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LECTURES ON THE PRINCIPLES OF LOCAL GOVERNMENT

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DELIVERED AT THE LONDON
SCHOOL OF ECONOMICS
LENT TERM 1897

BY

GEORGE LAURENCE GOMME FSA

STATISTICAL OFFICER OF THE LONDON
COUNTY COUNCIL

AUTHOR OF "MUNICIPAL OFFICES" "LITERATURE OF LOCAL INSTITUTIONS"
"THE VILLAGE COMMUNITY" ETC



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INTRODUCTION

THIS series of lectures was designed to set forth, if possible, the lines upon which the principles of local government should be studied. At present, principles of local government are not, in this country, considered at all. There is a vague sort of idea that local government is a good thing for Parliament to occupy itself with, but there is no serious attempt to consider it as a subject which is governed by principles and not by fancy, which should not therefore be left to the sudden energy of Parliaments desiring to be busy with something new.

I cannot, and do not, pretend that my effort is anything more than an effort in the right direction. If it turns out to be that, if it should prove to be useful in directing attention to the subject, and bringing about a general desire to ascertain and formulate the principles of local government, sufficient success will have attended it.

In the limits of a term it has not been possible to discuss all the stages of my arguments so as to show the evidence upon which they are founded; and accordingly it will appear as if the method adopted to set the matter before my hearers were purely and simply the *a priori* method of the analytical jurists.

It would be presumption on my part to adopt such a method. I have no right to speak *ex cathedra* on such a subject. And every step of my argument is in reality built up of a large mass of evidence, which I have been examining, both as a student and as an official, for the past twenty years. I cannot set forth this evidence, but I purpose to give a few notes of its chief heads to help the student in the understanding of the lectures—notes similar in effect to those *viva voce* explanations which were from time to time interlineated during the delivery of the lectures, or which formed the substance of answers to the queries of the students after each lecture.

I practically begin my lectures with a differentiation into two classes of the several kinds of local government found in England at the present day. These two classes are the historical, consisting of counties, boroughs, and parishes, and the legislative, consisting of unions and districts. But in describing them I have called them by terms which leave out of sight their origin in historical or legislative times, and bring into prominence their place, or assumed place, as types of local government; that is, I call them respectively local government properly so-called, and quasi-local government. Now the justification for these terms is, I suggest, fully brought out in the course of the lectures, but it will be useful to state shortly what that justification is.

It is, first, that the historical localities have been formed from the settlement of communities whose bond of cohesion was that of common interests. This,

therefore, is a formation whose roots lie as deep as possible in the past, and which, by reason of their unbroken continuance, affect to an enormous degree all subsequent influences upon the community. The county was formed from the ancient tribe; the borough from the ancient township in its most favourable position for development; the township from the community who settled down upon the land in economical independence. Hence the formation of the locality of the county, of the borough, and of the township was not due to legislative action, but to forces which belong to the unconscious stages of development in English institutions. This unconscious stage is connected with the natural sociology of man's life, and it is not too much to suggest that we have in those links a strong claim for asserting that local government contains more of the natural history of man than other parts of modern civilization. And let it be noted how very strong is the position which any element of local government must occupy if it can be identified with a phase of the natural history of man.

Secondly, the justification of the terms of classification of the two kinds of local government arises from the historical localities being, and having always been, used for purposes of local government, sometimes directly, sometimes indirectly in the formation of new localities, such as unions and districts. All the influences of common interest which come from these historical localities are, therefore, brought to bear upon the purposes of local government; or, in other words, there are no cases of local government

which are not so intimately connected with the historical localities that they can be said to have attained their present position without the aid of influences belonging to the historical localities.

And in point of fact we find that localities formed for special objects instead of all objects of local government are not only imperfect as localities, but as local government centres, being governed as much by the control exercised by the State Government as by the desires of the locality.

These being the facts of the case, the only question that remains to justify the classification adopted in the lectures is, whether such conditions as these should properly represent local government from the point of view of first principles, or whether the two types should be reduced to one type; whether, in short, there can be a dual system, and, if not, whether local government of the historical type should give way to local government of the legislative type.

The answer to this is found, in the first place, from the history of the county, borough, and township, which is the subject-matter of the second, third, and fourth lectures. Everywhere in this history do we find strength and force, and everywhere is this strength and force identified with the development of the locality of the county, borough, and township, from the communities which originally formed the county, borough, and township; locality and community forming two interlaced elements of local government which appear over and over again in the legal and constitutional history of these three local

governments, and which have scarcely yet passed out of ken. Government from this standpoint is local in a sense which no other form of government can be local, in a sense which particularly government by unions and districts cannot be local. The true alternative to such a form of government would be not local government but some form of subordinate State government, which can only be called local by reason of the fact that it administers certain services (on behalf of the State) for defined portions of the country. Whatever kind of government this is, it is not local government. It is a substitute for local government—a substitute which rests upon the functions it is called upon by the State to perform, and not upon the locality for which it performs functions.

It is obvious that here arises the important question as to what the functions of local government should be, and this is discussed in the fifth lecture. This introduces the subject of the conflict between private enterprise and government function, and I have attempted on economical lines to define the principles upon which this conflict should be settled. Private enterprise is an undertaking for the common benefit of a particular class of the community, the capitalist, using the word in no invidious or political sense; government service is an undertaking for the common benefit of the whole community, capitalist and consumer alike. That the first has its legitimate range of exercise no economist can deny, and that this range extends into provinces which cannot be bound by localities, scarcely even by nations, is a truth which

is daily becoming more and more evident. But then government services have also a legitimate range, and this has been strongly denied, or has been restricted to the narrowest and most incomplete bounds. By limiting the range of the latter to certain well-defined elemental necessities, in which the whole community are equally interested, it cannot be suggested that too sweeping a demand is made. This is a most important part of the subject, and when once it is fairly settled the battle-ground of economical warfare will have shifted its place, and local government will have passed out of the range of its influence.

This, however, leaves for discussion certain questions as to the locality for which the proper functions of local government are to be exercised. Why should the boundary line stop at a given place, instead of extending all over the country without the intervention of boundary lines? This is a question discussed in the sixth lecture, where the doctrines of benefit and general utility are examined. The area formed by the common interests of a community dating for centuries back in the past is the true locality within which common benefit from new functions of local government will best operate. They will weld with the functions already in existence for the common benefit, and produce further cement for the binding together of the community. Not that this is a fixed area unalterable by circumstances, for it is found that functions which benefit a locality may develop into functions which benefit a larger locality, or the nation at large, and there is room in the operations of true local

government to allow for this process of development. This process is examined in some detail, and its importance as a principle of local government is pointed out.

Common benefits conferred upon localities involve some form of taxation, and this, so far as it affects the subject-matter of these lectures, is very shortly examined in the seventh lecture. I have there attempted to show that all local taxation is a system of payment for a benefit conferred, and that the area of taxation is the correlative problem to that of the area of local government, both being determined by the doctrine of common benefit. Now the benefits from local government services tend to accrue to the owners of local property, by reason of the fact that such property is the conduit pipe through which each person obtains the benefits of the services, and local taxation, therefore, should, as it did originally, fall not upon the person, but upon the owner.

In this way the principles of local government are found so intimately connected one with another as to suggest that they are traceable to deeper instincts in our life than the legislative experiments of a single mind, however great, a single ministry, however capable. It is certain that I have only just touched the fringe of the subject, and that, I am afraid, with but very scanty success. Still, I am emboldened to hope that all my research and all my experience as a local government official may have produced results which, if not conclusive, will lead to their being made so by others more fitted for the heavy task than I can hope to be. In the meantime I hope to continue these

lectures with a view of elaborating many of the more important subjects which have been so briefly surveyed in the present series.

I can scarcely close this introduction without thanking a legal friend for his great kindness in looking through the sheets, and giving me many criticisms of value—criticisms which I have always availed myself of, though without making my lectures what my critic would desire. Mr. Herbert Beadle, of the Statistical Department of the London County Council, has also very kindly assisted me in many ways.

LAURENCE GOMME.

24, DORSET SQUARE, N.W.,

August, 1897.

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