The Heath Government and Local Government Reform

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If somebody came from the moon and created a new place called Britain and they recommended for us a system of local government as it is today, we would certainly consider that they needed their heads looking at.

* Peter Walker [((1969), in Chandler, 2013)](https://paperpile.com/c/LrKRml/GX7c/?prefix=(1969)%2C%20in)

It is axiomatic that anyone who speaks on local government reform who does not have to wants his head examining.

* Harold Wilson (HC Deb 6 July 1972, vol 840, col 899)

The Local Government Act 1972 is not explicable in terms of democratic idealism, nor of professional realism, nor of administrative efficiency or convenience, nor yet of political manipulation and party dogma, nor even of Anglo-Saxon muddle headedness, though, of course, it owes much to all of these. The fact is that it has a Past.

* Arnold-Baker [(1973, p. 1)](https://paperpile.com/c/LrKRml/af21/?locator=1&noauthor=1)

# Introduction

The Local Government Act 1972 is “one of the few innovations of the Heath Government which has lasted; it also remains among the most unpopular.”[(Campbell, 2013, p. 379)](https://paperpile.com/c/LrKRml/TjcX/?locator=379)Although the reform outlasted the main constitutional legislation passed during the Heath government - the European Communities Act 1972 - it has slowly been unpicked by consecutive governments who saw the reforms as sub-optimal.

This chapter explores three interrelated issues: why reform local government in the first place, what the Heath government’s reforms achieved, how they were justified. For some, the Local Government Act 1972 was held as “a radical and progressive reorganisation of the antiquated structure of local government in England and Wales”, and the “first major systematic and comprehensive measure which Parliament has placed on the Statute Book in the field of local democracy in this country”.[(Jones, 1973, p. 154)](https://paperpile.com/c/LrKRml/F1pG/?locator=154) On the contrary, John Silkin argued from the Labour opposition that the Act was “blurred and tepid. It has soaked up from everywhere ideas and suggestions, often conflicting, as it has gone along. It is a great big sponge… it illustrates the principle of the uninhabitability of the halfway house.” (HC Deb 16 November 1971, vol 826, col 250)

This chapter will instead argue that the reform of local government undertaken by the Heath government - or more specifically by Environment Secretary Peter Walker, given the general lack of interference by Heath or the cabinet on the process - was driven more by party-political considerations than the stated concerns of moving power closer to local communities, rationalising local government, and empowering local authorities. Instead, in a political context where the need for reform of local government was broadly accepted, but a previous unitary system recommendation had been poorly-received by Conservative grassroots, the Local Government Act 1972 represented a party-political opportunity to restrict the power of the Labour Party over non-metropolitan Britain whilst also in some cases extending the power of the centre over the local - reflecting one of the oldest struggles in British (and its predecessors’) political history.[(Wilson and Game, 2011, pp. 53–54)](https://paperpile.com/c/LrKRml/bk0l/?locator=53-54)

# A brief history of local government in the UK

The history of local government in the UK, until the Heath government at least, is largely one of evolution rather than revolution; local government typically evolved over time, with areas engaged in a constant struggle for powers and control with the centre, and cities and urban areas in conflict with their rural environs.

The *principle* of multi-functional, elected local self-government was established with the Municipal Corporations Act 1835, even if this could not be considered a *system* of local government, given the range and variation in local bodies delivering services across the nation. [(Wilson and Game, 2011, p. 57)](https://paperpile.com/c/LrKRml/bk0l/?locator=57) The 1835 Act reformed the majority of municipal boroughs - 178 - in England and Wales [(Stoker, 1991, p. 1)](https://paperpile.com/c/LrKRml/XAae/?locator=1)[[1]](#footnote-1), which were found to “exist independently of the communities among which they are found” [(Royal Commission on Municipal Corporations, 1835 (2002))](https://paperpile.com/c/LrKRml/iOD1), often acting as vehicles to return MPs to the House of Commons and many being closed shops, filled with self-appointed ‘representatives’. The Act required these new municipal boroughs to be governed by town councils which would be elected by ratepayers - this was standardised across boroughs, replacing the various qualifications or requirements provided in old charters. These municipal boroughs were responsible for a range of functions, and being directly elected, thus shared key characteristics of modern local government. [(Stoker, 1991, p. 1)](https://paperpile.com/c/LrKRml/XAae/?locator=1)

Whilst the 1835 Act represented the first step in replacing the “maze of parishes, commissions and other public bodies” which governed on a local level with a familiar set-up of “multi-functional local authorities”there remained work to be done. [(Elcock, 1994, p. 18)](https://paperpile.com/c/LrKRml/iNGi/?locator=18) Across Britain there was still “nothing approaching a ‘system’”[(Wilson and Game, 2011, p. 55)](https://paperpile.com/c/LrKRml/bk0l/?locator=55) - instead, there was a “tangle” of local government.[(Hollis, 1989, pp. 2–3)](https://paperpile.com/c/LrKRml/9Fyx/?locator=2-3) The municipal boroughs existed alongside over 15,000 parishes (with largely unpaid officers) and counties, which were run by Justices of the Peace, appointed by the Crown, and which had both an administrative role (for example for highways, bridges, weights and measures and oversight of the parishes) and a judicial role through county quarter sessions. However, the challenges facing local government as a result of the rapid pace of the Industrial Revolution, such as overcrowding, disease, crime, poor sanitation and poverty, made this tangle of literally thousands of appointed and elected bodies, of both single-and multi-purpose authorities, unsustainable. There were consistent and urgent calls for reform. [(Wilson and Game, 2011, pp. 55–58)](https://paperpile.com/c/LrKRml/bk0l/?locator=55-58)

This reform came in the late 19th century, with a series of acts of parliament which “achieved a constitutional mini-revolution”, which survived for three-quarters of a century and, according to Wilson and Game, attempted “to try to square a circle: to create a two-tier structure of elected local government, without destroying the independence of the boroughs”. [(Wilson and Game, 2011, p. 58)](https://paperpile.com/c/LrKRml/bk0l/?locator=58)

The first of these acts was the Local Government Act 1888, which created all-purpose, directly-elected county councils - or in towns and cities where the population passed 50,000 county *borough* councils were established, outside of county control. This was followed by the Local Government Act 1894, which, outside of the County of London, established urban and rural district councils wherever a municipal borough council did not already exist. Together, these urban and rural district councils would sit below county councils and form the lower tier of local government.[[2]](#footnote-2) The 1894 Act also created civic parish councils, which represented a third tier of local government. The final act in this mini-revolution was the London Government Act 1899, which created 28 metropolitan borough councils in London, which formed the lower tiers within the London County Council.

By the turn of the 20th century Britain enjoyed a rationalised system of local government for the first time in its history. Although there was not one uniform system throughout the country, as in France, the UK had a dual system of local government - outside of London, the largest urban areas had their own, all-purpose county boroughs (or burghs in Scotland), whilst the rest of the country had a two- or three-tier system, with various powers split between county, district and parish councils. The system was neither neat nor harmonious, [(Wilson and Game, 2011, p. 58)](https://paperpile.com/c/LrKRml/bk0l/?locator=58) , and according to Cross this dual system “was scarcely satisfactory at the time of its creation.”[(Cross, 1973, p. 351)](https://paperpile.com/c/LrKRml/xnZ1/?locator=351) Although the actual powers and functions available to localities waned from the so-called ‘golden age’ of local government in the 1930s, this dual structure remained up until the Heath government’s reforms in the early 1970s.

# Why reform local government?

Harold Wilson made few contributions to the parliamentary debate on local government reform, but his opening remarks in a 1972 debate make are striking:

It is axiomatic that anyone who speaks on local government reform who does not have to wants his head examining. Any Government embarking on local government reform are [sic] likely to make more enemies than friends, both within their own party and on the opposite side of Parliament.” (HC Deb 6 July 1972, vol 840, col 899)

Why, if this is the case, did the Heath government embark on such a drastic and wide-ranging reform of local government at all?

Firstly, there were long-term issues which had been bubbling away since the mini-revolution of the late nineteenth century. This involved a system of local government which was increasingly poorly suited to the areas it was supposed to represent, with boundaries drawn in the nineteenth century increasingly outdated by the final quarter of the twentieth, and the sheer number of separate councils - as many as 14,000. [(Wood, 1976, p. 177)](https://paperpile.com/c/LrKRml/OI9r/?locator=177) Elcock highlights the mismatch of the system by the 1960s:

In 1961, the largest county borough, Birmingham, had over a million inhabitants while there were thirty-three county boroughs with populations below 100,000. Again, the largest county council, Lancashire, had 2.2 million residents, while Rutland, the smallest county, had a mere 23,000. The smallest municipal borough in the country was Bishop’s Castle in Shropshire, with only 800 inhabitants but nonetheless possessing a mayor, a bench of aldermen, a mace and more important, the full range of municipal borough functions**.** [(Elcock, 1994, p. 19)](https://paperpile.com/c/LrKRml/iNGi/?locator=19)

Chandler notes how “the largest and most widely recognised authorities, in many cities reinforced by Labour majorities, aspired to run almost all their services in-house”, and this often had a knock-on effect for smaller local authorities, who also wanted to deliver services in-house as a point of principle, pride, or ego. [(Chandler, 2013, p. 221)](https://paperpile.com/c/LrKRml/GX7c/?locator=221) Many of the smaller councils were, however, “clearly univable as deliverers of efficient services” and the sheer number of councils, coupled with a complex division of powers, led to “immense duplication, confusion and waste”. [(Campbell, 2013, p. 379)](https://paperpile.com/c/LrKRml/TjcX/?locator=379) Consequently, public engagement with, and understanding of, local government was limited.

It was a Conservative government which first grasped the nettle of local government reform, but focused solely on London. Although they “had entered office in the 1950s with no strong modernising agenda” they “left power having initiated a major root-and-branch reform of local government in London.” [(Chandler, 2013, p. 192)](https://paperpile.com/c/LrKRml/GX7c/?locator=192)In many ways, this was a test run for subsequent reform of local government. The ground was laid by a Royal Commission review, which eventually led to the London Government Act 1963. The legislation replaced the County of London with the conurbation of Greater London, and the London County Council with the Greater London Council. It also created 32 London boroughs which sat under the Greater London Council, and which replaced 82 former boroughs and urban districts (although the City of London Corporation remained unchanged). Those boroughs which were formerly under London County Council were termed Inner London, and the other 20 were Outer London (a dichotomy which exists to this day).

The division of powers between the two tiers was also cleared up - the Greater London Council was given strategic functions including fire and ambulance services, main roads and refuse disposal, whereas the 32 boroughs held responsibility for were allocated the bulk of services – housing, social services, non-metropolitan roads, libraries, leisure and recreation and refuse collection. [(Wilson and Game, 2011, p. 60)](https://paperpile.com/c/LrKRml/bk0l/?locator=60) However, also present was the ‘muddle’ prevalent in local government reform. London County Council had a strong reputation for education provision, which the Inner London boroughs wanted to maintain. Thus, a fudge was concocted. Inner London education provision was administered by a new Inner London Education Authority, whilst the remaining other boroughs took responsibility for education themselves.

Although reaction to the reforms was mixed, the reform showed how the existing system of local government could be rationalised - merging smaller councils together to create larger lower tier authorities and more clearly delineating the responsibilities between the two tiers, whilst being willing to grease the wheels somewhat with a fudge or two. As Wilson and Game note, “whatever its merits or defects, the reform had demonstrated that wholesale change was possible without services being totally dislocated. It also established the principle that an entire conurbation – in this case, the biggest of them all – should be governed as a single unit.**”** [(Wilson and Game, 2011, p. 60)](https://paperpile.com/c/LrKRml/bk0l/?locator=60) The London Government Act 1963 provided a blueprint of how to address the long-term issues with local government and what an eventual ‘modern’ system of local government could look like.

This, however, does not explain the short-term factors for reform, which allowed the central government to overcome “the powerful coalitions of resistance that built up whenever change was proposed.” [(Elcock, 1994, p. 21)](https://paperpile.com/c/LrKRml/iNGi/?locator=21) For this, we must go back to the election of the Labour government in 1964. This government was committed to administrative reform and appointed Richard Crossman as Minister of Housing and Local Government - “In his own mind, at any rate, Mr Crossman was a man of action” - who was backed up by Dame Evelyn Sharp, “a powerful and experienced civil servant known to support reform in principle”. However, scope for government action was severely limited under the restrictions of the Local Government Act 1958, necessitating further legislative reform. [(Wood, 1976, p. 177)](https://paperpile.com/c/LrKRml/OI9r/?locator=177)

Following the example of the London Government Act 1963, Crossman began by setting up a Royal Commission, which was chaired by Lord Redcliffe-Maud. The Commission had a remit to consider the whole of England - except for the recently-reformed Greater London - but not to consider the relationship and division of powers and functions between central and local government. A similar committee was set up to consider local government in Scotland, under the Chairmanship of Lord Wheatley, a senior Scottish judge. In Wales, however, the newly set-up Welsh Office “explained that it was already preparing for reform; it was agreed that the Welsh Inquiry should continue alongside, but distinct from, the English Inquiry.” [(Chandler, 2013, p. 197)](https://paperpile.com/c/LrKRml/GX7c/?locator=197)

# The Redcliffe-Maud report

The Redcliffe-Maud Commission produced two reports. The first, representing a majority of the Commission, argued for a system of unitary authorities across the country which would sit under eight non-executive provincial councils for planning and strategy. Most of England would be covered by 58 unitary authorities with populations ranging from 250,000 to just over a million, with an average of around 400,000. Parish councils would be retained too - they would typically be former village or town council areas which would not provide many services, but would rather be a local voice and promote local interests to the new, larger authorities. [(Chandler, 2013, p. 198)](https://paperpile.com/c/LrKRml/GX7c/?locator=198)

The only exceptions to this unitary system would be in the West Midlands, Merseyside and (what we now call) Greater Manchester, where a two-tier system of metropolitan county authorities and with metropolitan districts beneath, akin to Greater London. [(Jones, 1973, p. 156)](https://paperpile.com/c/LrKRml/F1pG/?locator=156)A single dissenter, Derek Senior, argued for a more complex “multi-tier system of provincial [regional] councils, city regions, district and local councils”. [(Wilson and Game, 2011, p. 61)](https://paperpile.com/c/LrKRml/bk0l/?locator=61) Both reports, however, accepted the “basic assumption that the existing map of local government should be torn up and replaced by a much smaller number of larger units that embraced town and country as a single unit.”[(Chandler, 2013, p. 198)](https://paperpile.com/c/LrKRml/GX7c/?locator=198)

For Scotland, the Wheatley Commission’s recommendations looked more similar to Senior’s dissenting report than the Readcliffe-Maud report - it argued that Scotland should have a dual-tier system, split between seven regions and thirty-seven districts, with community (parish) councils acting as an ultra-local body to provide a voice to residents. In Wales, the recommendations were for five counties and thirty-six districts, with an advisory Council for Wales. [(Chandler, 2013, p. 199)](https://paperpile.com/c/LrKRml/GX7c/?locator=199) Although the Scottish and Welsh proposals were similar to what was eventually enacted, the Redcliffe-Maud’s recommendations were ignored by the Heath government.

Although well-thought out, Redcliffe-Maud’s recommendations ran aground on the treacherous coast of politics. For Jones, the argument for unitary authorities across England was strong: the system was simpler and easier to understand, it would allow for the development and delivery of inter-related services to be overseen by a single body, and the larger, stronger local authorities would be a stronger check on the power of Westminster. [(Jones, 1973, pp. 156–157)](https://paperpile.com/c/LrKRml/F1pG/?locator=156-157)However, the acceptance of a dual-tier system for just three areas represented a “fatal mistake” in the Commission’s argument - if the dual-tier system was good enough for some areas, why was it not in others? As Jones argues

The force of the argument for the unitary authority was thus broken. If a two-tier system could be justified in one context, why, it was argued, would it not be relevant elsewhere. The Commission itself had provided ammunition for its opponents with its advocacy of the two-tier metropolitan system, even without Derek Senior’s memorandum of dissent urging a two-tier system over the whole country and the Wheatley Royal Commission on Local Government in Scotland proposing another type of two-tier system. [(Jones, 1973, p. 156)](https://paperpile.com/c/LrKRml/F1pG/?locator=156)

In the case of Wales, reform of which was designed through the Wales Office, the two-tier system was met with annoyance from the Ministry for Housing and Local Government, which “objected to the idea on the grounds that if the two-tier system was possible in rural Wales it would provide a strong argument for rural areas in England to seek a similar arrangement.” However, following a Cabinet discussion it was concluded that both Wales and Scotland were sufficiently different for a two-tier structure to be acceptable. [(Chandler, 2013, p. 199)](https://paperpile.com/c/LrKRml/GX7c/?locator=199)

Similarly, Arnold-Baker argues that the report followed an ‘admirable’ formula of unitary authorities, strategic regional councils above, combined with a “parish council type untrammelled by *ultra vires*, to provide representative thickening below”. The problem was, however, that the complete reorganisation “offended nearly everyone”, especially when it came to Redcliffe-Maud’s attack on the counties, which “have a special position in English life, representing diversities which are not merely traditional.” [(Arnold-Baker, 1973, pp. 3–4)](https://paperpile.com/c/LrKRml/af21/?locator=3-4) It is ironic then that under the Heath government’s reforms, as we shall see, the main element of Redcliffe-Maud that survived was the attack on the counties!

Those opposed to single-tier authorities also began to mobilise, with the Rural District Councils Association launching a publicity campaign under the title ‘Don’t Vote for R. E. Mote’. [(Arnold-Baker, 1973, p. 4)](https://paperpile.com/c/LrKRml/af21/?locator=4) The County Councils’ Association, which was initially supportive of single-tier authorities, joined with the Rural and Urban District Associations to also oppose the move.[(Chandler, 2013, p. 200)](https://paperpile.com/c/LrKRml/GX7c/?locator=200)

Despite this rising opposition, the Labour Government began to put together a bill in early 1970 which saw Redcliffe-Maud largely unchanged, apart from the creation of two new metropolitan county areas in West Yorkshire and South Hampshire. This support for unitary authorities from Labour was not surprising. For Jones, it represents

an extension of the county borough system where Labour was politically strong; it could be resented as an urban take-over of the counties and as ensuring that solutions to urban problems, the most pressing in Labour’s eyes, would not be impeded by rural and suburban areas.[(Jones, 1973, p. 157)](https://paperpile.com/c/LrKRml/F1pG/?locator=157)

On the other hand, although the Conservative Party’s response to Redcliffe-Maud was initially muted, opposition to the reforms was building within the party - which was unsurprising given the Conservative’s strength in the shires. [(Jones, 1973, p. 158)](https://paperpile.com/c/LrKRml/F1pG/?locator=158) This opposition did not, however, reach all the way up to Peter Walker, the then Shadow Minister for Housing and Local Government. Walker was seen as “in the vanguard of the new generation of business-minded Conservatives… a break from the traditional landowning leadership cadre of the party”, and before the 1970 general election met with a series of Conservative council group leaders, where he urged them to consider Redcliffe-Maud “not from a parochial point of view or because of sectarian support for a specific type of authority, but from a strategic stance on the overall future of local government.” He was not successful in his endeavours, and in his closing speech Walker “berated them for their insular approach”.A speech in support for the Redcliffe-Maud reforms was also met with hostility at the 1969 Conservative Party Conference.[(Chandler, 2013, p. 201)](https://paperpile.com/c/LrKRml/GX7c/?locator=201)

Struck by rank-and-file support for the two-tier system, Walker changed tact and instead argued that Conservative reorganisation of local government would involve a two-tier system, but with the proviso that smaller boroughs, rural and urban districts would be merged into larger, more economically viable, units. As Chandler argues, Walker’s “concession to grassroots Conservatives” was that “‘lower tier authorities outside the metropolitan area” should be retained “to discharge such functions as can more democratically and without loss of efficiency and confusion be discharged on a smaller scale”. [(Chandler, 2013, p. 202)](https://paperpile.com/c/LrKRml/GX7c/?locator=202) Similarly, a further party-political advantage baked into Walker’s proposals was that whilst the metropolitan two-tier areas suggested by Redcliffe-Maud were to be retained, they were to be more tightly drawn and thus prevent urban cores encroaching on “predominantly rural Conservative hinterlands.” [(Chandler, 2013, p. 202)](https://paperpile.com/c/LrKRml/GX7c/?locator=202)

Thus, as Wilson and Game argue, the Conservative Party’s rejection of Redcliffe-Maud was “partly on philosophical grounds, but partly also because most county councils were dominated by the government’s own party members and sympathisers.” [(Wilson and Game, 2011, p. 61)](https://paperpile.com/c/LrKRml/bk0l/?locator=61) Through apathy - rather than enthusiastic backing - Walker managed to gain Shadow Cabinet approval for a “sensible measure of local government reform”, which included keeping a lower tier of district councils across the country. This formed part of the Conservatives’ 1970 manifesto, alongside a commitment to modernising government more broadly.[(Wood, 1976, pp. 179–180)](https://paperpile.com/c/LrKRml/OI9r/?locator=179-180)

# The Local Government Act 1972

Thus, the 1970s started with a new Conservative government with a mandate for local government reform, an energetic minister in Peter Walker willing to push through big changes, and the threat of Redcliffe-Maud’s unitary authorities hanging over the heads of recalcitrant Conservative councillors - which meant any two-tier proposals were received much more favourably as the lesser of two evils.

Local government reform was very much a creature of Peter Walker’s ambition, rather than that of Heath’s or the government’s in general. We can see an outline of, and a “commitment to an alternative set of proposals” in Walker’s response to the Labour government’s White Paper in February 1970, a response which was “very much the work of Mr Walker himself rather than the outcome of lengthy collective discussions by shadow ministers”. Local government reform was Walker’s “baby”. [(Wood, 1976, pp. 97–99)](https://paperpile.com/c/LrKRml/OI9r/?locator=97-99)

Walker’s choice to act constructively in Opposition and to take the pulse of the grassroots, meant that once he was made Secretary of State for the Environment, and had the power of a department behind him and ministers under him, he could quickly produce detailed reforms which were acceptable to the party at large. Indeed, the Conservative’s 1971 White Paper came just one year after Labour’s own attempt.

The specifics of the reform - maintaining the county-district system, but with larger districts where necessary - chimed with the Heath government’s approach to modernisation of central government, which was based on the idea that ‘bigger means better’ from an administrative point of view. As Wood notes, “Walker was applying the same doctrine to the structure of local government, though with care”, and thus was not going against the grain of Heath’s thinking. [(Wood, 1976, p. 109)](https://paperpile.com/c/LrKRml/OI9r/?locator=109)Finally, the proposals broadly reflected the structure of reforms Labour would have introduced in Wales and Scotland, so the Opposition was hamstrung in terms of the extent they could criticise the reforms for England. As such during the passage of the bill through parliament, it was the case that

The Government would be prepared to make concessions on what it regarded as points of detail, and would stand firm only on broad principles. The Opposition would not launch a major assault on the Bill, but would content itself with harassment and with attempting to embarrass the Government. [(Wood, 1976, p. 138)](https://paperpile.com/c/LrKRml/OI9r/?locator=138)

When it came to specifics, Walker showed himself to be guided by more than philosophical feelings towards local government’s ideal form - naked partisanism also played a role. A South Hampshire metropolitan area was dropped, amid fears it would undermine Conservative-held Hampshire, whilst the Labour strongholds of South Yorkshire and Tyneside were to become metropolitanised. Even county boundaries would be sacrificed for political gain, with the county boroughs of Teesside and Bristol being absorbed into new counties - these were formerly strong Labour areas, which now sat within new Conservatve counties.[(Chandler, 2013, p. 203)](https://paperpile.com/c/LrKRml/GX7c/?locator=203) This was noted by MPs at the time, such as the Labour MP Denis Howell, who said the treatment of metropolitan areas had“the stench of party political gerrymandering” for naked “party-political advantage.” (HC Deb 17 November 1971, vol 826, col 564)

Other issues around specifics which arose were easily dealt with by Walker, with very little input from Heath. Although many Conservative MPs were fond of the idea of retaining aldermen, in an attempt to get expertise on the council and to smooth out violent changes in a council’s party makeup, the Cabinet approved the removal of aldermen on the grounds of “democratic sensibilities”. The Cabinet (and civil servants) were also uneasy about giving councils the general power of competence, as it could be used to undermine central government policy - and thus it was not included in the White Paper. [(Chandler, 2013, p. 204)](https://paperpile.com/c/LrKRml/GX7c/?locator=204) Thus, despite Walker’s claims that these reforms would represent a shift in power in the British state, from Westminster to the council chamber, in reality did very little to reduce local authorities' dependence on the centre.

Despite a long, complex and arduous passage through the House of Commons, the provisions of the bill remained largely intact, if not the specific geographical boundaries, and the number of authorities was cut down from 1,210 to 377. MPs, however, did manage to secure a number of concessions and amendments - for example, Jones argues that the main substantive change was the strengthening of the districts at the expense of the county.[(Jones, 1973, pp. 158–159)](https://paperpile.com/c/LrKRml/F1pG/?locator=158-159)

Thus, the road to the Local Government Act 1972 was long and winding. Unlike the Redcliffe-Maud report, the act did not represent a principled attempt at constitutional reorganisation to meet some considered, theoretically-informed or preferred outcome. It was, instead, often nakedly partisan. For Chandler, the Act (and its Scottish counterpart) was “the culmination of continuous pressures throughout the twentieth century for change in terms both of the size of local authorities and of their inclusivity and professionalism”, dating back as far as the 1920s.[(Chandler, 2013, p. 220)](https://paperpile.com/c/LrKRml/GX7c/?locator=220)

## Reforms in Scotland and Wales

Unlike the Redcliffe-Maud report for England, the process of local government reorganisation was less controversial in Scotland and Wales. The two-tier proposals arising from the Wheatley Commission and the Wales Office fell firmly in line with Walker’s ideas for England, and in the case of Scotland, which pre-reform had a proportionately larger number of small authorities than England or Wales, the case was seen as even more urgent.

The reforms in Scotland merged 431 counties, cities, burghs and districts into 9 regions, 53 districts and three ‘all purpose’ authorities for the islands of Orkney, Shetland and the Western Isles. This desire for ‘bigger-is-better’ was arguably taken too far in the case of Scotland, with the largest region, Strathclyde, having a population of more than 2.5 million people - half of Scotland’s population and the largest local authority in Western Europe at the time - and the Glasgow district having a population of 850,000. Thus, whilst the desire for a two-tier system was met, any pretense of closeness to the voters was lost. [(Elcock, 1994, p. 26)](https://paperpile.com/c/LrKRml/iNGi/?locator=26)

In the end, Strathclyde “eventually had to establish non-elected sub-regional councils for administrative convenience.” The least remote part of local government - community councils - “had no statutory powers and a lower status than even parish councils” and thus could not realistically fulfill the democratic thickening role prescribed to English parish councils.[(Wilson and Game, 2011, p. 62)](https://paperpile.com/c/LrKRml/bk0l/?locator=62)

In Wales, the two-tier system was also accepted - the government rejected the Wales Office’s suggestion for a unitary system for Glamorgan, and for Cardiff, Newport and Swansea to remain county boroughs - instead the two-tier system was pushed throughout the principality. As Elcock notes, “These new Welsh counties were much criticised as making neither geographic nor economic sense.” [(Elcock, 1994, p. 26)](https://paperpile.com/c/LrKRml/iNGi/?locator=26)Thus, as with Scotland, the ideological push for a two-tier system trumped practical considerations.

## Reforms in Northern Ireland

Reform of local government also took place in Northern Ireland. Since 1898 the structures of local government were similar to those of the mainland - six counties had a two-tier system, with 55 urban and rural districts beneath them, whilst Belfast and Londonderry governed as an all-purpose county borough. However, sectarian gerrymandering had resulted in the Unionist population - which made up the majority of Northern Ireland - drawing boundaries in such a way as to “give them control of most councils and exclude the Republican parties from any significant influence.” This was an obvious source of grievance and in 1969 the Macrory Commission reported on prospects for reform. They argued for a “scaled-down two-tier model, with most services being provided by regional councils and a greatly reduced number of districts.” [(Wilson and Game, 2011, p. 63)](https://paperpile.com/c/LrKRml/bk0l/?locator=63)

The Local Government (Northern Ireland) Act 1972 was intended to create this two-tier model, but “with the suspension of the Stormont government in the same year and the introduction of direct rule from Westminster, the proposed elected regional tier did not materialise.” Instead, Northern Ireland was left with 26 single-tier district councils, which were elected by single transferable vote, in an attempt to restrict sectarian gerrymandering, but also placed significant powers (for example, over social services, education, planning, housing) in the hands of “various non-elected boards, agencies and departments of the Northern Ireland Office.” As a result of these reforms local government’s annual spending amounted to less than 4% of total public spending in Northern Ireland, and “policy power effectively remained at Westminster.” [(Wilson and Game, 2011, p. 63)](https://paperpile.com/c/LrKRml/bk0l/?locator=63)

# The consequences of the Heath government’s reforms

In the build up to pushing the Local Government Bill through the House of Commons, Peter Walker outlined four key objectives the government sought to achieve in reforming local government. The first was to move powers down to the closest level to the citizen possible, “to encourage a vigorous local democracy by ensuring that initiative and responsibility are exercised as locally as possible.” (HC Deb 16 February 1971, vol 811, col 433W). The Redcliffe-Maud proposals would, it was argued, “be very remote from the people concerned was not the proper basis on which to reform local government” (HC Deb 16 November 1971, vol 826, col 228) whilst Walker’s system will “have strengthened local democratic institutions so that they operate more successfully and efficiently and have a greater impact on their localities.” (HC Deb 16 November 1971, vol 826, col 230)

The second was to ensure a rigorous new structure which would represent “a rational system of local government with which to meet the problems of the twentieth century.” (HC Deb 16 November 1971, vol 826, col 228) The reforms would produce “a new, clear-cut system of local government. All the difficulties of one authority being answerable to another will come to an end.” (HC Deb 16 November 1971, vol 826, col 249)

Thirdly, the government aimed to empower local authorities with these reforms by reducing “the number of specific individual controls exercised by central Government over local government”, and with Walker boasting of having “already identified 400 such controls” to abolish. (HC Deb 16 November 1971, vol 826, col 233)

## Moving Power to Communities

The first area for evaluation is the effectiveness of the Act in terms of moving power closer to communities. For Wood, this aim sits at the heart of a tension in the local government reform project between democracy and efficiency. “Dominant during the reform process was the view that the two were incompatible - democracy implied small areas and authorities, efficiency demanded large ones.” [(Wood, 1976, p. 187)](https://paperpile.com/c/LrKRml/OI9r/?locator=187)From the enacted reforms, it is clear efficiency won out.

Walker’s *stated* opposition to the unitary authorities of Redcliffe-Maud was that while they had advantages of efficiency, “for many of the services vital to local communities it would be too remote.” (HC Deb 19 May 1971, vol 817, cols 1281) Anthony Crosland, the Shadow Secretary of State for the Environment, counted this with the claim that the current system was *worse* than Labour’s proposal which was more clearly rooted in Redcliffe-Maud:

Labour's 51 unitary authorities have given way to 38 Tory counties. In consequence, both the size and population of the counties are substantially greater than was the case under our proposals and their headquarters are normally further away from the bulk of the population. (HC Deb 19 May 1971, vol 817, cols 1296-1297)

This critique is only partially fair - although powers which county councils hold under the reforms would obviously be held further away from citizens compared to if they were held in unitary authorities, those powers held by district councils would be held more closely to people than under Labour’s proposals.

That is not to say, however, that these powers would be held more closely to the people than they were prior to the reform. As Arnold-Baker notes, at “the district level the reduction in the number of councillors has been drastic. There are now about 5,000 district councillors where there were 18,000 before.” As a result of this widening of the remit of councillors, they were “responsible for a less detailed field of work than before and might be expected to leave more of the details to officers.” [(Arnold-Baker, 1973)](https://paperpile.com/c/LrKRml/af21)

Thus, relative to the pre-1974 regimes, citizens saw power move further away from them (albeit in some cases not as far as it would have been under Labour’s reform) and with their elected representatives also being further removed from the ‘on-the-ground’ reality of council decisions. Power was moved away from the citizens *and* away from the councillor. Or, as Jones puts it, “each councillor will serve on an authority covering a bigger area; his constituency will be larger and he will have more people to represent. There will be less contact between the citizen and his councillor. Local government will be more remote”. [(Jones, 1973, p. 165)](https://paperpile.com/c/LrKRml/F1pG/?locator=165)

Additionally, as noted by Cross, county borough councils - that is those borough or cities independent of county council control - lost “powers which they have exercised for a very long time.” [(Cross, 1973, p. 357)](https://paperpile.com/c/LrKRml/xnZ1/?locator=357)In the case of Merseyside, the county borough of the City of Liverpool became a metropolitan district under the metropolitan county of Merseyside, whereas the *two* county boroughs of Wallasey and Birkinhead, and the two urban districts of Hoylake and Wirral, and the municipal borough of Bebington, were merged to make the metropolitan district of Wirral, also within the metropolitan county of Merseyside.

Thus, unlike in Liverpool were only some powers had been moved away (since the whole county borough became a metropolitan district and kept some powers for itself) for those in Wallasey, which had run itself since 1913, power had now been moved further away from the citizen twice over - firstly from the old county borough to the metropolitan borough of Wirral, and secondly to the metropolitan county of Merseyside. It is thus easy to see the argument of Denis Howell, the MP for Birmingham Small Heath, who argued that “The Bill is a complete sell-out of almost every large city and town. On almost every point of importance the Government have given way to the counties, instead of taking the views of the towns and cities.”(HC Deb 17 November 1971, vol 826, col 561)

## Rationalising Local Government

The second area to assess the reforms is on whether they achieved the rationalisation of local government. One of the undoubted advantages of Redcliffe-Maud’s reforms was that with all local government powers concentrated in a unitary authority it would be clear for the individual where power lay. In contrast, in the two-tier system produced by the 1972 Act there were numerous criticisms regarding the balance of powers and the split between the two different tiers.

Jones argues that the new system is “hard for the citizen to comprehend”, with

provisions for concurrent powers, for sharing functions, for enabling the staff of one authority to serve another, and for agency arrangements whereby one authority can agree with another to operate its functions, blur responsibility and contradict the Commission’s and the Government’s intention of allocating functions on a clear-cut and intelligible basis. [(Jones, 1973, p. 161)](https://paperpile.com/c/LrKRml/F1pG/?locator=161)

It is also important to note that the powers assigned to first- and second-tier authorities in the metropolitan areas and the non-metropolitan areas were not equal. In metropolitan areas district councils were responsible for most services, with metropolitan county councils having a more strategic role. In contrast, in non-metropolitan areas the metropolitan county council was given responsibility over most major powers. For example, education and social services were responsibilities of metropolitan districts, but non-metropolitan counties.

Elcock notes how “metropolitan county councils were responsible for about 20 per cent of local government spending in their areas”, leaving about 80 per cent to metropolitan district councils, whilst non-metropolitan “district councils controlled only some 15 per cent of local government spending.” [(Elcock, 1994, pp. 23–25)](https://paperpile.com/c/LrKRml/iNGi/?locator=23-25) It is hard to see how this muddled system could be described as more rational or easier for the citizen to understand.

Furthermore, it is not clear that the 1972 Act was successful in rationalising powers either. In the case of planning, public transport, roads, and waste collection the powers were split between the two tiers. For example, with public transport counties had responsibility for planning provision of public transport, whilst the districts provided the actual facilities. With roads, some were in the hands of the counties, others were district responsibilities. [(Jones, 1973, p. 161)](https://paperpile.com/c/LrKRml/F1pG/?locator=161)A similar split was seen with planning policy, with county councils having overall responsibility for planning, and development control resting with the district. [(Jones, 1973, p. 162)](https://paperpile.com/c/LrKRml/F1pG/?locator=162)

The agency concept also added an element of confusion into the mix. This allowed for an authority to arrange for another authority to carry out some of their mandated functions, which although introduced flexibility for local authorities it also introduced confusion in terms of accountability.

Thus, when it comes to the claims that the 1972 Act provided an element of rationality, it is hard to find evidence. Instead, Jones’ measured claim that the new system represented “a tangled complexity” is hard to refute. [(Jones, 1973, p. 161)](https://paperpile.com/c/LrKRml/F1pG/?locator=161) Less considered, and certainly more partisan, but no less correct, is John Silkin, Labour MP for Deptford) claim that unlike the Redcliffe-Maud reform, which was “clear-cut and decisive”, the 1972 Act has “soaked up from everywhere ideas and suggestions, often conflicting, as it has gone along. It is a great big sponge of a Bill.” (HC Deb 16 November 1971, vol 826, col 250)

## Empowering Local Authorities

The third area of analysis is the idea that the reforms empowered local communities, either through increased powers or reduced controls. Walker himself outlined at the dispatch box how

there are over a thousand sanctions that central Government has taken over local government… I hope that we will be able to remove from our legislation many of those sanctions and powers of central Government over local government with the result that there will be less interference from Whitehall in local affairs than has been the case previously. (HC Deb 19 May 1971, vol 817, cols 1292)

However, the real consequence was to neither increase the powers granted to local government nor realistically remove key restrictions on their behaviour.

As noted by Cross, all councils were at that time subject to the doctrine of ultra vires, ie. they “may do not only those things for which there is express or implied authority, but also whatever is reasonably incidental to the doing of those things”.[(Cross, 1973, p. 353)](https://paperpile.com/c/LrKRml/xnZ1/?locator=353)This doctrine of ultra virus is heavily restrictive (and uncommon in much of Western Europe’s local government systems, bar Austria [(Arnold-Baker, 1973, p. 11)](https://paperpile.com/c/LrKRml/af21/?locator=11)). The Redcliffe-Maud committee noted that

ultra vires as it operates at present has a deleterious effect on local government because of the narrowness of the legislation governing local authorities’ activities. The specific nature of legislation discourages enterprise, handicaps development, robs the community of services which the local authority may render, and encourages too rigorous oversight by central government. It contributes excessive concern over legalities and fosters the ideas that the clerk should be a lawyer.[(1967, para. 283)](https://paperpile.com/c/LrKRml/NNiV/?locator_label=paragraph&locator=283&noauthor=1)

Instead, the report recommended that “that all main authorities should have a general power to spend money for the benefit of their areas and inhabitants”, with the only limit being “the wishes of the electors and such restrictions placed on local government expenditure in the interests of national policy.”[(Cross, 1973, p. 353)](https://paperpile.com/c/LrKRml/xnZ1/?locator=353)

Despite this, no powers of general competence were granted to local government and Section 111 of the 1972 Act instead moved the restriction of ultra vires from common law to statute law. However, the government did introduce what became known as the “free penny” provision, which was the idea that local authorities could spend a given amount on “any purpose which, in the opinion of the authority, is in the interests of the area or the inhabitants, provided that the object of the expenditure is not the subject of other statutory provision.” [(Cross, 1973, p. 354)](https://paperpile.com/c/LrKRml/xnZ1/?locator=354)The level was set at the hardly transformative rate of 2p. This represented a missed opportunity to empower local government, especially since it continued the requirement that local authority decisions had to be linked to a statutory requirement.

Similarly, in the area of finance, we can see power being shifted away from local authorities via other routes. The Housing Finance Act 1972 removes from local authorities the power to determine the rents of their council houses[(Jones, 1973, p. 164)](https://paperpile.com/c/LrKRml/F1pG/?locator=164) and, as noted by Crossland at the dispatch box, the issue of free school milk shows how government commitment to local authorities' freedom is not backed up by action:

The Chancellor of the Exchequer has said that he proposes to withdraw this provision, but at the moment it is legally possible for a local authority to provide free milk and pay for it out of rates. Two Labour-controlled authorities, Merthyr Tydfil and Manchester, wish to do this. However, we are told, despite all that is said about Tory freedom for local authorities, that if Manchester and Merthyr Tydfil proceed, the Secretary of State for Education and Science will introduce a Bill forbidding them to do so. In the light of that, what are we to make of the right hon. Gentleman's words last year about democratically elected councillors making their own decisions, about how interference is a great discouragement, and so on and so forth? Never have so many words been eaten so quickly after a General Election. Never has the hypocrisy of Tory freedom been so dramatically manifest. (HC Deb 19 May 1971, vol 817, cols 1304)

Finally, there is the broader point of the role of central government vis-a-vis local government. For Jones, there are two interrelated issues. The first is that the “continued fragmentation of local government into competing authorities will prevent the emergence of a powerful united local authority association to stand up against the central government” - although it is not clear why the reformed system, with fewer councils across the board, would be in a weaker position than the pre-1972 regime.

Secondly, the conflicts between and within local government will increase the role of central government as an adjudicating body, specifically individual secretaries of state.[(Jones, 1973, p. 164)](https://paperpile.com/c/LrKRml/F1pG/?locator=164) This can be seen in issues of planning, where “in the absence of any provincial or regional level the crucial decisions on the regional framework or strategy of land use will be in the hands of central government civil servants” [(Jones, 1973, p. 159)](https://paperpile.com/c/LrKRml/F1pG/?locator=159)as will disagreements over new agency arrangements, or failures to agree new agency schemes following the commencement of the bill, which would result in the Secretary of State being called in to arbitrate. [(Jones, 1973, p. 162)](https://paperpile.com/c/LrKRml/F1pG/?locator=162)

Thus, on the claim of empowering local authorities the evidence is generally lacking - there is no evidence of meaningful powers of competence but rather giving statutory footing to ultra vires, there is an increased role for central government when it comes to oversight and adjudication, and no clear evidence that the net reduction on controls over local government was even achieved. What the government gave with one hand, it took with the other.

# Conclusion

The Local Government Act 1972, and the comparative acts for Scotland and Northern Ireland, were the major pieces of constitutional legislation for the Heath government, second only to the European Communities Act 1972. Despite rejecting his committee’s own recommendations, Redcliffe-Maud stated that the Act “wiIl rank as the first major systematic and comprehensive measure which Parliament has placed on the Statute Book in the field of local democracy in this country”.[(Jones, 1973, p. 154)](https://paperpile.com/c/LrKRml/F1pG/?locator=154)Systematic and comprehensive, however, are not synonyms for empowering, effective, or rational. It is undeniable that the reforms enacted by the Heath government - or more accurately by Peter Walker with the blessing of the Cabinet - were comprehensive in their scope and systematic in their application of a two-tier system across Great Britain, even when this was not suited to the urban or economic geography of certain areas. What is debatable is whether the reforms met the government’s own stated aims.

It is to go too far to claim, like Silkin did, that “there is no general logical principle underlying the Bill... it remains an untidy compromise, a massive compromise but still a compromise, and it suffers from all the disadvantages of compromise.” (HC Deb 16 November 1971, vol 826, col 250) The government did have stated aims, which have been examined above and shown to be unarchived - there is little evidence that the reforms did move power closer to local communities, nor did it rationalise local government, nor empower local authorities. In this sense it is not hard to agree with Jones that “it is a far from radical measure, and that it seriously damages urban government.” [(Jones, 1973, p. 154)](https://paperpile.com/c/LrKRml/F1pG/?locator=154) There is nothing conservative about reforms which overturned, in the case of some of some cities, “up to eight centuries of local self-government, when... they were ‘reorganised’”.[(Wilson and Game, 2011, p. 54)](https://paperpile.com/c/LrKRml/bk0l/?locator=54)

Instead, the strength of the two-tier system for the Conservative government was that it was *not* a unitary system, where urban areas - increasingly Labour areas - would have undue power over suburban and rural areas. The two-tier system was essentially a fudge, a way to hem in urban areas and placate Conservative councillors. [(Wood, 1976, p. 96)](https://paperpile.com/c/LrKRml/OI9r/?locator=96)This permeated through the bill, with urban metropolitan districts taking in “less of their rural hinterland so as to confine Labour-controlled industrial areas within tightly drawn boundaries that prevented them from dominating predominantly rural Conservative hinterlands.” [(Chandler, 2013, p. 202)](https://paperpile.com/c/LrKRml/GX7c/?locator=202)

Ultimately, the Conservative’s general election victory in 1970 saw the alignment of “long- and short-term factors”, as argued by Wood, but also medium-term factors.[(Wood, 1976, pp. 179–180)](https://paperpile.com/c/LrKRml/OI9r/?locator=179-180)The long-term factor was a widely perceived need for local government reform, coupled with the short-term need for Peter Walker to show his reforming zeal. The medium-term factor, which in the case of England was of vital importance, was the Conservatie grassroots pressure to avoid the unitary system proposed by Redcliffe-Maud. To have such a proposal which was so threatening to Conservative strength in many non-urban areas meant that the party was much more willing to go along with any two-tier system proposed by one of their own.

Ultimately, the Local Government Act 1972 took the shape it did not because the unitary system proposed by Redcliffe-Maud was bad, or poorly thought out - in fact, it was very considered and reflected the work of some of the sharpest minds of the time. It was that the unitary system was rendered unviable by party political considerations. Instead, the Local Government Act 1972 was a creature of *real(party)politik* dressed up in gradicose claims of moving power down, of rationalising local government, and empowering local authorities - of which there is scant evidence of success. The Local Government Act 1972 may have been one of the Heath government’s longest-lasting constitutional reforms, but it certainly was not one of its proudest.

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1. Similar reforms were carried out in Scotland with the Burgh Reform Act 1833, and in Ireland under the Municipal Reform Act 1840. [↑](#footnote-ref-1)
2. These acts applied to England and Wales; Scotland underwent similar reforms under the Local Government (Scotland) Act 1889 and the Town Councils (Scotland) Act 1900, which also created a two-tier county-district structure, but with the four largest burghs – Glasgow, Edinburgh, Dundee and Aberdeen – becoming all-purpose counties of cities, equivalent to English county boroughs. [(Wilson and Game, 2011, p. 58)](https://paperpile.com/c/LrKRml/bk0l/?locator=58) [↑](#footnote-ref-2)