BOROUGH & URBAN DISTRICT COUNCILS

Based on a tract by

C. R. ATTLEE

Revised by

A. E. LAUDER

FABIAN 'LOCAL GOVERNMENT' PAMPHLETS

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BOROUGH AND URBAN DISTRICT COUNCILS

Their Constitution, Powers and Duties

THE MUNICIPAL BOROUGH

The borough is one of the most ancient of all English units of local government and one of the most important. It is an urban community which has received a charter of incorporation from the Crown and is governed under a code developed by the Municipal Corporations Acts, 1835-1910, and now embodied in the Local Government Acts, 1933 and 1948. It is not the purpose of this pamphlet to deal with the history of town government in this country or to trace the rise and decline of civic administration prior to 1835, but rather to deal with the borough as part of the machinery of local government at the present time. It is well, however, to recall that some boroughs are of very ancient origin and may have rights and privileges derived from charters and local Acts of Parliament, owning property acquired many years ago; while others are the creation of yesterday, new communities that owe to their size and importance have obtained incorporation but derive their powers mainly from general statutes.

From the fact of their origin it is not surprising that there is a great diversity of area and population among boroughs. Birmingham has a population of over a million, and an area of 51,000 acres, while Montgomery has but 900 inhabitants, and Blandford only 250 acres. Boroughs also have differences of status among themselves, some of practical importance, others of sentimental interest; thus, some are cities in virtue of being seats of bishops or possessing a grant from the Crown, others are allowed to style their chief magistrate Lord Mayor instead of Mayor; others have a more important distinction in the possession of separate Courts of Quarter Sessions and a paid judge. The most important difference from the point of view of the student of local government and the practical administrator is that between county boroughs and non-county boroughs. The county borough, which is in all but three cases a town of over 50,000 inhabitants, stands for all purposes outside the administrative county of which geographically it forms a part. It has practically all the powers of a county council in addition to those of the most powerful municipal borough, while the non-county borough, like the urban district, divides authority in its area with the county council. The county borough is the most complete authority in English local government, and the sole authority in its area.

At the present time there are 392 boroughs outside London in England and Wales, of which 83 are county boroughs. There is a ladder of promotion among urban governing authorities. Urban districts may apply to the Privy Council for incorporation
as boroughs, though such applications are not usually considered favourably unless the population has reached more than 20,000; municipal boroughs of more than 75,000 inhabitants may apply to Parliament for county borough status, although until the future pattern of local government becomes clearer, it is doubtful whether this privilege will be granted in many cases.

The metropolitan boroughs in London and the city corporation are discussed in a separate tract.

**Constitution of Borough Councils**

Outside the Metropolis every borough owes its constitution to the provisions of the Municipal Corporations Act now embodied in the Local Government Acts, 1933 and 1948. The 1933 Act defines a municipal corporation as “the body corporate constituted by the incorporation of the inhabitants of a borough”. The corporation enjoys perpetual succession and a common seal, and it acts by a council consisting of the Lord Mayor or Mayor, Aldermen and Councillors, the number of members varying according to the size of the borough. Councillors must be either (a) local government electors; (b) persons possessing freehold or leasehold land in the borough; or (c) persons who have been resident in the borough for the whole of the twelve months previous to election. There is no other property qualification, and the councillors are elected on a day in May, fixed by the Home Secretary, to serve for three years, one-third of them retiring each year. (Representation of the People Act, 1948.)

By the Representation of the People Act, 1948, every British subject, man or woman, over the age of 21 and not subject to any legal incapacity, is entitled to be placed on the Roll of Electors in respect of the address at which he or she resided on the 20th November, for the Spring Register, or the 15th June, for the Autumn Register. Special provision is made for persons serving in the Forces and over the age of 21 to be registered. The registration officer prepares the Register, after making a canvass of the district. The Register will be found exhibited at the Town Hall, but usually the Party agents have a copy. It should be consulted in any case of doubt. Proxies and postal voting are allowed in certain cases, of which information can be obtained from the registration officer.

Aldermen are elected by the councillors from among their own number or from persons qualified to be councillors, and their number is one-third of the councillors. One-half of their number retire every three years, so that they serve for six years.

The Mayor or Lord Mayor is elected by the council from the aldermen and councillors or those qualified to be such. He may receive a salary. The Mayor is a Justice of the Peace for his year of office. He may appoint an alderman or councillor to be Deputy Mayor. There is no sex disqualification for any of these civic offices.
Such ornamental articles as the mace, mayoral robes, etc., must be obtained by private gift. The grant of the Freedom of the Borough is now purely honorary, and confers no legal rights on the recipient.

Under the Local Government Act, 1948, a member of the council may be paid for loss of earnings or expenses incurred by him, to enable him to attend meetings of the council or committees or perform any duties approved by the council. The payment may not exceed 10/- for four hours or 20/- for a longer period up to 24 hours. Travelling expenses and subsistence allowance may also be paid for attendance on such duties outside the borough boundaries.

THE URBAN DISTRICT

The urban district, as a unit of local administration, was established by the Local Government Act, 1894, superseding the old urban sanitary district. There are now 572 of these urban districts in England and Wales, varying widely in population, area and wealth. Thus, at one end of the scale, we have Rhondda with a population of over 114,000; at the other end Bettws-y-Coed with 2,000. Harrow has a rateable value of over £2,000,000, Bala of less than £7,000. On the other hand, Rhondda covers 23,885 acres, or more than 37 square miles, and Bala has only 659 acres.

Many small urban districts were absorbed into larger urban or rural districts as a result of the revision of boundaries by the Minister of Health, following upon recommendations of the county councils under the Local Government Act, 1929, but there are still a large number which are too small or too poor to enable their councils fully to exercise their local government powers and duties.

An urban district may apply to the Privy Council for a charter of incorporation—under which the district will become a municipal borough. A number of districts have obtained their charters during the last twenty-five years.

The Local Government Boundary Commission was set up when the Local Government (Boundary Commission) Act, 1945, was passed.

The Commission did excellent work, but unfortunately was limited by the Act to the review and alteration of local government

1 The question often arises, in an urban district with a population of 20,000 or more, whether it should seek to become a municipal borough. This involves an application to the Privy Council for a Royal Charter, which is only granted after considerable inquiry. An urban district council has practically the same powers as a borough council, but a larger borough may be allowed its own Bench of Justices and its own Quarter Sessions. The borough's power of making bye-laws is somewhat enlarged. Otherwise the only difference is that (a) the Chairman becomes a Mayor; (b) the Clerk is styled Town Clerk; (c) the Council appoints Aldermen, either from its own body or from outside; (d) the borough may escape from the audit of the Ministry of Health's District Auditor, and have its own auditors, elective or appointed by the Mayor; but the Charter would probably be granted subject to a condition that the audit of the Ministry should be retained. Short of becoming a county borough,
boundaries only. It had no power to alter the structure of local government, or to vary the functions of different classes of local authority. Correspondingly the Government decided in 1949 to wind up the Commission and repeal the 1945 Act. This restores the position as regards boundaries to substantially what it was before 1945. That is to say, Sections 139-146 of the Local Government Act, 1933, are again operative, as very slightly amended by the Local Government Boundary Commission (Dissolution) Act, 1949.

**Constitution of the Urban District Council**

The constitution of an urban district council is now governed by the Local Government Acts, 1933 and 1948.

The qualification for voting and for membership is similar to that for a borough council. The council is in every case a corporate body with perpetual succession (i.e., its life continues unbroken, irrespective of the individual members who compose it) and a common seal.

A councillors holds office for three years, and unless disqualified in the meantime is re-eligible at the end of his term. As a rule, the whole council does not come in and go out together; one-third of the members retire in May each year. It may, however, be arranged by special order of the county council (in response to a resolution of the urban district council, passed by two-thirds of those voting) that the whole body shall retire en bloc every third year, and this is done in some districts. The chairman of the council is elected by the councillors and he (or she, for there is no sex-disqualification) becomes, by virtue of the office, a Justice of the Peace. The chairman need not be a councillor, but may be chosen from outside, provided that he is qualified to be a councillor. The council may also appoint, and generally does appoint, a vice-chairman, who must be a member of the council. A district council has no aldermen and no ex officio or nominated members. Councillors are unpaid, but they are entitled to recover expenses and payment for loss of earnings, as in the case of borough councillors.

**II.
THE COUNCILS: POWERS AND DUTIES**

The powers and duties of a borough council or urban district council are derived partly from the statutes under which it is created, the chief tangible advantage of an urban district getting a charter of incorporation is said to be a rise in status and dignity which will be of importance from a civic point of view, and will increase the interest of the electors in their local affairs. "Nothing is but thinking makes it so," and, if the inhabitants of an urban district believe that their municipal affairs are of less importance than those of a neighbouring borough, their sense of inferiority will be reflected in electoral apathy.
partly from its being also a local authority under the Public Health Acts, and in the case of a county borough an authority with powers similar to those of a county council, and certain duties by public or local Acts of Parliament. These powers vary with the size of the town, those with 10,000 or 20,000 population having some additional powers, while county boroughs have most of all. It will be most convenient to consider these differences when dealing with the various services performed by the councils.

Recent legislation has added to the powers and duties of the county councils, and diminished those of the non-county borough councils, much to their alarm. Modern specialisation in such matters as hospital treatment, town planning and protection from fire requires larger areas; and larger areas mean pooling the rate cost over a wider and more mixed community. On the other hand, the councils of populous cities and counties are less likely to be in close touch with the electorate, and to give the same detailed attention to the matters before them, than the councils of the smaller towns.

The services may be grouped under the following heads:—

1. **As Municipal Authority**

The council administers corporate property; this in the case of many ancient boroughs is very considerable. Bristol derives £85,000 and Nottingham £110,000 from rents, not including the still larger sums from rents of housing estates. Other examples are Doncaster, Chester and Brighton which own race-courses, Bristol owning docks and an air-port, Colchester which owns oyster fisheries, and Bath, Buxton and Harrogate which own medicinal baths. Labour councillors should see that municipal property is being used to the best advantage, as cases have been known where the city fathers or grandfathers have leased corporate property to their friends for long terms of years at low rentals. The borough council also makes bye-laws “for the good government of the town”, dealing with such matters as street nuisances, annoyance from loud wireless apparatus, fouling of footpaths by dogs, etc. These bye-laws are one of the few matters which today are dealt with by the borough council, but not by an urban district council; in the latter case the county council makes such bye-laws.

In addition to its specific duties the council is the representative body of the town, and it is its duty to give expression to the wishes of the inhabitants and to protect their interests. Thus, it is the duty of the council to keep a careful watch on public and private Bills introduced into Parliament and where necessary offer opposition to Bills injurious to the town. In the past many towns have found such opposition the only means of obtaining useful concessions from railway, electricity, transport or gas companies. Doubtless it will still be necessary, when nationalised services need to be improved or extended, to press the community’s views upon the
appropriate Government Department, including the Postmaster General.

The council should also be careful to do all it can to increase the amenities of the town. If a town hall, school, or other public building is to be erected, or a park to be laid out, it should be worthy of the town’s best sense and taste.

2. Local Justice

In boroughs with a separate Commission of the Peace the Mayor presides over the borough Bench. In other boroughs and in all urban districts the mayor or the chairman of the council is a justice for the county for the same period and will sit on the Bench for the division of the county in which the borough is situated. The magistrates are appointed by the Lord Chancellor, who may adopt recommendations made to him by the council. Otherwise, he acts on the advice of the Lord Lieutenant of the county. Certain boroughs have obtained the appointment of a stipendiary magistrate who is a paid justice appointed by the Crown on the advice of the Home Secretary. (There are seventeen stipendiaries outside London.) The Crown may grant a separate Court of Quarter Sessions for a borough, and the Recorder, who is a barrister appointed by the Lord Chancellor, then sits as judge and is paid from the borough rates. There are also certain ancient courts in boroughs, such as the Salford Court of Hundred and the Guild Hall Court, Norwich. The council of a Quarter Sessions borough with a population of 10,000 or over, which is either a county borough or received its grant of Quarter Sessions before 1888, must appoint a fit person to be coroner. In other towns the coroner is appointed by the county council. A few ancient towns are “counties of cities” or “counties of towns” and have to appoint a sheriff, who is elected annually by the council.

3. Public Health

This, with housing and education, will be dealt with in detail in other tracts. It is enough to say here that the council is the authority for drainage, sewerage, street scavenging, the removal and disposal of refuse, the approval of plans of new buildings, mortuaries, cemeteries, crematoria, the inspection of dwelling-houses, slaughter-houses, ice cream makers, restaurants, bakeries, the seizure of unsound food, the issue of licences for the sale of milk under special designations, and the prevention of nuisances to public health and the provision of public conveniences. The public health activities of the council are invariably recorded in the annual report of the Medical Officer of Health. Every ratepayer interested

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1 The Lord Lieutenant is advised by an Advisory Committee. In Lancashire appointments to the borough bench are made by the Chancellor of the Duchy after advice from the Advisory Committees of each borough.
in this important work should apply at the Town Hall for a copy of the report, which may usually be obtained free of charge.

In addition to carrying out its statutory duties a borough or district council may undertake many voluntary activities to protect and improve the public health, such as the dissemination of appropriate literature, organising lectures and film shows by the Medical Officer of Health, and conferences of medical practitioners, educational experts or such local traders as butchers, cafe proprietors, milk dealers and innkeepers, to raise the standard of hygiene in their professions. The task of dealing with Tuberculosis and Venereal Diseases falls partly upon the Councils of county boroughs and county councils, but mainly upon the hospital boards.

The National Health Service Act, 1946, which came into operation on the 5th July, 1948, made vast changes in the work of the borough and district councils. It was one of a series of Parliamentary measures (including the National Insurance Act, 1946; the Family Allowances Act, 1945; and the National Assistance Act, 1948) intended to give all citizens and their families the benefits of social security and freedom from want. It provides for them a complete and free medical, surgical, and rehabilitation service.

Very nearly all the public hospitals, whether for physical, infectious or mental disease, and most of the sanatoria, maternity homes, convalescent homes and out-patients’ departments of the country are transferred to the Minister of Health. Britain is divided into fourteen Hospital Regions, and for each of them a Board, appointed by the Minister, is set up to administer the hospitals and specialist services. The Board must include, inter alia, persons appointed after consultation with the local health authorities. Those authorities are the councils of counties and county boroughs.

The councils of non-county boroughs and urban districts thus lose their hospitals for infectious disease (and in a few cases for general diseases and disability) which they have maintained, more or less generally, for upwards of half a century, but they may have representatives on the Hospital Management Committees (whose duties are indicated by their title) who can keep them in touch with the work. These committees are appointed by the Board, and they must include persons appointed after consultation with the Local Health Authorities, i.e., the County Councils and County Borough Councils.

Other powers for the protection of the public health are entrusted to the Local Health Authorities. County or county borough councils acting in that capacity must appoint a health committee, which may include non-members of the council, such as representatives of the non-county boroughs and U.D.C.s, but the majority must be members of the county council. To this committee must be referred, for report to the L.H.A., all matters relating to the discharge of their health functions. The L.H.A. may delegate
to the committee authority to exercise on its behalf any of such functions, other than the usual exceptions of borrowing money or levying a rate. The committee may also delegate any of their duties to sub-committees, if the council agrees.

The expenditure of the Regional Hospital Board and the Hospital Management Committee, if approved by the Minister of Health, including payments to members for loss of remunerative time, will be repaid by Government grant. The county or county borough council has power, with the approval of the Minister of Health, to contribute to the expenses of any voluntary association "having as its object the promotion of the public health services".

The Act also makes it necessary to appoint an executive council to provide the general medical and dental services, pharmaceutical services and ophthalmic services in the county or county borough. Eight out of the twenty-four members are appointed by the L.H.A.

The actual work of these bodies falls outside the scope of this tract, but it will be seen that county borough councils and, to a lesser extent, non-county borough and urban district councils are concerned with the operation of this vast effort to safeguard the nation's health. Every care should be taken that their representatives should be men and women interested in the work and competent to assist in achieving its object, and not merely members who count the number of committees of which they are members as scalps to their girdles.

The Act also took from the councils of non-county boroughs and urban districts the maternity and child welfare work which most of them had carried out, with steadily increasing interest and efficiency, for the last two decades. This duty now falls on the L.H.A.—the councils of counties and county boroughs—but they may and probably will appoint area sub-committees, upon which representatives from the non-county boroughs and urban districts and experienced volunteers will be included, to carry out this work. The duty is specifically imposed upon them to provide for the care, including dental care, of expectant and nursing mothers, and of children under the age of five who are not attending school. This duty covers the engagement of midwives, the appointment of health visitors and the provision of children's nurseries. These officers, acting under the direction of the Medical Officer of Health, frequently give lectures to small gatherings of mothers or expectant mothers, and, on occasion, of fathers, who have, of course, much to learn. The Councils will also, in due course, have to provide and equip health centres, which will give facilities for services of a general medical, dental or pharmaceutical nature. They have to engage nurses who can attend patients in their own homes, ensure sufficient ambulance and "after care" services and arrange with medical practitioners for vaccination (no longer compulsory) and immunisation against diphtheria or, with the approval of the Minister, against any other disease. Many authorities now include whooping cough in the diseases from which protection is desired.
Domestic help may also be provided where it is required owing to illness, physical or mental, and may be charged for according to the means of the patient.

The proposals of the L.H.A. for carrying out all the above services require the approval of the Minister of Health, and copies of such proposals are served on the councils of non-county boroughs and urban districts. Members of those councils are advised to obtain from their Town Clerk or Medical Officer a copy of the proposals approved by the Minister.

It will, of course, be some considerable time before all the new services are in working order, especially those which involve building work and the recruitment of a trained staff.

Under the Local Government Act, 1948, Parliament provides a grant to the L.H.A. of approximately one half of its expenditure on its health services.

4. **Social Welfare**

The last remnant of the Poor Law disappeared from Britain on the 5th July, 1948, when the National Assistance Act, 1948, came into operation, and the duty of providing for the needy was transferred to the National Assistance Board. The council of a county borough will, however, still have certain duties, such as the provision of residential accommodation for the aged and infirm; hostels and other accommodation for disabled persons (to whom training may be given) at charges in accordance with the pecuniary means of the persons relieved; and temporary homes for persons in urgent need. It will also have power to promote the welfare and training of the blind, deaf and dumb, or those suffering from similar handicaps. All homes for such persons must be registered and inspected.

Arrangements may be made with voluntary agencies for carrying out the Act. The council's proposals must be set out in a scheme, which must be approved by the Minister of Local Government and Planning, who will contribute to the expense involved. A copy of this scheme must be sent to the non-county borough and urban district councils within the area, and members of the latter bodies may thus ascertain the extent to which the county council operates the Act.

The Act also imposes upon the councils of all boroughs and urban district councils the duty of burying or cremating dead bodies for the disposal of which no other arrangements have been made.

Valuable help in extending the work of Public Assistance, in such extra-statutory matters as the care of old people, and setting up a "meals on wheels" service, is often obtained from the local branch of the Women's Voluntary Service.
5. Housing

The borough or the district council is responsible for carrying out the Housing Acts, including the provision of houses, the clearing of congested areas and slums and ensuring that all houses are kept in a proper state of repair and are not overcrowded. The provision of houses to let at rents which can be paid by the working classes has been practically abandoned as a normal feature of private enterprise, and has been undertaken by local authorities, with the aid of State subsidies.

The Housing (Financial and Miscellaneous Provisions) Act, 1946, provides for an annual State subsidy for houses of normal construction of £16 10s. 0d. per house, together with £5 10s. 0d. from the rates. For agricultural dwellings the respective amounts are £25 10s. 0d. and £3, the latter amount to be shared equally between the county council and the non-county borough or urban district council. The Government may also pay a higher subsidy in specially poor districts, and for flats erected on very expensive land.

The great number of council houses and the keen demand for them from the homeless have made the selection of tenants a duty requiring much care. Labour councillors should bear in mind that this forms an effective contrast between production for profit and production for use. The private owner of a cottage would naturally desire to let it to an applicant with no family and a high income. The Housing Committee of a council should see that tenancies go to applicants with the greatest need, regardless of income.

The lay-out of the council’s housing estates is of much importance. Monotony of design should be avoided, and such amenities as allotments and a community hall, for recreational, educational and cultural purposes, should be included on all large estates, and encouragement given to the tenants to make good use of the gardens of their houses.

The council may also advance to persons purchasing houses for their own occupation loans up to 90 per cent. of the valuation (which must not exceed £5,000) of the premises, repayable within a maximum period of thirty years at interest at low rates.

Under the Housing Act, 1949, Government Grants are available to local authorities if they acquire dwellings, and convert or improve them. The grants cover three-quarters of the estimated annual loss likely to be incurred by the local authority for 20 years.

The Act also provides that a local authority can give assistance to private owners who wish to convert or improve their own property to the approval of the authority, and subject to the conditions laid down by the Ministry. The local authority can make grants not exceeding half the estimated cost, but only if the estimated cost of improving each dwelling is not less than £100 or more than £600.
The Act further abolishes the provision that local authorities can only build houses for the “working classes”. In future they can build houses for anyone, regardless of income. They can also provide laundry and restaurant services for their tenants, and can sell furniture to them. Hostels can be provided, which will be of special assistance to such persons as students. Removal expenses and compensation for loss of trade can be paid to persons displaced from sites needed for housing.

Special grants are payable to local authorities making experiments with new methods of building, or new materials and fittings for houses.

6. **Town Planning**

A Town Planning Scheme is of enormous importance to ensure that building development shall be carried out to meet public needs and convenience rather than solely to provide private profit.

From its commencement in 1909 until 1948, town planning was carried out by the councils of borough and urban districts. The powers of the council in this matter were steadily increased by Parliament until the Town and Country Planning Act, 1947, which transferred the work in non-county boroughs and urban districts to the county councils. The Local Planning Authorities are therefore now the councils of counties and county boroughs, and the number of such authorities is reduced from 1,441 to 145.

A Development Plan under the Town and Country Planning Act, 1947, made by the L.P.A. and approved by the Minister of Local Government and Planning, may lay down the lines of future roads, set out zones in which certain classes of buildings (shops, factories or premises used for noxious industries, as the case may be) will not be permitted, and designate land for future open spaces which the local council may compulsorily purchase. The L.P.A. may make orders, which will require confirmation by the Minister, for the preservation of trees and historical and special architectural buildings. Wide powers also exist for controlling outdoor advertising in accordance with general regulations made by the Minister.

All new development of land, such as building, mining, etc., must receive the consent of the L.P.A. A county council may, and presumably will, delegate its powers of approving or disapproving normal plans for development to the councils of non-county boroughs and urban districts. Those minor councils will, of course, retain their power to deal with such plans under their Building Bye-laws. A new survey of the whole of the land in the country has to be made, to provide a full development plan by 1951. This plan, whilst stronger than the various town plans previously prepared by the minor authorities, must be re-examined every five years. The compulsory purchase of land for public purposes by local authorities is made easier in procedure. One important innovation is another attempt to secure for the public
the unearned increment arising from the continued increase in value of land, due to the expansion of industry or the growth of population, and not to any act on the part of the owner. Previous attempts providing for the payment of “betterment” to local authorities had failed. The new Act differentiates between the value of land for the use to which it is being put and the estimated value when it is developed. The development value passes to the Central Land Board and the owner is left only with the existing use value. Any loss to the owner is to be mitigated by a fund of £300,000,000 provided by the Government, not as legal compensation, but to “avoid hardship”. Upon purchase by a local authority, therefore, only the existing use value will be payable to the owner, but the authority will usually have to pay to the Central Land Board the development charge fixed by them when the land is developed.

New towns are being constructed by corporations set up by the Ministry of Local Government and Planning, e.g., at Stevenage, Crawley, Harlow, Basildon, Hemel Hempstead, Welwyn, Bracknell Hatfield, Aycliffe, Peterlee, Corby and Cwmbran.

7. Land

The B.C. or U.D.C. has now wide powers for the purchase of land. It may acquire land, within or outside its area, by purchase, lease or exchange, for any of its general functions, either by agreement or compulsorily. It may also, providing the Minister of the appropriate Department consents, acquire land which is not immediately required for its ultimate purpose. In the case of a compulsory purchase the council makes a provisional order, which must be confirmed by the appropriate Minister, usually after a public inquiry. The price is settled, in default of agreement, by arbitration. The council may also, with the approval of the Minister, use any of its land not required for the purpose for which it was acquired, for some other purpose within its functions.

8. Education

Under the Education Act, 1944, the borough council is the Local Education Authority in a county borough, but in all other districts, including, of course, non-county boroughs and urban districts, the county council is the authority. Thus, the cost of education to-day is equalised over the whole of the administrative county. Such an L.E.A. must form an education committee, to whom all educational matters are referred in the first instance, but definite powers may be delegated to them, except raising a loan or making a rate. The committee must include “persons of experience in education and persons acquainted with the local educational conditions”, and the majority must be members of the county borough or county council.

In order to secure local co-operation and interest, however, the county council is required to divide the county into areas,
and the non-county borough or urban district council for any such area with a population in June, 1939, of 60,000, according to the Registrar General's estimate, or which had on 31st March, 1939, 7,000 pupils on the rolls of the elementary schools, may claim to be an "excepted district". The borough or urban district council then becomes a "divisional executive" with delegated powers in accordance with a scheme prepared by the local council and approved by the Minister of Education. A copy of any such scheme may be seen at the Town Hall. The council which is a divisional executive must appoint an education committee, which should include persons not members of the council. The council can relinquish its right to be an "excepted district" and a number of councils have done so and become subject to the scheme prepared by the county council. For such areas and the remainder of the county, the county council will prepare a scheme (also to be seen at the Town Hall or the County Hall) setting up divisional executives covering a group of boroughs and urban districts, and here again persons not members of either the county or local council must be included on the executive.

It should be noted that all children are entitled to free primary and secondary school education, that the school-leaving age has been extended to 15, and later on will be 16, with further part-time education to the age of 18, that the powers of the L.E.A. extend to the provision of food, clothing (paid for in accordance with the parents' means), medical treatment (other than at home), special education required owing to the physical or mental condition of children, nursery schools for children from 2 to 5, recreation and social and physical training and the establishment of community centres. A copy of the regulations made by the Minister of Education concerning these matters may be obtained from the Ministry. The L.E.A. may also prohibit the employment of any child where the work would injure his health or prevent him from receiving the full benefit of education.

9. Highways

Borough and urban district councils are responsible for the paving, lighting and cleansing of the "district" roads in their area, the provision of public conveniences, parking places, and for the general regulation, street numbering, tree planting, etc. In non-county boroughs and urban districts the more important highways, known as classified roads, are under the control of the county council, but the work of repairing and maintaining them is frequently carried out by the borough or district council at the cost of the county council. The Minister of Transport also contributes to the expenditure on such roads. The normal grant from the Minister is 75 per cent. for Class 1 roads and 60 per cent. for Class 2 and Class 3 roads. The classification is based on the extent to which the roads are used by non-local traffic. The few great trunk roads are maintained by the Minister of Transport.
The council can also compel the making up, to a reasonable specification, of private streets under the Private Streets Works Act, 1892, if that has been adopted by the council, otherwise under the Public Health Act, 1875, as amended by subsequent public health legislation.

The council of a county borough issues licences for motor vehicles, but in other towns the county council is the licensing authority. County boroughs and boroughs with over 10,000 population may make regulations as to the use of roads by heavy traffic, and councillors should not forget that they have power to make users pay for new and exceptionally heavy traffic. The display of advertisements is now subject to the control of the local planning authorities, but the borough council licenses hoardings and other projections, etc., over the roadway. The council also maintains bridges and may contribute to the cost of constructing bridges by private persons.

10. Parks, Recreation Grounds, Commons, Swimming Baths, etc.

Borough and urban district councils have power to purchase or lease land for parks, recreation grounds and open spaces, and to make bye-laws, for their use; they may let out boats for hire on lakes and provide gymnastic and recreational apparatus, bands of music, refreshments and concerts. The council may regulate commons and assist in maintaining rights of common and rights of way. In many towns there are neglected gardens in squares that have ‘gone down’ which an alert council can obtain for use as open spaces or children’s recreation grounds, and fit them up with playing and gymnastic apparatus. The Government has passed the War-Damaged Sites Act, 1949, empowering local authorities to take over bomb sites on short leases and use them for purposes consistent with amenity.

In a non-county borough or urban district the county council can contribute towards the cost of acquiring or maintaining recreation grounds. The borough council should apply for such a contribution when the purchase of any large area is under consideration.

In cases where the council desires to earmark land which they consider will be required in the future for public recreation, it should secure the inclusion of such land in the development plan of the L.P.A., as land designated for a public open space.

The borough or urban district council may provide swimming baths, which should not, of course, be regarded as a revenue producing affair. As already stated, some Councils of health resorts maintain medicinal baths.

11. Allotments and Small Holdings

Borough and urban district councils have power to acquire land for allotments. If six ratepayers represent that allotments
are required, the council must consider this matter, and if the representations are correct it must purchase or hire sufficient land for the purpose, subject to the net expenditure (which must include interest but not sinking fund charges on the purchase price) not exceeding the product of a rate of a penny and a third. The land can, if necessary, be acquired compulsorily, and it may lie within or without the boundaries of the borough. The Development Plan should designate land required for future allotments. The council must appoint an allotments committee, to whom all questions relating to allotments stand referred. The committee must include representatives of the tenants.

A county borough council must supply small-holdings if a demand is made and land is available, for persons with agricultural experience wishing to work holding on a full-time basis. The council may purchase or lease land for the purpose of letting as small holdings, or may sell the land to the tenant or assist a small holder in purchasing from a private individual.

12. Libraries

A borough council or urban district council normally has power to provide and maintain public libraries either alone or in conjunction with neighbouring authorities. The restriction of expenditure to the product of a penny rate was removed by the Public Libraries Act of 1919. This statute also empowers the county council to act in boroughs and urban districts where the Libraries Acts have not been adopted, and where this is done the borough council will lose its powers. Museums may also be established and maintained. There is power to co-opt outside members on the libraries committee. Libraries established by the county council will usually be managed by local committees appointed by that council but including representatives of the non-county borough and district councils.

13. Public Utility Services

A borough or urban district council in many cases possesses its own water supply. Municipal slaughterhouses may be established and public markets, provided that ancient market rights are not interfered with. These are the most usual municipal services, but councils may and do carry on other undertakings to meet their special requirements. Thus watering places frequently have piers, sea-walls, harbours and bathing places. Bradford has a municipal conditioning house for textile fabrics which pays its way.

Manchester City Council was largely responsible for the Ship Canal and is a large shareholder. Most busy towns now have car parks, the income from which should meet the expenditure. Some borough and urban district councils carry on a catering service under the Civic Restaurants Act, 1947. The Act requires the council to use its best endeavours to see that the income covers
the expenditure. Its powers cease if there is a deficit for three consecutive years, unless the Minister of Food agrees otherwise.

Under the Local Government Act, 1948, a borough or urban district council may provide entertainments, concerts, dances, etc., including the necessary theatres or halls up to a maximum net expenditure of the product of a sixpenny rate. It may also provide lectures on questions relating to local government and establish information centres. Councils whose areas are health resorts may advertise the advantages and amenities which they have to offer to visitors.

Some Authorities (e.g. the Middlesex County Council and the Metropolitan Water Board) stimulate the interest of their ratepayers by film records of their work. Other Councils give public evidence of their usefulness in a Civic Week, by exhibitions organised either independently or with the aid of an outfit hired from the National Association of Local Government Officers.

14. Protective and Regulative Powers

(a) Police.

County boroughs and two non-county boroughs maintain their own police forces. The force is controlled by the Watch Committee, consisting of not more than one-third of the members of the council and the Mayor. In other boroughs the police are under the Standing Joint Committee of the county council and justices and, in the metropolitan area, under the Home Secretary. One half of the cost of the pay and clothing of the police is contributed from the Exchequer on a certificate of efficiency.

(b) Fire Brigades

The Fire Brigades Act, 1947, transferred to the county councils the duty of providing protection against fire formerly carried out by the councils of non-county boroughs and urban districts. County borough councils, of course, retain such powers. Many county councils have formed management committees, and divide their areas into groups, each governed by a management scheme upon which the minor councils have representation. The exact position in each town may be ascertained by enquiry at the Town Hall. The street ambulance service is now under the control of the Local Health Authority and is frequently entrusted to the fire brigade.

(c) Children

The borough or urban district council is the authority for the enforcement of the Children and Young Persons Acts, 1933 and 1938, so far as the hours and conditions of labour are concerned, and the Young Persons (Employment) Act, 1938. The normal hours of labour of persons under 16 engaged in retail trade, etc., are limited to 44 per week.
Under the Children Act, 1948, the council of a county or of a county borough has the duty of maintaining by boarding out or in homes provided by the council, orphans or abandoned children under the age of 17 until they are 18 or their welfare is assured. The council may also provide hostels for persons over school age and under 21 near their place of employment, education or training.

The council must appoint a Children’s Committee to carry out all their functions for the protection of children unless released from this obligation by the Home Secretary. Half the cost of the work will be repaid by the Government.

Voluntary homes for children must be registered by the Home Secretary, and will be subject to inspection by the council, who may contribute towards their cost.

(d) Factories and Workshops

In workshops, including bakehouses, the law in regard to cleanliness, lime-washing, ventilation, prevention of nuisances and overcrowding, protection from fire, etc., is enforced by the borough or urban district council. A register of workshops is kept by the council. Factories are inspected by the Home Office, but the Home Office may, if it considers it necessary, demand the assistance of the borough council, with whom there should always be close co-operation.

(e) Weights and Measures

County boroughs and boroughs with over 10,000 population are the authorities for putting into force the law relating to weights and measures, but many non-county borough councils yield up this work to the county council. Standards of weights and measures must be provided and verified from time to time. The council appoints inspectors to verify and stamp weights and measures brought to them and to inspect those in use in the borough. It can also make bye-laws regulating the retail sale of coal under the Weights and Measures Act, 1889.

(f) Shops

The borough or urban district council is the authority for enforcing the Shops Act, 1912 to 1936. It appoints inspectors to see that hours of work for young persons under the age of 18 (normally 44 per week) are not exceeded, and that the notices as to the weekly half holiday are exhibited in the shop, and that seats and proper washing and sanitary conveniences are provided for assistants. The council may also make orders fixing early closing day and times of closing for various classes of shops.

(g) Diseases of Animals

County boroughs and boroughs with more than 10,000 population are the authorities for dealing with contagious diseases of
animals and preventing the introduction of destructive insects. The council elect an executive committee and appoint a veterinary inspector. The diseases dealt with are glanders, cattle plague, pleuro-pneumonia, foot and mouth disease, sheep pox, sheep scab, swine fever, anthrax, rabies, etc. The council may also establish a place for slaughtering of foreign cattle. In some boroughs these powers are relinquished to the county council.

(b) Licensing and Registration

The borough or urban district council is the authority for licensing slaughterhouses, knackers' yards, game dealers, pawnbrokers, common lodging houses, hackney carriages, horses or donkeys let out for hire, and pleasure boats, street hawkers, and massage establishments. It registers and inspects milkshops, dairies, canal boats and old metal dealers and marine stores. It licenses and regulates the storage of petroleum. It can make bye-laws for the regulation and sanitary condition of tents, vans and other temporary dwellings, and the control and registration of domestic servants' registry offices. It may apply to the Home Office to abolish any fair in the borough or to alter the day for holding it. The county council or the county borough council is the authority under the Explosives Act, 1875, and licenses the manufacture and storage of fireworks and explosives. It also licenses emigration agents, dealers in poisons, racecourses and premises for the public performance of stage plays. Music and dancing licences are granted by the magistrates except within 20 miles of the cities of London and Westminster, where they are granted by the borough council in county boroughs and elsewhere by the county council. Under the Fertilisers and Feeding Stuffs Act, 1926, a county council or county borough council may appoint an agricultural analyst and official samplers.

(i) Charities

The Minister of Local Government and Planning may confer on a borough or urban district council the powers of a parish council, enabling them to administer non-ecclesiastical charities, and a county borough council may pay the costs of an enquiry by the Charity Commissioners into the public charities of the district. This is worth considering by Labour councillors, as there are often old charities with funds that might be put to far better use than they are at present.

(j) Fisheries

County boroughs and boroughs with a population of over 20,000 may apply to the Ministry of Agriculture and Fisheries for the creation of a fishery district under the control of the council and those engaged in the industry.
III. FINANCE OF THE COUNCILS

The expenses of a borough or urban district council are defrayed from three main sources:

(A) Income from municipal property such as rents from corporately owned land or housing estates.

(B) Rates levied upon owners and occupiers of property within the borough or district.

(C) Contributions from the central government and from the county council in the form of grants.

The borough or urban district council is the rating authority and levies a single consolidated rate called the General Rate to meet its own expenses and those of any precepting authority. The rate is levied at an equal amount in the pound on the rateable value of each hereditament in the area. Some councils levy special rates on particular parts of the area under local Acts of Parliament.

Rates are levied primarily on the occupiers of property but by resolution the council may order owners of property of low valuation to be rated instead of the occupiers. An allowance of from ten to 15 per cent. is made to these owners. Agreements may also be made with owners of property, the rents of which are paid at more frequent intervals than quarterly, whereby under certain conditions as to the owner paying or collecting the rates, allowances up to fifteen per cent. may be made. "Agricultural land is unrated and factories receive a reduction of three-fourths of their annual value before their rateable value, upon which the General Rate is levied, is arrived at. In almost all towns there are authorities other than the council deriving their income from the rates. Cooperative arrangements with other local bodies may have set up a Joint Board or a Joint Committee for the provision of sewage works, a recreation ground or a library. This Joint Authority will precept upon the borough or urban district council for its share in the expenditure. In a non-county borough or urban district the council as rating authority will have to provide in the General Rate for the payment of precepts for the expenses of the county council and any joint authority of which it is a constituent member. In the Metropolitan area it will also have to include the borough's share of the cost of the Metropolitan Police.

Under the Local Government Act, 1948, a county council may contribute towards the expenses of a non-county borough or urban district within its area and a borough or urban district council may pay subscriptions to an association of local authorities.

The rates are the chief source of income of a borough or urban district council. It should always be borne in mind that in spite of the Exchequer Equalisation Grant, referred to later, and of the fact that the rate poundage for Health Services and Education is now equalised over the administrative county, the poorer districts still have more need of the necessities and amenities provided by
Local Government than the richer districts and also have, of course, a much smaller rateable value upon which they can draw.

Thus a penny rate in Eastbourne will produce about £3,800, in Merthyr £1,000, though the population of the latter is 4,000 more than the former.

The task of valuing properties for rating purposes, previously carried out by the borough or urban district council and confirmed by an assessment committee, was transferred by the Local Government Act, 1948, to valuation officers of the Commissioners of Inland Revenue. The local valuation panel will be constituted in accordance with a scheme made by the council of the appropriate county or county borough and approved by the Ministry of Local Government and Planning. From this panel will be constituted the local Valuation Court to hear and determine appeals against the draft Valuation List and objections to proposals for variation of assessments. Appeal from the decision of the Valuation Court lies to the Lands Tribunal, appointed by the Lord Chancellor in accordance with the Lands Tribunal Act, 1949.

Government property is normally not rateable but grants are made by the Treasury, usually on the basis of rateable value, in lieu of rates. The nationalised transport and electricity undertakings are also free from rating, but fixed payments in place of rates are made by the British Transport Commission and the British Electricity Authority, the amounts of which can be ascertained at the local Town Hall.

EXCHEQUER EQUALISATION GRANTS

These grants are based upon a formula which provides that the average rateable value per head of the population shall be ascertained by the process of dividing the total rateable value of the country by the total number of people. This process is repeated by each county council and county borough council for its own area but the figure which is obtained is "weighted" in two respects. The figure of population is increased by (1) the number of children under 15 years of age, and (2) in counties where the population per mile of road is less than 70, one-third of the additional population needed in order that the population divided by the road mileage is 70. (The first item of "weighting" is chosen because education is the most expensive local government service, and the second because the upkeep of main roads weighs very hard on sparsely populated counties).

Each county council then compares its "weighted" figure of rateable value per head of its population with the average figure for the whole country. If it falls below the national figure then the authority is entitled to Exchequer equalisation grant, but if it is more then the authority receives nothing, unless it is entitled to transitional grant.
The actual amount of the equalisation grant for each authority entitled to it is calculated by multiplying the amount by which it falls below the average national figure by its rate in the £.

The grants are recalculated each year, and in 1950/51 54 county councils and 55 county borough councils received them.

These grants are not paid to the "minor" local authorities but each county council receiving equalisation grant has to pay each non-county borough and urban district one half, and to each rural district one quarter, the average grant per head of the population in all the county according to the population of the "minor" local authority concerned. These grants are usually known as capitation grants.

Those county councils not receiving equalisation grant are nevertheless required to bring about a redistribution in the area by means of their precept. Capitation grant is paid on exactly the same basis to the non-county boroughs, urban and rural districts as stated in the paragraph above. The county council recovers its expenditure on this head by including it in its precept upon "minor" local authorities. As the precept, as already explained, is expressed in terms of a rate in the £, it will be readily seen that the boroughs and districts with a high rateable value (in other words, the richer ones) will pay more towards this expenditure than the areas with a low rateable value.

It has been mentioned above that many boroughs and urban districts have considerable corporate property, and to the amount received in this way must be added the profits on trading undertakings. The amount derived from this source will depend on the policy of the council, which may either keep down the price charged for services, or make the charges higher and relieve the ratepayers from the profits thus accruing, or use the surplus for further municipal activities.

**LOANS**

For the purpose of carrying out works of a permanent nature and for financing undertakings such as housing, water works, etc., a borough or urban district council may borrow, on the security of the corporate property, funds or rates, with the consent of the Minister of Local Government and Planning. The conditions of repayment are laid down in the various enactments empowering councils to carry out such works. The limit of time for repayment is generally 60 years, but 80 years is allowed for the purchase of land for housing or allotments. Many local authorities have raised large sums by the issue of Stock or from the proceeds of small loans advanced to them by their residents on the security of mortgages of the rates and corporate property. In order to prevent competition between local authorities requiring loans for capital expenditure which had been held up by the war, the Local Authorities Loans Act, 1945, requires all local authorities to raise their
loans from the Public Works Loans Commissioners, unless they obtain the approval of the Treasury to some alternative course. An exception is made in the case of a council borrowing from the proceeds of its own sinking funds, reserve fund or repairs fund.

AUDIT

Borough accounts are audited by the borough auditors, two of whom must be burgesses and qualified to be but not being members of the council, who are elected by the burgesses on the 1st of March each year, and the Mayor’s auditor, who is a member of the council nominated by the Mayor. The borough council may, however, under the Local Government Act, 1933, substitute for the audit either professional auditors or the District Auditor of the Ministry of Local Government and Planning, who audits the accounts of all local authorities other than borough councils and also of borough councils in such matters as education and housing, for which special Government grants are received. In practice the grant of a Charter of Incorporation as a municipal borough is now always accompanied by a condition that the audit of accounts by the District Auditor shall be continued. The District Auditor has power to surcharge, but the power of the borough auditors and professional auditors in respect of improper payments is limited to report to the council and publicity to the public.

IV. THE WORK OF THE COUNCIL

A borough or district council does its work through committees. Of these some, such as the Education Committee, are statutory, that is to say, the council must appoint them. Others are set up for convenience in dealing with the business, and their number will depend on the extent of the council’s activities. In committee the details of the work are thrashed out and the officials of the council are in attendance to give information. Each committee makes its recommendations and those involving expenditure are usually submitted to the finance committee. The whole of the transactions of the committees and their recommendations are then sent to members of the council in the form of minutes or reports and are discussed at the council meeting, unless the committee has been given powers to act.

The personnel of the committees should reflect as far as possible the strength of the different parties on the council. Not all councils are divided on party lines, but in most of the more important towns the need for a policy and the necessities of election work have resulted in the formation of parties on much the same lines as in the national legislature, though there is a greater number of independent members.
The hardest and most valuable work of the councillor is done in committee, and the man who thinks he can make a show by speeches in full meeting reported in the Press without thoroughly mastering the work in committee will find himself disillusioned. While it is desirable to keep in close touch with all the council's activities, the work is often so great that the ordinary councillor is well advised to devote himself to one or two branches of it.

MEETINGS

Borough and urban district councils usually meet monthly. The annual meeting at which the Mayor and Aldermen are elected must be held "on the eleventh day after the election of councillors or such other day within the following seven days as the council may fix". The public may be permitted to attend meetings of borough and urban district councils during the pleasure of the council, but the Press can only be excluded by a special resolution recording that the business is of such a nature that it should be considered in private. All members should study the Standing Orders, which are intended to facilitate the discussion of the business of the council. Some councils occasionally "go into committee" and deal with matters in camera, but where this is done the committee of the whole council should publicly report to the council the result of their deliberations, and obtain the confirmation of the council. Any elector has the right to inspect the minutes of the council (including any reports of committees presented to the council) upon payment of 1/- and to take copies of any of the minutes and of such reports.

THE COUNCIL'S OFFICERS

The Town Clerk (or the Clerk in the case of the Urban District Council) is the chief executive officer of the council and is usually a solicitor. It is his duty to warn the council if their proposals are ultra vires, i.e., illegal. He is primarily responsible for seeing that the decisions of the council are put into effect. Besides discharging the secretarial and legal duties, he is looked to for advice upon, and general supervision over, the council's organisation and administration, and is often expected to be a co-ordinator of departmental activity. He frequently acts as the Council's Public Relations Officer, but in the large cities a special appointment is sometimes made for this work.

The Medical Officer of Health is the chief official for carrying out work under the Public Health Acts and is, of course, a medical man. He and the Sanitary Inspectors are appointed and removed subject to the approval of the Minister of Health, who pays half their salaries. The Surveyor or Engineer is the executive officer for works, construction of houses and highways, while the heads of some of the various trading undertakings are subordinate to
him. The Treasurer or Accountant is head of the Finance Department. Other important officials are the Director of Education, the Librarian and (when the council is the Police Authority) the Chief Constable. The Recorder and Stipendiary Magistrate are paid judges in certain towns.

Beneath these chief officials comes the salaried staff, and then there are the numerous weekly wage earners employed in various departments. The conditions of service of most workpeople and the salaried staff have now been regularised by the election of Whitley Councils, representing both the employers and employed and, with the exception of the chiefs of the departments and those earning over £1,000 a year, their grading and wages and salaries are fixed by agreed schemes. The standing orders of most councils also invariably include a regulation that trade union wages and conditions shall be observed by the council’s contractors.

Promotion amongst the staff is usually contingent upon the passing of the examinations of the Local Government Examinations Board set up by the National Joint Council for Local Authorities Administrative, etc., Staffs.

In addition, where possible, the council should employ direct labour, for, especially in an isolated town, there will be a tendency for rings of contractors to be formed. If the town is small it may well join with a neighbouring authority for the provision of various services, thus obtaining the advantages of the economy of production on a large scale.

The powers and duties mentioned in this tract are those of a general nature. It is quite possible that the local county, borough or district council may have obtained a few special powers under local Acts. Enquiry should be made on this point.

Lastly, the councillor should be careful to keep in close touch with his constituents, to study their needs, separate the grain from the chaff, and lose no opportunity of increasing their interest in his work and their own affairs. Much may be done by officially inviting representatives of the various voluntary organisations, such as the Townswomen’s Guild, the Women’s Voluntary Service, the Ratepayers’ Associations, the local Youth Organisations and the children attending the secondary schools, to attend the meetings of the Council, being careful to furnish them with copies of the agendas and reports which will be under discussion. They could also be invited to visit local municipal undertakings, such as the sewage disposal works, the refuse destructor, the prize distributions at the schools. Co-operation with many of such organisations will also be assisted if they are permitted, subject to space being available, to hold their meetings in the Council Chamber or the Committee rooms at the Town Hall.
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