduced by almost a quarter, yet many of the excluded areas were viewed by the Commission as being an integral part of the built up area. And they based their findings mainly on the journey to work and population density figures derived from the 1951 Census, which are now some 14 years out of date. Thus any revision of the Commission's area should have been in the direction of extending the proposed boundaries rather than reducing them.

2) boroughs too small

The new boroughs are too small to provide high enough standards for the major services. This criticism leaves out of account the Commission's object of effecting greater co-operation and co-ordination in the personal health services, whose separate departments are directed at what is, after all, a single unit—the family. It is difficult to share the Commission's somewhat naive hope for a domiciliary team under the leadership of the GP; nevertheless, the kind of co-ordination and co-operation which is necessary for the effective running of these services is often difficult and sometimes almost impossible to achieve in large authorities. The boroughs as proposed, though larger than suggested by the Commission, would give a *better prospect* of achieving it.

Nonetheless, this is a very persuasive criticism and there still remains a case for even larger lower tier units than those proposed. There is, of course, no scientific basis for determining optimum population in these matters and inevitably any choice tends to be a balance of advantage struck between the competing needs of accessibility and functional efficiency. Those who place a higher premium on efficiency will demand a higher maximum. For authorities which form part of continuously built up areas, the need for accessibility is less than in a discrete provincial town; local loyalties are weaker, the population more mobile and intricate administrative patterns, unsupported by observable physical differences, tend to confuse and frustrate. For these reasons functional efficiency should play a larger part in the determination of the size of the lower tier in London than they might elsewhere.

Moreover there are signs that people are becoming much more concerned about the quality of service they receive. Hence the rise of the consumer movement. They care much less about the status or size of the local authority providing the service. In consequence, the responsiveness of a local authority, if not its accessibility, becomes involved with its effi-

ciency. In short, efficiency becomes a condition of local democracy rather than standing in conflict with it (D. V. Donnison, *Health, Welfare and Democracy in Greater London*, Greater London Papers, 5). This tendency makes arguments about democracy in relation to the size of a local authority less valid.

Most important of all is the relation between rising standards of service and size. In the personal services this involves ever more closely defined needs which in turn demand wider areas of jurisdiction so as to throw up sufficient case loads to warrant the provision of specialised staff and institutions. Equally important is the shortage of staff. There is a national shortage of trained officers for these services and the multiplication of posts consequent upon the transfer of these services from the counties to the new boroughs will make the shortage more acute. A smaller number of larger authorities would make for more economic distribution of scarce resources.

3) uneven demand for personal services

The demand for some of the personal services in inner London, notably child care, is very uneven and is tied to other administrative systems (Hospital Boards and the Juvenile Courts, etc.) which operate over substantially larger areas than the boroughs. Therefore a special inner London authority should be set up modelled on the same lines as the ILEA. This again is a persuasive argument since although there is a strong case for reasonably uniform boroughs over the whole area all armed with the same set of functions and powers, there are a number of problems associated with the health and child care services in the core city area which suggest that complete uniformity may be inappropriate. This is because the inner area, as well as having a higher proportion of working class and older residents who tend to need more of these services, is also the entrepot for immigrants who also have special needs in this field. And because of the anonymity the big city offers to unmarried mothers it has special child care problems too.

Adequately trained staff for the health and welfare services are in short supply throughout Britain, but in the unsalubrious areas of inner London they will be hard to come by for borough employment. There is also the problem of the allocation of welfare institutions such as old people's and children's homes to the new boroughs. Most of them lie outside inner London in the outer suburbs and many of them are dotted about the home counties beyond the greater London boundary altogether.

For these reasons there was a strong *prima facie* case for dealing with inner London differently to the rest of greater London. There seems to be an area in large cities which may be called the *central welfare district*, somewhat larger than the central business district, but comparable in the sense that it performs functions with implications wider than the individual boroughs. Whether it was necessary to go so far as in education, however, and maintain a special *ad hoc* body, is doubtful. Nor did there appear to be a very strong case for making the GLC the responsible authority. Something like the solution evolved in housing seems to fit the bill much more satisfactorily. Here the borough will normally carry out all housing functions within its own area, but where redevelopment on a large scale is necessary, or where it overlaps borough boundaries, the Greater London Council will be responsible. The GLC will also undertake overall housing management functions. A similar arrangement for the child care service would meet most of the criticisms that have been raised. It would also have the very important advantage of affording greater flexibility than any other solution so that, should conditions change, the respective parts played by the GLC and boroughs could be adjusted accordingly.

no education review

The Inner London Education Authority should not be subject to review in 1970 because this will undermine its staffing position and make judgement of its success unfair. Moreover the conditions

which led to the creation of the Authority would not have changed significantly by 1970. The ILEA is not the most attractive feature of the London scheme. It is, at best, a compromise and could perhaps have been avoided. The case outlined earlier for larger local authorities in continuously built up areas applies with even greater force to education. This was why the Commission, faced with the clear advantages of the LCC service, recommended that the strategic aspects of education should go to the Greater London Council. It is perhaps unfortunate that in the scramble to damn everything the Commission said this proposal was seriously discussed as a possibility by almost no one. Despite the fact that it would have created a vast frontier of possible conflict between the individual boroughs and the GLC, which seemed to infringe all the Commission themselves had said about minimising conflict and defining areas of jurisdiction precisely, it would, nevertheless, have provided the widest conceivable range of schools and colleges and offered the other economies of scale discussed earlier. As the largest of all local government functions the administration of education on a metropolitan wide basis would also have had a profound equalising effect on the existing maldistribution of resources.

Matched against this, the present arrangement must be seen as second best. However, the Commission's scheme is probably now out of the question and though a second best, the ILEA must be given every opportunity to prove itself and not be haunted by the threat of extinction in 1970. In the nature of things though, extinction is unlikely, given the strong support for its retention in the Department of Education and Science and the impossibility of transferring to the boroughs the specialised technical colleges in the heart of London which perform metropolitan wide functions.

Other objections

Some of the other objections to the London reorganisation may be dealt with more briefly. The first concerns housing.

The GLC should have concurrent housing powers with the boroughs. The demand for public housing in London is unlikely to diminish in the future. But this is not simply a matter of total demand but also of distribution. Much of the new housing will have to be built on vacant land in the outer suburbs. As the Milner Holland Report (*The Report of the Committee on Housing in Greater London*, Cmd 2605, 1965) has underlined, this can only be successful if it is "planned, applied and directed for London as a whole". Second, there is no conceivable reason why the City, with a population of less than 5,000 should play any part in the new local government of London. Retain its ceremonial and gastronomic functions if the people who at present run it wish, but it is quite indefensible to involve it with the mundane business of local government.

Another objection is that the special problems in the central area are unrecognised in the Act. This central area, which covers the whole of the central business district plus an area for future expansion, is defined in the 1961 Census and its special problems derive from its function as the service centre *par excellence* for the whole metropolis and the home of all the great state institutions. It is also the pre-eminent business, commercial, governmental and cultural centre and as such is a huge zone of office employment, providing jobs for well over a million people every day. It is this area which lies, literally as well as metaphorically, at the root of the commuter problem. Any development plan for Greater London must give it very special attention and in view of the inevitable pressures from powerful commercial and other interests it requires a strong countervailing planning control body.

Under the new dispensation no less than eight separate Boroughs impinge upon this area and a common outlook in planning will be very difficult to establish. For these reasons all planning control powers for this area should rest with the GLC. It would have been preferable if the area had been constituted as one single borough. This would have solved

the City problem. Having already cast the new borough die, however, this would now be difficult to effect.

One final point. When we speak of the unrecognised unity of the great urban agglomerations we are in fact talking about transport. And an important aspect of transport in London is public transport which still caters for something like 77 per cent of the diurnal commuter traffic into the centre (*London Traffic Survey*, Vol. 1, 1964). However the Greater London Council has no connection with the public transport undertakings operating in London. The only link is a requirement in the Act that the GLC shall consult the London Transport Board in relation to half yearly schemes of repair and improvement to highways. If the GLC is to succeed in its allotted role a strong link with public transport must be forged in the form of a statutory liaison committee.

4. the local government commissions

The Local Government Act of 1958 set up two Local Government Commissions, one for England, the other for Wales. Both were charged with the task of reviewing the present structure and where necessary putting forward proposals "appearing desirable in the interests of effective and convenient local government". The Commissions began work in early 1959. The Welsh Commission finished its work at the end of 1962, but the English Commission is still hard at work at its gargantuan task.

As we saw earlier, the Local Government Act was the product of a bargain between the Government and the local authority associations. It was unlikely therefore to give the Commissions much scope. In the words of the 1956 White Paper the Government's conclusion was that there was "no convincing case for radically reshaping the existing form of local government in England and Wales. What is needed is to overhaul it and make such improvements as are necessary to bring it up to date" (*Local Government—Areas and Status of Local Authorities in England and Wales*, Cmd 9831, 1956). Viewed only as an "overhauling" body however, the Commissions' terms of reference were severely restricted.

Briefly they are as follows. The Act has specified the areas of the five conurbations outside Greater London and these are called "special review areas". The remainder of England is divided up into "general review areas". There are no conurbations in Wales and it was reviewed in three parts by the Welsh Commission.

limited scope

In the general review areas the Commission is confined to the top tier of counties and county boroughs. The review of county districts will be left to the individual counties after their own boundaries have been finally decided. (The regulations governing the county reviews are laid down in the Ministry of Housing and Local Government Circular

35/62.) Shropshire, which has been left intact by the Commission, has already completed its review.

The Commission may change the boundaries of the counties and county boroughs and abolish or create new ones, but it may not consider functions. In the special review areas it can propose changes in the county districts, including their abolition, the creation of new ones or their promotion. The Commission may also propose a "continuous county", that is a county with no county boroughs within its boundaries. It may also propose the allocation of functions between the continuous county and the county districts within its boundaries.

The limitations on the Commissions' area of manoeuvre are re-enforced by the regulations controlling its enquiry procedure. The review process begins with the Commission inviting written evidence in the form of a questionnaire from each local authority, associations and interested parties. This is followed by private consultations with them. The Commission eventually publishes draft proposals which are considered at public conferences designed to enable the Commission to sound out local authorities' reactions.

In the light of these conferences the Commission draws up final proposals which are published and passed on to the Minister. If any of the local authorities concerned raise objection to these final proposals—so far this has always happened—the Minister institutes a public enquiry, whose chairman issues a report to the Minister. The Minister may then present the proposals to Parliament in the form of Orders, one for each major proposal, with such alterations to the Commission's proposals as he thinks fit in the light of the report from the chairman of the enquiry.

The Act clearly limits the scope of the Commission and the regulations, however admirably democratic in intent, have made matters worse by forcing it, as their reports amply testify, to devote much time and energy to the negative job of answering the objections of exist-

ing local authorities rather than the rigorous examination of the positive merits of reform.

guiding factors

As if to emphasise the limited role of the Commission and to offer to local authorities an additional defensive rampart, the regulations are further buttressed by a long list of factors which the Commission must take into account when drawing up its proposals. These are:

community of interest
development and expected development
economic and industrial characteristics
financial resources measured in relation to financial need
physical features, including suitable boundaries, means of communication and accessibility to administrative centres and centres of business and social life
population—size, distribution and characteristics
record of administration of the local authority concerned
size and shape of the areas of local government
wishes of the inhabitants

The Commission, like the Herbert Commission on London, have an extremely difficult job to do and it is comparatively easy to offer selective criticism remote from the field of battle. Unlike the Herbert Commission they have also been burdened with some formidable handicaps.

Taking all of this into account, however, it is clear that the Commission have been temperamentally disinclined to approach reorganisation with a rigour which matched the importance of the subject. For example, the most significant of the factors cited above is the last. The Commission have taken it to mean "wishes of the council" and in so doing have given themselves an almost impossible task. Few councils can be expected to take a disinterested view of reorganisation in their locality. It is not their job, in fact it might be said that their primary job was self-preservation. Most councils will want to retain the

status quo, or as much of it as possible. In consequence to take into account the local council's view is to put a massive damper on the possibility of anything but marginal readjustments.

It is hardly surprising that except for Tees-side and Tyneside the Commissions' proposals have been limited in scope. A few of the more glaring boundary anomalies have been tidied up, the county borough pack has been reshuffled and it has recommended that the very smallest administrative counties should be abolished.

York and North Midlands

There is also little in the Commissions' Reports in the way of theoretical exploration of the principles guiding it as is to be found in the Herbert Report.

It is true that in its report for the York and North Midlands General Review Area published in June 1964, there is a long section on the need to enlarge county boroughs because of the effect of the out migration of the middle class and the young on the political vitality of these authorities. This is an interesting and commendable effort, but it comes rather late in the day and seems to leave the impression that the Commission considers social composition to be a major factor in the case for the remoulding of the county boroughs.

It is interesting that the Commission note the publication of the Buchanan Report on *Traffic in Towns*. But the interest lies in the fact that they appear to be claiming the Buchanan approach to have been their own. This is hardly supported by the most charitable scrutiny of their earlier reports, the bulk of which are confined to general descriptions, summaries of local authority proposals, their own draft proposals, statutory conferences and appendices. It appears to have been as hypersensitive as the local councils themselves to questions of status—the occupational disease of British local government—and much less sensitive to the general public's attitude. Yet it is

doubtful whether the public is greatly concerned with the precise designation of their local authority. As was noted in relation to the London scheme, there are strong indications that they are concerned with the quality of service they receive and the Commission appears to have given relatively little attention to this.

research staff

Had the Commission really got down to studying the wishes of the *inhabitants*, as the regulations ask, it might have come to some different conclusions. Such an approach, although expensive, is not quite so esoteric as it may at first sound. The recent royal commission on the Police used the Social Survey of the Central Office of Information to find out what the public's attitude was to the Police and the Maud Committee is using the same agency to survey the opinions of ordinary citizens and of local councillors. In general original research does not seem to have been a strong suit of the Commission, although it is only fair to add that its small research staff has now been augmented. Nor is the Commission to be entirely blamed for its shortcomings in this respect since our dilettante traditions still require commissions of enquiry to confine themselves largely to the quasi-judicial role of arbitrating between contending parties. Nonetheless some committees—notably Robbins—have shown how effectively research can supplement recommendations. Moreover, the need for an independent viewpoint is so much more important in an enquiry into changes in local government because the bulk of the evidence heard is *ex parte*.

Welsh commission

The Welsh Commission were a shade more adventurous than their English counterpart. Their final report published at the end of 1962 states quite clearly that its terms of reference made its job almost impossible and then goes on to recommend a radical revision of the Welsh county structure. The Commission

proposed that Anglesey would remain unchanged as a county and six new counties would be carved out of the other 12 existing Welsh counties. The two south-eastern counties of Glamorgan and Monmouthshire (to be renamed Gwent) would remain intact and be slightly enlarged at the expense of Breconshire. The remaining counties would be amalgamated to form the new counties of Flint and Denbigh, Cynedd, Mid Wales and West Wales. There are only four Welsh county boroughs, all in the south, and the Commission proposed to enlarge three of them (Cardiff, Swansea and Newport) and abolish the fourth (Merthyr Tydfil).

These proposals proved to be highly unpopular in the Principality and after more than a year of pondering them the Minister, Sir Keith Joseph, decided to scrap the whole report except the county borough proposals and ask his own department to work out new, presumably less politically embarrassing ones. Although Wales was not a special review area, he even hinted that he would allow them to consider the sacred question of functions, a privilege denied to the original commission and to the English commission. The Welsh Commission's proposals for the county boroughs will stand, but they are unexceptional. The demotion of Merthyr, with a population of 59,000 was inevitable, but there is also little justification for the retention of Newport with a population of 108,000, as a county borough.

the county boroughs

The English Commission were also very timid on the issue of county boroughs. Almost all the new London boroughs have more than 200,000 population and they do not, unlike county boroughs, exercise all functions within their areas. The 1945 Boundary Commission also recommended that 200,000 should be the population minimum for county boroughs, and this figure is one which has been generally agreed by most independent students of local government as being about the right minimum for effi-

cient single tier government today. Yet no less than 23 of the county boroughs which the present Commission propose or wish to retain, have less than 200,000 population and eight of them (Bath, Cheltenham, Exeter, Gloucester, Solihull, Torbay, The Hartlepoons and Darlington) have less than 100,000. All the new county boroughs so far proposed by the Commission, except Tees-side have less than 200,000 population. The Commission's proposal to create a new county borough out of the jumble of ten authorities which fragment Tees-side is in fact one of the bright spots of their county borough recommendations. Less bright is the proposal for an entirely new county borough of Torbay. This will involve lopping off from Devon county the narrow but fertile crescent of rateable value stretching from Brixham to Torquay to create an authority some 12 miles long with less than 100,000 population.

What has inhibited the Commission is a passage in the 1958 Act which states that "the Commission and the Minister shall presume that a population of one hundred thousand is sufficient to support the discharge of the functions of a county borough council". Whatever else this may mean it is clearly not a mandatory injunction on the Commission to make every authority of a 100,000 population a county borough. A lot of water has flowed under the bridge since 1958, particularly since the Herbert Report. Many more people are now aware of the need for larger authorities and are more disposed to accept changes. But this has not been reflected in any firm statement from the Government which might have offered the Commission a new basis for framing its recommendations.

There have been strong pointers to a change in Whitehall thinking. The White Paper on Scottish local government reorganisation clearly envisages a radically new two tier system in which all but the very largest boroughs would come under the counties for major functions (*The Modernisation of Local Government in Scotland*, Cmnd 2067, 1963). Similarly there is a statement that

the 1958 Act does not make county borough status mandatory for authorities with a 100,000 population which should have been sufficient guidance for a less legalistically minded Commission.

This is in the White Paper on London Government (*London Government—Government Proposals for Reorganisation*, Cmd 1562, para 19, 1961), which, having quoted the above passage from the 1958 Act and making clear that it is not referring to the London area alone goes on: "This does not mean, however, that larger units would not be better if they could be set up without loss of convenience. Larger units would mean more work for each authority in all personal services, and so make specialisation in staff and institutions more efficient and economical. In addition, larger units would be stronger in resources and so better able to secure the major redevelopment which many boroughs now need."

The question turns on the emphasis placed on "convenient" and the Commission have clearly paid more attention to this injunction in their terms of reference than to "efficient". Efficiency is, of course, an ambiguous word, nor does population size alone tell us everything about the capabilities of a local authority. Had the Commission been bolder, however, and thought more deeply along lines suggested by the above quotation, it might have come to the conclusion that, except for the really large towns, the county borough idea is obsolete. That, as was suggested earlier, the present day pattern of living of our population demands the breaking down of the administrative barriers between town and country. For certain services such as the formulation of the development plan, overspill housing, major highways, traffic management and higher technical education, most of the present county boroughs would come under the wing of the county. This would return, as it were, the engine to car.

This may sound like functional efficiency run mad at the expense of municipal self government. But, as we have seen,

efficiency and local democracy are interdependent. Even if they were not, to deny county borough status to most of these towns would not seriously undermine the local democracy in their areas. They would still be most purpose authorities with a full quiver of important powers.

Such an arrangement would, surprisingly enough, bring the system more into line with the original intentions of the framers of the 1888 Act. The Bill which preceded the Act stipulated a minimum population for county boroughs of 150,000, but this figure was whittled down by Parliament to 50,000, with the result that the 10 boroughs of the Bill became the 61 boroughs of the Act.

the counties

Some of the counties which the Commission have proposed are also too small in terms of population and resources to provide the basis for effective modern local government. This is particularly true of the Huntingdonshire and Soke of Peterborough combination proposed in their report for the East Midlands General Review Area. The new county has a population of 155,000, that is to say, less than half the median population for existing administrative counties in England and Wales

A much more sensible arrangement would have been to join these two up with the neighbouring counties of Cambridgeshire and the Isle of Ely. This was the solution which was proposed originally by the Commission itself and by the old Boundary Commission. Regrettably Parliament confirmed the Minister's Order effecting the smaller grouping.

Moreover, with that illogicality which has characterised so much of the reform proceedings since the war, the Minister, Sir Keith Joseph, decided against the Commission's proposal to amalgamate adjoining Rutland with Leicestershire also in the East Midlands area. Yet Rutland, with a population of 24,000—that is to say less than some *parishes*—is

England's smallest county and whatever arguments applied for the absorption of Ely (which has three times Rutland's population) applied with equal force to the Leicestershire-Rutland amalgamation.

The decision to preserve Rutland adds that confirming touch of farce which since 1958 has always seemed to lurk not very far from the surface of the whole reform proceedings. Rutland has no grammar schools or library books of its own, nor does it provide its own child care, youth employment, mental health, police or fire services. As Sir Keith himself admitted when explaining his remarkable decision: "There can be little question that a fully adequate standard of service to its residents could be better secured if it formed part of a larger county."

It should be remembered that the decision to preserve Rutland came just ten short months after the same Minister had successfully piloted through the London Government Act which abolished Middlesex and London, the two largest and undeniably efficient counties, carved huge chunks out of the surrounding counties and effectively abolished fifty or so county districts, most of them substantially larger than Rutland.

The Commission were similarly hesitant concerning the Yorkshire Ridings, although it appears that some members of the Commission would have favoured the amalgamation of the Ridings to form a single county. Such a solution has undoubtedly clear advantages, the most important being that they already constitute a single geographical unity which commands a strong allegiance from its inhabitants, perhaps one of the strongest of all county loyalties. Moreover, as the Commission themselves point out, such an area has already in York a perfect county town as accessible to Yorkshire as a whole as each of the present county towns of the Ridings. It is certainly true that the new county would be large in area, but given the nature of county government and the extent of the present Ridings, it is difficult to comprehend the Commission's fear that a Greater York-

shire Council would tend to be too "im-personal".

the conurbations

The Commission's proposals for the special review areas, that is conurbations, are a mixed bag. The first of them was Birmingham and the black country, and is an excellent example of the dangers of half measures. For the lower tier, its proposals have the laudable effect of consolidating into seven larger and more viable units and four county districts, the present medley of 26 county boroughs, non-county boroughs, urban and rural districts which make up this urban mass. But the Commission have failed to follow up this reconstruction of the more local level with comparably radical proposals which recognise the common interests of the conurbation as a whole. Clearly one of the factors inhibiting the Commission from recommending an effective area wide body was the pre-eminence of Birmingham and the strong objections it would make to losing full county borough status. Yet the evolution of Birmingham provides a powerful case for the unitary treatment of the built up area as a whole. In 1889, when it became a county borough, it covered 8,340 acres. By successive expansions to meet the physical growth of the city it now covers 51,147 acres—a *six-fold* increase. The creation of a new authority for the conurbation would be a logical step in this historical development of local government in the West Midlands.

The Commission, however, seemed to view it as a revolutionary step and settled for a joint board to co-ordinate overspill and research. But since their report largely confined itself to arguing the case against any kind of overall body it is hardly surprising that this residual sprat was painlessly executed by the Minister. Thus this conurbation has not only lost the opportunity to adapt its local government to meet modern requirements, but has lost that small element of unity provided previously by county administration. Instead it will have seven autonomous citadels each tending its own

garden and each secure in the knowledge that its existence has been blessed by the accolade of an independent Commission and Parliament.

West Yorkshire

For the West Yorkshire conurbation the Commission did not even get as far as half measures. There is no attempt to refashion the borough pattern to modern requirements as in the West Midlands conurbation, nor are there any arrangements for the area as a whole. Indeed the idea of a continuous county is dismissed in less than a paragraph in a 136 page report. Instead the Commission favours tinkering with the existing pattern rather along the lines of its proposals for the general review areas.

In fairness it should be said that the thinness of the report is partly redeemed by a certain wry humour: "The industrial growth of the area (West Yorkshire) was due to the mechanical aptitude of its inhabitants, which had manifested itself strikingly as early as the middle of the sixteenth century in the invention by an inhabitant of Halifax of a beheading machine somewhat similar to the later guillotine. James Douglas, Earl of Morton, was so much impressed by the efficiency of this machine, which he witnessed when passing through Halifax, that he caused a similar machine to be made in Edinburgh, where it was known as the Maiden and was used to execute the Earl himself in 1581."

The Commission's most radical proposal for West Yorkshire is the demotion of Wakefield county borough to non-county borough status. But this was hardly a revolutionary move, even as a county district it would have only just qualified for delegated powers. Elsewhere in the county the boroughs of Bradford, Leeds, Huddersfield and Halifax remain almost unchanged and a new county borough has been created out of the cluster of districts around Dewsbury. More disturbing is the retention or creation of such authorities as Morley (population 48,000), Brighouse and Elland (55,000)

and Pudsey (36,000). As the Commission themselves point out, the extent of outworn housing is particularly high in this conurbation, so too is the problem of derelict land and general physical decay. These are not problems that can ever be seriously grappled with by authorities of this size, but they can be tackled by a wider authority with the necessary resources and staff. The Commission seem to have seen the question of an area wide authority solely in terms of whether there is continuity of the urban mass. It is certainly true that West Yorkshire is the least cohesive of the conurbations with open moorland between some towns. Nevertheless this does not exhaust the case for a continuous county. There remains the clear advantage of scale to be gained by an area wide body with planning, overspill and urban renewal powers.

The design of an appropriate administrative structure for large urban areas is not easy and we only have the simplest notions about the relative efficiency of different systems. Nevertheless it is important that we devise the best machinery we can because other important reasons apart, it is in these urban agglomerations that the economic strength of the nation lies. To continue effectively as the brain and muscle of the economy their Victorian shells must be refurbished. To do this they must have a system of government which recognises their common problems of land scarcity, physical decay on a vast scale, inadequate communications and high population density. It should not be forgotten that it was precisely because there was a compelling *prima facie* case for unified administration for some functions in the conurbation that the Government was willing to ignore strong pressure from certain quarters and empowered the Commission to delve into the sacred question of functions and to propose a continuous county.

Tyneside

For Tyneside the Commission has shown full recognition of these questions and got down to fundamentals. They

have come out unequivocally for a continuous county somewhat like the Greater London Council covering the whole area stretching from Blaydon to Tynemouth.

The one serious deficiency of these proposals, as of the new London scheme, is that it does not cover a wide enough area. This question is discussed later. The new top tier authority would be responsible for planning, overspill, large scale housing schemes, major highways, traffic management, and the police, fire, ambulance and civil defence services. The contrast between the Commission's view of Tyneside and its recommendation for other areas is not altogether surprising. The idea of a single authority for Tyneside was first put forward by a royal commission in 1937, and the area with the Tyne as its "spinal cord" and Newcastle as its pre-eminent natural focus is almost a text book example of an urban area demanding unified treatment.

The Commission's suggested second tier is equally comprehensive. Four new most purpose boroughs are proposed, each centred on the existing county boroughs of Newcastle, Gateshead, Tynemouth and South Shields and ranging in population from 186,000 to a third of a million. They will be responsible for all remaining local functions and will replace the present patchwork of twenty or so county boroughs and county districts. Again the similarities with the London scheme are apparent.

Merseyside

The Commission has yet to publish their final thoughts on the Southern, and South Eastern general review areas and the special review areas of Merseyside and South East Lancashire. The latter present the most difficult of all the areas that have faced the Commission. Merseyside viewed alone has many features in common with Newcastle with its even more closely knit urban character and where Liverpool, like Newcastle, provides a single dominant centre. The two tier structure of a continuous county administering, planning and associated functions

with a few powerful most purpose boroughs would seem to be the most rational plan for it. But Merseyside is separated from the south east Lancashire special review area by a narrow corridor of undeveloped land and one problem the Commission has to decide is whether they really constitute separate urban masses, or whether the two areas should be treated as a single, or perhaps three, entities. Schemes along these lines require an extension of the boundaries of the two conurbations as defined in the Act, so as to create one continuous review area. But a proposal by the Commission to do just that has been rejected by the Minister, Mr. Crossman, but he has allowed certain small extensions to be made of each area.

5. proposals for reform

Having been severely critical of the Commission's proposals what are the alternatives? This is not the place for a fully detailed plan, alternative proposals for specific areas have been indicated earlier when discussing the Local Government Commission's proposals and the new system for Greater London. The following is therefore more in the nature of general principles which should form the basis for reform. The first section deals with areas and functions, and the second with the no less important but, until the Maud and Mallaby Committees publish their reports, much less discussed, questions of the constitution and powers of local authorities.

AREAS AND FUNCTIONS

The two overriding factors on which the broad case for change rests may be briefly reiterated as follows. First, the present dual system of autonomous county borough government for the towns and the two tier county system for the rest of the country is out of date. The present and future human geography of the country demands a pattern of local government which will break down the present administrative barriers between town and county and be flexible enough to allow for continued urban growth and bring together under one roof the built-up urban core of towns and their socio-economic hinterland or influence area.

Second, the vast increase in the range, scope, complexity and cost of local services demand larger units of local government. Larger authorities will be better placed to attract expert staff and since they are in short supply, in some services critically short, fewer authorities will mean a more effective deployment of a scarce resource. Enlarged authorities will attract new staff not only because they will have the resources to provide a comprehensive and challenging service but also because only big councils can offer attractive career structures. Larger populations will also mean that large enough case loads will exist to warrant the provision of those specialised institutions and staff which will make it pos-

sible for services to be provided to modern standards.

Translated into structural terms these two factors suggest a complete remoulding of the existing pattern along the following lines.

county boroughs

Except for the very large towns which are outside the conurbations, such as Bristol, Hull and Cardiff, county boroughs would cease to be autonomous and become most purpose boroughs coming under the umbrella of redesigned counties or new conurbation authorities.

Existing county boroughs within the conurbations, irrespective of their present size, would all cease to be county boroughs. Some adjustments would need to be made to the new borough boundaries. Existing non county boroughs, where big enough, would also become most purpose boroughs, as too would amalgamations of existing urban districts. A population of 200,000 for the most purpose borough would be a general minimum guide in the determination of boundaries.

The most purpose borough would still exercise a full complement of the key local functions except the strategic aspects of planning, some housing powers, major highways and traffic management, higher technical and further education, and the police, ambulance and fire services and water supply. These would be the responsibility of the new counties. In the conurbations the most purpose borough would have slightly fewer powers in recognition of the fact that the continuously built up character of these areas make it more feasible and desirable to confer rather more powers on the top tier than elsewhere.

counties

All the existing counties would be recast to give a minimum population of about 400,000 except in the more sparsely

populated rural areas where a lower population minimum would be more convenient. Where possible the new counties would be modelled on city regional boundaries. This should not be confused with the very much larger standard regions. These are purely administrative constructions on which the new regional economic planning machinery under the Department of Economic Affairs is based. The city regional bodies would cover the influence area of the built up core of the existing large towns.

This would accord with the proposals put forward by the National Executive of the Labour Party "as a basis for discussion only" at the annual Local Government Conference in 1957, except that the top tier would have fewer functions. Since 1957 there has not emerged any further policy statement on local government organisation. The 1957 scheme remains regrettably the only authoritative indication of the Party's position on this question except for Mr Mulley's statement at the 1963 Annual Conference on behalf of the NEC expressing dissatisfaction with the Local Government Commission's proposals and adding, "we will reconsider the terms of reference of the Commissions to see whether their hands can be strengthened".

It must be emphasised that the city region could not be the sole determinant of the new county boundaries precisely because such regions do not exist in all parts of the country.

This consideration is the most fundamental objection to Derek Senior's ingenious and highly persuasive scheme (Derek Senior, "The City Region as an Administrative Unit." *Political Quarterly*, January-March, 1965) which envisages superseding the entire county borough and county council system by city regional authorities. Where definable city regions do not exist, most notably in the South East which is dominated by London, Mr Senior argues, the Government must step in and create them. To propose a new pattern of government to match new living patterns is one thing. To change living patterns to suit a pro-

posed pattern of government, however ingenious, is bordering on being a utopian solution.

Some of the new counties will therefore have to be based on existing counties with amalgamations of existing counties where necessary and adjustments of boundaries where this offers a more convenient unit of administration. The functions of the new counties within the all purpose boroughs is outlined above. In the rest of the country the county council would exercise all the functions now carried by county councils and also share concurrent powers in housing with a new type of county district and be responsible for housing overspill.

county districts

The lower tier of the new counties would comprise the wholly urban most purpose boroughs, described above, evolved from the old county boroughs and amalgamations of non-county boroughs and urban districts.

Elsewhere in the remaining mixed urban and rural areas a single type of county district would predominate which, wherever possible, would be centred on existing towns extending outwards to embrace their rural hinterlands to form a marriage of town and county reflecting on a smaller scale the same aims as the new city regional counties. It would be difficult to achieve a rigid population minimum but 60,000, which is the present minimum for county districts to claim certain delegated functions as of right, should be an approximate guide. In the remoter rural areas this may not be as feasible and the existing rural district would continue unchanged with parishes beneath.

The new county districts would share powers in education and health under delegation schemes as of right with the new counties and they would also have planning control functions, and share concurrent powers with the county in housing, including overspill. They would

also exercise all the remaining functions of existing county districts.

conurbations

For each of the conurbations outside Greater London there should be a two tier structure along broadly similar lines to that recommended by the English Commission for Tyneside and the London Government Act. That is to say, there should be one top tier authority responsible for the preparation and review of a master development plan and certain strategic planning control powers involving industrial and commercial location; overspill housing and major redevelopment projects; major highways; traffic management; higher technical and further education; the police, fire and ambulance services; research and information; main drainage and refuse disposal.

Serious consideration should also be given to conferring on these authorities certain functions in the personal health field particularly those involving the in service training of specialist staff, remand homes and institutions for the handicapped and mentally ill. The new conurbation authorities would differ from the London and Tyneside schemes in that their boundaries would extend beyond the built up core to allow for future expansion and to embrace the bulk of commuter belt.

The second tier in the conurbation should be consolidated into a series of most purpose boroughs exercising all remaining local functions with 200,000 population as a minimum guide in the determination of boundaries. These conurbation boroughs would have in consequence slightly fewer powers than the most purpose boroughs in the new counties.

CONSTITUTION AND POWERS

The Local Government Commissions were not asked to consider the constitution of local authorities and the Herbert

Commission chose to retain the *status quo*. Nevertheless in many respects this aspect of our local government is as outmoded as areas and functions. This was recognised somewhat belatedly when the Maud and Mallaby Committees were set up in 1964.

ultra vires

Although it falls outside the purview of either Committee and the Local Government Commission, the first candidate for modernisation is the doctrine of *ultra vires*, which limits the activities of local authorities only to those specified by statute. Equally unjustified is the somewhat despotic powers of the District Auditor who may surcharge elected members of councils for not adhering to the *ultra vires* doctrine. This dual restriction on the initiative and flexibility of local government has done incalculable harm to its ability to pursue the common interests of the communities it serves. More than that it has cast the whole of local government a dispiriting legal mould which has tended to drain it of that vital element of spontaneity essential to local democracy.

There are indications that the District Auditor is taking a more flexible attitude to the way in which he exercises his powers and a continuation of this trend is to be welcomed. However, he alone cannot get to the heart of the matter which is the doctrine of *ultra vires* itself. A gradual but general relaxation of the doctrine is required so that eventually most local authorities will be able to judge for themselves how they will conduct their affairs subject to specific exceptions.

council members

No matter how well designed the structure of local government or scientific the distribution of functions, the success of any local council will ultimately rest on the kind of people who are running it. Some attention has already been paid to a few of the questions associated with

staffing but little has so far been said about the council members. Reference was made early on to the general public's indifference to their councillors and this has been reflected in more official circles in a growing criticism of the quality of council members. However, we have very little on which to make firm judgements and it is to be hoped that the Maud Committee's survey will yield something on which more accurate judgements can be made.

In any case it is very difficult to measure or define quality in this context. Some of the most important qualities which might reasonably be required of a good councillor, such as integrity, local knowledge, experience, judgement and so on, are too intangible. Also some of these criticisms are disguised forms of arguments against party politics in local government. Moreover those who criticise the number of working class councillors or the number of women on local councils forget that local government is the only agency which allows these groups to make a direct contribution to the political process since Parliament like most representative assemblies is dominated by the middle class and by men.

Some of the criticisms of the quality of council members no doubt reflects the increasing complexity of local services which renders the individual councillor less and less able to come to grips with the services he is nominally responsible for administering. Although it does not deny the validity of the criticism it is as well to remember that this problem is not confined to local government but forms part of a more general problem of lay control common to central government and industry alike. It is perhaps more acute in local government since fairly large numbers of amateurs are involved directly in administration. Even so it is hardly unique to local government and seems to arise wherever the role of the lay controlling body has not adjusted itself to rapid changes in the skills and techniques involved in the activities it is controlling. This can be seen for example in the amateur and professional sports bodies (notably the AAA, the

LTA and professional football clubs) and in the Co-operative Movement. We must not write off local democracy, however deficient our elected representatives may appear to be, but, in the same way that areas need to be readjusted to meet modern functional requirements, so too there is room for adjustment in our ideas about the composition and internal organisation of councils. As was argued earlier, it is a dangerous mistake to imagine that popularly elected councils can be replaced with either bureaucrats or ministerial appointees without other perhaps less immediately visible but more profound problems arising. Elected representatives may not be philosopher kings, but they are with all their faults a vital part of local government. The system needs revision not abolition.

We lack very much reliable information on the present composition of councils, but what information we do have suggests that many authorities have more older people than is consistent with energetic and efficient administration—particularly on the county councils Mrs Stewart's study mentioned earlier also included a survey of six county councils and showed that almost half (48 per cent) of the members were over 60 and a further 42 per cent were over 45. Thus some 90 per cent were over 45, whereas only 1 per cent were under 30. In ten county borough councils examined the position was only marginally better: 75 per cent were over 45 and 2 per cent were under 30.

One method of improving the age composition it to set a maximum age limit—say 70—for service on councils. This idea has worked well for MPs and there is no reason to suppose that it cannot be applied to local government. One of the most important factors influencing the large number of older council members is the aldermanic system. This is because once elected an alderman his fellow councillors are loath not to re-elect him if he wishes to stand. Because of this security of tenure aldermen tend to gravitate to the most important and prestigious committee chairmanships thereby effectively blocking that steady movement

of younger people of promise to positions of responsibility that any representative body must have to maintain its vitality—and retain its younger people of promise. Besides the tendency to produce gerontocracy the aldermanic system has the further disadvantage of enabling a party to maintain itself in power with a minority of elected councillors. Above all it is an undemocratic institution.

For these reasons there remains little point in maintaining it and it should be abolished. Its most serious defence is that it provides an important element of continuity, but the chances of a complete turnover in the elected membership at one election is very unlikely and in the boroughs impossible. Even if it were not, continuity is the function of the officers not of the council members. A more justifiable defence is that it provides a useful form of patronage, but by retaining the title for retiring long service councillors and conferring other civic privileges with the title this objection could be met satisfactorily.

Payment of members is another method which might lead to an improvement in our councils. At present there is provision under the 1948 Local Government Act for a loss of earnings allowance and certain allowances for travel and sustenance. But these are niggardly; nor do they meet the needs of those whose earnings cannot easily be assessed in hourly terms. What is needed is a direct payment and paid as of right. In this way people in the 30-45 age group whose commitments in relation to their earnings are at the highest might be attracted to stand. But, severely practical reasons apart, it is surely indefensible to pay part time members of the boards of nationalised industries or the House of Lords and expect the members of, say, Manchester or Birmingham Corporation to subsist on public esteem.

Most of the arguments against payment are really no different from those raised in the past against paying MPs, yet none of the fears about professionalism and loss of dignity are very apparent in the Commons. Indeed, one might wish for

a little more professionalism and a shade less dignity in that assembly. Nevertheless the honorary tradition is perhaps unique to British local government and may be associated with its remarkable freedom from graft—although one suspects that this has as much to do with central control as anything else. It might be prudent therefore to provide an attendance fee rather than a salary along the same lines as that operating for the House of Lords. After all, four and a half guineas a day is considered to be adequate and presumably uncorrupting for their Lordships. Nevertheless, in respect of the new Greater London Council where the more active members are virtually engaged in a full time occupation, the case for a proper salary outweighs other considerations. Laying down precise details is hardly necessary here, but something of the order of £1,000 a year plus, say £500 expenses, would seem to be about right.

committee structure

A third line of approach to the problem of enabling councils to perform their functions more effectively is to encourage a much greater use of co-optation of people from outside the council. At present this rarely occurs although almost all committees are allowed to co-opt and for a few it is mandatory. This seems to be because elected members resent people who do not have to face the music at elections. More important, except for really well organised pressure groups with a direct producer rather than consumer interest, such as the teachers and religious groups, it is doubtful whether there are many genuinely non party people who are prepared to devote the time to the job. Most voluntary bodies in Britain have an extraordinary fear of becoming involved in what they call rather darkly "politics". Although we have very strong political parties, the very professionalisation of politics has meant that in our social life we are essentially an apolitical nation.

This may be changing with the emergence of local consumer groups for edu-

cation, planning and preservation and some of the minority welfare services. In some way the vigour, spontaneity and good will of these groups should be harnessed to the local government system.

Councillors must be persuaded to overcome their resentment and make more use of the co-option principle. Most committees may co-opt about a third of their number from outside the council and some up to half. Few councils co-opt more than a handful of outsiders. The groups for their part must shed some of their arrogance which often seems to be derived from an understandable but misplaced impatience with the imperfections of democratic government, and ignorance of the financial straitjacket in which many councils have to operate.

Co-option of this kind would not merely go some way towards bridging the gulf between the council and its public, derived, as suggested earlier, in part at least from local government's role as a restrictive and regulative agency. It might also be a valuable addition in expertise to council committees. Expertise both in the technicalities of services and the consumer and user aspects of the services as well. For many functions local government is in need of all the information, advice and expertise it can get. Central government after all makes extensive use of pressure groups in policy making and for smoothing the path of administration. Nor have local authorities used the committee of enquiry system, which has been invaluable to central government in making good its own deficiencies in expert knowledge.

When we talk of the officer as the expert we often forget that in some of the newer services such as town planning, traffic management and some of the more specialised welfare services there are no experts in the sense that the Medical Officer is an expert in personal health matters, or the Treasurer in local finance. And in many councils the Chief Officer is responsible for services not because he has any claim to special knowledge but simply because of professional rivalries or specialist staff shortages.

Another improvement in the efficiency of councils could be achieved if the committee system itself were overhauled. Glancing at the long list of committees and sub committees which most councils have set up it is difficult to escape the suspicion that the length of these lists owes as much to the demand for chairmanships among council members as to the strict requirements of efficient administration. Despite the legitimate demands of patronage some consolidation would seem to be necessary and there is particular scope for this for the two groups of services centred on town planning, which determines the broad land use pattern of the area, and the personal social services which focus on the various needs of the family unit. Here dual pyramidal structure could be set up consisting of a main policy and planning committee for the two service groups with a series of sub-committees for each related service. In this way highways, traffic and house building would be the responsibility of the apex town planning committee; education, personal health, welfare, child care and housing management of the apex social service committee. The primary advantage of this system is not simply that it would reduce the total manpower required, but, of more importance, that it would provide a central managerial focus to each family of services and thereby facilitate co-ordinated long term policy making. In addition it would help to lower the barriers of departmentalism.

An important corollary to a reconstruction of the committee system is a redefinition of the respective roles of the elected member and the officer. Far too much detailed administration flows through the hands of committees. This is time wasting and tedious for the councillor and frustrating for the officer. It is also a deterrent to the recruitment of good people to both jobs.

SUMMARY OF PROPOSALS

A two tier structure for the whole of England and Wales except for the very large towns outside the conurbations.

These towns would remain as county boroughs.

The conurbations (which would include their hinterlands) to have a top tier authority responsible for the development plan, certain planning control powers, overspill, major redevelopment, major highways, traffic management, higher technical and further education, the police, fire and ambulance services, main drainage and refuse disposal. Also, possibly, water supply, public transport and hospitals.

All remaining local functions in the conurbations to be undertaken by most purpose boroughs of a minimum population of 200,000.

Outside the conurbations the top tier to consist of redesigned counties modelled where possible on the boundaries of the city regions. The new counties would have minimum population of 400,000, and be responsible for a broadly similar range of functions as the conurbation authority except main drainage, refuse disposal and overspill and major redevelopment power. They would have more powers in relation to the existing county districts.

The second tier in the counties to consist of either most purpose boroughs covering all the larger towns and county district authorities embracing smaller settlements and their rural hinterlands. Both would exercise all remaining local functions, and the county district would share responsibility for some functions with the county.

Relaxation of the doctrine of *ultra vires*.

Abolition of aldermen and an age limit for councillors.

Attendance fee for most councillors and salary for chairmen in the larger authorities.

More co-option of outsiders to Council committees.

Creation of dual hierarchical committee system with peak committees for plan-

ning and personal health services.

Demarcation of the functions and officers and councillors.

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the author

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Enquiries about membership should be sent to the general secretary, Fabian Society, 11 Dartmouth Street, London, SW1; telephone Whitehall 3077.

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