THE COUNTY COUNCIL:
What it Is and What it Does.

BY

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PUBLISHED AND SOLD BY
THE FABIAN SOCIETY.

PRICE TWOPENCE.

LONDON:
First Edition, October, 1925.
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INTRODUCTORY.

Extent of Subject Matter.

This booklet deals with the County Councils of England and Wales minus the London County Council. It is concerned with their powers and duties under the existing law and not with changes which may result from the adoption of proposals for reform or from legislation which has not yet passed the initial stages.

The County Council’s “Charter.”

The County Council is a “body corporate,” that is to say, it has by a process of legalisation obtained the status of a separate “person” as distinct from the various persons who are its members. The legalisation or “incorporation” of bodies corporate takes place by a charter or statute—(e.g. a limited company—the commonest form of a “body corporate”—is formed either under the Companies Acts or by Royal Charter). The County Council was formed as a body corporate by the Local Government Act, 1888, which laid down detailed provisions as to its constitution, at the same time both transferring to it functions hitherto exercised by other bodies, or individuals and providing for further transfers of functions in the future. The Act is a lengthy one, and is divided into five parts as follows:

Part I.—Formation and Powers. Constitution (ss. 1—2), Powers (ss. 3—19), Exchequer Grants (ss. 20—27), Power to delegate, Settlement of disputes, Standing Joint Committee (ss. 28—30).

Part II.—Special Places. County Boroughs and Non-County Boroughs (ss. 31—39), London County Council (ss. 40—45), Administrative counties with special boundaries (ss. 46—49).

Part III.—Boundaries. Electoral divisions and areas within county (ss. 50—63).

Part IV.—Finance. (ss. 64—75).

Part V.—Supplemental and Miscellaneous Provisions (ss. 76—end).

Since this is the Act which created the County Council, one has not to go further back in seeking the authority for any of that body’s powers or duties, but on the other hand the latter have been greatly extended by statutes passed subsequently, the more important of which we shall notice in the course of these pages.

* For a list of these statutes the reader is referred to Appendix I in “The Country Councillor,” by H. Samuels (Labour Publishing Co.)
The Administrative County.

The County Council is then a body corporate formed by the Local Government Act, 1888, and—to complete the definition—governing the "administrative county." The administrative counties are in most instances the same as the geographical counties we see marked on the map, except that large cities which were in 1888 or later given the status of county boroughs are not included. In certain cases too there are other differences. Thus Yorkshire and Lincolnshire are each divided into three administrative counties, Suffolk and Sussex each into two, while the Isle of Ely, the Isle of Wight and the "Soke" of Peterborough are each separate administrative counties. The Moot Hall in Newcastle-on-Tyne is an instance of part of the administrative county lying outside its area, Newcastle itself being a County Borough and the Moot Hall being part of the Northumberland County Council's sphere. England has 49 administrative counties outside London, Wales 12. The following is a list of the Administrative Counties showing the County Boroughs in the corresponding geographical counties.

<table>
<thead>
<tr>
<th>Counties</th>
<th>County Boroughs in the corresponding geographical counties</th>
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<tbody>
<tr>
<td>Bedfordshire</td>
<td>Reading.</td>
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<td>Berkshire</td>
<td>Birkenhead, Chester, Stockport, Wallasey.</td>
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<td>Buckinghamshire</td>
<td>Carlisle.</td>
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<td>Cambridgeshire</td>
<td>Derby.</td>
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<td>Cheshire</td>
<td>Exeter, Plymouth.</td>
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<td>Cornwall</td>
<td>Darlington, Gateshead, South Shields, Sunderland, West Hartlepool.</td>
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<tr>
<td>Cumberland</td>
<td>East Ham, Southend, West Ham.</td>
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<td>Derbyshire</td>
<td>Bristol, Gloucester.</td>
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<td>Devonshire</td>
<td>Bournemouth, Portsmouth, Southampton.</td>
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<td>Dorsetshire</td>
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<td>Durham</td>
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<td>County</td>
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<td>Ely</td>
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<td>Isle of Wight</td>
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<td>Kent</td>
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<td>Lancashire</td>
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<td>Leicester (Holland)</td>
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<td>Lincolnshire</td>
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<td>(Kesteven)</td>
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<td>(Lindsey)</td>
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<td>London</td>
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<td>Middlesex</td>
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<td>Monmouthshire</td>
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<td>Northamptonshire</td>
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<td>Northumberland</td>
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<td>Nottinghamshire</td>
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<td>Oxfordshire</td>
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<td>Peterborough</td>
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<td>Rutlandshire</td>
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<td>Shropshire</td>
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<td>Somerset</td>
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<td>Staffordshire</td>
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<td>Suffolk, E.</td>
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<td>W.</td>
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<td>Surrey</td>
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<td>Sussex, E.</td>
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<td>W.</td>
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<td>Warwickshire</td>
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<td>Westmoreland</td>
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<td>Wiltshire</td>
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<td>Worcestershire</td>
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<tr>
<td>Yorkshire (East Riding)</td>
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<td>(North Riding)</td>
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<td>(West Riding)</td>
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<tr>
<td>Canterbury</td>
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<tr>
<td>Barrow, Blackburn, Blackpool, Bolton, Bootle, Bury, Bromley, Liverpool, Manchester, Oldham, Preston, Rochdale, St. Helens, Salford, Southport, Warrington, Wigan, Leicester.</td>
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<tr>
<td>Grimsby, Lincoln</td>
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<td>Great Yarmouth, Norwich</td>
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<td>Northampton</td>
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<td>Bath</td>
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<td>Burton-on-Trent, Dudley, Smethwick, Stoke-on-Trent, Walsall, West Bromwich, Wolverhampton. Ipswich.</td>
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<td>Croydon</td>
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<td>Worcester</td>
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<td>Kingston-upon-Hull</td>
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<td>Middlesbrough, York</td>
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</tbody>
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WALES.

Anglesey  ...  ...
Brecknockshire  ...  ...
Cardiganshire  ...  ...
Carmarthenshire  ...  ...
Carnavonshire  ...  ...
Denbighshire  ...  ...
Flintshire  ...  ...
Glamorganshire  ...  ...
Merionethshire  ...  ...
Montgomeryshire  ...  ...
Pemebrokeshire  ...  ...
Radnorshire  ...  ...

Cardiff, Newport, Swansea.

CONSTITUTION.

Composition.

The County Council consists of councillors and aldermen presided over by a chairman. The number of councillors was originally fixed by the Local Government Board (the predecessor of the Ministry of Health) and is subject to alteration by the Home Secretary. The Councillors hold office for 3 years and retire together. Aldermen number one-third the number of the councillors, and are elected by the latter from among themselves or from persons qualified to be elected to the Council. They hold office for six years, half retiring every third year. If a councillor is elected alderman, his seat as councillor becomes vacant. The Chairman is elected by the councillors and aldermen from among persons qualified to be elected to the Council.

The Franchise: Qualifications of Candidates.

Persons who are on the list of local government electors for the county are alone entitled to vote at elections for the Council. Aliens, minors, persons suffering from insanity, are disqualified both from registration as electors and from standing as candidates. In order to be registered as an elector one must also have occupied as owner or tenant land or premises in the county for the last half year ending January 15th or July 15th. Where a married man is so qualified in respect of premises in which he lives with his wife, the latter if she has reached 30 is also entitled to be registered. (A person who takes furnished rooms does not "occupy" them; a lodger whose rooms are let to him unfurnished does. A caretaker, railway worker or other person whose work carries with it the use of a house to live in is an occupier if the employer does not also live there).

Candidates for the council must either be thus qualified for registration as electors, or must own property within the county, or
have lived there for the whole of the last twelve months. But they are disqualified if they hold a paid post under the Council, or have been convicted or made bankrupt within the last five years, or have a share or interest in contracts with the Council. This last ground of disqualification is not as simple to understand as the others. A County Councillor or candidate may have an interest in any of the following without being disqualified: a lease, sale, or purchase of land, a loan, a newspaper which publishes advertisements relating to the Council’s work, a company which lights, insures against fire, or supplies with water any part of the county, a railway company, or a company formed under royal charter or Act of Parliament (this of course includes a limited company). Apart from these statutory exceptions, the words “having an interest or share in a contract” have as a rule been interpreted on the principle that the intention of the statute is to remove, in the interests of clean government, all possible chances of corruption and abuse creeping into the work of our public bodies and destroying the foundations of good administration. Thus the words have been held to disqualify a member of a local education authority who sold gravel to a builder of a school for the authority, a person whose contract terminated before the election but after his nomination, and, to take a third instance, a member of an authority who makes a contractor a loan on the security of the monies earned by the contracts. Subject to what the House of Lords may still have to say thereon, the decision in the recent case of Lapish v. Braithwaite has on the other hand shown a tendency, not discernible in former decisions, to restrict their application, for it was there held that a managing director being a salaried official of the company had no “interest” in a contract and was therefore not disqualified.

Elections.

Elections to the council took place in 1925 and are held every third year during the first week in March. One member is elected by ballot for each electoral division in the county. Where it is desired to contest the validity of an election, two courses are open, (a) by proceedings “quo warranto,” whereby the member is called upon to show “by what warrant” he holds his office, (b) by Election Petition, where an application has to be lodged within 28 days if bribery is alleged, and within 21 days otherwise.

Committees.

Most of the work of the County Council is carried on by means of Committees. This system is one of the essential features of English local government. With us the councillor is more than a member of a deliberative body merely: he has also to share the responsibility of the carrying out of the main body’s decisions and of the general work of local government in one or more of its departments, since each department is entrusted to a committee consisting wholly or mainly of councillors.

Some of these Committees are “statutory” — that is to say, the Council is obliged to form them by some statute or other which also
as a rule prescribes how they shall be formed and what powers they shall have. These "statutory committees" are:

<table>
<thead>
<tr>
<th>Name</th>
<th>Statute</th>
<th>Composition</th>
<th>Powers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standing Joint Committee</td>
<td>s. 30 of 1888 Act</td>
<td>Half appointed by C.C., half by Quarter Sessions.</td>
<td>Controls police expenditure.</td>
</tr>
<tr>
<td>Finance Committee</td>
<td>s. 80 of 1888 Act</td>
<td>Councillors only</td>
<td>Controls all C.C expenditure.</td>
</tr>
<tr>
<td>Pensions Committee</td>
<td>s. 8 Old Age Pensions Act, 1908.</td>
<td>Not less than 7 or more than number of Council: women and non-councillors may be included.</td>
<td>Full powers to decide claims.</td>
</tr>
<tr>
<td>Visiting Committee</td>
<td>s. 169 Lunacy Act, 1890.</td>
<td>7, appointed annually</td>
<td>v. page 15</td>
</tr>
<tr>
<td>Distress Committee</td>
<td>ss. 2-4 Unemployed Workmen Act.</td>
<td>Non-councillors may be co-opted.</td>
<td>v. page 21</td>
</tr>
<tr>
<td>Education Committee</td>
<td>s. 4 Education Act, 1921.</td>
<td>Scheme to be approved by Bd. of Education: women and specialists to be included.</td>
<td>May have any powers delegated to them except raising a rate or loan.</td>
</tr>
<tr>
<td>Committee for the care of Mental Defectives</td>
<td>s. 28 Mental Deficiency Act, 1913.</td>
<td>Must include some women and some experts.</td>
<td>do.</td>
</tr>
<tr>
<td>Agricultural Committee</td>
<td>s. 7 Ministry of Agriculture Act, 1919.</td>
<td>Majority to be Councillors: women and nominees of Ministry of Agriculture to be included.</td>
<td>do.</td>
</tr>
<tr>
<td>Diseases of Animals Committee</td>
<td>s. 31 D. of Animals Act, 1894.</td>
<td>May include rated occupiers.</td>
<td>do.</td>
</tr>
<tr>
<td>Small Holdings and Allotments Committee</td>
<td>s. 50 Small Holdings Act, 1908.</td>
<td>Must include representatives of tenants.</td>
<td>do.</td>
</tr>
<tr>
<td>Hospital Committee</td>
<td>s. 10 Isolation Hospitals Act, 1893.</td>
<td>May consist partly or wholly of representatives of hospital district.</td>
<td>do.</td>
</tr>
<tr>
<td>Public Health and Housing Committee</td>
<td>s. 71 Housing Act, 1909.</td>
<td>Only Councillors.</td>
<td>do.</td>
</tr>
<tr>
<td>Maternity and Child Welfare Committee</td>
<td>s. 2 Maternity and Child Welfare Act, 1918.</td>
<td>2 women at least: one-third may be non-councillor experts.</td>
<td>do.</td>
</tr>
</tbody>
</table>
Meetings: Rights of Press and Electors.

Besides the annual meeting, at least one meeting must be held every three months. One quarter of the members must be present to form a quorum ordinarily, but two thirds for the purpose of passing bye-laws. The Council makes its own Standing Orders to regulate its procedure. Minutes must be kept of all meetings, whether of the Council or of the Committees. The Press is ordinarily entitled to attend meetings of the Council, but not if a special resolution of the Council forbids it in the interests of public policy, nor has the Press the right of attending meetings of a Committee. Any elector may inspect and copy the Council minutes on payment of one shilling.

ADMINISTRATION.

No machine can be efficient unless it works smoothly, and members of councils should make it their business to ascertain whether the organisation of the staff is so good that it calls for no improvement.

The Clerk of the Council is also Clerk of the Peace and is almost invariably a barrister or solicitor. He is appointed by the Standing Joint Committee, and holds his office for life.

The Chief Constable is also appointed to the Joint Committee, subject to the approval of the Home Secretary. He is removable by the Joint Committee.

The Coroner is appointed and paid by the Council. His office is permanent, but he may be removed for misconduct or incompetence by the Lord Chancellor. He can, subject to the approval of the Chairman, appoint a deputy; the latter is paid by fees, and can act in the event of the Coroner's death. In the larger counties, the Council appoints separate coroners for different areas. It also appoints coroners for those boroughs which have their own Quarter Sessions.

The Medical Officer of Health is appointed and paid by the Council, but can only be dismissed by them with the consent of the Ministry of Health. He can hold no other public appointment without the Minister's consent and is debarred from engaging in private practice. His executive duties are chiefly in maternity, child welfare, tuberculosis and venereal disease; otherwise his function is mainly advisory and co-ordinating. The Medical Officers of the District Councils are not subject to his authority, but they must send him copies of their reports (see page 15).

Other officers are the Treasurer, County Surveyor, Public Analyst, Director of Education, and Inspectors under various Acts. The conditions of their appointment are not determined by statute.

Relations Between Departments.

Authorities differ very considerably in the internal organisation of their offices. Some prefer to look to one officer in all matters, that is to say, the Clerk, the other Heads of Departments having to submit their reports to the Council through him. This arrangement
has a certain backing in official quarters, but Councils should exercise independence in this matter. While it possesses a certain simplicity it is doubtful whether there is any other gain, and very strong reasons should be shown before one officer is put in a position of virtual responsibility for other qualified persons who are directing spheres in which he has no special knowledge.

**Legal Position of Officers.**

Officers cannot be considered to hold any privileged position in the eyes of the law except in one respect, viz., all proceedings against them for acts done in the performance of their public duties must be commenced within six months of the acts in question (Public Authorities Protection Act, 1893). On the other hand, they are subject to certain special restrictions. They may not receive any fees other than their salaries, and may not have an interest in a contract with the Council except (1) as shareholders of joint stock companies, (2) in the case of contracts to sell or acquire land, rooms, or offices; and in these excepted cases two-thirds of the members of the Council must have given their sanction.

The Council can at any time call for a written account from its officers of money and any other matters entrusted to them, and it is usual to take a guarantee from officers whose work involves the handling of sums of money.

**Pensions.**

The Council, if it has an establishment of fifty or more, may adopt the Local Government and Other Officers' Superannuation Act, 1922, and set up a Pensions Fund. Each member of the Fund contributes 5% of his salary, and the Council contributes an equivalent amount. The benefits are: one-sixtieth of the average salary earned during the five years preceding retirement for every year's service, with a minimum of ten years service, and a maximum of forty-sixtieths. Retirement takes place either at age 65 or at age 60 after 40 years' service, or on incapacitation owing to permanent ill-health. Funds established under these provisions are too new to afford conclusive evidence as to their financial stability, but it should be mentioned that some leading actuaries have expressed grave doubts on this point.

**FINANCE.**

**Income.**

All receipts are paid into the County Fund, and all payments are made thence. There is a special account called the Exchequer Contribution Account, to which are credited all moneys coming from the national exchequer in the form of grants-in-aid. For the Council's work is rightly held to be in many respects of national rather than merely local import, and the State normally (i.e., if satisfied with the Council's work in the sphere in question) contributes about half of the expenditure incurred by the Council on the following services: education, the more important highways
(called Class I Roads), police, child welfare, treatment of tuberculosis, care of mental defectives, and three quarters of the expenditure on the prevention and treatment of venereal disease. Besides these, there are other grants of fixed amount, viz., the Estate Duty Grant, the Licenses Duty Grant, and the Customs and Excise Duty Grant. In a different category is the Agricultural Rates Grant, instituted in 1896 to compensate the counties for the loss of the rates on agricultural lands which were then exempted to the extent of half their values. The Agricultural Rates Act, 1923, increased the amount of the exemption to three-quarters and provided for a corresponding increase in the State grant.

Other sources of County income are dues on licenses which the County Council issues (game-dealers, motors, locomotives, carriages, guns, armorial bearings, manservants), fines for contravention of bye-laws, etc., tolls, property dues and royalties.

These sources do not altogether suffice for county needs, however, and the deficiency is made up by the County Rate. It is levied in the same way as the Poor Rate, the Council serving its “precepts” on the Board of Guardians, and the latter in turn looking to the overseers who have charge of the collection from the individual ratepayers in the parishes. The Council may, and in most cases does, adopt the same basis of valuation of properties as is used for the Poor Rate, but it is not bound to do so.

Expenditure.

The Finance Committee must examine the estimates of expenditure both of the Council itself and of the various Committees at the beginning of the financial year, and no payments may be made without the signature of three members of the Committee.

Expenditure is classed as “general” or “special,” the former comprising that incurred for the benefit of the whole county or for which the whole county is assessed, while the latter is expenditure on those purposes towards which part of the county is exempt from contributing.

The sums placed to the credit of the Exchequer Contribution Account are earmarked. The grants-in-aid are refunds of monies already expended. The Licenses Duty and Estate Duty Grants are in the first instance to be applied to paying the salaries of poor law officers, contributing to the salaries of Medical Officers and Sanitary Inspectors in the service of sanitary authorities in the county, and in the maintenance of pauper lunatics, while the Customs and Excise Duty Grant is primarily for the needs of higher education. If any.

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1 The history of these grants is somewhat complex. In theory taxes belong to the area in which they are raised. As compensation for taxes going direct to the State, Parliament till 1888 made annual grants to the counties. The system was revised in 1888 on the basis of actual amounts, and again in 1908, when fixed amounts were substituted.

2 The Rating and Valuation Bill now before Parliament proposes that the Borough and District Councils be given the functions, hitherto exercised by the Boards of Guardians, of meeting the County Council’s precepts.
balance remains after these requirements are met, it may be used for general county purposes.

The expenditure of County Councils is in practice distributed in something like the following proportions: 40% Education (30% elementary, 10% higher), 15% Roads, 15% Police, 10% Agriculture, 10% Mental Hospitals, 10% miscellaneous services.

Loans.

Subject to the sanction of the Ministry of Health in each case, a Council may borrow for a period of thirty years sums to the total extent of one-tenth of the rateable value of the county. Statutes have however in many cases authorised loans to be contracted without regard to this limitation. Again there are temporary provisions which will remain in force till 1st April 1926: according to these, temporary overdrafts may be contracted, and loans for providing work for the unemployed are not to be included in the total debt, while the Ministry of Health if satisfied that a Council is unable to pay a debt owing to post-war conditions may vary the arrangements as to repayment, and may suspend the obligation to repay loans on productive works during their initial stages.

Audit.

The accounts must be submitted annually to the District Auditor, as official of the Ministry of Health. The auditor has powers of compelling the production of information, disallowing any illegal payment, and of surcharging it on the person paying or authorising the payment. He must however give time for objections to be raised; he may be required to state his reasons for a decision in writing; and he cannot disallow an item already sanctioned by the Ministry of Health. There is an appeal from his decision to the Ministry of Health which also has power to "remit," or excuse, the payment of a valid surcharge: alternatively an aggrieved person may appeal to the High Court.

FUNCTIONS IN GENERAL

The main functions of the County Council lie in the spheres of education, public health and housing, roads, police, and agriculture, and the description of functions which this pamphlet gives follows this classification. But besides the simple differentiation of powers and duties according to subject matter, we shall have to notice other less obvious lines of demarkation.

In the first place the administrative county itself contains non-county boroughs, urban districts, and rural districts, and rural districts contain still smaller units of local government, the parishes. All these areas have their elective bodies, and no two classes of elective bodies have identical functions. Consequently, the County Council, which stands so to speak at the top of the ladder, is differently placed in respect to each other class of authority. Its powers are less in non-county boroughs than in urban districts, and less in urban
than in rural districts, and they are greater than ever in the rural parishes.

Another important distinction is that between functions which only the County Council may exercise and those for which one of the other authorities may have some measure of responsibility. The second class may again be sub-divided according to whether the County Council has the right to act concurrently with the other authority or its province is that of supervising the latter with power to act in the event of the latter's default—the exercise of this power being as a rule contingent on a complaint being addressed to the County Council by ratepayers or interested persons.

EDUCATION.

The Council and the Child.

The County Council may truly be looked upon as the "Guardian of the young." As we shall notice later, it has functions which even precede the child's first appearance on this planet, and its activities do not cease with the child's elementary school career, for by the assistance it can give in the matter of choice of employment and by its powers of regulating the employment of children it can keep watch over the critical period when the youth first goes out into the world. It can protect by bye-laws children who are in employment and may altogether prohibit the employment of a child if harmful to its development. Indeed, of all its independent fields of activity, there is not one which offers more scope for the display of initiative and the execution of progressive ideas than the educational sphere.

The Council acts through its Education Committees which can appoint sub-committees for any purpose, e.g., the Juvenile Employment Committee. It is the sole authority for higher education in its area: and is the authority for elementary education in all parts of its area except boroughs with over 10,000 population, and urban districts with over 20,000 population, according to the 1901 census.

Elementary Schools.

A sufficient number of elementary schools must be maintained by the Council, but its obligations differ in detail according to whether a school is "provided" or "non-provided." It has an absolute duty to maintain those of the former kind in an efficient state. With regard to the latter it has the same duty as long as they are run as free public elementary schools, are open to the inspection of the Council's officers, satisfactory instruction in secular subjects is given, and its consent is obtained to appointments and dismissals of teachers. In regard to the last condition, however, the Council can veto an appointment only for educational reasons, and may not interfere when a teacher is dismissed on purely religious grounds. (The words "educational" and "religious" are interpreted in their strict sense, e.g., the Courts have ruled that the need for economy in education or disobedience of a rule that "no teacher should absent himself without leave of the Council" are not 'educational grounds,'
and that a report that a teacher has changed his religious opinions is not a sufficient 'religious ground.'

For purposes of management there is a minor authority, viz., the borough council in boroughs, the urban district council in urban districts, the parish council in rural areas. The County Council appoints not more than four, and the minor authority not more than two, managers for each provided school; in the case of non-provided schools, the Foundation Managers appoint up to four, the County Council may appoint one, and the minor authority one. But the County Council may increase a managing body as long as it keeps to the same proportion: where more than one parish is served by a school, it may provide for a joint management, it may group schools under one management, and settle the number of managers—with the consent of the latter in the case of the non-provided. It can also give directions as to the organisation of children in non-provided schools of the same denomination subject to the approval of the Board of Education.

Elementary schools in general have to be carried on according to the rules of the Board of Education. No religious test is allowed: attendance at prayers and religious instruction may not be compulsory; no fees are payable, and the schools must be open to inspection by the Board of Education's officers.

The Council has the duty of ensuring that all children between 5 and 14 receive elementary education, subject to its discretion to vary 5 to 6, and 14 to 15. Bye-laws may be passed to enforce this, and penalties up to 20/- may be imposed on parents or guardians, truant children being sent to an industrial school.

Special duties lie on the Council in respect to blind, deaf, epileptic and mentally defective children. Suitable education must be provided for them till they reach 16. Arrangements are to be made to board them out in cases where this is considered desirable, and the parents may be called upon to pay for this wholly or in part, disputes being referred to the magistrates for settlement.

Medical inspection and treatment have to be arranged for scholars at elementary, secondary and continuation schools, and the cost in any instance has to be recovered from the parent if he can afford it. The Council has in addition powers with regard to the inspection and cleansing of verminous children.

Meals may be provided, and the cost may if necessary be borne by the rates when the children are otherwise too ill-fed to benefit from the instruction given.

The Education Act of 1918 placed a further duty on County Councils to provide continuation schools and to compel the attendance of children over 14. This provision has, however, become practically a dead letter as a consequence primarily of the activities of the Geddes Committee; nor is there any likelihood of anything being done in this direction in the near future.

Reformatory and industrial schools must be provided by the Council for the maintenance of youthful offenders who are sent there.
If the Council has undertaken to administer unemployment benefit to persons under 18 in accordance with a scheme approved under the Unemployment Insurance Act, 1923, it may then also give information and advice to such persons regarding the choice of employment, and would be well-advised to entrust this work to specialists. Germany in its go-ahead manner has realised sooner than we how important this sphere of activity is both to the increasing of the country's productive capacity and the lessening of unemployment, and its local "berufsamter" have reached a very high stage of development and utility.

Higher Education.

The Council must provide for the "progressive development and comprehensive organisation" of education in respect of its area. It has the same powers here as it has in the elementary sphere with regard to acquiring land for building, medical inspection, physical and social training. It may, and if the Board of Education requires, must, submit a scheme for higher education, taking into account the existing supply of schools and university extension classes. In particular, it may train teachers, supply technical instruction or instruction in subjects not taught at elementary schools, and give scholarships, maintenance allowances, establish schools for science and art, and aid research. It can act as a library authority, maintain public libraries and museums. Within the limits of a penny rate, a Borough or Urban District Council may aid the County Council in the sphere of higher education.

It should be noted that the Board of Education may withhold the grant-in-aid if it does not agree with a Council's scheme of education, whether elementary or higher. Should the disagreement continue, the Board has to present a report to Parliament. The Council's loans for educational expenditure are not within the limits of its borrowing powers.

Public Health.

In this sphere the County Council's most important functions are supervisory. Before the County Council was set up the County had already been divided into Sanitary districts under the control of separate authorities whose powers were subsequently merged in those of the District Councils. But the County Council has been made the "watch-dog. If a District Council fails to take proper measures for safeguarding public health, the County Council can step in and, with the Ministry of Health's sanction, carry them out at the other's expense. Again it is the duty of the District Medical Officers to send to the County Medical Officers copies of their health reports, and as far as rural districts are concerned, copies of reports of unhealthy houses, while the County Council itself can notify the Ministry of Health where it is dissatisfied with the state of health in a district. Every County Councillor ought therefore to make himself acquainted with the District Council's detailed functions in this sphere—the provision of sewers, abatement of nuisances, food
inspection, milk supply, regulation of factories and workshops, prevention and treatment of disease, water supply, slum clearance, closing orders and demolition orders for unhealthy and obstructive buildings, reconstruction schemes, and other services for which space here does not suffice, but which are explained more fully elsewhere. While it is necessary to preserve the smaller area for the work itself in all its details, it is obvious that the District Council with its limited staff and the limited means at its disposal has both its hands full in keeping abreast of everyday requirements, while the County Council with its larger resources, and without the hindrance of matters of detail, can take a wider vision and do much to promote both economy and efficiency by suggesting to District Councils how and where schemes of work can be co-ordinated. In some cases the duty is specified and defined by statute, e.g., in the matter of infectious disease, the Council has to form Hospital Districts, and may provide, contribute towards, or take over Isolation Hospitals.

But this does not exhaust all the Council's functions in this sphere. It can take the initiative in particular matters and indeed is obliged to do so in some. To these we now proceed.

**Tuberculosis.**

Consumptives must either be maintained in hospitals or sanatoria or have dispensary treatment. Their after-care may also be provided for. The District Councils have powers in the matter, but in practice the work is done by the body which gets the government grant—that is, the County Council.

**Lunacy.**

Asylums must be provided by the Council for pauper lunatics and may be provided for non-paupers. It acts through the Visiting Committee which may buy and hire land, but must obtain the Council's sanction to expenditure over £400 in one year on one institution for anything beyond necessary repairs, and also for the charging to any Union of any amount over 14/- per week per head. Individual members of the Committee are obliged to visit the institution and their inmates regularly.

**Mental Deficiency.**

The Council has the duty of ascertaining the number of mental defectives in its area and of giving them care and accommodation. It acts through the Committee for the care of Mental Defectives. Expenditure on work which the Council is not obliged to do is limited to the proceeds of a 3d. rate. Loans may be contracted for 60 years and are not reckoned as part of the total debt. Reports must be sent at stated intervals to the Board of Control.

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1 The reader is referred to “The Country Councillor” by H. Samuels (Labour Publishing Co.) Chapters IV—V.
Habitual Drunkards.

For the benefit of this class of persons the Council may maintain or contribute towards the upkeep of inebriates' homes. (In boroughs this may also be done by the Borough Council.)

Venereal Diseases.

The Council is required to take steps to prevent the spread of syphilis and the maladies akin to it, and to submit schemes for Ministry of Health approval.

Welfare of the Blind.

Recent legislation has imposed on the County Council the duty of looking after the blind. In this work it may maintain homes, hospitals and workshops.

Maternity and Child Welfare.

Here too though the lesser authorities have concurrent powers in matters other than the supervision of midwives, the County Council is generally the body to act, and it does so through the statutory Maternity and Child Welfare Committee. With regard to midwives, it has to exercise general supervision and may contribute towards the cost of their training. It may appoint health visitors, and attend to the health of expectant and nursing mothers and of children under 5 who attend schools not recognised by the Board of Education. The establishment of crèches, ante-natal clinics, and the provision of infant foods are other matters to which the Council may attend. Under the Milk and Dairies Act, 1915, which comes into operation on the 1st September, 1925, it is given the further power to open depots for the sale of infants' milk at cost price in any district where this has not been done by the District Council.

Inspection of Food, etc.

It is the duty of the Public Analyst, an officer of the County Council, to inspect samples of food seized by Sanitary Inspectors and other officers within the area. And under the Milk and Dairies Consolidation Act, 1915, already referred to, the Council will, from September, 1925, have the responsibility of stopping the supply of milk likely to be tuberculous.

River Pollution.

Concurrently with the Borough and District Councils the County Council has the right to prosecute in cases of river pollution.

HOUSING.

The County Council has, in common with the District Councils in the larger districts, power to help owner-occupiers by means of advances under the Small Dwellings Acquisition Act, 1899, and
amending legislation—that is to say, it may (1) advance 90% of the price of the freehold, if the latter is not more than £1,200, over 30 years; (2) advance 90% of the price of the freehold, if the latter is not more than £1,300, to persons building or adapting houses or flats to the type specified in the Housing Act, 1923, or buying such houses built since April, 1923. It may also guarantee a building society's loan in respect of such houses.

TOWN PLANNING.

The functions of the Council here are supervisory. It may obtain powers from the Ministry of Health to make a town-planning scheme at the expense of a District Council which fails in this duty. As superior local authority for roads it has a particular interest in this sphere. It should protect the dignity of our main roads and the English country-side from being ruined by bungalows and cottages thrown down in heaps anywhere and anyhow.

ROADS, Etc.

All main roads in the county belong to and are subject to the control of the County Council which has power both to declare new main roads and to have an existing one disclaimed by Ministry of Transport order, subject to the sanction of the Borough Council in the case of roads lying in boroughs. It is liable for the repair of its main roads, unless it exercises its power of compelling a District Council to undertake the duty in return for an annual payment, the amount of which is agreed between them or else settled by the Ministry of Transport.

All bridges in public use within the County have to be maintained and kept in repair by the County Council; it can only avoid the obligation in particular cases by showing either (a) that some other person or body is liable for the bridge by prescription or (b) that the bridge was built after 1803 without the County Surveyor's certificate. In the case of a bridge built after 1834 for which it is thus responsible, it is also responsible for the approaches for the space of 300 yards on either side. A Council may enter into an agreement with another highway authority by which the latter undertakes the building or improving of a bridge.

Another function of the independent kind which the County Council exercises in this sphere is the licensing and registration of locomotives and motor cars and the levying of duties thereon. It can make regulations regarding the form of their wheels, the weight of loads, and the putting up of gates on highways, and can exempt from lighting regulations vehicles carrying farm produce in harvesting time.

As regards roads other than main roads the Council has important supervisory powers. It can compel the authority responsible for a road to repair it or appoint a person to do it at the authority's
expense. If a District Council fails to carry out its duties of protecting a public right of way or a roadside waste, the County Council can step in and take action instead, and where a District Council wishes to charge road expenses on a particular parish or parishes rather than on the whole district it must obtain the County Council’s sanction.

As regards powers of the concurrent type, a County Council has the same power as other road authorities of sharing in the cost of upkeep of highways or of drainage works designed to protect or improve highways, of buying and working ferries for the use of its area, and of applying to the Ministry of Transport for a loan from the Road Fund. In the latter case no conditions can be imposed on a Council accepting a loan without the Council’s consent or that of the Ministry of Health. Further, it may, with the sanction of the Ministry of Labour, obtain powers of acquiring land to build or improve a road where the work is likely to relieve unemployment.

POLICE.

The Standing Joint Committee of the County Council and Quarter Sessions (see page 8) is the authority controlling the County Police. Boroughs with a population of 10,000 or over were originally allowed to have a separate force, but at present only those with a population of 20,000 have this privilege. This, however, does not prevent any borough or even a county borough from arranging that they should come into the administrative county for police purposes, and not a few have availed themselves of this possibility, the terms being settled by a formal agreement in each case.

The police area is divided into districts by the Standing Joint Committee. The latter manages police buildings, settles the number of police and the rules governing the force, and appoints the Chief Constable, subject throughout to the approval of the Home Secretary and the detailed regulations from time to time issued by his department.

Half the expenses are paid by the Government grant and the balance is met by the County Rate and other receipts, the Joint Committee directing whether any items are to be charged on particular districts only.

LICENSING AND BYE-LAWS.

The Council is the licensing authority for explosives factories and the sale of agricultural poisons, as well as for locomotives and motor cars: it may also license theatres and cinemas, and, again in its role of guardian of the young, must proceed against any place of entertainment holding its license which does not comply with the regulations of s.121, Children’s Act, 1908, as to child safety. It may, by agreement with the Commissioners of Customs and Excise, collect entertainment duty. If a war charity or charity for the blind wishes to launch a public appeal, it must first be registered by the Council.
Subject to Home Office approval in each case, bye-laws for good rule and government may be passed by the Council regulating advertisements, bathing, public shows, restricting the use of roundabouts, swings or shooting galleries, the vocal exuberance of charabanc parties and such like, or prohibiting definite nuisances like dangerous animals in streets or spitting on pavements.

**AGRICULTURE.**

The Council must refer all matters relating to Agriculture, and if the Ministry of Agriculture so orders, agricultural education, to its Agricultural Committee, which has as sub-committees the Smallholdings and Allotments Committee and the Diseases of Animals Committee. Where an Agricultural Education sub-committee is appointed, it is desirable that it should include members both of the Agricultural and the Education committees.

Land may be acquired by the Council for division into smallholdings: if the Ministry of Agriculture approves, the Council may force an owner to sell or let his property for this purpose, as long as this is not part of a park, pleasure ground, house farm or dwelling-house. Labourers who are displaced in the process are entitled to compensation. The Council leases or sells the holdings to persons who intend to cultivate them themselves or to co-operative bodies of such persons. It may advance them the purchase price and the cost of equipment.

The Council may be called upon by the Ministry to carry out these powers. It may not exceed a penny rate but may have its necessary losses refunded by the Ministry. It may contract a loan for fifty years—if for the purpose of buying land, for eighty.

Other duties devolving on the County Council are (a) to appoint a veterinary inspector and administer the Diseases of Animals Acts; (b) to enforce the Rats and Mice (Destruction) Act and the Destructive Insects and Pests Acts; (c) to carry out the Fertilisers and Feeding Stuffs Act, which provides that an agricultural analyst and one or more official samplers be appointed subject to the approval of the Ministry of Agriculture. And by no means the least of its duties and one which gives the Council an excellent field for the display of its initiative is that of putting forward schemes for the development of rural industries and rural social life.

In the matter of the provision of allotments the Council has important supervisory powers throughout the whole of its area. It has to ascertain what demand exists in each locality, and if the council of a borough, urban district or rural parish does not adequately meet the demand, it may exercise the defaulting authority's powers at the latter's expense, with the Ministry of Agriculture in the background ready to take action itself if dissatisfied with the County Council's rate of progress. The power of conducting local enquiries which the County Council exercises in the matter is of no little assistance to the lesser authorities, many a recalcitrant landlord being brought to see reason by the mere threat of such a step.
Lastly, the Council may apply to the Ministry of Agriculture to be made sole or joint drainage authority for any district in its area, with powers to levy a drainage rate.

MISCELLANEOUS.

The Council is the authority for enforcing the Shops Act in its area apart from boroughs and those urban districts which have a population of 20,000 or over. It must, further, provide local standards, and appoint inspectors, of weights and measures: it has to appoint inspectors of gas meters for the protection of consumers, and take steps against retailers giving short weight in coal or tea: it has to prevent the sale of textile fabrics as non-inflammable unless they are up to the Home Office standard. It has power to acquire or contribute towards the upkeep of historic monuments; to apply for orders prohibiting the killing of wild birds at certain times or the stealing of their eggs; to promote or oppose Bills in Parliament, if a resolution to that effect is taken by a majority of the whole Council and has Ministry of Health sanction. Under the Unemployed Workmen Act, 1905, it forms Distress Committees to aid the Labour Exchanges by providing work or helping individuals to emigrate, while under the Unemployed (Relief Works) Act, 1920, it has power to take possession of land for roadmaking or afforestation in the interests of the unemployed.

With regard to rural parishes the County Council has a variety of functions. It can alter their boundaries, split them up, or group them together; it can settle matters relating to elections and election disputes, and fix the number of councillors. It can establish or dissolve a Parish Council; can confer the powers of a Parish Council on the Parish Meeting; where a parish with a population of less than 100 desires to have a Parish Council, it must obtain the County Council's sanction. Its approval is likewise necessary where a parish wishes to contract a loan or to acquire property for parish purposes by compulsory purchase, or to obtain an open space for a park or recreation ground under the Open Spaces Acts (1877—99), or where a Parish Meeting desires to act as lighting authority under the Lighting and Watching Act, 1833; it can alter the boundaries of parish areas for purposes of Adoptive Acts; it can set enquiries on foot and hear disputes as to the custody of parish documents.

With regard to Urban and Rural Districts its powers are also considerable. It can alter their boundaries, change their names, divide them into wards and form new ones: it fixes the number of councillors, may direct their retirement simultaneously at the end of the third year on their application (to be backed in the case of an Urban District by a two-thirds majority of the District Council), and settles matters relating to elections. It distributes the portions of the government grants in respect of the salaries of Medical Officers and Sanitary Inspectors employed by the District Councils. Elections to the Board of Guardians, the number of guardians, and the date of their retirement are matters falling similarly within the County Council's purview.
CONCLUSION.

From the above account of the County Council's functions it will have been observed that it holds a kind of half-way house between the Central Government and the lesser organs of local government. In this it has a unique position not held by the Council of the County Borough, for the latter is a self-contained area.

On the one hand the hold which the Government Departments exercise by means of the grants-in-aid, and the audit of accounts, keeps the County Council in close touch with Whitehall, while it must itself maintain a vigilant watch over its Borough, District and Parish Councils. Nor is the system entirely rigid, for ss. 10-28 of the 1888 Act make it possible for the County Council to be given powers hitherto exercised by Government Departments, and in its turn to transfer some of its own to the lesser bodies. In the former case the procedure was more definitely specified by the Local Government (Transfer of Powers) Act, 1902, which ordained that any County Council might obtain such additional powers on application. Strange to relate, County Councils have shown no eagerness to avail themselves of these provisions, as not a single application has as yet been made. There is no doubt that the Government Departments transact a considerable amount of business of mainly local interest which could with greater effect be done by responsible and efficient authorities closer to the scene of action.

While the County Councils have been slow to make use of their opportunities of widening their sphere of responsibility, they have been looking with a jealous eye on the inroads made therein by the extensions of the county borough system. True it is that the growth of the municipalities has meant the cutting off of large slices of most productive territory from the administrative county—as is most visible in the most highly industrialised counties of Lancashire and Yorkshire: and there is something solid in the grievance that this continued process puts the County in a state of permanent uncertainty and dislocation. On the whole, however, while one recognises that fuller use should be made of the County Council as a co-ordinating authority in matters like town planning, electricity and water supply, the impression produced on the reader of such evidence as that given by the County Councils' Association before the present Royal Commission on Local Government is that the attitude of the Councils is of too self-commiseratory a kind, and that they would be in a stronger position if they made further use of those powers of which nobody seeks to deprive them. And if a Council, while admitting the justice of such criticism, feels its powers of inventiveness exhausted, it were high time it opened its windows and admitted some of the freshness from outside, even at the risk of making room for that more progressive section of the electorate to which the County Councils as a whole have for too long remained strangers.

For the reader will have satisfied himself that the powers the County Council now possesses are of no mean order. In its keeping
lies in great measure the mental, moral and physical development of
the children on whom our main hope for the future rests: to it
likewise is entrusted the care of our countryside, and the fostering
of that back-to-the-land movement which many regard as the surest
means of our rehabilitation after the ravages of a world war. Add to
this that the reform of the Poor Law, promised for the near future
will almost certainly widen its scope. With such considerations in
our minds, our fear will not be lest its work should fail the County
Council, but lest the County Council fail short of its work. Our
apprehensions would be lessened by the abolition of some obvious
anomalies to modern ideas of representative government—the times
of Council meetings, and the expenses attached to candidature for
Council elections. That improvement in such detailed matters will
help, there is no doubt: for the rest it is for the elected councillor,
whomever and from whatever party he be, to approach in a spirit
free from political prejudices, and regardless of particular interests
already adequately protected, those all-important functions which he
is called upon to use to the fullest advantage of the community.

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Printed by G. Standing, 7 Finsbury St., London, E.C. and published by the Fabian Society.

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